



## BARRINGTON

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### NOTICE OF A PUBLIC MEETING OF THE PLAN COMMISSION

The Plan Commission of the Village of Barrington will hold a meeting on **Tuesday August 25, 2020 at 7:00 P.M. virtually** at 200 South Hough Street, Barrington, Illinois.

#### ZOOM Meeting Link Available Here:

<https://www.barrington-il.gov/aug25pc>

Webinar ID: 894 2312 1082

Please use this information to attend with video:

Meeting Link: <https://www.barrington-il.gov/aug25pc> OR visit [www.zoom.com](http://www.zoom.com) click "Join a Meeting" and enter Webinar ID: 894 2312 1082

You can also join by phone by dialing any of the following numbers, then entering the Webinar ID: 894 2312 1082 followed by the pound (#) key.

Dial: (646) 558 8656 or (301) 715 8592 or (312) 626 6799 or (669) 900 9128 or (253) 215 8782 or (346) 248 7799

**PUBLIC COMMENT:** Public comment for this meeting will be accepted in three (3) ways:

3.) Live public comment at the virtual meeting. Instructions for how to provide a live public comment at the virtual meeting will be provided at the beginning of the meeting and again prior to the public comment section of the meeting.

2.) By email prior to the meeting if received by 5:00 p.m., Tuesday August 25, 2020. To submit public comment in advance of the meeting, submit an email to: [jtennant@barrington-il.gov](mailto:jtennant@barrington-il.gov) including: Name, Street Address (Optional), City/State, Phone (Optional), Organization, Agency, etc. Being Represented (If representing yourself, put "Self"), Topic or Agenda Item, followed by your comment. Any comments received by the deadline will be read by Staff during the public comment section of the meeting.

3.) By phone. The public without access to email or unable to attend the live virtual meeting may leave a message with the Plan Commission at (847) 304-3462.

#### **AGENDA:**

- Call to Order
- Roll Call

VILLAGE HALL  
200 S. HOUGH ST.  
BARRINGTON, IL. 60010  
(847) 304-3400

VILLAGE PRESIDENT &  
VILLAGE MANAGER'S OFFICE  
T. (847) 304-3444  
F. (847) 304-3490

FINANCIAL SERVICES  
T. (847) 304-3400  
F. (847) 381-7506

DEVELOPMENT SERVICES  
T. (847) 304-3460  
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PUBLIC WORKS  
300 N. RAYMOND AVE.  
BARRINGTON, IL 60010  
T. (847) 381-7903  
F. (847) 382-3030

PUBLIC SAFETY  
400 N. NORTHWEST HWY.  
BARRINGTON, IL 60010

POLICE  
T. (847) 304-3300  
F. (847) 381-2165

FIRE  
T. (847) 304-3600  
F. (847) 381-1889

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- **Old Business**

- **New Business**

- **PC 20-02: Zoning Ordinance Text Amendment**

The Village seeks approval of an amendment to the text of the Village of Barrington Zoning Ordinance for the purpose of amending all chapters of the Zoning Ordinance including but not limited to Chapter 2 (“Definitions”), Chapter 3 (“Ordinance Administration”), Chapter 4, Part I (“General Regulations”), Chapter 4, Part II (“Off-Street Parking and Loading”), Chapter 4, Part III (“Landscaping and Tree Preservation Regulations”), Chapter 4, Part IV (“Sign Regulations”), Chapter 6 (“Residential Districts”), Chapter 7 (“Business Districts”), Chapter 9 (“Special Purpose and Overlay Districts”), Chapter 10 (“Nonconformity”) Chapter 11 (“Planned Developments”), and Appendices, along with such other amendments as may be related to this application as discovered in the public hearing process.

- **Approval of Minutes**

- Plan Commission February 11, 2020
  - Plan Commission February 25, 2020
  - Special Plan Commission March 9, 2020
  - Special Joint PC/COW March 4, 2020
  - Special Joint PC/COW July 29, 2020

- **Planner’s Report**

- **Other Business**

- **Adjournment**

Posted: Barrington Village Hall

Plan Commission Members, Village President and Board of Trustees, Village Manager, Department Heads, Recording Secretary, Courier/ Herald/ Chicago Tribune/ Chicago Sun Times

**The Village of Barrington is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village’s facilities, are requested to contact the Village Clerk’s Office at 200 S. Hough Street, Barrington, Illinois 60010 or call at 847/304-3400 promptly to allow the Village to make reasonable accommodations for those persons.**

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# PLAN COMMISSION STAFF REPORT

**TO:** Plan Commission

**HEARING DATE:** August 25, 2020

**FROM:** Development Services Department

**PREPARED BY:** Jennifer Tennant,  
Assistant Director of Development Services

**PC 20-02: Zoning Ordinance Text Amendment** – The Petitioner seeks approval of a text amendment to the Zoning Ordinance for the Village of Barrington for the purpose of amending Chapter 2 “Definitions”, Chapter 3 “Ordinance Administration”, Chapter 4, Part I “General Regulations”, Chapter 4, Part II “ Off-Street Parking and Loading”, Chapter 4, Part IV “Signs”, Chapter 6 “Residential Districts”, Chapter 7 “Business Districts”, Chapter 9 “Special Purpose and Overlay Districts”, Chapter 10 “Nonconformity”, Chapter 11 “Planned Developments” and Appendices

## GENERAL INFORMATION

**PETITIONER:** Village of Barrington  
(Scott Anderson, Village Manager)  
200 South Hough Street  
Barrington, Illinois 60010

## SUMMARY OF PETITION

### SUBMITTALS

This report is based on the following documents, which were filed with the Development Services Dept.:

1. Village of Barrington Zoning Ordinance (amended chapters as proposed).  
*Please note that the proposed amendments are redlined. Some of the attached pages do not have redlined changes but where included in order to provide the section header or additional context for the proposed amendment.*

### DESCRIPTION

All proposed amendments are redlined in the attachments. Below is a summary of the primary amendments to the text of the Zoning Ordinance:

#### Chapter 2 Definitions

1. **Outdoor Fireplace/Fire Pit.** The definition includes a fire code regulation for a spark arrestor which is subject to change and therefore should be amended to reference general compliance with the fire code.
2. Several additional definitions are added as noted below as part of the relevant topic.

#### Chapter 3 – Ordinance Administration

1. **ARC Review of Single-Family Residences.** The ARC review process does not apply to individual single family homes outside of the Historic Overlay District. The regulations should be amended to clarify that new residential subdivisions will still be required to go through the ARC process to ensure the proposed architecture for the subdivision is compatible with the character of the Village.

- 2. Conflict between Cert. Approval and Cert. of Appropriateness Process in the Historic Overlay District.** There is currently a conflict between the ARC approval process for properties that fall in both the Historic Overlay District (Cert. of Appropriateness required) and non-residential Districts (Cert. of Approval required) such as the B-4, B-R and P-L Districts. The Historic Overlay District regulations and the Cert. of Appropriateness process are more specific and therefore Staff proposes that the Certificate of Appropriateness process should be used for all properties within the Historic Overlay District. This only applies to a handful of properties and the majority of commercial buildings in the Historic District are noncontributing. This will also reduce the length of the approval process by eliminating the requirement for Village Board approval in addition to ARC approval.

#### **Chapter 4, Part I- General Regulations**

- 1. Aluminum Fencing.** The ZO currently permits the following types of fencing “All fences shall be constructed of wood, brick, stone, stick built solid core vinyl, stick built solid core composite, wrought iron or similar decorative material. The term “other decorative material” was intended to allow aluminum fences which attempt to mimic wrought iron fences. Staff proposes to specifically state powder coated aluminum similar to a wrought iron design as a permitted fence material. This will eliminate the ambiguity of what “other decorative material” means since some property owners and fence contractors interpret this to include non-permitted materials such as vinyl or chain link.
- 2. Fence height for privacy screening purposes on decks and raised patios/terraces.** Staff proposes to allow fences installed on decks or raised terraces/patios for the purpose of privacy screening subject to several conditions: 1.) the height of the deck or raised terrace/patio does not exceed 30”; 2.) fence panels installed this capacity shall only be permitted in the rear yard; 3.) fence panels can only be installed on 2 elevations and cannot create a full enclosure; 4.) fence panels must be otherwise fully compliant (height, material, etc.).

#### **Chapter 4, Part II Parking & Loading Requirements**

- 1. Nonconforming Driveways.** When an existing residential driveway is replaced it is required to come into conformance with the configuration and width requirements in the ZO. This means that a driveway may need to be narrowed sometimes requiring curb work and some circle driveways or second driveways eliminated completely. This causes a considerable amount of distress amongst property owners each year as these driveway configurations are longstanding and typically strongly preferred by the property owners. Staff proposes to allow existing driveways to be maintained and/or replaced in their existing footprint. All new driveways will be required to meet the current requirements. Many residents have purchased homes with a wide driveway, circle driveway, parking pad, second driveway, etc. without ever considering they may not be able to maintain this configuration when it comes time to replace the driveway. A survey from the NWMC indicates that Barrington is one of the few communities that requires driveways to be reconfigured at the time of replacement.
- 2. Alley Access Parking Pads.** The current regulations pertaining to driveway width and rear parking areas accessed from an alley are confusing. Staff proposes to clarify the language to clearly indicate that a parking pad in excess of the maximum driveway width is permitted from a rear alley access. Staff’s current interpretation of the language is that they are technically permitted but the driveway width requirements can be construed to conflict with this interpretation. This amendment also includes a new definition for the term Parking Pad in Chapter 2.

#### **Chapter 4, Part IV Sign Regulations**

- 1. Antique Signs.** There are currently several signs in the Village that likely qualify to be classified as an antique sign which are signs of a certain age that represent unique design and would lessen the character of the Village if the sign was lost (examples include the Catlow sign & the Canteen sign). The ZO does not allow structural or electrical repairs to nonconforming signs which would extend the life of the sign as the goal of the ZO is to eventually eliminate nonconforming signs. The current process for obtaining

an antique sign classification is overly burdensome and requires review by the ARC, Zoning Board of Appeals and the Village Board. Staff recommends modifying the requirements to allow Staff to determine if the criteria for an antique sign has been met. The antique sign classification would allow the structure and electrical systems of these nonconforming signs to be maintained and repaired as necessary. This classification would only apply to the original antique sign. This amendment would not grant any approvals for a new or replica sign to be installed in place of the antique sign.

- 2. Mounting for Illuminated Signs in the B-4 & B-5 Districts.** Currently the ZO prohibits traditional sign raceways for illuminated signs in favor of individually mounted letters for aesthetic purposes in the B-4 & B-5 Districts. Staff recommends allowing backing boards cut to match the shape of the sign or individual letters mounted to boards as alternative mounting options. These mounting options cause less damage to buildings by reducing the number of attachment points than mounting individual letters and still provide a similar aesthetic. These types of mounting options were successfully used at the Barrington Village Center development due to the structural construction of the building which necessitated an alternative to individually mounted letters at most of the tenant spaces.

### **Chapter 6 Residential Districts**

- 1. Average Front Yard Setback.** The ZO permits the front yard setback in the R-3, R-4, R-5, R-6 and R-7 Districts to be established based on the average building setback for lots on the same side of the block when more than 40% of the lots on the block are developed. However, each District also has a required minimum front yard setback of 30'-0". Staff proposes to clarify that the minimum front yard setback may be established at either the average setback for the block or 30'-0", whichever is less. This will apply unless a specific subdivision has other specific setbacks established by a planned development ordinance or plat of subdivision. It is the responsibility of the property owner to provide a stamped survey documenting the average setback on the block.

### **Chapter 9 Special Purpose and Overlay Districts**

- 1. Historic Overlay District Changes.** The Village Board has directed Staff to proposed several amendments relating to the Historic Overlay District regulations in response to the community's desire (through a survey and several public meetings) to maintain the historic character and appearance in the Historic Overlay District while easing restrictions on property owners and residents of the District. The Village plans to reclassify all contributing detached garages to noncontributing status. This will allow property owners the same flexibility currently available to non-historic garages within the District and will provide the opportunity for more modern garage dimensions and features, while maintaining architectural appearance requirements.

In addition, the Village plans to modify the date or age which qualifies a structure to be classified as contributing from a rolling date of at least 50 years old to pre-date 1950. A structure might also be classified as contributing if it has achieved exceptional historic or cultural importance or significance regardless of construction date.

Lastly, the Village plans to eliminate the public hearing requirement for approval of a Certificate of Appropriateness (COA) which is the approval process for exterior modifications, additions, new construction, etc. for properties in the Historic Overlay District. A COA subject to ARC review and approval will still be required. However, this will allow a reduction in the overall timelines for projects in the Historic Overlay District. The project review, consideration and vote will still take place at a public meeting of the Architectural Review Commission; however, the requirements for a legal notice posted 15 days prior to the public hearing and posting of a public hearing sign on the subject property will be eliminated. It is important to note that all COA projects are fully compliant with zoning and are not seeking any relief from any Village ordinances. If a project in the Historic District was subject to a variation, special use, etc., the public hearing process for the requested measure would still be required.

## **Chapter 10 Nonconformity**

1. **Porches.** Staff is proposing to allow existing front porches to be expanded in the same plane provided they are otherwise compliant with applicable zoning restrictions. This would allow the expansion of a partial width front porch into a full width front porch and/or allow porches to be reconstructed in their current size, shape and configuration. Due to the fact that many older homes are constructed with nonconforming front yard setbacks, many historic porches exceed the allowable setback. Allowing the maintenance and retention of these historic architectural elements is important in maintaining the historic character and appearance of the Village.

## **Chapter 11 Planned Developments**

1. **Planned Development Review Process.** The current approval process outlined in the ZO calls for separate preliminary plan and final plan review processes. Since 2008 the Village has been requiring more significant documentation as part of the initial submittal in order to combine these processes in order to reduce overall project timelines. The planned development ordinance then reflects that final approval has been granted. Staff worked with Attorney Bateman to propose an amendment to the language that indicates that the preliminary and final plan review processes will be combined but at the discretion of the Zoning Official those reviews may occur separately and sequentially when the complexity and/or the scale of the project calls for this approach.

## **Appendix I – Standards for Above Ground Storage Tanks**

The ZO contains specific fire code regulations for above ground storage which is not an appropriate location for these regulations. These regulations will be amended out of the ZO and only the items pertaining to zoning setbacks and landscaping will remain in the ZO.

## **Miscellaneous Items Impacting Multiple ZO Sections**

1. **Scrivener's Errors.** Staff has identified several incorrect ZO section references that need to be corrected.
2. **Correspondence via US mail.** Several sections of the Zoning Ordinance require that certain documentation such as the ARC finding of fact be provided to Petitioners via US standard mail. Staff proposes to include the option to provide documentation to Petitioners via email as email is typically the preferred communication method.
3. **Material Clarifications (R-7, R-8, B-1, B-4, B-5, B-R Districts).** The allowable materials for siding, trim and architectural features should be updated to reflect more common terminology such as composite or other similar material as Staff finds this is a rapidly evolving industry and the code becomes out of date very quickly. These amendments are found in Chapter 6 (R-7 & R-8 Districts), Chapter 7 (B-1, B-4 & B-5 Districts) and Chapter 9 (B-R District).
4. **Commissions and Village Board Timelines.** The ZO outlines the timelines for application submission, transmission of a completed application to the proper Commission, Commission consideration of the application, filing of Commission recommendations with the Village Board and Village Board final action for all petition types including Certificate of Approval, Certificate of Appropriateness, Special Use, Variation, Zoning Ordinance Map or Text Amendment, Planned Development, etc. The majority of these timelines indicate a thirty (30) day mark which does not always align with other processes required by the Zoning Ordinance and/or pre-set Commission and Village Board meeting schedules. Staff worked with Attorney Bateman to modify the language to allow a reasonable amount of time for many of the aforementioned processes to occur. Additionally, the planned development section indicated that failure of the Village Board to act within a 30 day timeframe would result in a denial. Since it is not always possible for the Board to take action within thirty (30) days due to the structure of the planned

development process and PC/ARC meeting schedules, this language has been eliminated. These amendments are found throughout Chapter 3, Chapter 9 and Chapter 11 and address all petition types.

5. **Lot Coverage Exception.** Currently there are 3 primary bulk zoning restrictions that apply to residential lots. **1.) Lot Coverage** which regulates the maximum footprint of the house, garage and other accessory buildings such as a shed; **2.) Floor Area Ratio (FAR)** which regulates the maximum square footage of the house; and **3.) Impervious Surface** which regulates the total amount of coverage on a lot including buildings and all other site improvements such as driveways, walkways, patios, decks, pools, etc. (essentially anything that isn't grass or mulch).

In the R-6, R-7 and R-8 Zoning Districts, which comprises the majority of the downtown residential neighborhoods, properties under the required minimum lot size (7,500 sq. ft.) can exceed the 50% maximum impervious surface limit by 5% in certain circumstances.

Staff finds that the lot coverage requirement can disproportionately impact one-story homes or homes with a partial second story which has a larger first floor footprint compared to a typical two-story home which has a more equal distribution of square footage on the first and second floors. A house may not reach the FAR (square footage) maximum but cannot construction an first floor addition because the footprint of the house is maxed out because the house has a larger first floor than second floor. In these cases, a second floor addition which would have a greater impact on the bulk of the structure could typically be constructed but a first floor addition would not be permitted due to the lot coverage restriction.

Staff recommends a similar lot coverage allowance for substandard single-family lots in the R-6, R-7 and R-8 Districts. Staff recommends that this lot coverage allowance be an additional 5% up to a total of 2,625 sq. ft., which is the total lot coverage a standard 7,500 sq. ft. lot would be allowed. This maximum would ensure that a substandard lot could not be allotted a disproportionate amount of lot coverage compared to their neighbors. The maximum allowable square footage of the house (FAR) will not change and the maximum allowable impervious surface will not change. The maximum allowable size of the house is not being increased. This will simply allow property owners on small lots to have more flexibility with the footprint of their homes without impacting the overall size of the home and/or impervious surface coverage for the lot. Approximately 25% of the lots in the R-6 District are under 7,500 sq. ft. with many of these lots being located in the Hager Avenue/Raymond Avenue neighborhood and on Division Street and Prairie Avenue.

## 6. Impervious Surface Requirements

The definition of Impervious Surfaces in the Zoning Ordinance is as follows:

*IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by storm water. Such surfaces include hard pavements, including but not limited to concrete, asphalt, brick, slate, gravel and boulders, as well as buildings, decks and other structures. Permeable paving systems shall receive a percentage coverage credit up to the manufacturer's independently verified infiltration rate or twenty percent (20%) of the area covered by such pavement systems, whichever is less.*

Due to the inclusion of "gravel" and "boulders" in this definition, Staff has consistently regulated stone coverage on lots as "Impervious Surface", which counts towards the 50% maximum impervious coverage standard. This essentially results in a "hard-surface" coverage limit of 50% for residential properties.

For simplicity, stone can be divided into two types: open graded and dense graded. Dense graded stone has varied material sizes, including fine gravel particles and is ideal for compaction. This type of stone,

when compacted, does effectively act as an impervious surface. Alternately, open graded stone is generally of a single, consistent size and does not have any fine material. This type of stone is often used in buried detention systems, as the void (open) space between the stones provides room for water storage.

Classifying open graded stone as gravel and, therefore, "Impervious Surface" conflicts with the portion of the Impervious Surface definition which notes these materials are "highly resistant to infiltration by storm water." While surface placement of open graded stone does not create negative stormwater or drainage issues, as a hard-surface it does have aesthetic impact. Therefore, Staff proposes to separately define open graded stone within the Zoning Ordinance to more accurately reflect its permeable properties, Staff does believe there is also a need to concurrently consider surface placement of open graded stone in an aesthetic capacity. This consideration is necessary to ensure that all grass areas within the Village could not be completely replaced with open graded stone.

Common proposed uses for open graded stone include stone patios, stone in the center of a carriage driveway, or stone as "mulch" in landscape areas. In order to permit these uses, while limiting hard-surface coverage, Staff proposes defining "Open Graded Stone" in the Zoning Ordinance and adding a provision to the Zoning Ordinance that for all residential lots "Open Graded Stone" coverage plus "Impervious Surface" coverage not exceed 55%. Based on preliminary calculations, 55% would allow for open graded stone to be used in the center of most carriage driveways where grass is difficult to maintain.

#### **TEXT AMENDMENT STANDARDS**

The Board of Trustees will use the standards listed in Chapter 3.19-E of the Zoning Ordinance to determine if the proposed amendment, text or map, is appropriate. The Approval of any amendment, whether text or map, is a matter of legislative discretion by the Village and is not controlled by any one standard. However, in making its decision, the Board of Trustees shall consider the following factors:

1. **The extent to which the proposed amendment is consistent with the goals, objectives and policies of the Village's Comprehensive Plan (text and map amendments).**  
Staff finds that the proposed amendments are consistent with the overall goals and objectives established by the Comprehensive Plan. Staff finds that this standard is met.
2. **The extent to which the proposed amendment fosters harmony and consistency of character in the surrounding area (map amendments).**  
Staff finds that this standard is not applicable.
3. **The extent to which the proposed amendment adversely impacts adjacent properties (map amendments).**  
Staff finds that this standard is not applicable.
4. **The potential effect of the proposed amendment on the character of future development if applied generally to other uses in the zoning district or within the Village as a whole (text amendments).**  
Staff finds that the majority of the proposed amendments will have minimal impact on the character of future development in the Village as the majority of the proposed amendments relate to the regulations pertaining to existing residential areas and/or individual single-family home construction in existing residential areas including the Historic Overlay District. The proposed

amendments relating to commercial properties are minor in nature to allow expanded material options consistent with what is currently permitted and minor modifications to the signage regulations allow additional options in the B-4/B-5 District but retain aesthetics. Staff finds that this standard is met.

**5. The extent to which the proposed amendment creates nonconformities (text amendments).**

The majority of the proposed amendments are designed to expanded allowances for existing nonconformities and/or to ease regulations in specific limited circumstances which may actually reduce existing nonconformities rather than create new nonconformities. Staff finds that this standard is met.

**6. The adequacy of public facilities and services to serve the subject property including, but not limited to, streets, utilities, parks, and police and fire service (map amendments).**

Staff finds that this standard is not applicable.

**7. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance (text amendment).**

All proposed amendments are consistent with the existing structure and organization of the Zoning Ordinance. Staff finds that this standard is met.

## RECOMMENDATION

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If the Plan Commission concurs with the above findings of fact, Staff recommends that the Plan Commission adopt this find of fact as their own and make a motion to approve PC 20-02 to the Village Board of Trustees, a text amendment to the Barrington Zoning Ordinance, specifically amending Chapter 2 "Definitions", Chapter 3 "Ordinance Administration", Chapter 4, Part I "General Regulations", Chapter 4, Part II " Off-Street Parking and Loading", Chapter 4, Part IV "Signs", Chapter 6 "Residential Districts", Chapter 7 "Business Districts", Chapter 9 "Special Purpose and Overlay Districts", Chapter 10 "Nonconformity", Chapter 11 "Planned Developments" and Appendices

# **Chapter 2**

## **Definitions**

DRAFT

owner of the principal dwelling, who shall reside on the premises. The accessory dwelling shall not be accessible by a separate or dedicated exterior entrance.

DWELLING, MULTIPLE FAMILY. A room, or rooms, connected together, constituting a separate, independent housekeeping establishment for one (1) family located within a building containing a total of five (5) or more such dwellings units. Multiple Family Dwellings include apartments, condominiums, row dwellings and townhouses.

DWELLING, ROW. A building containing a row of two (2) or more attached dwelling units, each row dwelling being separated from the adjoining row dwelling in each story by fire resistive walls without openings and each row dwelling having independent access to the exterior of the building in the ground floor. A Row Dwelling is a type of Multiple Family Dwelling.

DWELLING, SINGLE FAMILY. A detached building containing only one (1) dwelling unit surrounded by yards. Manufactured homes, mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing are not included in this definition. Also known as a “single family detached dwelling”.

DWELLING, TWO-FAMILY. A detached building containing two (2) dwellings units surrounded by yards, and attached either vertically or horizontally. Also known as a “single family attached dwelling”.

DWELLING, THREE- AND FOUR-FAMILY. A detached building containing three (3) or four (4) dwelling units surrounded by yards, and attached either vertically and/or horizontally.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, and eating.

EASEMENT. A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

ELEVATION AREA. The area, in square feet, of the elevation of one side of a building as defined by its silhouette.

EQUIPMENT RENTAL. An establishment primarily engaged in the rental of tools, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes.

ERECT. To build, construct, attach, hang, place, suspend, or affix; and the initial painting of any sign.

FACING OR SURFACE. The surface of a sign upon, against, or through which a message is displayed or illustrated on a sign.

FAMILY. A group of persons inhabiting a dwelling, consisting of one of the following:

1. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit.
2. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit.
3. Two unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

For the purposes of this definition, “living together as a single housekeeping unit” shall mean the joint occupancy and use of the entire dwelling unit and the facilities therein, with the exception of bedrooms, by all of the residents.

FENCE. A barrier of posts, wire, rails, boards, metal sheets, masonry, or other material which is used as a boundary or means of screening, protection, security, or confinement.

FINANCIAL INSTITUTION. A building, property or activity, the principal use or purpose of which is the provision of financial services including, but not limited to, banks facilities for automated teller machines ("ATMs"), credit unions, and savings and loan institutions. "Financial Institution" shall not include any use or other type of institution that is otherwise listed in the Table of Principal Uses for each category of zoning district, or districts, of this Ordinance.

FIREPLACE OR FIRE PIT, OUTDOOR. Outdoor Fireplaces shall be completely enclosed (solid material or heavy-duty screening or both) with or without a stack or chimney or spark arrestor, but those burning combustible materials shall have a screen or other spark arrestor covering them to prevent embers or hot ashes from escaping into the atmosphere as required by the applicable building codes and fire code adopted by the Village from time to time. Outdoor Fireplaces and Fire Pits shall be fully compliant with all requirements of the Building Codes and Fire Code as adopted by the Village from time to time.

FLAG. A sign printed on and/or made of fabric or other flexible material and mounted and flown on a single pole.

FLAMMABLE LIQUID. Any liquid that has a flash point below 100 degrees F., and has a vapor pressure not exceeding 40 psi at 100 degrees F.

FLEA MARKET (INDOOR). A building devoted to the indoor sales of new and used merchandise by independent vendors with individual stalls, tables or other spaces.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the floor(s) of all buildings and/or structures on a lot, measured in square feet from the exterior face of exterior walls of each such building or structure. Unless otherwise specified in Section 6.1-C, the gross floor area of a lot shall include the following:

1. accessory building floor space;
2. atria;
3. attic floor space;
4. basement and crawl space floor;
5. bay overhangs;
6. breezeways or covered walkways attached to a primary structure, whether open or enclosed or a combination of both;
7. elevator shafts at each floor;
8. garages, attached;
9. mezzanines;
10. decks and steps, having a floor area exceeding 2.5% of the area of a lot and/or having a floor elevation of 30 inches or greater above grade;
11. parking structures;
12. porches, whether open or enclosed or a combination of both;
13. shafts used for mechanical, electrical, and plumbing equipment;
14. stairwells at each floor;

FLOOR AREA, NET. For the purposes of calculating off-street parking requirements, the sum of the gross horizontal area of the floor(s) of a building, excluding: 1) floor area devoted to permanent storage; 2) floor area devoted to off-street parking and loading facilities, including aisles and maneuvering space; 3) basement floor area other than the area devoted to retailing activity, production or processing of goods, or business or professional offices; 4) mechanical rooms; 5) stairwells; 6) shafts devoted to elevators, wiring or mechanical equipment; 7) food preparation areas; and 8) restrooms.

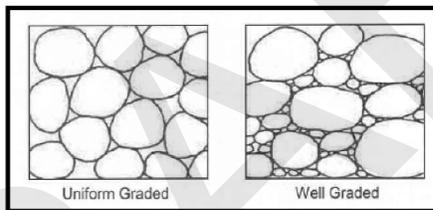
FLOOR AREA RATIO (FAR). The total floor area of all buildings or structures on a lot divided by the total lot area of the site.

OFFICE, MEDICAL/DENTAL. A use offering the provision of medical/dental, exclusively on an out-patient basis. Such services would include x-rays, on-site testing laboratories, rehabilitation therapy facilities, physical therapy, occupational therapy, mental health therapy, chiropractic services, acupuncture, emergency treatment, diagnostic services, athletic trainer services, administration, and services to outpatients.

OFFICE, PROFESSIONAL. A type of business use, which may or may not offer services to the consuming public that is engaged in the processing, manipulation or application of business information or professional expertise. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. Examples of professional offices include accounting, investment services, architecture, engineering, legal services, mortgage companies and real estate services. "Office, Professional" shall not include any use or other type of establishment which is otherwise specifically listed in the Table of Principal Uses for the applicable zoning districts. See also Office, Corporate Headquarters.

OFFICE, VETERINARY. Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals. Such office may include overnight boarding for the purpose of veterinary care only. Veterinary Offices shall not include Kennels.

OPEN GRADED STONE. A uniform size aggregate which consists of only the coarse fraction of a gradation, with finer fractions removed. This uniform gradation allows for an interconnected pore/void structure, allowing water to flow freely through the material.



Uniform (Open) Graded versus Well Graded Aggregate

OPEN SPACE. Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area of said lot, nor any part of an existing or future road or right-of-way be counted as constituting open space. This does not include driveways or parking areas. See also Net Site Area.

OPERATIONS FACILITY, BUS/TAXICAB. An area and building where buses or taxicabs are stored, dispatched, and/or loading and unloading is carried on regularly, and where minor maintenance of these vehicles is performed.

OUTDOOR CAFÉ. A dining area of designated size with seats and/or tables located outdoors of a contiguous restaurant. This seating may be in addition to the indoor seating area.

OUTDOOR COOKING FACILITIES. A food preparation and/or cooking area located outside of the primary enclosed portion of a restaurant or food store use that is used for cooking or preparing food available for purchase and/or consumption. Cooking methods may include, but are not limited to, rotisseries, grilling and/or smoking.

OUTDOOR SALES AND DISPLAY. The use of open areas of the lot for sales or display of finished products for sale to the consuming public. Outdoor sales and display shall include accessory sales/display areas, such as auto accessory items at a Automobile Fuel Station, as well as principal sales/display areas such as the sales yard of a garden center. Outdoor sales and display shall not include items sold in bulk quantities (e.g. sand, gravel, lumber), merchandise inventory not intended for immediate sale, or items not typically sold to the consuming public (e.g., pallets, construction equipment and supplies, industrial).

**OUTDOOR STORAGE.** The use of open areas of the lot for the storage of items used for non-retail or industrial trade, the storage of merchandise inventory, and the storage of bulk materials such as sand, gravel, and other building materials. Outdoor Storage shall also include contractor's yards and salvage or recycling areas.

**OVERLAY DISTRICT.** A zoning district pertaining to particular geographic features or land uses through which are imposed supplemented requirements and standards in addition to those provided in the base or underlying zoning district. Boundaries of overlay districts are shown on the zoning map(s), or on special maps referenced in the text.

**OWNER.** Any person having legal or equitable title to the land sought to be occupied, developed, or subdivided.

**PARCEL.** A continuous area of real property which is legally described and accurately drawn on the plat of such property and duly recorded.

**PARISH HOUSE.** A dwelling located on a Place of Public Assembly site, which serves as a residence for the clergy serving the Place of Public Assembly.

**PARKING AISLE.** The clear space for either one- or two-way traffic movement and maneuvering between rows of parking stalls.

**PARKING LOT.** An open area other than a street or public right-of-way, used for the temporary storage (parking) of operable passenger automobiles and commercial vehicles and available to the public, whether for compensation, free, or as an accommodation for clients, employees, or customers. This shall also include the areas provided for residents, employees, and visitors of Multiple Family Dwellings, which is available to the general public.

**PARKING PAD.** An area utilized for parking which is accessed off of a driveway or alley.

**PARKING, OFF-SITE.** The use of a parking lot that is located on a separate lot from the principal use or for public parking, whether or not such parking is required.

**PARKING, SHARED.** A public or private parking area used jointly by two (2) or more uses.

**PARKING GARAGE/STRUCTURE.** A structure or portion thereof composed of one or more levels of floors used exclusively for the parking of motor vehicles, whether public or private. A parking structure may be totally below grade (as in an underground parking garage), or either partially or totally above grade with those levels being either open or enclosed.

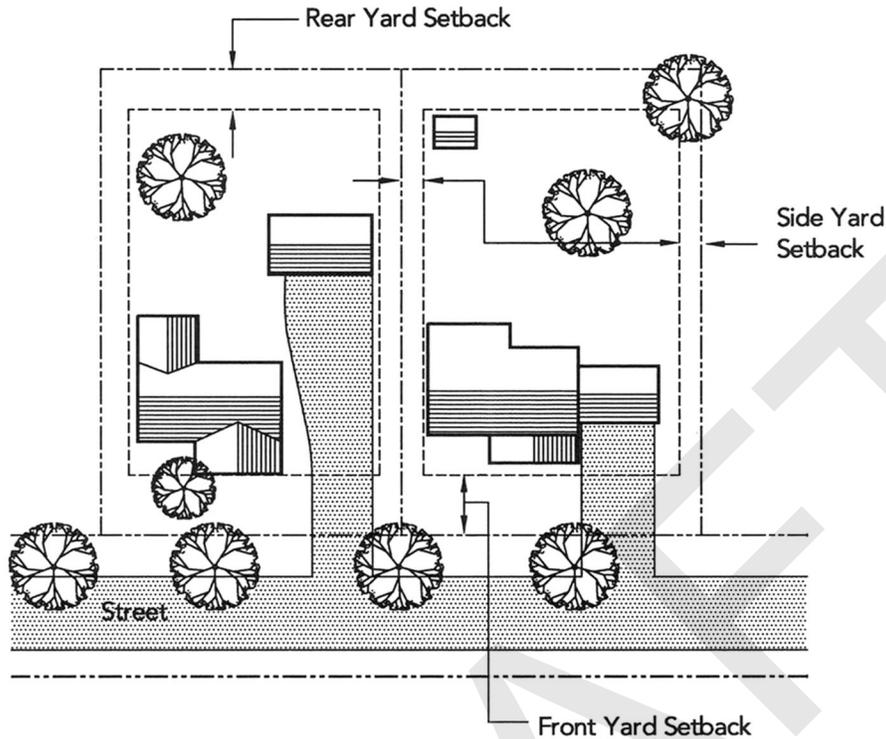
**PARKING SPACE.** A space within a parking lot or structure of certain dimensions as defined herein, exclusive of access drives, aisles, ramps, or columns, for the storage of one passenger automobile or commercial vehicle under two-ton capacity.

**PARKING SPACE, LOW TURNOVER.** A space within a parking lot or structure with fewer than three (3) turnovers per day. The application of such parking spaces shall include but is not limited to Professional Office, Residential and Industrial uses.

**PARKWAY.** A route intended to be used primarily by passenger vehicles which may have a varying width of right-of-way and which right-of-way is intended to be developed with a park-like character, a part of which may be reserved for bike paths.

**PASSENGER VEHICLE.** Unless otherwise specified in this Ordinance, passenger vehicles shall be considered automobiles, pick-up trucks, sports utility vehicles (SUV), or vans which size and design are intended to accommodate and transport human passengers on paved roads. Such vehicles typically are designed with two (2) axles and do not exceed twenty (20) feet in length or eight (8) feet in height.

SETBACK. The establishment of a yard, as defined in this Ordinance.



SHOE REPAIR SHOP. Any building within which shoes are fixed, mended, or restored.

SIGHT DISTANCE ZONE. An area at the intersection of two rights-of-way, in which no visual barrier shall be placed or maintained. See Illustration in Section 4.3.

SIGN. Any object, flag, illustration or insignia, device, or structure, or part thereof, situated outdoors or indoors, which is used to announce, identify, describe, display, direct or attract attention to, promote, or advocate an activity, object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, or designs. The emblem(s), icon(s), and/or symbol(s) of any nation, state, city, religion, or organization, and works of art which in no way identify any product, and scoreboards located on or adjacent to athletic fields shall not be considered “signs”. The term “sign” shall include but not be limited to any device or object which is entirely enclosed within any building but which is designed to and can be seen from the outside of the building within which it is located and which is illuminated, flashing, rotating, moving, animated, or displays images, graphics, letters, numbers, and/or text, any of which are changeable or moving, but shall not include any such device or object which cannot be seen from the outside of the building within which it is located.

SIGNABLE AREA. Any continuous portion of a building that is unbroken by doors, windows, or other architectural details within which a sign may be located.

SIGN, ANTIQUE. Any sign meeting the criteria of Section 4.17-G as determined by the Zoning Official, that can date back to the 1930's or earlier and incorporate a unique or distinctive graphic design reflective of the era in which it was constructed.

SIGN AREA. The area of a sign that is used for displaying the message content of the sign, including all letters, images and background, but excluding frame and supports. The method for calculating sign area for the various types of signs is included in Chapter 4, Sign Regulations.

# **Chapter 3**

## **Ordinance Administration**

DRAFT

5. The design of landscape improvements and related features to:
  - a. Create a logical transition to adjoining lots and developments.
  - b. Screen incompatible uses.
  - c. Minimize the visual impact of the development on adjacent sites and roadways.
  - d. Utilize plant materials suitable to withstand the climatic conditions of the Village and the microclimate of the specific site.
  - e. Promote and maintain Village standards for visual appearance and development quality.
6. Site illumination in terms of its design, location and proposed installation in a manner that will minimize adverse impacts to adjacent properties.
7. Conformance of the proposed development to the requirements of this Ordinance and other applicable codes and ordinances.
8. The relationship of the site plan to adopted land use policies and the goals and objectives of the Comprehensive Plan.

**E. Execution**

The Zoning Official shall issue a site plan review permit, in the case of approval, or a letter of denial within thirty (30) working days of the receipt of a complete application.

**3.13 ARCHITECTURAL REVIEW CERTIFICATE OF APPROVAL**

**A. Purpose**

The intent of the Architectural Review Certificate of Approval is to promote the maintenance of Village standards concerning the appearance of new development. The visual character of the Village of Barrington is an important resource that is valued by community residents and helps protect the taxable value of property. The requirements of this Section are intended to provide a vehicle for ensuring compliance with the minimum standards for appearance established within this Ordinance.

**B. Applicability**

An Architectural Review Certificate of Approval shall be required prior to the issuance of a building permit for all new exterior construction activity for which a building permit or site development permit is required, ~~except for the construction of single family dwellings with the exception of: (1) any exterior construction related to a single family dwelling which is not located within the H Historic Overlay District; and (2) any exterior construction activity or any alteration(s) of the exterior appearance of any structure or property which is located in the H Historic Overlay District which shall be approved, not by a Certificate of Approval, but by a Certificate of Appropriateness pursuant to Subsection E of Section 9.8 of Chapter 9 of this Ordinance. Notwithstanding the foregoing provisions of this Paragraph B, a Certificate of Approval shall also be required with respect to the exterior appearance of single family dwellings in a new development, whether a planned development or any subdivision.~~

**C. Authority**

1. The Architectural Review Commission shall recommend to the Village Board of Trustees approval or denial of all applications for an Architectural Review Certificate of Approval. The Village Board of Trustees shall make final decisions. Applications shall be filed with the Zoning Official, who shall distribute application materials to commission members and call a meeting of the commission. The Zoning Official shall confer with the Chairman of the Architectural Review Commission regarding the completeness of the application and notify the applicant of any additional materials required.
2. Issuance of Certificate of Approval by Administrative Decision. Certificates of Approval which are required by this Ordinance for the following types of architectural features and/or styles, construction and/or demolition may be approved administratively by the Zoning Official, or his or her designee, subject to the following regulations.
  - a. The following types of architectural features and/or styles, construction and/or demolition -allowed-which- may be approved by an administrative decision of the Zoning Official, or his or her designee, which approval shall be in writing and shall be obtained prior to the commencement of any related construction and/or demolition activity on the respective property:
    - 1) Minor alteration of, or addition to, a structure or site.
    - 2) Demolition of a principal and/or accessory structure.
    - 3) The exterior appearance of new single-family detached dwellings in a subdivision which will have only two (2) new lots or only two (2) new detached dwelling units.
  - b. Except as otherwise provided herein, ~~t~~The Zoning Official shall be obligated to issue a Certificate of Approval for any proposed exterior modification, provided that the modification is in substantial conformance with the architectural style of the structure or building to which the modification is to be made.
  - c. Submission of Application. An application for a Certificate of Approval shall be made to the Zoning Official. The Zoning Official shall make a determination of completeness pursuant to Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance, and shall forward the application for review and decision.
  - d. Materials Submitted with Application. The application shall include photographs, construction drawings, scaled elevations and other documentation, such as an architectural or massing model, window frame sections and samples, deemed necessary to consider the application properly and completely. Each applicant shall also provide a to-scale streetscape or model, which includes elevations for each abutting structure.
  - e. Standards for Approval. The application shall be reviewed according to the standards set forth in Subsections Subsection (D) below.
  - f. Making Official Decision. On the basis of written findings of fact, the Zoning Official, or his or her designee, shall either approve, conditionally approve, or deny the application for a Certificate of Approval based on the applicable standards in Subsections Subsection D. Such decision shall be executed within thirty (30) days following receipt of a completed

application. If the Zoning Official approves the application, a Certificate of Approval shall be issued. If the Zoning Official decides to approve the application with modifications, a letter shall be sent to the applicant outlining the specific modifications required for approval. Such application shall then be modified and resubmitted for approval. If the Zoning Official decides to deny the application, a letter of denial shall be issued.

- g. Referral to Architectural Review Commission. The Zoning Official may refer any application to the Architectural Review Commission due to the complexity of the application, the significance of proposed change to a contributing structure, or the need for consultation for expertise regarding architectural, construction or historical appearance issues.
- h. Appeal of Administrative Decision. An application—denied by administrative decision of the Zoning Official which denies an application may be appealed to the Architectural Review Commission within thirty (30) days following the administrative decision. Once an appeal of an administrative decision has been filed, the procedure for such an appeal shall be generally as outlined in Section ~~(3.18)~~ 3.18.

#### **D. Appearance Standards**

Decisions by the Architectural Review Commission shall be based on the Design Standards contained within the district regulations of this Ordinance, and on the standards and guidelines contained in the Appearance Code. (See Appendix H)

#### **E. Pre-Application Conference**

Any applicant or prospective applicant seeking an Architectural Review Certificate of Approval shall meet with the Zoning Official, or his designee, prior to submitting an application. At the pre-application conference, staff representatives shall review with the applicant those criteria established in this Ordinance. The applicant shall be given general direction to assist in the development of a plan which would be consistent with the requirements and purpose of this Ordinance.

#### **F. Preliminary Committee of the Whole Review**

Upon completion of the pre-application conference, the Zoning Official may, in his or her discretion, require preliminary presentation of the proposed development at a meeting of the Committee of the Whole of the Village Board. At the meeting, the Committee of the Whole shall review conceptual drawings, sketches and other information concerning the proposed development, depicting buildings, structures, public and private improvements, and landscaping of the proposed development. The Committee of the Whole may provide such advice, counsel and suggestions and recommendations as it may deem necessary to guide the applicant in the preparation of plans which would comply with the requirements and purposes of this Ordinance and the general policies of the Village. It shall be understood that the Committee of the Whole shall act in an advisory capacity only, and shall not participate in the development of the basic concept, plans or drawings.

#### **G. Preliminary Architectural Review Commission Consideration**

Any applicant or prospective applicant seeking an Architectural Review Certificate of Approval shall have concept sketches and drawings reviewed under preliminary consideration by the Architectural Review Commission. Such preliminary consideration

shall be provided at a meeting of the Architectural Review Commission. At the meeting, the Architectural Review Commission shall review preliminary exterior drawings, sketches, landscape and site plans, and materials for the proposed project before a formal application is filed. The commission shall provide such advice, counsel, suggestions and recommendations as it may deem necessary to guide the applicant in the preparation of plans which would comply with the requirements and purposes of this Ordinance. In the ~~eventcase~~ of an application for either a Special Use or Planned Development, the Architectural Review Commission shall transmit its preliminary recommendations to the Zoning Board of Appeals or Plan Commission. It shall be understood that the Architectural Review Commission shall act in an advisory capacity only, with regard to preliminary plans, and shall provide consultation only on projects for which preliminary drawings and materials are furnished by said prospective applicant, and shall not participate in the development of the basic concept, plans or drawings. The Zoning Official may waive the requirement for preliminary consideration if, in his or her opinion, such consideration is not necessary, due to the nature of the work being proposed.

For projects which require consideration by the Plan Commission or the Zoning Board of Appeals, preliminary review by the Architectural Review Commission shall occur prior to the Plan Commission or Zoning Board of Appeals hearing and then formal consideration thereof by the Architectural Review Commission shall occur after the Plan Commission or Zoning Board of Appeals hearing on the proposal has been completed and prior to consideration by the Board of Trustees.

#### **H. Action of Architectural Review Commission**

At the meeting of the Architectural Review Commission, the commission shall discuss the application and its conformance to the requirements of this Ordinance. The commission shall also hear testimony from the applicant, adjacent property owners and the public. All testimony given at such meeting shall be under oath. Upon hearing all testimony, the commission shall make specific findings for each applicable provision of the Design Standards in the district regulations as well as the standards and guidelines within the Appearance Code. In making its decision, the commission may recommend the: a) denial; b) granting; or c) granting with modifications or conditions, of the application for Architectural Review Certificate of Approval. In the event of a Special Use or Planned Development, the Architectural Review Commission shall ~~also~~ transmit its recommendations to the ~~Zoning Board of Appeals or Plan Commission~~ Village President and Board of Trustees, and at the conclusion of the Zoning Board of Appeals or Plan Commission public hearings, ~~shall transmit its findings to the Village Board of Trustees.~~

#### **I. Failure of Architectural Review Commission to Act**

Should the Architectural Review Commission fail to ~~act~~ take formal final action on a complete application ~~within thirty (30) days after its filing or at the next available regularly scheduled meeting thereafter after such thirty (30) day period prior to the initial consideration of the project by the President and Board of Trustees~~, the applicant may petition directly to the Village President and Board of Trustees for approval. Such petition shall be made in writing and shall be filed with the Zoning Official ~~within thirty (30) days after this the aforesaid thirty (30) day period~~. The President and Board of Trustees shall then consider and decide on the applicant's request such a petition within ~~thirty (30) days of a reasonable time period after~~ a completed petition being to the Village President and Board of Trustees has been filed with the Zoning Official.

~~Failure of the Board of Trustees to decide on the applicant's request within such thirty (30) days shall be deemed a disapproval of the application.~~

#### **J. Approval by the Village Board of Trustees**

The ~~Village President and~~ Board of Trustees shall review the minutes of the Architectural Review Commission meeting, which shall be filed with the Village Board of Trustees no more than ~~thirty (30) days~~forty-five (45) days after the Architectural Review Commission meeting. However, in the event of a Special Use or Planned Development, the minutes of the Architectural Review Commission shall be filed ~~at~~ after the conclusion of the Zoning Board of Appeals or Plan Commission Public Hearing. The Village Board of Trustees shall ~~make a final decision on the petition application~~ within ~~thirty (30) days a reasonable time period~~ after receipt by such Board of Trustees of the Architectural Review Commission's recommendation, ~~or at the next available regularly scheduled meeting after receipt by the Board of Trustees of the Architectural Review Commission's recommendation, whichever is later, make a final decision on the petition.~~ For petitions made directly to the Village Board of Trustees due to inaction by the Architectural Review Commission, the Village Board shall make a final decision on said petition application within ~~forty-five (45) days of a reasonable time period after~~ the filing of the petition. ~~Failure of the Board of Trustees to act within the time limits established above shall be considered and deemed disapproved disapproval of the petition.~~

#### **K. Emergency Measures**

The Architectural Review process is not required when, in the opinion of the Zoning Official, there is an actual or immediate danger of collapse or failure of a building or structure, or any part thereof, which would endanger life or physically damage adjoining property. The Zoning Official may also waive the Architectural Review process when, in his or her opinion, the proposed work is of such limited scope and in sufficient conformance with the applicable zoning district design guidelines so as not to require review.

#### **L. Amendments**

Amendments to an Architectural Review Certificate of Approval require an application and approval as if for a new application. The Zoning Official may waive such requirement when, in his or her opinion, the proposed amendment is of such limited scope and in sufficient conformance with the Certificate of Approval, so as not to require a new application.

#### **M. Enforcement**

The Zoning Official shall be responsible for inspecting construction activity to determine that no substantial deviations from the approved plans have occurred.

1. It shall be the duty of the applicant, or his successors and assigns, to comply with the requirements of the Architectural Review Certificate of Approval and to obtain such inspections as may be necessary in order to assure compliance with such certificate. The Zoning Official shall notify the applicant of any violations. If the said violations are not corrected within ten (10) days, the Zoning Official may issue a stop work order and such work shall be immediately stopped until the violation is corrected. Any such stop work order shall be given orally, then confirmed in writing and sent to the applicant for the building permit. Any work done after the issuance of a stop work order shall be deemed a violation of this Ordinance and subject to the penalties established herein.

2. Before any use may be made of improvements constructed under the provisions of the Appearance Code, a final inspection of the premises must be obtained from the Zoning Official, or his designee, and a certificate of occupancy for those buildings or structures requiring certificates of occupancy shall not be issued unless such an inspection had been made and completed and the work found to be in substantial compliance with plans approved by the Architectural Review Commission and under which the certificate was issued, except as provided in Subsection 3.13(L) of this Section.
3. If it should become impossible to complete all work required before occupancy due to extraordinary weather, labor strike or any other circumstance beyond control of the certificate holder, the Zoning Official may, but shall not be obligated to, temporarily approve such use and/or occupancy with a written agreement by the applicant to guarantee completion of the work still required by the certificate as soon as the circumstances causing such impossibility have been abated, as long as there are no life safety concerns.
4. In the event the person, firm or corporation to whom the Architectural Review Certificate of Approval has been granted fails to complete the above-stated work, a final certificate of occupancy shall not be issued for those structures, which require certificates of occupancy.

**N. Limitations on Certificates of Approval**

1. An Architectural Review Certificate of Approval shall automatically become null and void unless a building permit is issued and construction is actually begun within in one (1) year ~~of~~ after the issuance of the Certificate of Approval and is thereafter diligently pursued to completion. However, the Village Board of Trustees may extend the one (1) year period to a mutually agreed upon time.
2. An Architectural Review Certificate of Approval applies only to the property represented in the application and is not transferable to other properties.

**O. Effect of Approval**

The approval of an Architectural Review Certificate of Approval by the Village Board of Trustees shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Village including, but not limited to, a zoning certificate and a building permit.

**3.14 HISTORIC OVERLAY DISTRICT CERTIFICATE OF APPROPRIATENESS**

The requirements for application, review and issuance of Certificates of Appropriateness for properties within an Historic Overlay District shall be in conformance with the regulations established in Chapter 9 of this Ordinance.

**3.15 SPECIAL USES**

**A. Establishment and Purpose**

The development and execution of this Ordinance is based upon the division of the Village into districts within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are Special Uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location. The Special Use process is hereby created to address these unique circumstances and to regulate these uses to protect the public health, safety and welfare.

**B. Authority**

The Village Board of Trustees may, following review and recommendation by the Zoning Board of Appeals, approve by ordinance, deny, or refer back to the Zoning Board of Appeals for reconsideration or clarification, development proposals for uses listed as Special Uses within each zoning district in accordance with the procedures and standards set forth in this Section and other regulations applicable to the district in which the subject property is located.

**C. Parties Entitled to Seek Special Use**

Parties entitled to apply for a Special Use permit shall be limited to the property owner, agent of the property owner, or the contract purchaser of subject property, acting with the consent of the property owner, or the Village, or another unit of local government.

**D. Procedures**

1. Application. Applications for a Special Use permit shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearings).
2. Action by Zoning Official. Upon receipt of a properly completed application for a Special Use permit, the Zoning Official shall prepare a staff report and forward this report to the Zoning Board of Appeals for review.
3. Action by Zoning Board of Appeals.
  - a. The Zoning Board of Appeals shall hold a public hearing on the application in accordance with the requirements of Section 3.7. Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).
  - b. Within ~~thirty (30) days~~forty-five (45) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the Village Board of Trustees.
4. Action by Village Board of Trustees.
  - a. The Village Board of Trustees shall act to approve, approve with modifications, or disapprove of the application for a Special Use Permit within ~~thirty (30) days of a reasonable time period after~~ receipt of the Zoning Board of Appeals recommendation, ~~or at the next available regularly scheduled meeting thereafter.~~ The failure of the Village Board of

~~Trustees to act at such time, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.~~

- b. If the application is to be approved or approved with modifications, the Village President and Board of Trustees shall ~~instruct the Zoning Official to issue a Special Use permit, upon adoption of~~ approve a Special Use ordinance, ~~listing containing~~ any specific conditions specified by the Board of Trustees ~~or the Zoning Board of Appeals~~. If the application is disapproved, the Village President and Board of Trustees shall instruct the Zoning Official to provide the applicant with written notification of the Board's decision.

#### **E. General Standards for Special Uses**

An application for a Special Use permit shall not be approved unless the application is determined to be in conformance with each of the following standards:

1. The proposed Special Use is, in fact, a Special Use listed and authorized in the zoning district regulations within which the property is located.
2. The proposed Special Use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.
3. The proposed Special Use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
4. The proposed Special Use will not significantly diminish the safety, use and enjoyment of surrounding property.
5. The proposed Special Use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed Special Use shall provide adequately any such services.
6. The proposed Special Use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community.
7. The proposed Special Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. The proposed Special Use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares.
9. The proposed Special Use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
10. The proposed Special Use complies with all additional regulations in this Ordinance specific to the Special Use requested.

Additionally, the following standards shall be given consideration

11. The existing uses and zoning of nearby property.
12. The extent to which property values are diminished by the particular zoning restrictions.
13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.
14. The relative gain to the public as compared to the hardship imposed upon petitioner.

15. The suitability of the particular property for the purpose for which it is now zoned.
16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.
17. The care with which the community has undertaken to plan its land use development.
18. The evidence or lack of evidence of community need for the use proposed by the property owner.

**F. Standards for Specific Special Uses**

Due to their potential for detrimental effects, the following uses, where listed as a Special Use within a zoning district, shall, in addition to other Special Use standards that may apply, meet the specific standards listed below:

1. Special Uses that are not Retail Sales Tax Generating Uses
  - a. The standards in this Section 3.15.F(1) shall apply to all Special Uses which do not generate retail sales tax, in addition to other standards that may apply to specific types of uses.
  - b. Conversion of an existing use which generates retail sales tax to a use which does not generate retail sales tax has an adverse effect on the retail sales tax base of the Village. Where a Special Use does not generate retail sales tax is proposed on a site currently or most recently occupied by a use which generates retail sales tax, evidence shall be provided that the benefits to the community provided by the proposed Special Use are greater than the benefits provided by a use which generates retail sales tax on the site.
  - c. A first floor Special Use which does not generate retail sales tax proposed within the B-1 or B-4 zoning districts as part of a larger retail development shall only be approved if substantial evidence is provided that the proposed Special Use(s) are instrumental in allowing the larger retail development to go forward.
  - d. First floor Special Uses which do not generate retail sales tax proposed within the B-1 or B-4 zoning districts as part of larger retail developments shall constitute no more than 20% of the first floor area of the development unless substantial evidence is provided that the use of more than 20% of the first floor area of the development as a Special Use or uses which is or are not retail sales tax generating uses is instrumental in allowing the larger retail sales tax generating development to go forward or otherwise enhances the retail sales tax base of the Village in some substantial manner.
2. Financial Institutions
  - a. Within the B-4 Village Center Business District, a financial institution shall be permitted only as a component of a larger retail development.
  - b. Where applicable, a financial institution developed as part of a larger retail development shall be placed at a secondary intersection of the development, unless located above the first story.
3. Automobile Fuel Stations

- a. The number of access points shall be minimized so as to optimize traffic movement and circulation in public roadways.
- b. Automobile Fuel Stations located in existing or proposed larger developments shall provide access interconnection with the larger development.
- c. Where applicable, Automobile Fuel Stations developed as part of a larger development shall be located at a secondary intersection of the development.

4. Drive-Through Facilities

- a. Drive-through facilities shall provide stacking spaces as designated in Chapter 4 Part 2 of the Zoning Ordinance or an approved equivalent.
- b. Drive-through facilities must provide comfortable and safe drive-around aisles.
- c. If adjacent to a residential district, drive-through hours of operation shall be limited and outdoor use of loud speakers shall be prohibited.

5. Car Washes

- a. All car wash installations shall be equipped with a system for recycling a minimum of ninety percent (90%) of the water used by the facility.
- b. Rumble strips with trench drains and grates to intercept water dripping from vehicles or similar design features shall be provided to minimize the amount of water carried out of the facility onto adjacent streets.
- c. Car washes shall have an emergency plan to address hazardous situations that may arise due to insufficient water interception.
- d. Stacking shall be provided in accordance with Chapter 4 Part 2 of the Zoning Ordinance.
- e. If adjacent to a residential district, one hundred percent (100%) screening of vehicle areas shall be provided.
- f. If adjacent to a residential district or use, hours of operation shall be limited and outdoor use of loud speakers shall be prohibited in order to minimize disturbance to neighbors.
- g. Exterior vacuums shall be located a minimum of one hundred (100) feet from a residential use.
- h. An engineer's report shall be provided documenting that reasonably anticipated noise levels will not exceed the maximum allowable noise levels of the district in which the car wash is to be located.
- i. At the owner's expense, car washes shall provide trained personnel and equipment to conduct Village-supervised noise level tests subsequent to commencement of operations.

6. Dry Cleaning/Commercial Laundry Facility

Documentation shall be submitted sufficient for the Village to verify that proposed operations will be in compliance with all applicable environmental regulations.

7. Medical Cannabis Cultivation Center

- a. Medical Cannabis Cultivation Centers located within the Village of Barrington shall be and are required to be established, operated, and maintained in full compliance with the "Compassionate Use of Medical

Cannabis Pilot Program Act” (hereinafter, “the Compassionate Use Act”) and all other applicable Village ordinances and Illinois statutes.

- b. Medical Cannabis Cultivation Centers shall not be located within ~~a specified distance~~ such specified distance from pre-existing public or private pre-schools, elementary schools, secondary schools, day care centers, ~~home~~-day care homes, group day care homes, part day child care facilities, or an area zoned for residential use, as and to the extent provided from time to time by the Compassionate Use Act and all other applicable Illinois statutes.
- c. Medical Cannabis Cultivation Centers shall not be located in any building containing, in whole or in part, residential uses or any building which is zoned for residential uses.
- d. Drive-Through Facilities accessory to such Medical Cannabis Cultivation Centers shall not be permitted.
- e. Outdoor, window, or on-site media displays of merchandise and/or products related to a Medical Cannabis Cultivation Center shall not be permitted.
- f. All exterior signage associated with a Medical Cannabis Cultivation Center shall be in compliance with the Sign Regulations established in Chapter 4, Part IV of this Ordinance. In addition, no exterior signage, including window treatments over 8 1/2” x 11” in size, shall use the word “marijuana,” “cannabis,” or any other word, phrase or symbol commonly understood to refer to marijuana or cannabis.
- g. All operations of a Medical Cannabis Cultivation Center must be fully enclosed within a locked building.

8. Medical Cannabis Dispensing Organization

- a. Medical Cannabis Dispensing Organizations located within the Village shall be and are required to be established, operated, and maintained in full compliance with the “Compassionate Use of Medical Cannabis Pilot Program Act” (hereinafter, “the Compassionate Use Act”) and all other applicable Village ordinances and Illinois statutes.
- b. Medical Cannabis Dispensing Organizations shall not be located within ~~a specified distance~~ such specified distance from pre-existing public or private pre-schools, elementary schools, secondary schools, day care centers, ~~home~~-day care homes, group day care homes or part day child care facilities as and to the extent provided from time to time by the Compassionate Use Act and all other applicable Illinois statutes.
- c. Medical Cannabis Dispensing Organizations shall not be located in any building containing, in whole or in part, residential uses or in any building which is zoned for residential uses.
- d. Drive-Through Facilities accessory to such Medical Cannabis Dispensing Organization shall not be permitted.
- e. Outdoor, window, or on-site media displays of merchandise and/or products related to a Medical Cannabis Dispensing Organization shall not be permitted.
- f. All exterior signage associated with a Medical Cannabis Dispensing Organization shall be in compliance with the Sign Regulations established in Chapter 4, Part IV of this Ordinance. In addition, no exterior signage, including window treatments over 8 1/2” x 11” in size, shall use the word “marijuana,” “cannabis,” or any other word, phrase or symbol commonly understood to refer to marijuana or cannabis.

### **G. Supplementary Safeguards and Conditions**

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may provide, such conditions and restrictions upon the construction, location and operation of a Special Use as may be deemed necessary to promote the general objective of this Ordinance and to minimize any injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the Special Use permit and shall be recorded by the property owner as a supplement to the deed for the property in the County Recorder's Office. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such Special Use permit, pursuant to Section 3.20 (Violations and Penalties).

### **H. No Presumption of Approval**

The listing of Special Uses within each zoning district does not constitute an assurance or presumption that such Special Uses will be approved. Rather, each proposed Special Use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this Section 3.15, and with the standards for the district in which it is located, in order to determine whether approval of the Special Use is appropriate at the particular location and in the particular manner proposed.

### **I. Limitation on Special Uses**

1. A Special Use permit shall automatically become null and void unless a building permit is issued and construction is actually begun within in one (1) year of issuance and is thereafter diligently pursued to completion. However, the Village Board of Trustees may extend the one (1) year period to a mutually agreed upon time.
2. A Special Use permit authorizes the conduct of the Special Use only on the property described in the application and is not transferable to other properties.
3. A Special Use permit shall automatically become null and void if the use authorized by said permit is abandoned or discontinued for a period of twelve (12) consecutive months, regardless of any evidence of intent not to abandon and/or to resume such use, or if the Owner or Petitioner files a written declaration with the Village indicating that such Special Use has permanently ceased to operate on the Property.

### **J. Effect of Approval**

The approval of a Special Use permit application by the Village Board of Trustees shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Village including, but not limited to, a Zoning Certificate and a building permit.

## **3.16 VARIATIONS**

### **A. Establishment and Purpose**

The Variation process is hereby established to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create

practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Chapter, the variation procedure is necessarily inappropriate.

## **B. Authority**

In accordance with the procedures and standards set out in this Section 3.16, the Village Board of Trustees, following the recommendation of the Zoning Board of Appeals, shall have the authority to grant variations from the provisions of this Ordinance, but only in accordance with each of the standards enumerated in Subsection 3.16(F).

## **C. Parties Entitled to Seek Variations**

An application for a Variation may be filed by the property owner, agent of the property owner, or the contract purchaser of the subject property, with the consent of the property owner.

## **D. Application**

Applications for a Variation shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearing).

## **E. Procedures**

1. Action by Zoning Official. Upon receipt of a properly completed application, the Zoning Official shall review the application and forward a staff report to the Zoning Board of Appeals for review.
2. Action by Zoning Board of Appeals.
  - a. The Zoning Board of Appeals shall hold a public hearing on the application in accordance with the requirements of Section 3.7 (Application and Hearings). Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).
  - b. Within ~~thirty (30) days~~forty-five (45) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the ~~Village President and~~ Board of Trustees.
3. Action by Village Board of Trustees.
  - a. The ~~Village President and~~ Board of Trustees shall consider the application ~~for a variation at its next available scheduled public meeting within a reasonable period of time after its receipt thereof from the Zoning Board of Appeals of its recommendation relative to such application~~ and shall either approve, approve with modifications, or disapprove of the application. ~~The failure of the Village Board of Trustees to act at such time, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.~~
  - b. If the application is approved or approved with modifications, the Village Board of Trustees shall ~~instruct the Zoning Official to issue a Variation approve a zoning variation ordinance,~~ listing any specific conditions specified by the ~~Board or the Zoning Board of Appeals or~~ Village Board

of Trustees. If the application is disapproved, the Village Board of Trustees shall instruct the Zoning Official to provide the applicant with written notification of the Board's decision.

**F. Findings of Fact for Variations**

A Variation from the terms of this Ordinance shall not be granted unless the reviewing authority makes specific written findings of fact directly based on the standards and conditions imposed by this Section and any conditions imposed by the reviewing authority.

1. Practical Difficulty. No Variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a particular hardship or a practical difficulty.
2. Unique Physical Condition. The subject property is exceptional as compared to other properties subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming, irregular or substandard shape or size, exceptional topographical features, or other extraordinary physical conditions peculiar to, and inherent in, the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the property rather than the personal situation of the current owner of the property.
3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.
4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provision.
5. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject property.
6. Ordinance and Plan Purposes. The Variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Ordinance, and the provision from which a Variation is sought, was enacted or the general purpose and intent of the Comprehensive Plan.
7. No Other Remedy. There is no means other than the requested Variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
8. Minimum Required. The requested Variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this Ordinance.

#### **G. Variation Less than Requested**

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may grant, Variations less than, or different from, that requested when the record supports the applicant's right to some relief but not to the entire relief requested.

#### **H. Conditions on Variations**

The Zoning Board of Appeals may recommend and the Village Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Ordinance upon any lot benefited by a Variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance or order granting the Variation. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Variation.

#### **I. Effect of Grant of Variation**

The grant of a Variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance or other ordinances of the Village.

#### **J. Limitations on Variations**

1. An approved Variation shall automatically expire unless a building permit is issued and construction has actually begun within one (1) year of issuance. However, the Village Board of Trustees may extend the one (1) year period to a mutually agreed upon time.
2. A Variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

### **3.17 PLANNED DEVELOPMENTS**

Applications for Planned Developments shall be reviewed in accordance with Chapter 11 of this Ordinance.

### **3.18 APPEALS**

#### **A. Establishment and Purpose**

The process of appeals of the decisions of the Zoning Official is hereby established to provide appropriate checks and balances on administrative authority.

#### **B. Authority**

The Zoning Board of Appeals shall hear and make final decisions on applications for appeals of administrative decisions made by the Zoning Official.

**C. Decisions Appealed**

~~The decisions of the Zoning Official that can be appealed are: completeness of application, occupancy permit, site development permit, zoning certificate, and site plan review. Other duties, decisions and actions of the Zoning Official which are not established by this Ordinance cannot be appealed under the process established in this Section 3.18.65 ILCS 5/11-13-12 does not limit the types of decisions of the Zoning Official that are subject to appeal to the Zoning Board of Appeals.~~

**D. Application**

Applications for an appeal shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearing). Submission materials shall conform to the requirements as listed in the Appendices of this Ordinance. Submission materials shall be forwarded to the Zoning Board of Appeals for review.

**E. Decisions on Appeals**

The Zoning Board of Appeals shall hear and make a final decision on an appeal at its next available, regularly scheduled meeting.

**F. Limitations on Appeals**

An application for appeal of a decision by the Zoning Official cannot be filed later than forty-five (45) days after the decision being appealed has been rendered.

**3.19 AMENDMENTS**

**A. Establishment and Purpose**

The process of amending this Ordinance, both in map and in text, is hereby established. This process is intended to make adjustments to this Ordinance in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

**B. Authority and Execution**

The Board of Trustees, after receiving a recommendation by the Plan Commission, shall take formal action on requests for amendments.

**C. Application**

Applications for a Variation shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearing).

**D. Procedures**

1. Action by Zoning Official. Upon receipt of a properly completed application, the Zoning Official shall review the application and forward a staff report to the Plan Commission for review.

2. Action by Plan Commission.

- a. The Plan Commission shall hold a public hearing on the application in accordance with the requirements of Section 3.7 (Application and Hearings). Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).
- b. Within ~~thirty (30) days~~forty-five (45) days of the close of the public hearing, the Plan Commission shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the Village Board of Trustees.

3. Action by Village Board of Trustees.

- a. The Village Board of Trustees shall consider ~~the an~~ applications for text amendments to the Zoning Ordinance at its next available scheduled public meeting within a reasonable time after its receipt of the Plan Commission's recommendation relative to such application. For requests for text amendments, the action taken by the Board of Trustees may take the form of denial, approval, or approval with modifications. For requests for map amendments, the action taken by the Board of Trustees may take the form of denial, ~~or approval,~~ or approval with modifications.
- b. In the case of denial, the Board of Trustees shall instruct the Zoning Official to prepare a letter of denial to formally communicate the formal action to the petitioner. In the case of approval or approval with modifications, the Board of Trustees shall have an ordinance prepared to amend the Zoning Ordinance accordingly.
- c. ~~The failure of the Village Board of Trustees to act at the scheduled meeting, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.~~

**E. Standards**

Board of Trustees approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decision, the Board of Trustees shall consider the following factors:

1. The extent to which the proposed amendment is consistent with the goals, objectives and policies of the Village's Comprehensive Plan (text and map amendments).
2. The extent to which the proposed amendment fosters harmony and consistency of character in the surrounding area (map amendments).
3. The extent to which the proposed amendment adversely impacts adjacent properties (map amendments).
4. The potential effect of the proposed amendment on the character of future development if applied generally to other uses in the zoning district or within the Village as a whole (text amendments).
5. The extent to which the proposed amendment creates nonconformities (text amendments).
6. The adequacy of public facilities and services to serve the subject property including, but not limited to, streets, utilities, parks, and police and fire service (map amendments).
7. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance (text amendment).
8. The extent to which the proposed text and/or map amendment, if found to be consistent with the goals, objectives and policies of the Village's Comprehensive

**Chapter 4, Part I**  
**Regulations of**  
**General Applicability**

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from the same driveway, and for the purpose of this Ordinance, such split garages accessed from the same driveway shall be considered one (1) garage. No additional driveways or curb cuts are permitted for the purpose of accommodating split garages attached to the primary structure.

- b. Only one (1) Accessory Structure of each type shall be permitted on any lot used for a Single Family Dwelling. (Example: one (1) shed, one (1) arbor, one (1) playground structure, etc...)

8. Refuse Containers.

- a. Location. In every zoning district other than single family residential districts, refuse containers shall be located only in the rear of the building. No refuse containers shall be located between a building and a corner side lot line.
- b. Screening. All refuse containers shall be fully enclosed by walls not less than the height of the containers, and provided with gates to contain trash. The materials used for the walls shall complement the architecture of the building, and shall be constructed of wood, brick or stone.
- c. Shared dumpsters with adjacent properties are encouraged

9. Free Little Library.

- a. Location. Front yard or corner side yard.
- b. Setback. None, provided no portion of the structure shall be located within or overhang any public right-of-way.
- c. Height. The height of the book enclosure and support structure(s) shall not exceed five (5) feet in height
- d. Size. Book enclosures shall not exceed two (2) feet in height, two (2) feet in width and two (2) feet in depth. Enclosures shall be sized and arranged such that no person or child is able to enter;
- e. Materials. Book enclosures shall be constructed of wood.

## 4.5 FENCES

### A. **Permitted Height of Fences in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts**

1. Front Yards. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts, fences located between the front property line and front face of the primary structure shall not exceed three (3) feet in height, as measured from the ground adjacent to the top horizontal elements of the fence. Pickets, posts, and other vertical elements may exist beyond the top horizontal element by no more than six (6) inches.
2. Corner Side Yards. Fences in required corner side yards shall be required to meet the above height requirement under 4.5(A)(1) for front yards.
3. Rear and Side Yards. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts, rear and side yard fences shall be a maximum of six (6) feet in height, as measured from the grade at the base to the top of the fence.
4. Lots Directly Abutting Arterial Roads. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts on the affected property line(s) only:
  - a. Where the subject property directly abuts an arterial road, as defined by the Village's

Development Regulations, such fences and walls in rear yards and/or corner side yards shall be permitted up to a maximum of six (6) feet in height, as measured from the grade at the base to the top of the fence. Corner side yard fences shall not extend past the front face of the primary structure. However, the appearance, structure and design of such fences shall be compatible and in harmony with the neighborhood and adjacent and contiguous property, subject to the approval of the Zoning Official.

- b. Where the subject property directly abuts a Strategic Regional Arterial route, as defined by the Illinois Department of Transportation, such fences and walls in rear yards and corner side yards shall be permitted up to a maximum of eight (8) feet in height, as measured from the grade at the base to the top of the fence. Corner side yard fences shall not extend past the front face of the primary structure. However, the appearance, structure and design of such fences shall be compatible and in harmony with the neighborhood and adjacent and contiguous property, subject to the approval of the Zoning Official.

5. Lots Directly Abutting Railroad Property. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts, where the subject property directly abuts railroad property in the rear and/or side yard, such fences and walls, on the affected property line(s) only:

- a. Shall be permitted up to a maximum of eight (8) feet with no variance required.
- b. Shall be permitted to reverse the more finished appearance as otherwise required, to construct the more finished side on the inside.

6. A fence may be installed on a deck or terrace which does not exceed thirty (30) inches as measured from grade to the top of the deck or terrace at the location of the fence. Such fence shall not be located on more than two (2) vertical plane elevations of the deck or terrace and shall not create a full enclosure. The height of such fence shall be measured from the top of the deck or terrace to the top of the fence not including the height of the deck or terrace. A fence installed on a deck or terrace shall only be permitted in a rear yard and shall be otherwise fully compliant.

**B. Permitted Height of Fences in B-1, B-2, B-3, B-4, B-5, A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts**

1. Front Yards. In B-1, B-2, B-3, B-4, B-5, A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts, decorative fences or screen walls in front yards shall not exceed three (3) feet in height, unless increased height is required by a special use or planned development ordinance, to ensure adequate screening.
2. Corner Side Yards. Fences in corner side yards shall be required to meet the above height requirement under 4.5(B)(1) for front yards.
3. Rear and Side Yards. In B-1, B-2, B-3, B-4, B-5, A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts, rear and side yard fences and walls shall be a maximum of six (6) feet in height.
4. Lots Directly Abutting Railroad Property. In B-1, B-2, B-3, B-4, B-5 A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts, where the subject property abuts a railroad property in the rear or side yard, such fences and walls, on the affected property line(s) only, shall be permitted up to a maximum height of eight (8) feet with no special use or planned development ordinance required.

**C. Location, Construction, and Maintenance of Fences, Walls, and Hedges**

1. All fences shall be constructed of wood, brick, stone, stick built solid core vinyl, stick built solid core composite, wrought iron or powder coated aluminum to mimic the design of wrought iron fences~~similar decorative material~~. Chain link fences shall not be permitted in any zoning district with the exception that fences located on railroad rights-of-way may be chain link and fences located in the P-L or R-C Districts may be chain link provided they are black in color. All permitted chain link fences are subject to the maximum height regulated in Section 4.5-B above except existing chain link fences used as sports field fencing in the P-L or R-C Districts may be replaced in the same location and at the same height as the existing sports field fence.
2. Fences located within the Historic Overlay District shall be subject to the Historic District Design Guidelines.
3. In front and corner side yards, fences shall be open a minimum of thirty-three (33) percent across the gross surface area from one end of the fence to another.
4. In front yards, an opening or gate not less than two and one-half (2.5) feet in width shall be provided to permit access to the front yard.
5. In front yards, the fence shall be parallel to the front and side lot line of the front yard, except where such placement would create a safety hazard, as reasonably determined by the Zoning Official.
6. Fences may be constructed up to the property line.
7. If the fence is designed so that one (1) side has a more finished appearance, the more finished side shall be constructed on the outside, and if a screen fence is designed with posts, the posts shall be placed on the inside of the fence or centered on the plane of the screening; except as specifically permitted in Section 4.5-A.5-Bb.
8. No wire or barbed wire fences shall be permitted in the Village, unless approved by special use or planned development ordinance.
9. No fence, wall, or hedge shall be erected or planted within a public right-of-way.
10. All hedges shall be planted and maintained so as not to overhang or interfere with the use of the public way such as a sidewalk, alley or street.
11. All fences, walls, or hedges shall be maintained in good, structurally sound repair and in a neat, clean and attractive condition.
12. For aesthetic purposes, as well as to maintain property values, it is desirable that the appearance, structure and design of front yard fences shall be compatible and in harmony with other front yard fences in the Village, particularly in the neighborhood and on adjacent and contiguous property. The Zoning Official may suggest changes or recommendations to achieve that objective, upon review of a fence permit application.

## **4.6 HOME OCCUPATIONS**

### **4.6-1 Purpose**

### **4.6-2 Definitions**

### **4.6-3 General Requirements and Performance Criteria**

### **4.6-4 Specific Requirements**

### **4.6-5 Prohibited Home Occupations**

### **4.6-6 Short-Term Rentals Restricted**

### **4.6-7 Violation and Penalty**

### **4.6-1 PURPOSE**

**Chapter 4, Part II**  
**Off-Street**  
**Parking & Loading**

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**C. Uses Established After the Effective Date of this Ordinance**

When the intensity of use of any building, structure or premises is increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, parking and loading facilities shall be provided for such increase in intensity of use except as allowed in Subsection (2) above.

**D. No Reduction of Existing Parking and Loading Facilities**

Required accessory off-street parking facilities in existence on the effective date of this Ordinance, and located on the same lot as the building or use served, shall not hereafter be reduced below the requirements of this Ordinance except by variation.

**E. Additional Parking and Loading Facilities**

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use or building, provided such parking or loading facilities meet all regulations of this Ordinance governing the location, design and operation of such facilities.

**F. Special Northwest Highway Condemnation and Landscaping Requirements**

Special Northwest Highway Condemnation Setback and Landscaping Requirements. In the event that condemnation and taking by a public agency of property abutting Northwest Highway necessitates the removal and relocation of a parking area, such relocated parking area may encroach into required front and corner side yards, subject to the following conditions:

- 11. The encroachment of the relocated parking area shall be the minimum amount necessary, as determined by the Zoning Official.
- 12. The relocated parking area shall be accompanied by a landscape buffer or elements, as approved by the Zoning Official.

**4.10-4 PARKING RESTRICTIONS FOR RESIDENTIAL DWELLINGS**

**A. General Parking and Storage Restrictions**

Notwithstanding any other provision of this Ordinance, the following restrictions shall apply:

- 1. ~~Only One~~ (1) driveway shall be permitted ~~per zoning to serve each lot or parcel~~ except that circular driveways shall be permitted on lots with at least one hundred (100) feet of frontage. The two portions of the driveway shall be at least fifty (50) feet apart, as measured from the interior edges measured at the property line; and the width of each portion of the driveway extending from the roadway edge of pavement to the property line shall not exceed twelve (12) feet except that a one (1) foot by one (1) foot flare may be added on each side of the driveway at the edge of the pavement on each portion of the driveway.
- 2. No parking shall be permitted within front or corner side yards, except on a driveway which does not exceed twenty-four (24) feet in width or which does not exceed the total width of the garages, whichever is greater. The portion of the driveway extending from the edge of the roadway pavement to the property line shall not exceed twenty-four (24) feet in width except that a two (2) feet by two (2) feet flare may be added on each side of the driveway at the edge of the pavement. Maximum

- driveway width shall not apply to driveways and/or parking pads accessed from an improved rear alley.
- ~~2-3.~~ A parking pad may also be permitted for properties accessed from an improved rear alley.
- ~~3-4.~~ The minimum driveway width for all new driveways shall be nine (9) feet as measured from outer edge to outer edge. For ribbon style driveways, the minimum width of each wheel path shall be three (3) feet as measured from outer edge to outer edge.
- ~~4-5.~~ No new shared driveways shall be established for single-family residential uses.
- ~~5-6.~~ Any vehicle may be stored within an enclosed building that meets the requirements of all applicable ordinances.
- ~~6-7.~~ Vehicles engaged in loading or unloading or vehicles parked in connection with a use where current work is being done on the adjoining premises shall be permitted.
- ~~7-8.~~ No stored or parked vehicle shall be occupied or used for human habitation.
- ~~8-9.~~ No vehicle which is in a state of externally visible disrepair or partial construction shall be stored or parked outdoors in a residential zone, but shall be stored or parked only within an enclosed building meeting the requirements of all applicable regulations.
- ~~9-10.~~ Any new or modified driveway, wheel path of a ribbon driveway or parking pad or portion thereof shall be constructed of a hard surface material, (concrete, asphalt, brick pavers or other approved surface) at the following specifications:
- Concrete – Minimum two (2) inch stone base with four (4) inches of 6-bag mix with No. 10 wire mesh, or equivalent.
  - Asphalt – Minimum six (6) inch compacted stone base (Pea Gravel not acceptable) with two (2) inches of compacted asphalt as surface.
  - Brick Pavers – As determined by the Zoning Official.
  - Other Surfaces – As determined by the Zoning Official.
11. For existing nonconforming driveways see Section 10.2-B.

#### **B. Exterior Parking and Storage of Passenger Vehicles**

No more than three (3) Passenger Vehicles shall be parked outside of a fully enclosed garage on a residential lot for more than six (6) continuous hours on any weekday (Monday – Friday) without a permit for additional parking issued by the Zoning Official. Such permit shall not be valid for more than thirty (30) days. In granting a permit, the Zoning Official shall find that:

- The request is necessary and convenient to the use and enjoyment of the premises;
- The applicant has demonstrated a need for the requested parking; and
- The granting of a parking permit will not have an adverse impact on the public health, safety and welfare.

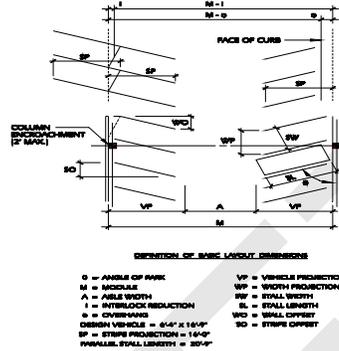
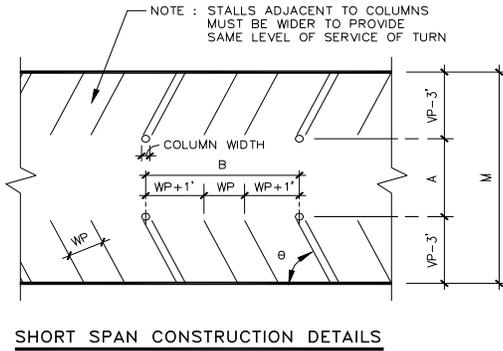
A decision to grant or deny a parking permit may be appealed in accordance with Section 3.18 of this Ordinance.

#### **C. Exterior Parking of Recreational or Commercial Vehicles**

Recreational and Commercial Vehicles are permitted to be stored or parked in residential districts subject to and only in compliance with the following standards:

- Maximum Permitted Size and Number of Vehicles. Only Recreational and Commercial Vehicles may be stored or parked on the exterior of any property within any residential district, provided that the combined total of all permitted Recreational

**FIGURE 4.10-5** Parking Size Diagrams



**Commented [TJ1]:** 1.) Delete "Short Span Construction Details" Chart  
 2.) Delete SP Stripe Projection = 16' from key on right  
 3.) Delete Parallel Stall Length = 20'9" from key on right  
 "Definitions of Basic Layout Dimensions" and key below will be enlarged.

**TABLE 4.10-5** Required Parking Dimensions

Angle of Parking	Stall Width		Module	Vehicle Projection	Aisle	Interlock	Overhang	Wall Offset	Stripe Offset
	9'0"	8'6"							
	WP	WP	M	VP	A	I	O	WO	SO
0	9'-0"	NA	43'-0"	NA	25'-0"	NA	NA	NA	NA
45	12'-9"	12'-0"	49'-6"	17'-5"	14'-8"	3'-2"	1'-9"	10'-8"	16'-6"
50	11'-9"	11'-1"	51'-3"	18'-0"	15'-3"	2'-11"	1'-11"	9'-5"	13'-10"
55	11'-0"	10'-5"	52'-6"	18'-5"	15'-8"	2'-7"	2'-1"	8'-3"	11'-7"
60	10'-5"	9'-10"	54'-0"	18'-9"	16'-6"	2'-3"	2'-2"	7'-2"	9'-6"
65	9'-11"	9'-5"	55'-3"	18'-11"	17'-5"	1'-11"	2'-3"	6'-1"	7'-8"
70	9'-7"	9'-1"	56'-6"	19'-0"	18'-6"	1'-6"	2'-4"	5'-0"	6'-0"
75	9'-4"	8'-10"	57'-6"	18'-10"	19'-10"	1'-2"	2'-5"	3'-10"	4'-5"
90	9'-0"	8'-6"	61'-6"	17'-9"	24'-0"	0'-0"	2'-6"	1'-0"	0'-0"

Notes:

- 1 Add 1 ft to stall width where adjacent to walls, columns and other obstructions to door opening and turning movement.
- 2 9'0" stalls shall be used except that 8'6" stalls may be used for the following uses: Residential, Professional Office and Industrial.
- 3 Add one ft to stall width for stalls next to curbs and islands to reduce trip hazard.
- 4 Angles of parking between 76 and 89 degrees not permitted.
- 5 Dimensions may be interpolated for angles between 45 and 75
- 6 Deduct 1 ft from aisle, and corresponding module, for parking in structures or where guides or curbs are provided at least 25% of the stalls.
- 7 All commercial parking spaces to be "double-line" striped for 8'-6" wide parking stall only.
- 8 Light poles and columns may protrude into a parking module a maximum of 2 ft combined as long as they do not impact more than 25% of the stalls. For example, either a one ft encroachment on both sides of the aisle, or a 2 ft encroachment on one side only, is acceptable.
- 9 Interlock reductions cannot be taken where there is encroachment by columns, light poles or other obstructions for more than 25% of the stalls in the bay.
- 10 All dimensions rounded to the nearest inch.
- 11 Aisles and corresponding modules are for two way traffic flow for 90 degree parking and one way traffic flow for angled parking between 45 and 75 degrees.
- 12 For two-way traffic flow and angled parking, a minimum 24 ft aisle is required. For parallel parking along a two-way drive, a minimum aisle of 25 ft. is required.
- 13 Parallel parking stall length is 20'0".
- 14 Parking space overhangs shall not encroach into any required landscape areas or buffers.

# **Chapter 4, Part IV**

## **Sign Regulations**

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TABLE 4.16-D-2: PERMANENT SMALL WALL SIGNS	
ATTRIBUTE	REQUIREMENT
Number of Signs	One (1) per occupant and one (1) additional sign for the building, but not more than a maximum of three (3) small wall signs shall be displayed per building and at least one (1) shall be located on the primary building frontage or frontage nearest to the main parking area.
Maximum Sign Area	3 sq. ft.
Height	6 ft.
Projection	All sign panels must be of equal size and dimension. The signable area shall not extend above the parapet, coping, lower sill of any second story window, or other limiting architectural feature, or the height of six (6) feet, whichever is lower. Not to exceed four (4) inches from the face of the building, including but not limited to any mounting and/or electrical attachments.
Material	Wood, High Density Urethane or Metal; All panels must be made of the same material
Relationship to Site	The sign must relate to use(s), occupant(s), and/or activities located on the property on which the sign is located.
Color	See Section 4.14-D.
Illumination	<ul style="list-style-type: none"> <li>• Internal illumination is prohibited (See District Specific Requirements below and Section 4.14-C).</li> <li>• External illumination is limited to "gooseneck" lighting or other traditional-looking fixture.</li> </ul>
Sign Surface	No sign shall have exposed nails, tacks, fasteners or wires or any other hazardous projections protruding therefrom.
Preparation	Prior to the issuance of a permit for any sign, the surface to which the sign will be attached shall be repaired to the building's original condition including, but not limited to, restoration of the original color, repainting, and the repair of holes or other defects in the surface.
Examples	Permanent small wall signs may include, but are not limited to, nameplates, building markers, addresses, hours of operation, directions, public service information, and warnings signs.

**TABLE 4.16-D-3 – RESERVED**

TABLE 4.16-D-4: PERMANENT WALL SIGNS – DISTRICT SPECIFIC REQUIREMENTS	
DISTRICT	ILLUMINATION
B-1 B-3	<ul style="list-style-type: none"> <li>• External illumination limited to "gooseneck" lighting or other traditional-looking fixture.</li> <li>• Internally illuminated cabinet and/or box signs are not permitted.</li> <li>• Internal Illumination see Section 4.14-C.</li> </ul>
B-4 B-5	<ul style="list-style-type: none"> <li>• External illumination limited to "gooseneck" lighting or other traditional-looking fixture.</li> <li>• Internally illuminated cabinet and/or box signs are not permitted.</li> <li>• Internal illumination shall be limited to backlit and/or channel letters individually mounted directly to the building <del>or flat backing boards with individual pop-through letters or individually mounted letters which encompass then entire sign area or that are cut to match the outline of the sign-are also permitted.</del></li> </ul> <p>Raceways, wireways or other similar mounting attachments are not permitted in the B-4 or B-5 District. Any wall sign facing residentially zoned property shall be limited to backlit or external illumination.</p>
A-1 B-R M-A	<ul style="list-style-type: none"> <li>• External illumination limited to "gooseneck" lighting or other traditional-looking fixture.</li> <li>• Internally illuminated cabinet and/or box signs are not permitted.</li> <li>• Internal illumination is prohibited.</li> </ul>
O-R O-S M-1 P-L R-C	<ul style="list-style-type: none"> <li>• External illumination limited to "gooseneck" lighting or other traditional-looking fixture.</li> <li>• Internally illuminated cabinet and/or box signs are not permitted.</li> <li>• Internal illumination shall be limited to individually backlit letters.</li> </ul>
R-1 – R-8	<ul style="list-style-type: none"> <li>• Illumination is prohibited.</li> </ul>

## G. ANTIQUE SIGN REGULATIONS

### 1. Intent

Signs having special, aesthetic, vintage, historic landmark and/or architectural significance, and whose preservation and continued utilization are beneficial and desirable to the character of the Village, shall ~~may~~ be permitted to be retained and restored subject to review and approval by the Zoning Official based on the criteria contained herein; ~~provided a resolution declaring their significance is adopted by the Corporate Authorities. No such sign shall be declared aesthetically or architecturally significant unless after a public hearing regarding the significance of the sign, the Barrington Architectural Review Commission (ARC) determines that such sign meets the criteria established in Section 4.17-G.2, below. The findings and determination of the ARC on such an application shall be referred to the Corporate Authorities, which Corporate Authorities shall then take such action on the recommendation of the ARC as they deem fit, necessary and proper. Such signs designated as an Antique Sign by the Zoning Official may be repaired and maintained as necessary including electrical or structural repairs. This Section applies to the existing Antique Sign only and replacement of the Antique Sign with a new noncompliant sign is not approved~~ authorized by this Section.

### 2. Guidelines for Antique Signs

In establishing that a particular sign is antique and worthy of special consideration, the ~~Architectural Review Commission~~ Zoning Official shall find that the sign meets ~~at least two of~~ the following guidelines:

- ~~1. The sign shall have been constructed during or prior to the 1940's.~~
21. The sign should represent unique or distinctive graphic design or architectural ~~or~~ significance to the community.
23. The overall character of Barrington would be lessened with the removal of the sign. The sign provides a significant contribution to the character of the Village.

### 3. ~~Special Consideration for Variation~~

~~As established in Section 4.22 of these Sign Regulations, the owner of a nonconforming sign who desires that such sign be declared an Antique Sign may request a variation for the nonconforming sign. If the Corporate Authorities determine that the sign is an Antique Sign, they shall provide special consideration for the sign in evaluating the Findings of Fact for a variation, as contained in Section 3.16 of the Zoning Ordinance. Specifically, the Corporate Authorities shall find that:~~

- ~~1. A finding by the Corporate Authorities that a sign is an Antique Sign shall, in itself, constitute a hardship.~~
- ~~2. The sign represents a unique physical condition.~~
- ~~3. The existence of the Antique Sign is not self-created.~~
- ~~4. The unique conditions of the Antique Sign would result in a denial of substantial property rights, even if other property owners do not commonly enjoy such rights.~~
- ~~5. The request for Antique Sign status is not merely a request for special status.~~
- ~~6. The unique conditions of the Antique Sign would not conflict with the intent of these Sign Regulations.~~
- ~~7. No other remedy is available for preserving the Antique Sign.~~
- ~~8. Granting a variance for the Antique Sign is the minimum measure of relief necessary.~~

# **Chapter 6**

## **Residential Districts**

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# CHAPTER 6

## RESIDENTIAL DISTRICTS

- 6.1 General Provisions
- 6.2 R-1: Single-Family Residential District
- 6.3 R-2: Single-Family Residential District
- 6.4 R-3: Single-Family Residential District
- 6.5 R-4: Single-Family Residential District
- 6.6 R-5: Single-Family Residential District
- 6.7 R-6: Single-Family Residential District
- 6.8 R-7: Two-Family Residential District
- 6.9 R-8: General Residential District
- 6.10 Summary of Permitted and Special Uses – Residential Districts
- 6.11 Summary of Yard and Bulk Regulations – Residential Districts
- 6.12 Maximum Building Height (Single Family & Two-Family R-1 thru R-8 & B-R)
- 6.13 Maximum Building Height (Three- and Four-Family & Multiple Family R-7 thru R-8)

### 6.1 GENERAL PROVISIONS

#### A. Average Minimum Front Yard Setback Requirement

In the R-3, R-4, R-5, R-6 and R-7 Districts, when lots comprising forty (40) percent or more of the frontage between two (2) intersecting streets are developed, the average of such front yards ~~shall~~ may be used to establish the minimum front yard ~~depth~~ setback for the entire frontage. ~~However, in no case shall a front yard of more than fifty (50) feet be required.~~ The minimum front yard setback may be established at the average front yard setback as described above or the minimum front yard setback for the applicable Zoning District contained herein, whichever is less. It shall be the responsibility of the property owner to provide accurate documentation in the form of a stamped survey documenting the front yard setback for all applicable lots as described above. This section does not apply to properties subject to a planned development ordinance or plat of subdivision that establishes the applicable lot setbacks.

#### B. Special Setback Requirement Along Certain Streets

1. Northwest Highway Setback: Notwithstanding the other provisions of this Chapter 6, all property zoned residential shall maintain a thirty-five (35) foot, setback along Northwest Highway, provided that parking shall be set back not less than eight (8) feet from the right-of-way.
2. Barrington Road (South of Cornell Avenue) Setback: Notwithstanding the other provisions of this Chapter 6, all property zoned residential shall maintain a one hundred (100) foot setback along Barrington Road.

#### C. Floor Area Ratio Requirement

All single-family and two-family buildings, and their accessory structures, shall conform to the following requirements. No building shall be erected, constructed, or altered on any lot if, as a result of such erection, construction or alteration, the gross floor area of such building exceeds the maximum permitted gross floor area for that lot as determined by the applicable computation set forth below:

existing on either side of the existing abrupt change. For the purposes of this Ordinance, the area described in this Section 6.1(D)(1) shall be known as the “daylight plane.” See Illustrations 6.1.

2. **Permitted Encroachments.** The following structures and architectural features shall be permitted to extend into and through the daylight plane, but only to the extent set forth as follows:
  - a. Roof overhangs and storm gutters may extend into and through the daylight plane a maximum of two (2) feet. See Illustration 6.2.
  - b. Dormers, gable roof ends, hip roof ends, shed roof ends, and the upper segment of gambrel roof ends, or a combination thereof, may extend into and through the daylight plane, provided, however, that no such extension, or extensions, shall be permitted if the dormers, gable roof ends, hip roof ends, shed roof ends, or the upper segment of gambrel roof ends, or a combination thereof, is more than twenty (20) feet in length at the point of intersection with the daylight plane. No individual dormer width may exceed eight (8) feet as measured from the exterior framing dimensions of the vertical edges of the dormer. The minimum clear dimension between dormers shall be six (6) feet. See Illustrations 6.2 and 6.3.
  - c. Chimneys, Fireboxes and other similar architectural features and appurtenances approved by the Zoning Official may extend into, and through, the daylight plane. See Illustration 6.2.
  - d. The maximum aggregate width of all encroachments into the daylight plane shall not exceed twenty (20) feet at the point of intersection with the daylight plane.

**E. Dormers**

1. The ridge height of the dormer shall not exceed the ridge height of the roof from which the dormer project.
2. The following requirements shall apply to dormers above the second story:
  - a. The width of the dormer shall not exceed eight (8) feet as measured from the exterior framing dimensions of the vertical edges of the dormer.
  - b. The aggregate width of all dormers projecting from any roof face shall not exceed fifty percent (50%) of the width of the roof face.
  - c. The aggregate width of all dormers projecting from any roof face shall not exceed twenty-four (24) feet as measured from the exterior framing dimensions of the vertical edges of the dormers.

**6.2 R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Permitted Uses**

1. Dwellings, Single Family.
2. Convents and Monasteries, not to be occupied by more than fifteen (15) persons.
3. Home Occupations.
4. Buildings, Structures, Parking and uses accessory to a permitted use.

**B. Special Uses**

1. Accessory Buildings exceeding 800 square feet of gross floor area.
2. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public

Assembly, and associated with that activity, and accessory to the principal use of the property concerned.

3. Day Care Home.
4. Golf Course.
5. Nursery School.
6. Off-Street Parking Facilities accessory to a special use, as required or permitted by this Ordinance.
7. Place of Public Assembly, Neighborhood Scale, and accessory Parish Houses.
8. Planned Development.
9. Primary School, Private
10. Residential Care Home, Small.
11. Secondary School, Private.

**C. Minimum Lot Area**

Five (5) acres.

**D. Minimum Lot Width**

Three hundred (300) feet.

**E. Minimum Yard Requirements**

1. Front Yard. Seventy (70) feet.
2. Corner Side Yard. Thirty-five (35) feet.
3. Interior Side Yard. Thirty (30) feet.
4. Rear Yard. Thirty (30) feet.

**F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed thirty-five (35) percent of the lot area.
- ~~2.~~ The impervious surface shall not exceed fifty percent (50%) of the total lot area.
- ~~2.3.~~ The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

**H. Accessory Buildings, Structures and Uses**

See Chapter 4, Part I for regulations governing detached garages, pools and other accessory buildings, structures and uses.

**I. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

**J. Signs**

See Chapter 4, Part IV for regulations governing signs.

**K. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

**6.3 R-2: SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Permitted Uses**

1. Dwellings, Single Family.
2. Convents and Monasteries, not to be occupied by more than ten (10) persons.
3. Home Occupations.
4. Buildings, Structures, Parking and uses accessory to a permitted use.

**B. Special Uses**

1. Accessory Buildings exceeding 800 square feet of gross floor area.
2. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public Assembly, and associated with that activity, and accessory to the principal use of the property concerned.
3. Day Care Home.
4. Golf Course.
5. Nursery School.
6. Off-Street Parking Facilities accessory to a special use, as required or permitted by this Ordinance.
7. Place of Public Assembly, Neighborhood Scale, and accessory Parish Houses.
8. Planned Development.
9. Primary School, Private
10. Residential Care Home, Small.
11. Secondary School, Private

**C. Minimum Lot Area**

One (1) acre.

**D. Minimum Lot Width**

One hundred and fifty (150) feet

**E. Minimum Yard Requirements**

1. Front Yard. Fifty (50) feet.
2. Corner Side Yard. Twenty-five (25) feet.
3. Interior Side Yard. Twenty (20) feet.
4. Rear Yard. Thirty (30) feet.

**F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12

2. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed thirty-five (35) percent of the lot area.
2. The impervious surface shall not exceed fifty percent (50%) of the total lot area.
3. The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

**H. Accessory Buildings, Structures and Uses**

See Chapter 4, Part I for regulations governing detached garages, pools and other accessory buildings, structures and uses.

**I. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

**J. Signs**

See Chapter 4, Part IV for regulations governing signs.

**K. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

**6.4 R-3: SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Permitted Uses**

1. Dwellings, Single Family.
2. Home Occupations.
3. Accessory Buildings, Structures, Parking and uses accessory to a permitted use.

**B. Special Uses**

1. Accessory Buildings exceeding 800 square feet of gross floor area.
2. Convents and Monasteries.
3. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public Assembly, and associated with that activity, and accessory to the principal use of the property concerned.
4. Day Care Home.
5. Golf Course.
6. Nursery School.
7. Off-Street Parking Facilities accessory to a special use, as required or permitted by this Ordinance.
8. Place of Public Assembly, Neighborhood Scale, and accessory Parish Houses.
9. Planned Development.
10. Primary School, Private

11. Residential Care Home, Small.
12. Secondary School, Private

**C. Minimum Lot Area**

Twenty thousand (20,000) square feet.

**D. Minimum Lot Width**

One hundred (100) feet.

**E. Minimum Yard Requirements**

1. Front Yard. Thirty (30) feet. See Section 6.1-A for average front yard setback, if applicable.
2. Corner Side Yard. Fifteen (15) feet.
3. Interior Side Yard. Fifteen (15) feet.
4. Rear Yard. Thirty (30) feet.

**F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed thirty-five (35) percent of the lot area.
- ~~2.~~ The impervious surface shall not exceed fifty percent (50%) of the total lot area.
- ~~2.3.~~ The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

**H. Accessory Buildings, Structures and Uses**

See Chapter 4, Part I for regulations governing detached garages, pools and other accessory buildings, structures and uses.

**I. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

**J. Signs**

See Chapter 4, Part IV for regulations governing signs.

**K. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

**6.5 R-4: SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Permitted Uses**

1. Dwellings, Single Family.
2. Home Occupations.
3. Accessory Buildings, Structures, Parking and uses accessory to a permitted use.

**B. Special Uses**

1. Accessory Buildings exceeding 800 square feet of gross floor area.
2. Convents and Monasteries.
3. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public Assembly, and associated with that activity, and accessory to the principal use of the property concerned.
4. Day Care Home.
5. Golf Course.
6. Nursery School.
7. Off-Street Parking Facilities accessory to a special use, as required or permitted by this Ordinance.
8. Place of Public Assembly, Neighborhood Scale and accessory Parish Houses.
9. Planned Development.
10. Primary School, Private.
11. Residential Care Home, Small.
12. Secondary School, Private

**C. Minimum Lot Area**

Fifteen thousand (15,000) square feet.

**D. Minimum Lot Width**

Ninety (90) feet.

**E. Minimum Yard Requirements**

1. Front Yard. Thirty (30) feet. See Section 6.1-A for average front yard setback, if applicable.
2. Corner Side Yard. Fifteen (15) feet.
3. Interior Side Yard. Fifteen (15) feet.
4. Rear Yard. Thirty (30) feet.

**F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed thirty-five (35) percent of the lot area.
2. ~~The impervious surface shall not exceed fifty percent (50%) of the total lot area.~~
3. The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

## **H. Accessory Buildings, Structures and Uses**

See Chapter 4, Part I for regulations governing detached garages, pools and other accessory buildings, structures and uses.

## **I. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

## **J. Signs**

See Chapter 4 Part IV for regulations governing signs.

## **K. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

# **6.6 R-5: SINGLE-FAMILY RESIDENTIAL DISTRICT**

## **A. Permitted Uses**

1. Dwellings, Single Family.
2. Home Occupations.
3. Accessory Buildings, Structures, Parking and uses accessory to a permitted use.

## **B. Special Uses**

1. Accessory Buildings exceeding 800 square feet of gross floor area.
2. Convents and Monasteries.
3. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public Assembly, and associated with that activity, and accessory to the principal use of the property concerned.
4. Day Care Home.
5. Golf Course.
6. Nursery School.
7. Off-Street Parking Facilities accessory to a special use, as required or permitted by this Ordinance.
8. Place of Public Assembly, Neighborhood Scale and accessory Parish Houses.
9. Planned Development.
10. Primary School, Private.
11. Residential Care Home, Small.
12. Secondary School, Private.

## **C. Minimum Lot Area**

Ten thousand (10,000) square feet.

## **D. Minimum Lot Width**

Seventy-five (75) feet.

**E. Minimum Yard Requirements**

1. Front Yard. Thirty (30) feet. See Section 6.1-A for average front yard setback, if applicable.
2. Corner Side Yard. Fifteen (15) feet.
3. Interior Side Yard. Ten (10) feet or Twelve and one half (12.5) percent of lot width, whichever is less.
4. Rear Yard. Thirty (30) feet.

**F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed thirty-five (35) percent of the lot area.
- ~~2.~~ The impervious surface shall not exceed fifty percent (50%) of the total lot area.
- ~~2-3.~~ The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

**H. Accessory Buildings, Structures and Uses**

See Chapter 4, Part I for regulations governing detached garages, pools and other accessory buildings, structures and uses.

**I. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

**J. Signs**

See Chapter 4, Part IV for regulations governing signs.

**K. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

**6.7 R-6: SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Permitted Uses**

1. Dwellings, Single Family.
2. Home Occupations.
3. Accessory Buildings, Structures, parking and uses accessory to a permitted use.

**B. Special Uses**

1. Accessory Buildings exceeding 800 square feet of gross floor area.
2. Bed and Breakfast Establishment, if the property is located in the H Historic Overlay District.

3. Convents and Monasteries.
4. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public Assembly, and associated with that activity, and accessory to the principal use of the property concerned.
5. Day Care Home.
6. Golf Course.
7. Nursery School.
8. Off-Street Parking Facilities accessory to a special use, as required or permitted by this Ordinance.
9. Place of Public Assembly, Neighborhood Scale and accessory Parish Houses.
10. Planned Development.
11. Primary School, Private.
12. Residential Care Home, Small.
13. Secondary School, Private.

**C. Minimum Lot Area**

Seven thousand five hundred (7,500) square feet.

**D. Minimum Lot Width**

Sixty (60) feet.

**E. Average Lot Area and Width**

With respect to the re-subdivision of existing lots of record, the required minimum lot area and lot width of a lot shall be equal to the average lot area and lot width of other lots on the same block face.

**F. Minimum Yard Requirements**

1. Front Yard. Thirty (30) feet. See Section 6.1-A for average front yard setback, if applicable.
2. Corner Side Yard. Ten (10) feet.
3. Interior Side Yard. Seven (7) feet.
4. Rear Yard. Thirty (30) feet.

**G. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**H. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed thirty-five (35) percent of the lot area, except that any lot that is less than 7,500 square feet in area shall be permitted to have up to forty percent (40%) lot coverage not to exceed a maximum of 2,625 square feet.-
2. The impervious surface shall not exceed fifty percent (50%) of the total lot area, except that, commencing January 1, 2009, any lot which is less than 7,500 square feet in area and has in excess of 45% impervious surface coverage may be permitted to have up to 55% impervious surface coverage provided that, for any portion of the impervious surface coverage exceeding

the 50% limitation, on-site storm water detention is also provided on said lot in a form approved in writing by the Director of Development Services.

2.3. The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

#### **I. Accessory Buildings, Structures and Uses**

See Chapter 4, Part I for regulations governing detached garages, pools and other accessory buildings, structures and uses.

#### **J. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

#### **K. Signs**

See Chapter 4, Part IV for regulations governing signs.

#### **L. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

### **6.8 R-7: TWO-FAMILY RESIDENTIAL DISTRICT**

#### **A. Permitted Uses**

1. Dwellings, Single Family.
2. Dwellings, Two-Family.
3. Home Occupations.
4. Accessory Buildings, Structures, parking and uses accessory to a permitted use.

#### **B. Special Uses**

1. Bed and Breakfast Establishments, not to exceed five (5) guest rooms.
2. Convents and Monasteries.
3. Day Care Center, as an accessory use, only if sited on the premises of an operating community service activity such as, but not limited to, a private school, or Place of Public Assembly, and associated with that activity, and accessory to the principal use of the property concerned.
4. Day Care Home.
5. Dwellings, Three- and Four-Family, located on lots having a side yard adjoining or facing a business or manufacturing use or a railroad right-of-way.
6. Golf Course.
7. Nursery School.
8. Off-Street Parking Facilities accessory to a special use as required or permitted by this Ordinance.
9. Planned Development.
10. Primary School, Private.
11. Place of Public Assembly, Neighborhood Scale, and accessory Parish Houses.
12. Residential Care Home, Small.
13. Secondary School, Private.
14. Senior/Group Housing, Assisted Living.

15. Senior/Group Housing, Independent.

**C. Minimum Lot Area**

1. Dwellings, Single Family. Seven thousand five hundred (7,500) square feet.
2. Dwellings, Two-Family. Five thousand (5,000) square feet per dwelling unit.
3. Dwellings, Three- and Four-Family.
  - a. Seven thousand five hundred (7,500) square feet for each dwelling unit containing four (4) or more bedrooms.
  - b. Six thousand five hundred (6,500) square feet for each dwelling unit containing three (3) bedrooms.
  - c. Three thousand (3,000) square feet for each dwelling unit containing less than three (3) bedrooms.

**D. Minimum Lot Width**

1. Dwellings, Single Family. Sixty (60) feet.
2. Dwellings, Two-Family. Eighty-five (85) feet.
3. Dwellings, Three- and Four-Family. Sixty (60) feet.
4. Dwellings, Multiple Family. Sixty (60) feet.

**E. Minimum Yard Requirements**

1. Dwellings, Single Family and Dwellings, Two-Family.
  - a. Front Yard. Thirty (30) feet. [See Section 6.1-A for average front yard setback, if applicable.](#)
  - b. Corner Side Yard. Ten (10) feet.
  - c. Interior Side Yard. Seven (7) feet.
  - d. Rear Yard. Thirty (30) feet.
2. Dwellings, Three- and Four-Family and Dwellings, Multiple Family.
  - a. Front Yard. Twenty (20) feet.
  - b. Corner Lot.
    - 1) Side Yard. Not less than ten (10) feet on the side abutting the intersecting street, except in the case of a reversed corner lot of not less than fifty (50) percent of the front yard required in the lots in the rear of such corner lot. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.
    - 2) Rear Yard. Fifteen (15) feet.
  - c. Interior Lot.
    - 1) Side Yard. All buildings with two (2) stories or less shall have a side yard of not less than five (5) feet on each side of the main building, and a combined total of side yards of not less than fifteen (15) feet. For buildings above two (2) stories, the side yard on each side of the main building shall be increased by two (2) feet in width per story.

- 2) Rear Yard. Twenty (20) feet.

#### **F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Dwellings, Two-Family. See Table 6.12
3. Dwellings, Three- and Four-Family. See Table 6.13
4. Dwellings, Multiple Family. See Table 6.13
5. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

#### **G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed the following:
  - a. Dwellings, Single Family. Thirty-five (35) percent of the lot area, except that any single-family lot that is less than 7,500 square feet in area shall be permitted to have up to forty percent (40%) lot coverage not to exceed a maximum of 2,625 square feet.
  - b. Dwellings, Two-Family. Forty (40) percent of the lot area.
  - c. Dwellings, Three- and Four-Family. Forty (40) percent of the lot area.
  - d. Dwellings, Multiple Family. Forty (40) percent of the lot area.
2. The impervious surface shall not exceed fifty percent (50%) of the total lot area, except that, commencing January 1, 2009, any lot which is less than 7,500 square feet in area and has in excess of 45% impervious surface coverage may be permitted to have up to 55% impervious surface coverage provided that, for any portion of the impervious surface coverage exceeding the 50% limitation, on-site storm water detention is also provided on said lot in a form approved in writing by the Director of Development Services.
- 2.3. The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

#### **H. Density Limitations**

Not more than two (2) of the dwelling units in three- or four-family dwellings shall have more than two (2) bedrooms per unit.

#### **I. Design Standards**

Because Barrington is predominantly a single-family community, two-, three- and four-family development could, in the absence of careful regulation, cause negative impacts on surrounding neighborhoods. Proper design of such development can eliminate the potential for some of these impacts. Therefore, the following design standards shall be applied to two-, three- and four-family new construction and exterior alterations and additions.

All buildings shall be constructed, remodeled or added onto in a manner consistent with traditional single-family houses in the central part of Barrington. Conformance with the following specific design standards is required.

1. Architectural Style. Rigid conformance to specific architectural styles is not required. However, the exterior design of buildings shall emphasize traditional architectural themes. "Modern" or "International" styles are not permitted.

2. Exterior Materials General. In order to adapt to changing technology, the development of new materials, and so as not to limit the designer, additional materials other than those specified in this Section may be permitted, if recommended by the Architectural Review Commission and approved by the Village Board. If materials other than those listed below are proposed for use, such material shall be reviewed and recommended by the Architectural Review Commission at a preliminary meeting as specified in Section 3.13 of this Ordinance.

Permission to use alternate materials recommended by the Architectural Review Commission and approved by the Village Board is valid only for the specific project reviewed. Prior approval and use of a material for another project within the R-7 Residential District does not grant permission to future projects. The right to use alternate materials shall be reviewed on a case-by-case basis, in the context of each individual project.

3. Exterior Wall Materials. The materials used on exterior elevations (excluding doors, windows and roofing materials) shall be limited to:
  - a. Clay brick (unglazed).
  - b. Stone (natural).
  - c. Wood, ~~or cementitious lap siding~~, or other similar composite siding material.
  - d. Stucco (cementitious material only, no E.I.F.S. [Exterior Insulation Finish Systems]).
4. Door & Window Design. All doors and windows shall be residential in character. All doors and windows with divisions on new construction projects shall utilize simulated divided lites with an appropriate pattern to match the architectural style of the structure. Replacement windows in existing buildings should match the existing windows as closely as possible. If all windows are being replaced in an existing building and divisions are proposed, then simulated divided lites with an appropriate pattern to match the architectural style of the structure shall be utilized. This section shall not apply to existing single-family residences within the R-7 District outside of the Historic Overlay District.
5. Door & Window Materials. No restrictions are placed on door and window materials.
6. Exterior Trim.
  - a. Trim is required for all doors and windows.
  - b. Trim materials shall be limited to wood, stone, cast stone, molded fiberglass or molded high density polymer or other similar cementitious or composite material.
  - c. On masonry buildings, cut stone or pre-cast sills are required for windows; cut stone, pre-cast, or brick lintels are required for doors and windows. Other trim is not required.
7. Accent Features. Decorative accent features on exterior walls which are subordinate and incidental to the design of the façade shall be limited to wood, stone, cast stone, molded fiberglass or molded high density polymer or other similar cementitious or composite material.
8. Mixed Materials. Materials may be mixed, provided the placement of materials reflects traditional use of such materials, as exemplified below:
  - a. A wood porch or balcony may be used in combination with stone or brick walls.
  - b. An extended brick or stone foundation wall may be used in combination with wood walls.

- c. Typical residential trash containers are preferred. In the event that a dumpster is necessary, shared dumpsters with adjacent properties are encouraged. Non-shared dumpsters shall be limited to a maximum size of two (2) yards.

3. Ground-Based Mechanical Equipment.

- a. All ground-based mechanical equipment including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), shall be located only in the rear of the building or interior side yard. No equipment shall be located between a building and a corner side or front lot line.
- b. All ground-based mechanical equipment including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), shall be fully screened from public view by landscaping equal in height to the tallest piece of ground based equipment.

4. Telephone and Electrical Service and Utility Meters.

- a. Wherever possible, all on-site electrical lines and telephone lines installed shall be placed underground. Transformer or terminal equipment shall be visually screened from view by landscaping equal in height to the tallest transformer or terminal.
- b. Wherever possible, no utility meters shall be installed on the front or corner side façades of a building. Wall-mounted utility meters shall be painted to match the building. If visible to the public, meters shall be screened by landscaping equal in height to the tallest meter, if permitted by the authority requiring the meter.

**K. Off-Street Parking**

See Chapter 4, Part II for regulations governing off-street parking.

**L. Signs**

See Chapter 4, Part IV for regulations governing signs.

**M. Floor Area Ratio and Daylight Plane Restrictions**

See Sections 6.1(C) and 6.1(D) for regulations governing Floor Area Ratio and Daylight Plane.

**6.9 R-8: GENERAL RESIDENTIAL DISTRICT**

**A. Permitted Uses**

1. Dwellings, Single Family.
2. Dwellings, Two-Family.
3. Dwellings, Three- and Four-Family.
4. Dwellings, Multiple Family.
5. Home Occupations.
6. Accessory Buildings, Structures, parking and uses accessory to a permitted use.

**B. Special Uses**

1. Bed and Breakfast Establishments, not to exceed five (5) guest rooms.
2. Convents and Monasteries.

3. Dwellings, Three- and Four Family and Dwellings, Multiple Family.

- a. Front Yard. Twenty (20) feet.
- b. Corner Lot.
  - 1) Side Yard. Not less than ten (10) feet on the side abutting the intersecting street, except in the case of a reversed corner lot of not less than fifty percent (50) of the front yard required in the lots in the rear of such corner lot. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.
  - 2) Rear Yard. Fifteen (15) feet.
- c. Interior Lot.
  - 1) Side Yard. All buildings with two (2) stories or less shall have a side yard of not less than five (5) feet on each side of the main building, and a combined total of side yards of not less than fifteen (15) feet. For buildings above two (2) stories, the side yard on each side of the main building shall be increased by two (2) feet in width per story.
  - 2) Rear Yard. Twenty (20) feet

**F. Maximum Building Height**

1. Dwellings, Single Family. See Table 6.12
2. Dwellings, Two-Family. See Table 6.12
3. Dwellings, Three- and Four-Family and Dwellings, Multiple Family. See Table 6.13
4. Place of Public Assembly, Neighborhood Scale. Seventy-five (75) feet for towers, steeples or spires, but not more than thirty-five (35) feet for the main structure

**G. Lot Coverage**

1. The surface coverage of all principal and accessory buildings shall not exceed the following:
  - a. Dwellings, Single Family. Thirty-five (35) percent of the lot area, except that any single-family lot that is less than 7,500 square feet in area shall be permitted to have up to forty percent (40%) lot coverage not to exceed a maximum of 2,625 square feet.
  - b. Dwellings, Two-Family. Forty (40) percent of the lot area.
  - c. Dwellings, Three- and Four-Family and Dwellings, Multiple Family. Forty (40) percent of the lot area.
- ~~2.~~ The impervious surface shall not exceed fifty percent (50%) of the total lot area, except that, commencing January 1, 2009, any lot which is less than 7,500 square feet in area and has in excess of 45% impervious surface coverage may be permitted to have up to 55% impervious surface coverage provided that, for any portion of the impervious surface coverage exceeding the 50% limitation, on-site storm water detention is also provided on said lot in a form approved in writing by the Director of Development Services.
- ~~2.3.~~ The impervious surface plus open graded stone coverage shall not exceed fifty-five percent (55%) of the total lot area.

**H. Density Limitations**

Not more than ten (10) percent of the dwelling units in a row dwelling or apartment building, or in a group of such buildings in one (1) development, shall have more than two (2) bedrooms per unit.

## **I. Design Standards**

Because Barrington is predominantly a single-family community, multiple-family and single-family attached development could, in the absence of careful regulation, cause negative impacts on surrounding neighborhoods. Proper design of such development can eliminate the potential for some of these impacts. Therefore, the following design standards shall be applied to multiple-family and attached single-family development.

All buildings shall be constructed, remodeled or added onto in a manner consistent with traditional single-family houses in the central part of Barrington. Conformance with the following specific design standards is required.

1. Architectural Style. Rigid conformance to specific architectural styles is not required. However, the exterior design of buildings shall emphasize traditional architectural themes. "Modern" or "International" styles are not permitted.
2. Exterior Materials General. In order to adapt to changing technology, the development of new materials, and so as not to limit the designer, additional materials other than those specified in this Section may be permitted, if recommended by the Architectural Review Commission and approved by the Village Board. If materials other than those listed below are proposed for use, such material shall be reviewed and recommended by the Architectural Review Commission at a Preliminary Meeting as specified in Section 3.13 of this Ordinance.

Permission to use alternate materials recommended by the Architectural Review Commission and approved by the Village Board is valid only for the specific project reviewed. Prior approval and use of a material for another project within the R-8 General Residential District does not grant permission to future projects. The right to use alternate materials shall be reviewed on a case-by-case basis, in the context of each individual project.

3. Exterior Wall Materials. The materials used on exterior elevations (excluding doors, windows and roofing materials) shall be limited to:
  - a. Clay brick (unglazed).
  - b. Stone (natural).
  - c. Wood, ~~or cementitious lap siding or other similar composite siding material.~~
  - d. Stucco (cementitious material only, no E.I.F.S. [Exterior Insulation Finish Systems]).
4. Door and Window Design. All doors and windows shall be residential in character. All doors and windows with divisions on new construction projects shall utilize simulated divided lites with an appropriate pattern to match the architectural style of the structure. Replacement windows in existing buildings should match the existing windows as closely as possible. If all windows are being replaced in an existing building and divisions are proposed, then simulated divided lites with an appropriate pattern to match the architectural style of the structure shall be utilized. This section shall not apply to existing single-family residences within the R-8 District outside of the Historic Overlay District.
5. Door and Window Materials. No restrictions are placed on door or window materials.
6. Exterior Trim.

- a. Trim is required for all doors and windows.
  - b. Trim materials shall be limited to wood, stone, cast stone, molded fiberglass or molded high density polymer or other similar cementitious or composite material.
  - c. On masonry buildings, cut stone or pre-cast sills are required for windows; cut stone, pre-cast, or brick lintels are required for doors and windows. Other trim is not required.
7. Accent Features. Decorative accent features on exterior walls which are subordinate and incidental to the design of the façade shall be limited to wood, stone, cast stone, molded fiberglass or molded high density polymer; or other similar cementitious or composite material.
8. Mixed Materials. Materials may be mixed, provided the placement of materials reflects traditional use of such materials, as exemplified below:
- a. A wood porch or balcony may be used in combination with stone or brick walls.
  - b. An extended brick or stone foundation wall may be used in combination with wood walls.
  - c. A front façade of finished brick or stone may be used in combination with common brick on side and rear walls.
  - d. A one-story room of wood may project from the main two-story portion of the building made of brick or stone.
  - e. A fireplace or columns of one material may be combined with walls of another material.
9. Glazed Surface.
- a. At least twenty (20) percent of the front elevation shall be glazed surface; ten (10) percent of all other elevations shall be glazed surface.
  - b. Glass shall be clear and non-tinted; no mirrored glass is permitted.
10. Roof Design. A hip, gable or other sloping roof is required; flat or mansard roofs are not permitted.
11. Roof Materials. Only shingle roofs of asphalt, fiberglass, wood or slate are permitted.
12. Landscaping. See Chapter 4, Part III for general regulations governing landscaping.
13. Required Plans. Every application for a building permit shall be accompanied by architectural plans, a site plan and a landscape plan of sufficient detail to show conformance with these Design Standards. Color schemes and material selection shall be included.
14. Interpretation of Design Standards. A building permit for new construction, an addition or exterior remodeling in this R-8 District shall not be issued unless a Certificate of Approval has been issued, in accordance with Section 3.13 of this Ordinance. The Architectural Review Commission and/or the Village Board may approve the use of alternate materials if such materials are determined by the Village to be appropriate for the style of building.

**J. Accessory Buildings, Structures and Uses**

**TABLE 6.11**

**SUMMARY OF YARD AND BULK REGULATIONS - RESIDENTIAL DISTRICTS**

RESIDENTIAL DISTRICTS	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM YARD REQUIREMENTS <sup>2</sup>				MAXIMUM BUILDING HEIGHT <sup>3</sup>	MAXIMUM LOT COVERAGE	MAXIMUM IMPERVIOUS SURFACE
			FRONT	CORNER SIDE <sup>4</sup>	INTERIOR SIDE <sup>4</sup>	REAR			
<b>R-1</b>	5 acres	300 ft.	70 ft.	35 ft.	30 ft.	30 ft.	See Table 6.12	35 %	50%
<b>R-2</b>	1 acre	150 ft.	50 ft.	25 ft.	20 ft.	30 ft.	See Table 6.12	35 %	50%
<b>R-3</b>	20,000 sq. ft.	100 ft.	30 ft. <sup>1</sup>	15 ft.	15 ft.	30 ft.	See Table 6.12	35 %	50%
<b>R-4</b>	15,000 sq. ft.	90 ft.	30 ft. <sup>1</sup>	15 ft.	15 ft.	30 ft.	See Table 6.12	35 %	50%
<b>R-5</b>	10,000 sq. ft.	75 ft.	30 ft. <sup>1</sup>	15 ft.	See Note 6	30 ft.	See Table 6.12	35 %	50%
<b>R-6</b>	7,500 sq. ft.	60 ft.	30 ft. <sup>1</sup>	10 ft.	7 ft.	30 ft.	See Table 6.12	35 % <sup>2</sup>	50% <sup>5</sup>
<b>R-7</b>									
1. Dwellings, Single Family	7,500 sq. ft.	60 ft.	30 ft.	10 ft.	7 ft.	30 ft.	See Table 6.12	35 %	50% <sup>5</sup>
2. Dwellings, Two-Family	5,000 sq. ft.	85 ft.	30 ft.	10 ft.	7 ft.	30 ft.	See Table 6.12	40 %	50% <sup>5</sup>
3. Dwellings, Three- and Four-Family									
a. Four or more beds	7,500 sq. ft.	60 ft.	20 ft.	See Note 4	See Note 4	See Note 4	See Table 6.13	40%	50% <sup>5</sup>
b. Three beds	6,500 sq. ft.	60 ft.	20 ft.	See Note 4	See Note 4	See Note 4	See Table 6.13	40%	50% <sup>5</sup>
c. Less than 3 beds	3,000 sq. ft.	60 ft.	20 ft.	See Note 4	See Note 4	See Note 4	See Table 6.13	40%	50% <sup>5</sup>
<b>R-8</b>									
1. Dwellings, Single Family	7,500 sq. ft.	60 ft.	30 ft.	10 ft.	7 ft.	30 ft.	See Table 6.12	35%	50% <sup>5</sup>
2. Dwelling, Two-Family	6,000 sq. ft.	85 ft.	20 ft.	15 ft.	12 ft.	30 ft.	See Table 6.12	40%	50% <sup>5</sup>
3. Dwellings, Three- and Four-Family & Dwellings, Multiple Family									
a. Four or more beds	7,500 sq. ft.	60 ft.	20 ft.	See Note 4	See Note 4	See Note 4	See Table 6.13	40%	50% <sup>5</sup>
b. Three beds	6,500 sq. ft.	60 ft.	20 ft.	See Note 4	See Note 4	See Note 4	See Table 6.13	40%	50% <sup>5</sup>
c. Less than 3 beds	3,000 sq. ft.	60 ft.	20 ft.	See Note 4	See Note 4	See Note 4	See Table 6.13	40%	50% <sup>5</sup>

- (1) In the R-3, R-4, R-5, ~~and R-6 and R-7~~ Districts, ~~an average minimum front yard setback may apply subject to Section 6.1-A. when lots comprising 40% of more of the frontage between two intersecting streets are developed average of such front yards shall establish the minimum front yard depth for the entire frontage. However, in no case shall a front yard of more than 50 feet be required.~~
- (2) See Section 6.1 for setbacks along Northwest Highway and Barrington Road.
- (3) In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, the maximum height requirement is 35ft for the main portion of a Place of Public Assembly and 75 ft for the tower, steeple or spire.
- (4) See Section 6.8.E.2 for side yard and rear yard setback requirements for R-7 Dwellings, Three- and Four-Family. See Section 6.9.E.3 for side yard and rear yard setback requirements for R-8 Dwellings, Three- and Four-Family and Dwellings, Multiple Family.
- (5) Lots which are less than 7,500 square feet in area which exceed 45% Impervious Surface coverage as of the January 1, 2009 may be permitted up to 55% Impervious Surface coverage provided that they provide on-site detention, in a form acceptable to the Director of Development Services, for any portion of the Impervious Surface coverage exceeding the 50% limitation.
- (6) In the R-5 district, the required Interior Side Yard shall be Ten (10) feet or 12.5% of lot the width, whichever is less.
- (7) In the R-6, R-7, R-8 Districts, any single-family lot that is less than 7,500 square feet in area shall be permitted to have up to forty percent (40%) lot coverage not to exceed a maximum of 2,625 square feet.

# **Chapter 7**

## **Business Districts**

DRAFT

## B-1 District

39. Uses with outdoor sales/display other than those permitted by the general regulations of this district.

### E. Minimum Lot Area

Seven-thousand, five hundred (7,500) square feet.

### F. Minimum Lot Width:

Sixty-six (66) feet.

### G. Minimum Yard Requirements

1. Front Yard. A build-to line of fifteen (15) feet is required; no parking is permitted in front of the build-to line. On corner properties the front yard setback may be established at between twenty-five (25) feet to thirty-five (35) feet.
2. Corner Side Yard. See “Front Yard” requirement above.
3. Interior Side Yard. Three (3) feet.
4. Rear Yard. Twenty-five (25) feet.

### H. Transitional Yard Requirements

Every lot abutting the side lot line of a lot in a Residential District shall provide a yard along this lot line equal to one-half (1/2) the required front yard of the applicable Residential District. Parking shall be prohibited within such yard.

### I. Design Standards

The following design standards shall apply to all new construction, additions and exterior remodeling in this B-1 District.

1. Exterior Wall Materials. The materials used on exterior elevations (excluding doors, windows and roofing materials) shall be limited to:
  - a. Clay brick (unglazed).
  - b. Stone (natural).
  - c. Wood, ~~or~~ cementitious ~~siding~~ or other similar composite siding material.
  - d. Stucco (cementitious material only; no E.I.F.S. [Exterior Insulation Finish Systems]).
2. Door & Window Materials. No restrictions are placed on door or window materials.
3. Exterior Trim.
  - a. Trim is required for all doors and windows.
  - b. Trim materials shall be limited to wood, stone, cast stone, molded fiberglass or molded high density polymer or other similar cementitious or composite material.
  - c. On masonry buildings, cut stone or pre-cast sills are required for windows; cut stone, pre-cast, or brick lintels are required for doors and windows. Other masonry trim is not required.

4. Accent Features. Decorative accent features on exterior walls which are subordinate and incidental to the design of the facade shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high density polymer or other similar cementitious or composite material.
5. Mixed Materials. Materials may be mixed, provided the placement of materials reflects traditional use of such materials, as exemplified below:
  - a. A wood porch or balcony may be used in combination with stone or brick walls.
  - b. An extended brick or stone foundation wall may be used in combination with wood walls.
  - c. A front facade of finished brick or stone may be used in combination with common brick on side and rear walls.
  - d. A one-story room of wood may project from the main two-story portion of the building made of brick or stone.
  - e. A fireplace or columns of one material may be combined with walls of another material.
6. Exterior Colors. All colors produced from completely natural materials and unglazed brick shall be permitted. Colors produced through paint or other material coatings shall be restricted.
  - a. Exterior Wall Colors. Excessively bright or dark colors shall be avoided, and accordingly, the following restrictions shall apply:
    - 1) No color shall be darker than Value 4 in the Munsell color system.
    - 2) No color shall be brighter than Chroma 8 in the Munsell color system.
    - 3) White is permitted; black is not permitted.
  - b. Trim Material Colors. Colors shall be compatible to and complementary with, the colors used on the exterior walls.
  - c. The ARC and/or the Board of Trustees may approve alternate colors schemes if deemed appropriate for the style of the building.
7. Glazed Surface.

Front Elevation.

  - a. At least forty (40) percent of the first floor of the front and corner side facades shall be glazed. A minimum eighteen (18) inch high knee wall shall be required beneath the glazing.
  - b. At least thirty (30) percent of upper floor elevations of the front and corner side facades shall be glazed.
  - c. At least ten (10) percent of interior side elevations shall be glazed surface, unless prohibited by the Building Code.
  - d. First story glass shall be clear and non-tinted; tinting of the second and third story glass shall not vary by more than twenty (20) percent from the adjacent story. No mirrored glass is permitted.
8. Roof Design. Mansard or gambrel roofs are not permitted. If a flat roof design is used, the building shall have a cornice along the top of the building. Buildings on lots immediately adjacent to, or across the street from, a residential district are required to have a hip, gable or other sloping roof.

## B-4 District

Permission to use alternate materials recommended by the Architectural Review Commission and approved by the Village Board is valid only for the specific project reviewed. Prior approval and use of a material for another project within the B-4 Village Center District does not grant permission to future projects. The right to use alternate materials shall be reviewed on a case-by-case basis, in the context of each individual project.

3. Exterior Wall Materials. The materials used on exterior elevations (excluding doors, windows and roofing materials) shall be limited to:
  - a. Clay brick (unglazed).
  - b. Stone (natural).
  - c. Wood, ~~or~~ cementitious or other similar composite siding material.
  - d. Stucco (cementitious material only, no E.I.F.S. (Exterior Insulation Finish Systems)).
4. Door & Window Design. In order to promote and maintain the small town, historic character of the Village Center, glazed metal curtain wall systems are discouraged. The majority of glazed surface on façade(s) shall be double hung, casement, or fixed picture windows, within discernable wall elements. Sliding or jalousie windows shall not be permitted. All doors and windows with divisions on new construction projects shall utilize simulated divided lites with an appropriate pattern to match the architectural style of the structure. Replacement windows in existing buildings should match the existing windows as closely as possible. If all windows are being replaced in an existing building and divisions are proposed, then simulated divided lites with an appropriate pattern to match the architectural style of the structure shall be utilized. This section shall not apply to existing single-family residences with the B-4 District outside of the Historic Overlay District.
5. Door & Window Materials. No restrictions are placed on door or window materials.
6. Exterior Trim.
  - a. Trim is required for all doors and windows.
  - b. Trim materials shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high density polymer or other similar cementitious or composite material.
  - c. On masonry buildings, cut stone or pre-cast sills are required for windows; cut stone, pre-cast, or brick lintels are required for doors and windows. Other masonry trim is not required.
7. Accent Features. Decorative accent features on exterior walls which are subordinate and incidental to the design of the façade shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high density polymer or other similar cementitious or composite material.
8. Mixed Materials. Materials may be mixed, provided the placement of materials reflects traditional use of such materials, as exemplified below:
  - a. A wood porch or balcony may be used in combination with stone or brick walls.

## B-5 District

developed not to limit the designer, but to avoid that which is gaudy, ordinary or of an inappropriate scale. The B-5 Village Center East District is the center of the community. In order to create and maintain a sense of place and a cohesive atmosphere within the Village Center, it is required that all design relate to the context of the Village Center. Architectural design and scale which do not fit into the context of the Village Center shall not be permitted. The following regulations shall apply to all new construction, additions and exterior remodeling in the B-5 Village Center East District.

1. Architectural Style. Rigid conformance to specific architectural styles is not required. However, the exterior design of buildings shall emphasize traditional architectural themes consistent with older buildings in the B-5 Village Center East District.
2. Exterior Materials General. In order to adapt to changing technology, the development of new materials, and so as not to limit the designer, additional materials other than those specified in this Section may be permitted, if recommended by the Architectural Review Commission and approved by the Village Board. If materials other than those listed below are proposed for use, such material shall be reviewed and recommended by the Architectural Review Commission at a Preliminary Meeting as specified in Chapter 3 of this Ordinance.

Permission to use alternate materials recommended by the Architectural Review Commission and approved by the Village Board is valid only for the specific project reviewed. Prior approval and use of a material for another project within the B-5 Village Center East District does not grant permission to future projects. The right to use alternate materials shall be reviewed on a case-by-case basis, in the context of each individual project.

3. Exterior Wall Materials. The materials used on exterior elevations (excluding doors, windows and roofing materials) shall be limited to:
  - a. Clay brick (unglazed).
  - b. Stone (natural).
  - c. Wood, ~~or~~ cementitious or other similar composite siding material.
  - d. Stucco (cementitious material only, no E.I.F.S. (Exterior Insulation Finish Systems)).
4. Door & Window Design. In order to promote and maintain the small town, historic character of the Village Center, glazed metal curtain wall systems are discouraged. The majority of glazed surface on façade(s) shall be double hung, casement, or fixed picture windows, within discernable wall elements. Sliding or jalousie windows shall not be permitted. All doors and windows with divisions on new construction projects shall utilize simulated divided lites with an appropriate pattern to match the architectural style of the structure. Replacement windows in existing buildings should match the existing windows as closely as possible. If all windows are being replaced in an existing building and divisions are proposed, then simulated divided lites with an appropriate pattern to match the architectural style of the structure shall be utilized. This section shall not apply to existing single-family residences within the B-5 District outside of the Historic Overlay District.
5. Door & Window Materials. No restrictions are placed on door or window materials.

6. Exterior Trim.
  - a. Trim is required for all doors and windows.
  - b. Trim materials shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high density polymer or other similar cementitious or composite material.
  - c. On masonry buildings, cut stone or pre-cast sills are required for windows; cut stone, pre-cast, or brick lintels are required for doors and windows. Other masonry trim is not required.
  
7. Accent Features. Decorative accent features on exterior walls which are subordinate and incidental to the design of the façade shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high density polymer or other similar cementitious or composite material.
  
8. Mixed Materials. Materials may be mixed, provided the placement of materials reflects traditional use of such materials, as exemplified below:
  - a. A wood porch or balcony may be used in combination with stone or brick walls.
  - b. An extended brick or stone foundation wall may be used in combination with wood walls.
  - c. A front façade of finished brick or stone may be used in combination with common brick on side and rear walls.
  - d. A one-story room of wood may project from the main two-story portion of the building made of brick or stone.
  - e. A fireplace or columns of one material may be combined with walls of another material.
  
9. Exterior Colors. All colors produced from completely natural materials and unglazed brick shall be permitted. Colors produced through paint or other material coatings shall be restricted.
  - a. Exterior Wall Colors. Excessively bright or dark colors shall be avoided, and accordingly, the following restrictions shall apply:
    - 1) No color shall be darker than Value 4 in the Munsell color system.
    - 2) No color shall be brighter than Chroma 8 in the Munsell color system.
    - 3) White is permitted; black is not permitted.
  - b. Trim Material Colors. Colors shall be compatible to and complementary with the colors used on the exterior walls.
  - c. The ARC and/or the Board of Trustees may approve alternate colors schemes if deemed appropriate for the style of the building.
  
10. Glazed Surface.

Front Elevation:

- a. At least forty (40) percent of the first floor of the front and corner side façades shall be glazed. However, the first floor façade shall be at least seventy (70) percent glazed if retail sales use is required on the first floor.

# **Chapter 9**

## **Special Purpose & Overlay Districts**

DRAFT

# B-R District

## K. Demolition

The demolition of a structure listed on the National Register of Historic Places shall require Planned Development approval. The Planned Development shall include a redevelopment plan for the reuse of the subject property.

## L. Design Standards

All buildings within the B-R Mixed Business-Residential District shall be constructed, remodeled or added onto in a manner consistent with traditional single-family houses in the central part of Barrington. Conformance with the following specific design standards is required.

1. Architectural Style. Rigid conformance to specific architectural styles is not required. However, the exterior design of buildings shall emphasize traditional architectural themes. “Modern” or “International” styles are not permitted.
2. Exterior Materials General. In order to adapt to changing technology, the development of new materials, and so as not to limit the designer, additional materials other than those specified in this Section may be permitted, if recommended by the Architectural Review Commission, and approved by the Village Board. If materials other than those listed below are proposed for use, such material shall be reviewed and recommended by the Architectural Review Commission at a Preliminary Meeting as specified in Section 3.13 of this Ordinance.

Permission to use alternate materials recommended by the Architectural Review Commission and approved by the Village Board is valid only for the specific project reviewed. Prior approval, and use of a material for another project within the B-R Mixed Business-Residential Overlay District, does not grant permission to future projects. The right to use alternate materials shall be reviewed on a case-by-case basis, in the context of each individual project.

3. Exterior Wall Materials. The materials used on exterior elevations (excluding doors, windows and roofing materials) shall be limited to:
  - a. Clay brick (unglazed).
  - b. Stone (natural).
  - c. Wood, ~~or~~ cementitious or other similar composite siding material. ~~lap siding.~~
  - d. Stucco (cementitious material only, no E.I.F.S. (Exterior Insulation Finish Systems)).
4. Door and Window Design. All doors and windows shall be residential in character. All doors and windows with divisions on new construction projects shall utilize simulated divided lites with an appropriate pattern to match the architectural style of the structure. Replacement windows in existing buildings should match the existing windows as closely as possible. If all windows are being replaced in an existing building and divisions are proposed, then simulated divided lites with an appropriate pattern to match the architectural style of the structure shall be utilized. This section shall not apply to existing single-family residences within the B-R District outside of the Historic Overlay District.
5. Door and Window Materials. No restrictions are placed on door or window materials.

6. Exterior Trim.
  - a. Trim is required for all doors and windows.
  - b. Trim materials shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high-density polymer or other similar cementitious or composite material.
  - c. On masonry buildings, cut stone or pre-cast sills are required for windows; cut stone, pre-cast, or brick lintels are required for doors and windows. Other trim is not required.
  
7. Accent Features. Decorative accent features on exterior walls which are subordinate and incidental to the design of the façade shall be limited to wood, stone, cast stone, molded fiberglass, ~~or~~ molded high density polymer or other similar cementitious or composite material.
  
8. Mixed Materials. Materials may be mixed, provided the placement of materials reflects traditional use of such materials, as exemplified below:
  - a. A wood porch or balcony may be used in combination with stone or brick walls.
  - b. An extended brick or stone foundation wall may be used in combination with wood walls.
  - c. A front façade of finished brick or stone may be used in combination with common brick on side and rear walls.
  - d. A one-story room of wood may project from the main two-story portion of the building made of brick or stone.
  - e. A fireplace or columns of one (1) material may be combined with walls of another material.
  
9. Glazed Surface.
  - a. At least twenty (20) percent of the front elevation shall be glazed surface; (10) ten percent of all other elevations shall be glazed surface.
  - b. Glass shall be clear and non-tinted; no mirrored glass is permitted.
  
10. Roof Design. A hip, gable or other sloping roof is required; flat or mansard roofs are not permitted.
  
11. Roof Materials. Only shingle roofs of asphalt, fiberglass, wood or slate are permitted.
  
12. Landscaping. See Chapter 4, Part III for general regulations governing landscaping. In addition to the general regulations, landscaping within the B-R District shall comply with the design guidelines and standards of the Village Center Master Plan.
  
13. Required Plans. Every application for a building permit shall be accompanied by architectural plans, a site plan and a landscape plan of sufficient detail to show conformance with these design standards. Color schemes and material selection shall be included.

## 9.8 H: HISTORIC OVERLAY DISTRICT, STRUCTURES OR SITES

### A. Intent

1. An H Historic Overlay District is intended to protect and preserve areas of the Village and individual structures and sites within this area having historic, architectural or cultural significance. It is also intended to ensure that any new development/redevelopment and the subdivision of lots in an H Historic Overlay District is compatible with the character of this district. In addition, a district is intended to enhance the appeal of the Village's central historic neighborhoods as distinctive areas and to enhance property values within such districts.
2. The entire area now or hereafter designated the "H Historic Overlay District, Structures or Sites" on the Official Zoning Map which is incorporated into, and made an integral part of this Zoning Ordinance pursuant to Section 5.2 of this Zoning Ordinance, is hereby declared to be an official landmark area of the Village of Barrington pursuant to and for all purposes under Chapter 65 ILCS 5/11-48.2-1 et. seq. Preservation of Historical and Other Special Areas. The H Historic Overlay District includes portions of the R-6 Single Family Residential District, the R-7 Two-Family Residential District, the R-8 General Residential District, the B-4 Village Center District, the B-R Mixed Business Residential District, and the P-L Public Lands District.

### B. Criteria for Designation of an H Historic Overlay District

The Architectural Review Commission shall evaluate each parcel of property within any proposed H Historic Overlay Districts, designated structures or sites. In order to amend or establish an H Historic Overlay District, the majority of the individual parcels within a proposed district shall meet the standard of contributing structures or sites, based on the following criteria:

1. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one (1) of the following:
  - a. They are associated with events of the lives of persons that have made a significant contribution to the broad patterns of our history; or
  - b. They embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - c. They exemplify elements of our culture, economic, social or historic heritage; or
  - d. They have yielded, or are likely to yield, information important in prehistory or history.
2. Physical integrity of the property in terms of architectural design, setting, materials, workmanship, character and association as defined by the National Park Service for the National Register of Historic Places.
3. The Age of the Structure or Site. Contributing structures or sites shall ~~be at least fifty (50) years old, or if not at least fifty (50) years old, predate 1950 or shall~~ have achieved exceptional historical or cultural importance or significance ~~within the past fifty (50) years.~~

4. Structures or sites, which do not meet these criteria, constitute non-contributing properties.
- ~~5.~~ Notwithstanding anything contained in this Ordinance to the contrary, any detached garage(s) and other detached accessory structure(s) or detached accessory building(s) located within the H Historic District shall be considered non-contributing.
- ~~5-6.~~ The Architectural Review Commission shall create a report of recommendation for each landmark district or landmark site, which shall be transmitted to the Plan Commission for their consideration pursuant to Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance.

**C. Establishing Boundaries or Locations of a Proposed H Historic Overlay District, Designated Structures, or Sites**

When an area under consideration for designation as an H Historic Overlay District meets the criteria outlined in Subsection (B), above, the Plan Commission shall recommend to the Village Board boundaries for the district to ensure that they:

1. Contain documented historic or architectural resources.
2. Coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines.
3. Coincide with logical physical or man-made features and reflect recognized neighborhood boundaries.
4. Contain non-contributing properties or vacant land only where necessary to create appropriate boundaries to meet the criteria of Subsection (B) of this Section.

**D. Increasing or Reducing the Size of District by Amendment**

Once established, an H Historic Overlay District boundary may be amended, provided that the historic, cultural and architectural integrity of the district remains intact. Criteria for amending the boundaries to add or eliminate properties from an H Historic Overlay District are as follows:

1. Properties may be eliminated from the District if the properties have ceased to meet the criteria for inclusion within an H Historic Overlay District because the qualities which caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the creation of the district; or
2. Additional information indicates that properties do not comply with the criteria for an H Historic Overlay District as outlined in Subsection (B) above; or
3. Properties may be added to a district if additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of an H Historic Overlay District, provided they meet the standards outlined in Subsection (B) above.

**E. Certificate of Appropriateness Required**

~~After the establishment of an H Historic Overlay District designated structures or sites, n~~No alteration in the exterior appearance of a structure or property within an H Historic Overlay District ~~designated structures or sites~~ shall be made or permitted to be made unless a Certificate of Appropriateness has been issued pursuant to Subsection (F) below. Certificates of Appropriateness shall be required for:

1. Removal and replacement or alteration of architectural detailing, including but not limited to porch columns, railing, window moldings cornices and siding.
2. Relocation of a structure on the same site or to another site.
  3. Construction of additions.
  4. Exterior alteration or construction of accessory structures, such as garages, etc.
  5. Exterior alterations to windows and doors, including replacement changes in fenestration patterns.
  6. Construction or alteration of porches or decks.
  7. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning.
  8. The construction or alterations of site features including, but not limited to, fencing, walls, and paving.
  9. Installation or alteration of any exterior sign.
  10. Any exterior demolition.
  11. New exterior construction.
  12. Installation of an awning or canopy.
  13. Any exterior alteration.
  14. The issuance of any exterior building permit or site development permit for any exterior construction or alteration, or any construction or alteration of any site features.

**F. Procedure for Issuance of Certificate of Appropriateness**

Certificates of Appropriateness can be issued by either the Zoning Official or the Architectural Review Commission, depending on the nature of the proposed alteration of the property, as outlined below.

1. Pre-Application Conference. Any applicant, or prospective applicant who requires a Certificate of Appropriateness is strongly encouraged to meet with the Zoning Official or his or her designee. At the pre-application conference, staff representatives shall review with the applicant, those criteria established in by this Section of the Ordinance.
2. The Architectural Review Commission. The applicant shall be given general direction to assist said prospective applicant in the development of a plan that would be consistent with the requirements and purpose of this Ordinance and those criteria established by the Architectural Review Commission.
3. Issuance of Certificate of Appropriateness by Administrative Decision. Certificates of Appropriateness for the following types of architectural styles, construction or demolition may be approved administratively by the Zoning Official, or his or her designee, subject to the following regulations.
  - a. Types of Construction allowed which may be approved by administrative decision of the Zoning Official.
    - 1) Minor alteration of, or addition to, a contributing and/or non-contributing structure or site.
    - 2) Demolition of a non-contributing principal and accessory structure.

- b. The Zoning Official shall be obligated to issue a Certificate of Appropriateness for any proposed modification, provided that the modification is in substantial conformance with the architectural style of the structure or building to which the modification is to be made.
  - c. Submission of Application. An application for a Certificate of Appropriateness shall be made to the Zoning Official. The Zoning Official shall make a determination of completeness pursuant to ~~this section Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance,~~ and shall forward the application for review and decision.
  - d. Materials Submitted with Application. The application shall include photographs, ~~construction architectural~~ drawings, scaled elevations and other documentation, such as an architectural or massing model, window frame sections and samples, deemed necessary to consider the application properly and completely. Each applicant shall also provide a to-scale streetscape or model, which includes elevations for each abutting structure. ~~Application for the Demolition of a Non-Contributing Structure. An application for demolition of a non-contributing structure shall require notice for determination of non-contributing sites.~~
  - e. Standards for Approval. The application shall be reviewed according to the standards set forth in Subsections (G) or (H), below, whichever is applicable.
  - f. Making Official Decision. On the basis of written findings of fact, the Zoning Official, or his or her designee, shall either approve, conditionally approve, or deny the application for a Certificate of Appropriateness based on the applicable standards in Subsections G or H. Such decision shall be executed within ~~thirty (30) days~~ a reasonable amount of time following receipt of a completed application. If the Zoning Official decides in favor of the application, a Certificate of Appropriateness shall be issued. If the Zoning Official decides to approve the application with modifications, a letter shall be sent to the applicant outlining the specific modifications required for approval. Such application shall then be resubmitted for approval. If the Zoning Official decides to deny the application, a letter of denial shall be issued.
  - g. Referral to Architectural Review Commission. The Zoning Official may refer any application to the Architectural Review Commission due to the complexity of the application, the significance of proposed change to a contributing structure, or the need for consultation for expertise regarding architectural, construction, appearance or preservation issues.
  - h. Appeal of Administrative Decision. An application denied by the Zoning Official may be appealed to the Architectural Review Commission within thirty (30) days following the administrative decision. Once an appeal of an administrative decision has been filed, the procedure shall be as outlined in Subsection (F4h), below.
4. Issuance of a Certificate of Appropriateness by the Architectural Review Commission. Certain types of architectural styles, construction, demolition and relocation shall only be allowed to be approved by the Architectural Review Commission subject to the following regulations:
- a. Types of Construction to be reviewed by the Architectural Review Commission.

- 1) Substantial alteration or addition to a contributing site or structure.
  - 2) Substantial alteration of or an addition to a non-contributing structure or site.
  - 3) New construction of principal building.
  - 4) Relocation of contributing site or structure.
  - 5) Demolition of contributing site or structure.
  - 6) Applications for administrative approval referred by the Zoning Official.
  - 7) Appeal of administrative decisions by the applicant.
- b. Subject to the provisions of this chapter, the Architectural Review Commission shall be obligated to issue a Certificate of Appropriateness for any proposed alteration, provided that the alteration is in substantial conformance with the architectural style of the structure or building to which the alteration is to be made.
- c. Submission of Application. The procedure for an application for a Certificate of Appropriateness shall be the same as specified in Subsection (F) of this Section.
- 1) Materials Submitted with Application. The application shall include photographs, construction drawings, scaled elevations, and other documentation, such as an architectural or massing model, window frame sections and samples, deemed necessary to consider the application properly and completely. Applicants may also be required to provide a to-scale streetscape elevation drawing or model, both of which shall include elevations for each adjacent structure.
  - 2) Applications for a Certificate of Appropriateness for demolition shall also submit a reuse plan for the property.
  - ~~3) Public Hearing. Applications for a Certificate of Appropriateness from the Architectural Review Commission shall require a public hearing pursuant to the requirements of Chapter 3, Part II, Section 3.7 et. seq.~~
- d. Standards for Approval. The application shall be reviewed according to the standards set forth in Subsections (G), (H), (I), and (J) below.
- e. ~~Preliminary-Conceptual~~ Review by the Architectural Review Commission. Any applicant or prospective applicant who requires a Certificate of Appropriateness may file a written request for ~~preliminary-conceptual~~ consideration by the Architectural Review Commission. The Architectural Review Commission shall provide suggestions and recommendations on a specific proposal prior to a formal application being filed.
- f. For projects which require consideration by the Plan Commission or the Zoning Board of Appeals, preliminary review by the Architectural Review Commission shall occur prior to the Plan Commission or Zoning Board of Appeals hearing and then formal consideration thereof by the Architectural Review Commission shall occur after the Plan Commission or Zoning Board of Appeals hearing on the proposal has been completed and prior to consideration by the Board of Trustees.

- g. Upon acceptance of a complete application for a Certificate of Appropriateness the Zoning Official shall ~~immediately~~ transmit said application to the Architectural Review Commission for either preliminary review or final review depending on the complexity of the project as determined by the Zoning Official. The Architectural Review Commission shall consider the request and, upon review for compliance with the Historic Overlay District regulations, at a scheduled meeting, the Commission shall render a decision.
- h. Architectural Review Commission Decision. The Architectural Review Commission shall make a decision at a ~~scheduled public hearing~~ duly called public meeting, within ~~a reasonable amount of time thirty (30) days~~ following the ~~scheduled public hearing meeting date, including submission of a complete application for Certificate of Appropriateness, which shall include a review and decision on an application for a Certificate of Appropriateness for demolition of a contributing structure declaring an economic hardship, where applicable.~~
- 1) After reviewing all materials submitted for the case, the recommendation of the Zoning Official or their designee and conducting a field inspection, if necessary, the Architectural Review Commission shall make written finding of fact based on the applicable standards of approval below.
  - 2) On the basis of its written findings of fact the Architectural Review Commission shall approve, deny or conditionally approve the Certificate of Appropriateness. A decision on an application for a Certificate of Appropriateness for demolition of a contributing structure may be deferred for up to one (1) year pursuant to Subsections (L) of this Section.
  - 3) If the Architectural Review Commission decides in favor of the application, it shall instruct the Zoning Official to issue a Certificate of Appropriateness. If the Architectural Review Commission decides to deny the application, it shall instruct the Zoning Official to issue a letter of denial. Demolition permits for contributing structures shall not be issued until ~~the appeal period has expired~~ such application is approved by the Village Board.
  - 4) Written notice of the decision of the Architectural Review Commission on the application, including a copy of the findings of fact, shall be promptly sent by first-class mail or email to the applicant following the Architectural Review Commission's decision.
- i. Appeal of Architectural Review Commission Decision to the Village Board of Trustees. A decision by the Architectural Review Commission can be appealed to the Village Board of Trustees An appeal shall be made in writing and filed with the Village Board of Trustees within thirty (30) days following the decision. The filing of the appeal shall stay the decision of the Architectural Review Commission pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the Architectural Review Commission if such decision defers a demolition request for up to one (1) year pursuant to the provisions of Subsections (K) and (L) of this Section. The appeal shall be considered based on the following:

- 1) The appeal shall specify any alleged error made by the Architectural Review Commission.
- 2) The Village Board of Trustees shall consider the appeal on the record made before the Architectural Review Commission. The Village Board of Trustees will hear no new evidence.
- 3) The Village Board of Trustees shall review and decide the appeal according to the standards of this district that are applicable to the appeal.
- 4) The Village Board of Trustees shall uphold the decision of the Architectural Review Commission unless the Village Board of Trustees determines that the decision of the Architectural Review Commission was not supported by the findings of fact based upon the applicable standards of approval.

- j. ~~Appeal~~Administrative Review of Village Board of Trustees Decision ~~to Circuit Court~~. Any party aggrieved by the decision of the Village Board of Trustees may ~~appeal~~ seek judicial review of that decision to a court of competent jurisdiction pursuant to the Illinois Administrative Review Law (735 ILCS 5/3-101, et seq.) within ~~thirty (30)~~ thirty-five (35) days following the decision of the Village Board of Trustees. The filing of ~~an appeal a complaint to seek administrative review~~ of the Village Board of Trustees decision shall stay the decision of the Village Board of Trustees pending the outcome of the ~~appeal~~ legal action relative to the request for administrative review, except that the filing of ~~the appeal a complaint seeking administrative review~~ shall not stay the decision of the Village Board of Trustees if such decision defers a demolition request for up to one (1) year, pursuant to the provisions of Subsections (K) and (L) of this Section.

#### **G. Standards for Certificate of Appropriateness for Alteration of a Contributing Structure**

In considering an application for a Certificate of Appropriateness for alteration of a contributing structure, the Architectural Review Commission, or the Zoning Official, for administrative decision, shall find that the project substantially complies with all of the following eleven (11) standards that pertain to the application and that the decision is in the best interest of the Village:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character and architectural design of a property shall be retained and preserved. The removal and replacement of historic materials shall be permitted provided these materials shall be replaced with like materials in design, dimension, profile and texture. Re-creation of false details that are not original to the structure or the architectural style of the structure shall not be permitted.
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed.
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved or re-created.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved or re-created. The removal and replacement of historic materials shall be permitted provided these materials are replaced with like materials in design, dimension, profile and texture.
6. Deteriorated architectural features may be replaced provided these materials are replaced with like materials in design, dimension, profile and texture. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological materials, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
9. Additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. Building materials inappropriate to the style and period of the building, such as vinyl or aluminum cladding, shall be prohibited. All roof materials shall be architectural asphalt shingles, cedar shake, slate or other historically accurate roofing material. All materials shall be subject to the Historic Overlay District Design Guidelines.
11. Additional design standards adopted by the Architectural Review Commission and Village Board of Trustees.

**H. Standards for Certificate of Appropriateness Involving New Construction, or Alteration, of a Non-Contributing Structure**

Applications for a Certificate of Appropriateness involving new construction (~~Architectural Review Commission~~), or alterations of non-contributing structures (~~Zoning Official~~), shall be evaluated based on the following standards as determined by the Architectural Review Commission or Zoning Official.

1. Scale and Form.
  - a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape.
  - b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape.
  - c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape.
  - d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

2. Composition of Principal Facades.

- a. Proportion of Openings. The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape.
- b. Relationship of Solids to Voids in Facades. The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape.
- c. Relationship of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape.
- d. Relationship of Materials. The relationship of the color and texture of materials including paint color of the facade shall be historically accurate style and materials as indicated by the Historic Overlay District Design Guidelines. There shall be no permit or review required for the application of paint, however the paint color shall conform to the style of architecture as indicated in Recommendations for Paint and Paint Colors, to be established by the Architectural Review Commission.

3. Relationship to Street.

- a. Walls of Continuity. Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.
- b. Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.
- c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street.
- d. Streetscape and Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of an H Historic Overlay District.
- e. Subdivision of Lots. The Zoning Official shall review subdivision plats proposed for property within an H Historic Overlay District and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s). All subdivisions shall meet the requirements of the Village of Barrington Subdivision Regulations

**I. Standards for Certificate of Appropriateness of Relocation of a Contributing Structure**

In considering an application for a Certificate of Appropriateness for relocation of a contributing structure, the Architectural Review Commission shall find that the project substantially complies with the following standards:

- d. The Architectural Review Commission may continue a proceeding for such additional times as it reasonable takes an applicant, any other interested person or the Architectural Review Commission to comply with a request for additional information, documentation or evidence.
7. Architectural Review Commission Decision. Determination of Economic Hardship. At the next scheduled Architectural Review Commission meeting following receipt of all submitted and requested documentation, the Architectural Review Commission shall reconvene its public hearing to take final action on the application. The decision of the Architectural Review Commission shall be made within thirty (30) days following the close of the public hearing. The determination shall be accompanied by findings of fact and a report stating the reasons for the decision. The Architectural Review Commission shall determine whether the denial of the Certificate of Appropriateness has or has not resulted in the denial of all reasonable use of, and return from, the property.
  - a. Finding of Economic Hardship. If after reviewing all of the evidence, the Architectural Review Commission finds that the application of the applicable standards set forth in Subsection (G), (H), (I), or (J) of this Section results in economic hardship, then the Architectural Review Commission shall issue a Certificate of Economic Hardship and a Certificate of Appropriateness no later than thirty (30) days following the date of determination of Economic Hardship.
  - b. Denial of Economic Hardship. If the Architectural Review Commission finds that the application of the standards set forth in Subsection (G), (H), (I), or (J) of this Section does not result in economic hardship then the Certificate of Economic Hardship shall be denied.
  - c. A copy of the determination of the Architectural Review Commission together with the findings of fact shall be promptly mailed **or emailed** to the applicant and transmitted to the Village Board of Trustees following the determination of economic hardship.
  - d. If the determination of the Architectural Review Commission is that the denial of the Certificate of Appropriateness has resulted in the denial of all reasonable use of and return from the property, the Architectural Review Commission shall issue a Certificate of Economic Hardship no later than thirty (30) days following the date of the determination of economic hardship unless during that time the Village Board of Trustees approves an incentive plan pursuant to Subsections (8) and (9) below.
8. Purpose of Incentive Plan. The purpose of an incentive plan is to provide a mechanism to allow a reasonable use of and return from the property without the complete or partial alteration or demolition of a landmark or property or structure, site or object in a district. This incentive plan may include, but is not limited to, property tax relief, loans or grants from the Village or other public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce the cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this Chapter sufficient to allow reasonable use of, and return from, the property.

9. Village Board Consideration of Incentive Plan.

- a. The Architectural Review Commission shall forward a report recommending an incentive plan to the Village Board of Trustees. Upon receipt of the report the Village Board of Trustees shall give prompt consideration to the incentive plan.
- b. The Village Board of Trustees shall approve or disapprove the incentive plan allowing the reasonable use of and return from the property within ninety (90) days following determination by the Architectural Review Commission.
- c. If the Village Board of Trustees does not approve an incentive plan within the time specified the report and recommendation of the Architectural Review Commission regarding the incentive plan shall be deemed to be denied.
- d. A copy of the ordinance enacted by the Village Board of Trustees together with the incentive plan, if any, shall be promptly mailed or emailed to the applicant and transmitted to the Architectural Review Commission following the enactment of the ordinance.

10. Issuance of Certificate of Economic Hardship.

- a. Upon receipt by the Architectural Review Commission of a copy of a resolution disapproving an incentive plan, or upon failure of the Village Board of Trustees to act to either approve or disapprove an incentive plan, the Architectural Review Commission shall issue a Certificate of Economic Hardship to the applicant within five (5) business days. The Certificate of Economic Hardship for demolition may be subject to conditions for subsequent construction including compliance with the standards included in Subsection (H), prior to concurrent issuance of a Certificate of Appropriateness. The Certificate of Economic Hardship shall be valid for a period of one hundred eighty (180) days from issuance by the Architectural Review Commission. Certificate of Economic Hardship shall not be transferable from the applicant to another subsequent owner of the same property.
- b. The Zoning Official shall be notified of the decision to issue a Certificate of Economic Hardship within five (5) business days of issuance by the Architectural Review Commission.
- c. A Certificate of Appropriateness shall be issued to the applicant simultaneously with the delivery of the Certificate of Economic Hardship, only if the plans for reuse and/or new construction substantially comply with the standards in Subsection (H), as determined by the Architectural Review Commission.
- d. Notwithstanding approval of a Certificate of Economic Hardship, no permit for demolition of a landmark or a property or structure or object in a district shall be issued except simultaneous to the issuance of a building permit for the replacement property or structure or object.

11. Appeals of Architectural Review Commission Denial of Certificate of Economic Hardship to Village Board.
  - a. Any applicant or other interested party, following a denial of a certificate of economic hardship by the Architectural Review Commission, may, within thirty (30) days of the denial, apply for appeal to the Village Board of Trustees.
  - b. An application for appeal shall be submitted to the Architectural Review Commission on a form prepared by the Architectural Review Commission. Within five (5) business days of submission of an application for appeal by the applicant to the Architectural Review Commission, the Architectural Review Commission shall transmit the application to the Village Board of Trustees.
  - c. If no motion to accept the application for appeal is made and adopted at the meeting of Village Board of Trustees immediately following receipt of the findings and decision of the Architectural Review Commission and the application for appeal, the decision of the Architectural Review Commission shall be final and may be appealed to the circuit court.
  - d. If a motion to accept the application for appeal is made and adopted at the meeting of Village Board of Trustees held immediately following receipt of the findings and decision of the Architectural Review Commission and the application for appeal, the Village Board of Trustees shall affirm, modify or reverse the decision of the Architectural Review Commission within forty-five (45) days of the date of approval of the motion to accept the appeal.
  - e. The Village Board of Trustees shall review the appeal solely on the basis of the record and application of the standard identified in Subsection (Q)(b).
  - f. Denial or grant by the Village Board of Trustees of a Certificate of Economic Hardship is considered a final decision and may be appealed to the circuit court [pursuant to Subparagraph F\(4\)\(j\) of this Section 9.8.](#)
12. Determination by the Architectural Review Commission. The determination by the Architectural Review Commission of whether the denial of the certificate of appropriateness has or has not resulted in the denial of all reasonable use of, and return from, the property shall be made within thirty (30) days following the close of the public hearing and submission of all information, documentation, or evidence requested by the Architectural Review Commission. The termination shall be accompanied by findings of fact and a report stating the reasons for the decision.
13. Disapproval by Architectural Review Commission. If the determination of the Architectural Review Commission is to disapprove the application for a Certificate of Economic Hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact.

# **Chapter 10**

## **Nonconformity**

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# CHAPTER 10

## NONCONFORMITY

### 10.1 Purpose

### 10.2 Nonconforming Uses of Land, Buildings or Structures

### 10.3 Nonconforming Buildings and Structures

### 10.4 Nonconforming Signs and Landscaping

#### 10.1 PURPOSE

The purpose of this Chapter is to establish regulations and limitations on the continued existence of uses, buildings or structures established prior to the effective date of this Zoning Ordinance which do not conform to the provisions of this Zoning Ordinance. Many such nonconformities may continue, but the provisions of this Chapter are designed to curtail substantial investment in such nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the regulations established by this Zoning Ordinance.

#### 10.2 NONCONFORMING USES OF LAND, BUILDINGS OR STRUCTURES

##### A. Authority to Continue

Any lawfully existing nonconforming use (see definition in Chapter 2) of part or all of a building or structure, or any lawfully existing nonconforming use of land not involving a building or structure, or involving a building or structure that is accessory to such use of land, may be continued so long as it remains otherwise lawful, subject to the provisions of this Chapter.

##### B. Ordinary Repair and Maintenance

Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any building or structure that is devoted in whole, or in part, to a nonconforming use. The repair and/or replacement of an existing nonconforming driveway shall be permitted provided the extents of the existing nonconformity are documented by the Zoning Official's approval of a driveway permit and related plans.

No structural alterations shall be performed on any building or structure containing a nonconforming use, except in the following situations:

1. When the alteration is required by law.
2. When the alteration will result in eliminating the nonconforming use.
3. A building or structure containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

##### C. Expansion

A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, but not be limited to:

1. Expansion of any building or structure devoted entirely to a nonconforming use.
2. Expansion of such use to any building or structure other than that occupied by such nonconforming use on the effective date of this Zoning Ordinance, or any amendment hereto which causes such use to become nonconforming.
3. Expansion of such use within a building or structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Zoning Ordinance, or any amendment hereto which causes such use to become nonconforming.
4. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, any performance standards established for the district in which such use is located.

**D. Relocation**

No building or structure that is devoted in whole, or in part, to a nonconforming use shall be relocated in whole, or in part, to any other location on the same or any other lot, unless the entire building or structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such building or structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole, or in part, to any other location on the same, or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

**E. Change in Use**

A nonconforming use of land, or of a building or structure, shall not be changed to any use other than a use permitted in the zoning district in which such land, building or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For the purpose of this Chapter, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven (7) consecutive days.

**F. Abandonment or Discontinuance**

When a nonconforming use of part or all of land, or a building or structure, is abandoned or discontinued for a period of twelve (12) consecutive months (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed. However, existing structures located in a single-family residential zoning district that are divided into two-family dwelling units, three- and four-family dwelling units or other multiple family dwelling units shall be permitted to remain provided the existing nonconformity is not expanded. Any subsequent use of such land, building or structure shall comply with the regulations of the zoning district in which such land, building or structure is located.

**G. Damage or Destruction**

In the event that any building or structure that is devoted in whole, or in part, to a nonconforming use is damaged or destroyed, by any means, to the extent of fifty (50) percent or more of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure and the use thereof shall thereafter conform to all regulation of the zoning district in which such building or structure and use are located. When such damage or destruction is less than fifty

(50) percent of the fair market value of such building or structure immediately prior to such damage, such building or structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is completed within twelve (12) months of the date of damage or destruction.

#### **H. Amortization**

The nonconforming uses listed below may continue for a period of time, as proscribed below, from the date of formal notification by the Village of Barrington of the initiation of the amortization period. Upon conclusion of the amortization period, every such nonconforming use duly notified shall cease to operate on the premises and all equipment and material specific to the operation of the nonconforming use shall be completely removed from the premises. From thence forward, any use of the premises shall conform to all the requirements of this Ordinance.

1. Nonconforming Uses to be Terminated Within Five (5) Years of Notification. Any nonconforming building or structure having an assessed valuation not in excess of ten thousand (\$10,000) dollars on the effective date of this Ordinance.
2. Nonconforming Uses to be Terminated Within Two (2) Years of Notification.
  - a. Any nonconforming building or structure having an assessed valuation not in excess of two thousand (\$2,000) dollars on the effective date of this ordinance.
  - b. Any nonconforming use of land where no enclosed building or structure is involved, or where the only building or structure employed is accessory and incidental to such use, or where such use is maintained in connection with a conforming building or structure.

#### **I. Exception**

In any residential district, where a dwelling is nonconforming only as to the number of dwelling units it contains, the use thereof shall be exempt from the requirements of Subsections 10.2(B) and 10.2(H), provided no such building shall be altered to increase the number of units in the building.

### **10.3 NONCONFORMING BUILDINGS AND STRUCTURES**

#### **A. Authority to Continue**

Any existing nonconforming building (see definition in Chapter 2) or structure that is devoted to a use that is permitted in the zoning district in which such building or structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of this Chapter.

#### **B. Enlargement, Repair and Alterations**

1. Any existing nonconforming building or structure may be enlarged, maintained, repaired or altered provided, however, that no such enlargement, maintenance, repair or alteration shall create either an additional nonconformity or increase the degree of the existing nonconformity of all, or any part, of such building or structure, except if the existing structure was legally constructed under a previously approved Zoning

Ordinance with a side yard, front yard or rear yard which is less than is now required, an addition to such structure which constitutes an extension of the existing side, front or rear wall in, within, and/or inside of the same plane as the existing side, front or rear wall, whether in, within, and/or inside of a horizontal and/or vertical extension of the plane, shall be permitted, provided that:

- a. Such additional or alteration complies with all other provisions of the applicable Zoning District.
  - b. Expansion in, within, and/or inside of the same plane as the existing side, front or rear wall, whether horizontal and/or vertical, may extend up to an additional one foot (1') beyond the already existing encroachment if the side, front or rear plane of the structure is not exactly parallel to the side, front or rear property line or if new siding material is greater in depth than the existing materials.
2. A new or existing deck or porch may be extended in the same plane as the existing nonconforming wall ~~within the building envelope for primary structures as set forth in the applicable Zoning District.~~
3. A new or existing front porch may repaired or extended in the same horizontal plane as the existing front porch, but not beyond such horizontal plane, provided such extension complies with all other provisions of the applicable Zoning District.

#### **C. Relocation**

No nonconforming building or structure shall be relocated in whole, or in part, to any other location on the same or any other lot unless the entire building or structure shall thereafter conform to all the regulations of the zoning district in which such building or structure is located after being so relocated.

#### **D. Damage or Destruction**

In the event that any nonconforming building or structure is damaged or destroyed, by any means, to the extent of fifty (50) percent or more of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless it shall thereafter conform to all regulation of the zoning district in which such building or structure is located. When such damage or destruction is less than (50) fifty percent of the fair market value of such building or structure immediately prior to such damage, such building or structure may be repaired and reconstructed, provided that such repair or reconstruction is completed within twelve (12) months of the date of damage or destruction.

### **10.4 NONCONFORMING SIGNS AND LANDSCAPING**

Regulations governing nonconforming signs are established in Chapter 4, Part IV of this Ordinance. Regulations governing nonconforming landscaping are established in Chapter 4, Part III of this Ordinance.

# **Chapter 11**

## **Planned Developments**

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residential Planned Development, no more than ten (10) percent of the site area or total floor area, whichever is less, shall be devoted to business use, and provided that such business use is integral to the nature of the Planned Development

4. In residential Planned Developments, the maximum number of dwelling units permitted shall not exceed more than twenty-five (25) percent that is permitted in the underlying district.
5. In a residential Planned Development, common open space shall not be less than sixty (60) percent of the net site area, except in the B-4 Village Center District or B-5 Village Center East District. In all other Planned Developments, common open space shall not be less than fifty (50) percent of the net site area, except in the B-4 Village Center District or B-5 Village Center East District, or unless otherwise indicated in the Village's Comprehensive Plan or Development Regulations. Common open space may include amenities such as public or private golf courses, public plazas, passive parks, open space not within a lot, and natural site features such as lakes, ponds, and wetlands. All such areas whether privately owned, owned by a property owners association, protected by an open space easement, or to be dedicated to the Village, shall be considered in calculating the total amount of common open space.
6. All planned developments in the B-4 Village Center District or B-5 Village Center East District shall include an open space or public gathering space element appropriate to the use and scale of the project.
7. Along the periphery of such Planned Developments, yards shall be provided as required by the regulations of the underlying zoning district.
8. The Village Board may, as a part of the Planned Development approval, grant, impose, modify and/or waive any conditions and/or requirements listed in Section 11.6-A of this Chapter.

**B. Exceptions from Standards in Other Village Ordinances.**

The Village Board may, as part of the Planned Development approval, grant exceptions from the standards and requirements of other Village ordinances, including but not limited to the Development Regulations, the Building Code, or the Watershed Development Ordinance.

## **11.7 PLANNED DEVELOPMENT PROCEDURES**

A Planned Development may be granted as a Special Use in the districts in which it is permitted in accordance with the procedures and standards set forth in this Chapter. Applications shall be made on forms provided by the Village and shall be accompanied by the required plans and documents set forth in this Chapter. The application, and each step set forth herein, shall be reviewed and certified as complete by the Village and to be in accordance with the Planned Development requirements. The steps in the procedure are as follows:

- |         |   |
|---------|---|
| Step 1: | Pre-Application Conference                |
| Step 2: | Preliminary Committee of the Whole Review |
| Step 3: | Preliminary Plan                          |
| Step 4: | Final Plan                                |

**A. Pre-Application Conference Procedure**

1. Request. In any case where Planned Development review is requested pursuant to this Section, the applicant or prospective applicant shall meet with the Zoning Official, or his designee, prior to submitting an application.

2. Required Information. Such request shall include a brief and general description of the nature, location and extent of the proposed project.
3. Procedure. Upon receipt of such request, the Village shall promptly schedule such conference and notify the applicant of the time and place of such conference and of the names and affiliations of other persons who have been invited to attend. The Zoning Official and/or Village staff representatives shall review with the applicant those criteria established in this Chapter and in this Ordinance. The applicant shall be given general direction to assist in the development of a plan which would be consistent with requirements of this Chapter and applicable planning policies.

**B. Preliminary Committee of the Whole Review**

1. Purpose. Preliminary Committee of the Whole Review is intended to provide the applicant an opportunity to submit to the corporate Authorities a concept plan showing the basic scope, character and nature of the proposed Planned Development, prior to proceeding to the Preliminary Plan phase.
2. Required Information. The applicant shall prepare and submit concept plans and other information in conformance with Appendix A and Section 11.8 of this Chapter.
3. Public Review. Public review shall be set on the agenda and conducted by the Committee of the Whole of the Board of Trustees in accordance with the requirements of Section 3.7 of this Ordinance. At the Public Review, the applicant shall be given general direction to assist in the development of a plan which would be consistent with applicable planning policies of the Village.

**C. Preliminary Plan Procedure**

1. Purpose. The preliminary plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed Planned Development. The preliminary plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. To permit the Village and the applicant to proceed with some assurance, approval of the preliminary plan binds the applicant and the Village with respect to the following basic elements of development:
  - a. Categories of uses to be permitted.
  - b. General location of residential and nonresidential land uses.
  - c. Overall maximum density of residential uses and intensity of nonresidential uses.
  - d. The general architectural design and building materials of the proposed development.
  - e. General location and extent of public and private open space, including recreational amenities.
  - f. General location of vehicular and pedestrian circulation systems.
  - g. General location of existing natural areas, floodplains, wetlands and buffers, both on site and adjacent to the site.
  - h. General location and supporting information for stormwater conveyance and management facilities.
  - i. Nature, scope and extent of public dedications, improvements, or contributions to be provided by the applicant.
  - j. Phasing of development.

2. Application. Applications for approval of a Preliminary Plan shall be filed in accordance with the requirements of Section 3.7 of this Ordinance.
3. Preliminary Plan Submissions. The applicant shall prepare and submit plans and documents in conformance with Appendix A and Section 11.8 of this Chapter.
4. Neighborhood Meeting. The applicant shall meet with representatives of the Neighborhood in which the proposed development is to occur, in order to acquaint them with the proposed development, and to hear their concerns. A summary of the Neighborhood Meeting shall be presented at the Public Hearing.
5. Public Hearings. Public hearing shall be set, noticed and conducted by the Architectural Review Commission and Plan Commission in accordance with the requirements of Section 3.7 of this Ordinance.
6. Recommendation of Architectural Review Commission. Planned Developments shall be subject to the applicable standards and review procedures as outlined in Section 3.13. Accordingly, after the conclusion of the Plan Commission public hearing, the Architectural Review Commission shall, with such aid and advice of Village staff, review the plan and transmit to the Plan Commission and Village Board its findings and recommendation whether the preliminary plan be either approved, approved subject to modifications, or not approved. The Architectural Review Commission shall consider the following criteria:
  - a. In what respects the building scale and massing of the proposed plan is, or is not, compatible with the surrounding neighborhood;
  - b. The extent to which the type and quality of materials used in the proposed plan are, or are not, consistent with the requirements of the Appearance Review Code;
  - c. The general appropriateness of the architectural design, in relation to the surrounding neighborhood and the design guidelines of the Village;
  - d. The extent to which the proposed building landscaping does, or does not, complement the building design, is of appropriate species, and creates an aesthetic benefit;
  - e. In what respects proposed signs associated with the plan are, or are not, of appropriate size and design for the development and surrounding neighborhood;
  - f. In what respects the proposed screening of parking, mechanicals and refuse facilities is, or is not, complementary to the overall architecture and design of the plan, and provides sufficient screening;
  - g. In what respects the overall design of the plan does, or does not, provide and aesthetic benefit to the Village.
7. Recommendation by Plan Commission.
  - a. Planned Developments shall be subject to the applicable standards and review procedures for Special Uses as outlined in Section ~~3-143.15~~. Accordingly, after the conclusion of the public hearing, the Plan Commission shall, with such aid and advice of Village staff, review the plan and transmit to the Village Board its findings and recommendation whether the preliminary plan be either approved, approved subject to modifications, or not approved. In addition to the standards for Special Uses included in Subsection ~~3-143.15~~(E), such review shall consider:

- 1) In what respects the proposed plan is, or is not, consistent with the stated purpose of the Planned Development regulations and the extent to which the proposed plan meets the requirements and standards of the Planned Development regulations.
  - 2) The general extent to which the proposed plan departs from this Ordinance and/or from the Development Regulations of the Village otherwise applicable to the subject property and the relation of departures to the public interest.
  - 3) The general extent to which the proposed plan produces, or does not produce, a public benefit, in terms of the Planned Development meeting the planning objectives and standards of the Village.
  - 4) The physical design of the proposed plan and the manner in which its design does, or does not, make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
  - 5) The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and Neighborhood, and the desirability of the proposed plan to the Village's physical development, tax base and economic well-being.
- b. The Plan Commission shall recommend approval or disapproval of the application for ~~preliminary plan~~ planned development approval within ~~ninety (90) days~~ a reasonable period of time from the date of filing of the completed application with all required submittals or from the filing by the ~~developer~~ petitioner of the last item of required supporting data and/or required documents as determined and certified by the Zoning Official, whichever date is later, ~~unless such time is extended by mutual consent of the petitioner and the Village.~~ If disapproval of such plan is recommended by the Plan Commission, then within ~~said ninety (90) day~~ a reasonable period of time, the Plan Commission shall furnish to the ~~developer~~ petitioner a written statement setting forth the reason(s) for such recommendation of disapproval and specifying with particularity the aspects in which the proposed plan fails to comply with the applicable ordinances of the Village.
- c. If such a ~~preliminary plan~~ planned development is recommended by the Plan Commission for approval or disapproval, the Village Board shall accept or reject said plan within ~~thirty (30) days~~ a reasonable period of time after its next regular stated meeting following the action of the Plan Commission. Preliminary approval shall not qualify a plat for recording.
8. Action by Village Board of Trustees
- a. Approval or Denial. Within ~~thirty (30) days after its next regular meeting~~ a reasonable period of time following the date of recommendation by the Plan Commission, relative to a preliminary plan for a planned development, the Village Board shall consider the recommendations of the Architectural Review Commission and the Plan Commission and within ~~said thirty (30) day~~ a reasonable period of time, the Village Board shall either: (1) approve the preliminary plan, or approve the preliminary plan with modifications and conditions which modifications and conditions shall be accepted in writing by the applicant as condition(s) of such

approval or, (2) the Village Board shall reject such preliminary plan and deny the application for preliminary plan approval and provide to the applicant a written statement setting forth the reason(s) for such rejection and disapproval, or (3) with the written concurrence of the applicant, the Village Board shall refer the preliminary plan back to the Architectural Review Commission and/or back to the Plan Commission for further consideration of specified matters.

- b. Additional Approvals. When the Village Board approves the preliminary plan, with or without modifications, it shall also grant a Special Use permit authorizing the proposed Planned Development and such additional approvals as may be necessary to ~~permit~~ authorize development of the Planned Development as approved provided, however, that every such approval of a planned development and Special Use permit authorizing same shall be expressly conditioned upon approval of final plans and upon the applicant's compliance with all provisions of this Ordinance.
- c. ~~Failure to Act. The failure of the Village Board to act within such thirty (30) day period, or within such further time to which the applicant may agree, shall be deemed to be a decision of disapproval. As a general rule, the preliminary plan and final plan shall be combined into a single approval process, except where the Zoning Officer or the Corporate Authorities determine that the complexity of the proposal or other circumstances determine that the preliminary plan and final plan approvals shall be divided into separate reviews, in which case, such reviews shall occur separately and sequentially.~~

## 9. Changes in a Preliminary Plan

Changes to a preliminary plan shall be classified as follows:

- a. Major Changes: Major changes shall require submission and approval of a new preliminary plan and supporting data in accordance with the requirements of Subsections 11.7.C and 11.8.B. Major changes are those which:
  - 1) Alter the overall concept or intent, or
  - 2) Change the uses and/or their general location, or
  - 3) Change by more than fifteen (15) percent the housing types, or
  - 4) Decrease the separation between buildings, or
  - 5) Increase the density, building coverage, or building height, or
  - 6) Change the architectural design or building materials, or
  - 7) Reduce the open space, or
  - 8) Change the standards of locations of roads or utilities, or
  - 9) Reduce natural areas, wetlands, or buffers, or
  - 10) Change proposed drainage, or
  - 11) Change the final governing agreement of the Planned Development, or
  - 12) Change the development schedule by more than six months.
- b. Minor Changes: Minor changes to an approved preliminary plan shall not require the submission of a new preliminary plan.<sup>5</sup>

- c. ~~but~~All changes, whether major or minor, shall require the identification of ~~the minor such~~ changes on the final plan documents for review by the Architectural Review Commission, Plan Commission and Village Board. ~~Minor changes are those which are not major, as approved by the Zoning Official.~~

#### **D. Final Plan Procedure**

1. Purpose. The final plan is intended to refine and implement the preliminary plan and to serve as a complete, thorough and permanent public record of the Planned Development and the manner in which it is to be developed.
2. Application. If preliminary plan approval and final plan approval are separated into discrete and sequential approvals, then wWithin one (1) year after the date of approval of the preliminary plan or within such other time period as agreed to in an approved phasing plan, the applicant shall file an application for final plan approval in accordance with the requirements of this Section. The application may include the entire area included in the approved preliminary plan or one (1) or more phases or units thereof in accordance with the phasing plan, if any, approved as part of the preliminary plan. The application shall refine, implement and be in substantial conformity with the approved preliminary plan.
3. Final Plan Submissions. The applicant shall prepare and submit ~~plans~~a proposed final plan and the required related documents for review by the Plan Commission and Architectural Review Commission, in conformance with Subsection 11.8.C of this Chapter. The Architectural Review Commission shall not review final plans until the Plan Commission has completed its review of those final plans.
4. Coordination with Development Regulations. When a subdivision of land subject to the Village Development Regulations is proposed in connection with a Planned Development, application for approval of, and review of, the final plat of the proposed subdivision shall be carried out simultaneously with an application for approval and review of the final plan.
5. Recommendation by Plan Commission. Within ~~thirty (30) days~~ a reasonable period of time after the Zoning Official has certified the completeness of an application for approval of a final plan, the Plan Commission shall hold a public hearing, and with such aid and advice of the Village staff, review the plan and transmit to the Architectural Review Commission and Village Board its findings and recommendation whether the final plan be either approved, approved subject to modifications, or not approved. Such review shall consider:
  - a. Whether the final plan is in substantial conformity with the approved preliminary plan.
  - b. The merit, or lack of merit, of any departure of the final plan from substantial conformity with the approved preliminary plan.
  - c. Whether the final plan complies with any and all conditions imposed by approval of the preliminary plan.
  - d. Whether the final plan complies with the provisions of this Chapter and this Ordinance and other applicable regulations.
6. Recommendation by Architectural Review Commission. ~~Within thirty (30) days after the Zoning Official has certified the completeness of an application for approval of a~~

~~final plan~~After the Plan Commission completes its review of the final plans, within a reasonable period of time thereafter, the Architectural Review Commission shall also hold a public hearing, and with such aid and advice of the Village staff, review the plan. Immediately following the conclusion of such public hearing, the Architectural Review Commission shall transmit to the Village Board its findings and recommendation whether the final plan be either approved, approved subject to modifications, or not approved. Such review shall consider:

- a. Whether the final plan is in substantial conformity with the preliminary plan approved by the Village Board of Trustees, with respect to the items in Section 11.7.C.6.
  - b. The merit, or lack of merit, of any departure of the final plan from substantial conformity with the preliminary plan approved by the Village Board of Trustees, with respect to the items in Section 11.7.C.6.
  - c. Whether the final plan complies with any and all conditions imposed in the preliminary plan approved by the Village Board of Trustees.
  - d. Whether the final plan complies with the provisions of this Chapter and this Ordinance and other applicable regulations.
7. Action by Village Board of Trustees. The Village Board shall approve or disapprove the final plan within ~~sixty (60) days from the date of the application or the filing by the developer of the last item of required supporting data and/or required document(s), whichever date is later, unless such time is extended by mutual consent of the developer and the Village. Such required document(s)~~ a reasonable period of time after it receives the recommendation of the Plan Commission, which Board review shall include a written recommendation from both the Plan Commission and the Architectural Review Commission to such proposed final plan. If such final plan is disapproved, then within ~~said sixty (60) day period~~ a reasonable time thereafter, the Village shall furnish to the developer a written statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plan fails to comply with the applicable ordinances of the Village. Within ~~said sixty (60) day~~ a reasonable period of time after it has received both such recommendations, the Village Board shall either (1) approve the final plan, with or without modifications and conditions which modifications shall be accepted in writing by the applicant as condition(s) of such approval or, (2) reject the final plan and refer the final plan back to the Architectural Review Commission and/or Plan Commission for further consideration of specified matters or, (3) deny the final plan, and in the event of such rejection, the Village Board shall furnish to the developer a written statement setting forth the reason(s) for such disapproval and specifying with particularity the aspects in which the proposed plan fails to comply with the applicable ordinances of the Village. The approval of any final plan may be granted with or without modifications and conditions which modifications and/or conditions shall be accepted in writing by the applicant as condition(s) of such approval.
- a. ~~Conditions on Final Plan Approval. The approval of any final plan may be granted with or without modifications and conditions which modifications and/or conditions shall be accepted in writing by the applicant as condition(s) of such approval.~~
  - b. ~~Failure to Act. The failure of the Village Board to act as described in the first paragraph of this Section 11.7.D.7 within sixty (60) days, as required by this Section or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.~~

8. Recording of Final Plan. When a final plan is approved, the Village shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the offices of the Village Clerk.

All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the Planned Development shall provide that they may not be modified, removed, or released without the express consent of the Village Board and that they may be enforced by the Village as well as by future landowners within the proposed development.

9. Changes in the Final Plan. The development of a Planned Development shall be in conformance with the approved and recorded final plan documents. The approved documents shall be binding on the applicants, and their successors, grantees and assignees and shall limit and control the use, improvement, and development of the Planned Development. Changes in the final plan are subject to the following restrictions:

- a. Major Changes: Major changes shall require submission of a revised preliminary plan and a revised final plan in accordance with Sections 11.7.C and 11.7.D. Major changes are those which:

- 1) Alter the overall concept or intent, or
- 2) Change the uses and/or their general location, or
- 3) Change by more than fifteen (15) percent the housing types, or
- 4) Decrease the separation between buildings, or
- 5) Increase the density, building coverage, or building height, or
- 6) Change the architectural design or building materials, or
- 7) Reduce the open space, or
- 8) Change the standards of locations of roads or utilities, or
- 9) Reduce natural areas, wetlands, or buffers, or
- 10) Change proposed drainage, or
- 11) Change the final governing agreement of the Planned Development, or
- 12) Change the development schedule by more than six months.

- b. Minor Changes: A final plan may be ~~changed~~modified by minor changes, subject to Village Board approval without modifying the preliminary plan. ~~Minor changes are those which are not major, as approved by the Zoning Official.~~

- c. All changes, whether major or minor, shall require the identification of such changes on the final plan documents for review by the Architectural Review Commission, the Plan Commission, and the Village Board.

- ed. Authorized Administrative Changes. Changes in the location of buildings, streets and parking lots of one (1) foot or less may be approved by the Zoning Official when such changes are requested pursuant to obtaining a building permit. However, such changes shall not decrease a peripheral yard or peripheral open space.

# Appendices

DRAFT

# APPENDIX I

## STANDARDS FOR ABOVEGROUND STORAGE TANKS

1. There shall be no more than one aboveground tank for the storage of combustible or flammable liquids on any zoning lot.
2. Such tanks shall not exceed a capacity of two thousand five hundred (2,500) gallons.
3. Such tanks shall be located not less than fifty (50) feet from any and all property lines, buildings, or other habitable structures.
4. Such tanks shall be located not less than one hundred (100) feet from any residentially zoned property.
5. Such tanks shall be fully compliant with the applicable Village building and fire codes. ~~double-walled, shall be thermally insulated, shall provide secondary containment, shall provide automatic leak monitoring and automatic venting, shall have a two (2) hour fire rating, and shall be part of an assembly bearing the Underwriters Laboratories 2085 Listing.~~
6. Such tanks shall be equipped with bollards or other impact protection as approved by the Barrington Fire Department.
7. Such tanks shall be screened with fencing ~~and/or,~~ landscaping or other features, which screening shall be subject to approval by a Certificate of Approval if determined to be necessary by the Zoning Official and by the Barrington Fire Department, balancing the needs of aesthetics and fire protection issues.
8. Such tanks and its fueling area shall be located on a concrete slab, to provide for stability of the tank and better containment of spilled fuels.

*Village of Barrington  
Plan Commission Meeting  
Minutes Summary*

Date: February 11, 2020

Time: 7:00 p.m.

Location: Village Board Room  
200 South Hough Street  
Barrington, Illinois

In Attendance: Anna Markley Bush, Chairperson  
Dan Hogan, Commissioner  
Joann Lee, Commissioner  
Richard Ehrle, Commissioner  
Jeff Anderson, Commissioner  
Susan Ferry, Commissioner

Staff Members: Andrew Binder  
Jennifer Tennant  
Marie Hansen  
Jim Bateman

**Call to Order**

Chairperson Bush called the meeting to order at 7:00 p.m.

Roll call noted the following: Robert Windon, absent; Richard Ehrle, present; Jeff Anderson, present; Susan Ferry, present; Joann Lee, present; Vice-Chairperson Dan Hogan, present; Chairperson Anna Markley Bush, present.

There being a quorum, the meeting proceeded.

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**New Business**

**PC 19-05: Special Use/Planned Development 353 W. Northwest Highway (Barrington Animal Hospital)**

**PETITIONER:** RWE Management Company  
16W361 N. Frontage Road, Suite 106  
Burr Ridge, IL 60527

**PROPERTY OWNER:** Fifth Third Bank  
1701 Golf Rd  
Rolling Meadows, IL 6008-4227

The Petitioner is seeking approval of a Special Use Planned Development for the redevelopment and operation of a Veterinary Office and Kennel (Barrington Animal Hospital). The Petitioner is proposing to demolish a portion of the existing building and construct an addition and related site improvements including but not limited to parking, lighting, landscaping and signage. The subject property is zoned B-1 General Business Service District. The subject property is located in Neighborhood 4, and is designated for Commercial (Retail/Office) by the Village of Barrington 2010 Comprehensive Plan.

Chairperson Bush summarizes the agenda for the meeting and noted that the meeting will be adjourned by 9:30 p.m. The meeting will reconvene at a later date that will be noted before the meeting is adjourned.

Chairperson Bush begins by asking those in attendance who would like to address the Commission tonight. Chairperson Bush asks them to stand so they can be sworn in.

William Graft, the attorney representing Charles Van Fossan and the property directly east to the subject property, continued his case on objection to the proposed development.

Mr. Graft called Tom Gledhill to finish his testimony before the Plan Commission. Mr. Graft questioned Mr. Gledhill about the real estate value of the fifth third property. Mr. Gledhill indicated that there is a restrictive covenant for ten years by Fifth Third Bank on that site that precludes any financial institution from now moving forward. Mr. Gledhill also indicated that the price of the property would be reasonable if the buyer was not another financial institution. Mr. Gledhill also continued in his testimony that parking will be an issue that should be addressed and that the noise studies conducted by the experts were conducted with general data that does not really relate specifically to the site. Mr. Gledhill concluded that this site is not the place for a veterinary clinic and it should be located on a much larger piece of land, preferably in an industrial park or a farm setting.

Mr. Graft called Dr. Amy Heineke (Engebretson) to testify before the Plan Commission. Mr. Graft asked Dr. Heineke her doctoral status and what is her profession. Dr. Heineke indicated that she is a professor of teaching and learning at Loyola University in Chicago and that her primary area of expertise is bilingual and early childhood education. Dr. Heineke indicated that she became aware of the proposal of the Barrington Animal Hospital because her daughter goes to the Barrington Community Child Care Center.

Mr. Graft asked if Dr. Heineke had any opinions of the proposed dog and animal use next to the Child Care Center. Dr. Heineke indicated that she wrote a letter to Plan Commission with some research on the impacts of noises on children's learning. Dr. Heineke explained that there are studies that show children learning in classrooms next to train tracks compared to children learning in classrooms not next to train tracks that the kids learning next to train tracks aren't going to learn as much due to the distractions. Dr. Heineke agreed that moving the play yards to the front of the proposed Barrington Animal Hospital will help reduce

the consistent noise of the dogs. She continued that she still has a concern with the intermittent and unpredictable noise that can cause behavior conditions and other emotional problems with kids. Dr. Heineke indicated that when kids hear a dog barking in the middle of learning or playing that they can have a negative response, whether is emotional or behavioral. She continued that about forty percent of kids have some sort of fear and the top two fears are separation anxiety and fear of animals. Dr. Heineke indicated one study out of Harvard's Center for Childhood Well-Being stating that the development of kids' brains are impacted by the stress and anxiety that comes from whatever stressor that might produce. She continued that the stress and anxiety is not just short-term impact for the teacher who has to deal with the behavior, but also it has long-term implications. Dr. Heineke indicated that she has seen stress of separation anxiety of children in her own classrooms when she was teaching younger children and it can be crippling.

Mr. Graft continued to ask Dr. Heineke further questions about the research which has the same conclusions. Dr. Heineke indicated that she can provide any of the research papers to the Plan Commission if they would like a copy.

Mr. Graft called Tom Zordan to finish his testify before the Plan Commission. Mr. Graft asked Mr. Zordan to refresh his recollection of the project. Mr. Zordan presented on a PowerPoint slide showing the different uses within the building. Mr. Graft asked if Mr. Zordan to summarize his concerns regarding parking and the proposed exceptions from the Zoning Ordinance.

Vice-Chairperson Hogan asked if Mr. Zordan if he was going to reiterate all the testimony from January 14<sup>th</sup>.

Mr. Graft responded that Mr. Zordan is not reiterating his last testimony and that they are moving on.

Mr. Graft continued to ask Mr. Zordan questions regarding the proposed project. Mr. Zordan indicated that out of the 50 stalls, 30 of the stalls were being reduced in size. Mr. Zordan continued that the Village has a code that requires that the stalls be a minimum of 9 feet by 18 feet and the 30 reduced size stalls are being reduced down to 16 feet in length. He continued that the Petitioner's architect has indicated that 2 feet of a car can overhang the grass or over the curb. Mr. Zordan expressed his concern that when snow is piled up against the curb, cars will park before the curb so that they are not on top of the snow along the curb. He also stated that 11 of the parking stalls will encroach into the transitional yard. Mr. Zordan indicated that the Petitioner is trying to put a lot of the parking into a space that was not designed for this capacity.

Commissioner Anderson asked Mr. Zordan how his testimony is different from the one he made a couple of weeks ago.

Mr. Zordan said that the percentage and the graphics are different.

Mr. Graft indicated that they are going to get to the difference in a moment. Mr. Graft asked Mr. Zordan about the open space of the lot and the amount of cars encroaching in that area. Mr. Zordan indicated that with the car's two feet over the open space, the amount of open space would be reduced by 720 square feet. He continued that the proposed plan is giving up 5,550 square feet of open space on the lot. Mr. Zordan continued and presented a visual of what the six foot fence along the east property line will look like to show the impact of the fence. Mr. Zordan indicated that with the new fence, the daycare will be blocked from Northwest Highway. Mr. Zordan concluded that as an architect, you like to put as much building and open space on a property as you can, without deferring or going in to ask for special permissions. He also concluded that he believes the proposed uses are too large for the site and if the building were to be reduced in square footage, the open space would be increased and the proposed plan would comply with the open space standards.

Mr. Graft called Mr. Michael Shamsie to testify before the Plan Commission. Mr. Graft asked Mr. Shamsie what his professional designation is. Mr. Shamsie indicated that he was a professional engineer and licensed in 18 States. Mr. Shamsie specified that he did review the proposed plans and did investigate another Animal Hospital in Hoffman Estates on Higgins Road.

Mr. Graft asked Mr. Shamsie if he reviewed the traffic reports done by Gewalt Hamilton and JJ Benes and if he could summarize the reports.

Mr. Shamsie indicated that Gewalt Hamilton used square footage and applied the ITE code 640 to the square footage for the entire facility. He continued that JJ Benes did a little bit more of an analysis and used the 565 code for the daycare use and the 640 code in the ITE Manual to generate their traffic projections.

Mr. Graft then asked Mr. Shamsie when he was reviewing the number of parking stalls, if he came to any conclusions as to whether there was adequate parking on this site.

Mr. Shamsie indicated that he used a different approach to calculate the number of parking stalls based off some of the research. He indicated that he used the use of the building for the dental clinic area, grooming, kennels, and animal hospital; rather than the square footage and his analysis produced that the proposed building should require 80 parking stalls to fully service the building. Mr. Shamsie indicated that he also used the letter and information provided by the Petitioner regarding the number of staff and customers. He then proceeded to explain on how he reviewed the site plan and calculated the required 80 spaces based off the use, staff for the facility and the number of customers and visitors who will access the site on a daily basis.

Mr. Graft asked Mr. Shamsie if he broke down the traffic counts similar to the uses. Mr. Shamsie indicated that he did analyze the traffic based off the uses. He concluded that his p.m. traffic generation of about 111 vehicles was significantly higher than Gewalt Hamilton vehicle count of 52 and JJ Benes vehicle count of 81. Mr. Shamsie indicated that he had a different conclusion because he broke the building down by four uses as opposed to using one factor for the entire building.

Mr. Shamsie also indicated that they ran a separate auto-turn analysis with the proposed parking lot plan. He concluded that a fire truck cannot make it through the parking lot without being bottled up or hitting other vehicles. Mr. Shamsie also reviewed the auto-turn analysis done by the Petitioner and summarized that the molded fire truck was manipulated in order to push the truck through the lot with jagged movements. He pointed out that if he were the fire department, he would not accept the Petitioner's auto-turn because the liability is too high.

Mr. Graft concluded his testimony with Mr. Shamsie by asking if the proposed use does not have enough parking, what the risk is for the community. Mr. Shamsie indicated that people will be parking in the roadway or double-park the lot. He continued that people would also start to park on someone else's property.

Mr. Graft called Mr. James P. Foley to testify before the Plan Commission. Mr. Graft asked Mr. Foley what his professional designation is. Mr. Foley indicated that he is a real estate appraiser, mostly appraising commercial properties and has been appraising for about 40 years. Mr. Graft asked Mr. Foley about the proposed project and the surrounding property. Mr. Foley gave an overview of the site and the surrounding uses.

Mr. Graft asked Mr. Foley for some of his concerns, as a licensed appraiser, about the proposed uses. Mr. Foley stated that his concerns would involve the surrounding properties and those concerns would be mostly based on the possibility or perception of noise and odors of the proposed use to neighboring properties. He indicated that the noise and odor perceptions would negatively impact the market values of the immediately surrounding properties.

Mr. Graft asked Mr. Foley why he thinks there would be a negative impact on the surrounding properties. Mr. Foley noted that the market would translate the fears of the noise or odors or perception in terms of the tenants for the office building, students for the childcare center, customers for the restaurant, and visitors at the motel, that would prefer not to be influenced by the negative conditions of the animal hospital.

Mr. Graft asked Mr. Foley if he thought the proposed uses were harmonious or compatible with surrounding uses. Mr. Foley felt that the uses are not compatible with the surrounding uses in terms of noise, odor, increased traffic and parking. He continued that the scale and the size of the building appears to be too intensive for the size of the site. Mr. Foley explained that the previous bank facility was not a negative impact on the surrounding properties because it's smaller and would not have the issues of noise or odor or the issues with the number of employees and customers.

Mr. Graft asked Mr. Foley if he has reviewed the Petitioner's submittal of summaries of the assessed values for two animal hospitals and what his professional opinion would be of them. Mr. Foley did indicate that

he did review the summaries and indicated that the assessed value of the properties is usually not the best indicator of the market value and the sales prices are more indicative.

Mr. Francke passed out the assessed values summaries to the Plan Commission to help understand what Mr. Foley is talking about.

Mr. Graft asked Mr. Foley that why the Petitioner used a false narrative to suggest that the assessed valuations have increased after the animal hospitals were built. Mr. Foley responded that the appreciation rates are not what you are trying to demonstrate and what you need to demonstrate is the increase, decrease, or no effect on the value of surrounding properties. Mr. Foley stated that the documents of the assessed evaluations of the similar animal hospitals provided by the petitioner could not prove anything related to the property values. Mr. Foley concluded that the proposed use would have a negative impact on the surrounding properties and the decrease in those property values would range between 10 and 25 percent for the properties immediately surrounding the proposed use. He also indicated that a kennel, grooming, boarding and animal hospital use would better belong on a larger site or in an industrial area that could accommodate the parking and size of the building.

Mr. Graft then closed his opposing arguments.

Chairperson Bush asked Mr. Francke if he would like to cross examine any of the objector's witnesses.

Mr. Francke indicated that he would like to cross examine three of Mr. Graft's witnesses that testified. Mr. Francke asked if Mr. Foley could be questioned.

Mr. Francke asked Mr. Foley if he was an Illinois state licensed general real estate appraiser and if he was MAI certified. Mr. Foley indicated that he was licensed by the State and was not a member of the MAI professional association. Mr. Francke also asked when Mr. Foley was retained by Graft. Mr. Foley indicated he was retained in October 2019. Mr. Francke also asked Mr. Foley if he was ever on the inside of the building and if he has appraised Mr. Van Fossan's building. Mr. Foley indicated that he has not been inside the building and has never appraised Mr. Van Fossan's Building.

Mr. Francke asked Mr. Foley to look at the assessed values off of the county's website and asked him what the most current market value of Mr. Van Fossan's property and the Fifth Third Bank property. Mr. Foley read the market values with Mr. Van Fossan's building having a market value of \$164,168 and the total market value of the Fifth Third properties at \$1,349,148 and \$326,136 for the vacant building. Mr. Francke asked Mr. Foley if he had look into what the properties was listed for last year. Mr. Foley indicated that he did not.

Mr. Francke asked Mr. Foley for his opinion if the next the next door property, which is currently vacant, was sold in excess of a million dollars, would that be adverse to the impact of Mr. Van Fossan's property. Mr. Foley indicated that he does not have an opinion about that.

Mr. Francke asked Mr. Foley if he has been to every public meeting, and if so, if Mr. Foley has seen the sound study done by the Petitioner. Mr. Foley indicated that he has been to every meeting and indicated that he believes that he has reviewed the sound study. Mr. Francke showed Mr. Foley the sound study and indicated that the sound study shows the decibel levels of the barking dogs at this location will be at or below the ambient noise levels of the Route 14.

Mr. Francke continued by asking Mr. Foley when he came to the conclusion about odors having an adverse impact on the value of the properties. Mr. Foley indicated that the association of animal waste will have an adverse impact on the value of the surrounding properties. Mr. Francke then asked Mr. Foley if he had read the recommended conditions of approval and if he thinks that the Village will be able to control the issue of odor within the conditions. Mr. Foley said that the Village may very well be able to control the issues of odor, but indicated that there is still a perception in the marketplace for noise and odors surrounding these types of facilities. Mr. Francke asked Mr. Foley if he had ever appraised an animal hospital or a kennel and where it was located. Mr. Foley stated that he has appraised an animal hospital or a kennel before and he would have to look that up and provide that information at a later time.

Mr. Francke concluded by asking Mr. Foley if he has done a matched pair analysis on the property and if he was asked to undertake a specific appraisal to determine potential adverse impact on the value. Mr. Foley indicated that he has not conducted a matched pair analysis or undertaken a specific appraisal to determine the potential adverse impact on the property. Mr. Francke concluded by asking Mr. Foley if he has an estimate of the value of Mr. Van Fossan's property. Mr. Foley indicated that he does not and said he did not appraise Mr. Van Fossan's property, but stated that the animal use will have an effect on the property value. Mr. Francke had no further questions.

Mr. Francke asked to cross examine Michael Shamsie.

Mr. Francke asked Mr. Shamsie if he was professional engineer. Mr. Shamsie confirmed that he was a professional engineer. Mr. Francke asked Mr. Shamsie what PTOE stood for and if Mr. Shamsie was a PTOE. Mr. Shamsie indicated that PTOE stands for a traffic engineer and he was not a PTOE designation. Mr. Francke also asked Mr. Shamsie if he had talked to the Barrington Fire Department about the Auto-Turn analysis. Mr. Shamsie indicated that he had not. Mr. Francke had no further questions.

Mr. Francke asked to cross examine Tom Gledhill.

Mr. Francke asked Mr. Gledhill if he had reviewed the permitted uses for this property and if he had reviewed the Special Use standards. Mr. Gledhill indicated that he had reviewed both the permitted uses and the special use standards. Mr. Francke asked Mr. Gledhill why he was talking about the restrictive covenant on the property. Mr. Gledhill stated that he asked the real estate broker what it would take to buy the Fifth Third property for his financial institution and the broker said there is a restrictive covenant on the property for ten years for no financial institution unless it was approved by Fifth Third. Mr. Francke

asked Mr. Gledhill what special use standard the restrictive covenant is relevant to. Mr. Gledhill indicated that he had no idea. Mr. Francke had no further questions.

Mr. Francke asked to cross examine Thomas Zordan.

Mr. Francke asked Mr. Zordan when he was hired by Mr. Graft. Mr. Zordan indicated that he was hired by in December and was being compensated hourly. Mr. Francke asked Mr. Zordan if his thinking on the transitional yard requirement changed after hearing what Village Staff has said about the zoning of the daycare property. Mr. Zordan indicated that after hearing staff that his thinking did not change and determined the zoning was incorrect on the documents he was provided indicating the daycare property was residential zoned and Staff confirmed. Mr. Francke asked Mr. Zordan that if the daycare property was zoned differently to the business district, wouldn't be a requirement for a transitional yard. Mr. Zordan agreed by stating that if the property was zoned properly, there would be no required transitional yard. Mr. Francke concluded by asking Mr. Zordan if he was a certificated planner by the American Institute of Certified Planners or if he was a PTOE. Mr. Zordan indicated that he was neither a certified planner nor a traffic engineer. Mr. Francke finished by asking Mr. Zordan if he ever built or designed a building like the one proposed and if he was familiar with some of the sound baffling materials being used. Mr. Zordan indicated that he has not designed a building like this and that he is aware of the sound baffling products on the interior of the building. Mr. Francke had no further questions.

Mr. Francke asked to cross examine Dr. Amy Heineke (Engebretson).

Mr. Francke asked Dr. Heineke when she prepared her letter to the Plan Commission. Dr. Heineke indicated that she prepared it back in September. Mr. Francke asked Dr. Heineke if she was hired by Mr. Graft. Dr. Heineke stated that she is not getting paid for her letter or testimony. Mr. Francke asked Dr. Heineke if she knew how much square feet was the proposed building now and how many dogs can be held in the building. Dr. Heineke did not know the amount of square feet or how many dogs can be held in the revised new proposed building as she indicated she wrote her letter to the Plan Commission in September.

Mr. Francke asked Dr. Heineke if she was not familiar with the plan changes. Dr. Heineke stated that she was familiar with the plan changes and her concerns were three-fold. She stated that her concern of the exposure to sound and how it impacted kids learning, but changes to the plan that shifted the multiple play yards that went around the back got rid of that concern. She continued that when there were multiple play yards and it was exposure to barking that could impact kids adversely. However, the intermittent barking in the parking lot is still a concern. Mr. Francke asked if that concern was addressed, would the concern go away. Dr. Heineke said no and the intermittent unpredictable barking of dogs in the parking lot would remain the concern of anxiety and negative behavior inducing issue on kids.

Mr. Francke reviewed and asked Dr. Heineke questions regarding the research that was referenced in her letter to the Plan Commission. Mr. Francke concluded by asking Dr. Heineke if the barking of the dogs

were controlled, would her concerns go away. Dr. Heineke stated that the concern of dogs barking in the parking lot would not go away. Mr. Francke had no further questions and concluded his cross examinations.

Chairperson Bush asked if the Petitioner, the objector, or any commissioners had any questions for the Village's traffic engineer.

Commissioner Anderson asked if both auto-turns were using the same size fire truck and what is the standard.

Thomas Adomshick, Traffic Engineering from JJ Benes, stated the standard would be based on the fire trucks that the Village uses and he indicated he does not know that size.

Ms. Tennant stated that she also does not have that information currently, but that JJ Benes did not conduct the Auto-Turn analysis.

Mr. Matthys indicated that they submitted the Auto-Turn exhibit using a 40-foot truck and the fire truck analysis shown tonight used a 43-foot fire truck. Mr. Matthys did contact the engineer who conducted the Auto-Turn analysis and said that if it was an issue, they can modify the radius of the curve of the truck.

Chairperson Bush stated that she would like to look into what size firetruck the Village uses.

Ms. Tennant indicated that she will verify that information for the next meeting.

Dennis Mogan, owner of the Barrington Community Child Care Center, asked if Dr. Thunder would be available for the next meeting. He stated that he does not have a legal counsel and thought with the ordinances that are in place, that there was no need for legal counsel.

Chairperson Bush indicated that if he wanted to retain Dr. Thunder, then it would be possible for him to come back.

Mr. Francke interrupted and stated that if Dennis would like to put together specific questions for Dr. Thunder, he would pass them along.

Mr. Mogan asked if he could do that with Village Staff then that would be sufficient.

Chairperson Bush told Mr. Mogan that he will start at the next meeting for his presentation.

Vice-Chairperson Hogan motioned and Commissioner Ehrle seconded the motion to continue PC 19-05 to February 25, 2020 a Special Use Planned Development for the redevelopment and operation of a Veterinary Office and Kennel (Barrington Animal Hospital).

Roll call Vote: Mr. Windon, absent; Ms. Lee, yes; Ms. Ferry, yes; Mr. Anderson, yes; Mr. Ehrle, yes; Vice-Chairperson Hogan, yes; and Chairperson Bush, yes. The vote was 6-0; the motion approved.

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Minutes

*January 14, 2020*

Commissioner Ehrle made a motion to approve the January 14, 2020 meeting minutes. Vice-Chairperson Hogan seconded the motion. A voice vote noted all ayes, and Chairperson Bush declared the motion approved.

*Special Joint PC/COW – January 22, 2020*

Vice-Chairperson Hogan made a motion to approve the January 22, 2020 Special Joint PC/COW meeting minutes. Commissioner Ehrle seconded the motion. A voice vote noted all ayes, and Chairperson Bush declared the motion approved.

*Special Joint PC/COW – February 5, 2020*

Vice-Chairperson Hogan made a motion to approve the February 5, 2020 Special Joint PC/COW meeting minutes. Commissioner Lee seconded the motion. A voice vote noted all ayes, and Chairperson Bush declared the motion approved.

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Other

Adjournment

Commissioner Windon made a motion and Vice-Chairperson Hogan seconded to adjourn the meeting at 9:24 p.m. Chairperson Bush declared the motion approved.

Respectfully submitted,

Andrew Binder  
Planning & Zoning Coordinator

Approved:

*Village of Barrington  
Plan Commission Meeting  
Minutes Summary*

Date: February 25, 2020

Time: 7:00 p.m.

Location: Village Board Room  
200 South Hough Street  
Barrington, Illinois

In Attendance: Anna Markley Bush, Chairperson  
Dan Hogan, Commissioner  
Richard Ehrle, Commissioner  
Jeff Anderson, Commissioner  
Robert Windon, Commissioner

Staff Members: Andrew Binder  
Jennifer Tennant  
Marie Hansen  
Jim Bateman

**Call to Order**

Chairperson Bush called the meeting to order at 7:00 p.m.

Roll call noted the following: Robert Windon, present; Richard Ehrle, present; Jeff Anderson, present; Susan Ferry, absent; Joann Lee, absent; Vice-Chairperson Dan Hogan, present; Chairperson Anna Markley Bush, present.

There being a quorum, the meeting proceeded.

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**New Business**

**PC 19-05: Special Use/Planned Development 353 W. Northwest Highway (Barrington Animal Hospital)**

**PETITIONER:** RWE Management Company  
16W361 N. Frontage Road, Suite 106  
Burr Ridge, IL 60527

**PROPERTY OWNER:** Fifth Third Bank

1701 Golf Rd  
Rolling Meadows, IL 6008-4227

The Petitioner is seeking approval of a Special Use Planned Development for the redevelopment and operation of a Veterinary Office and Kennel (Barrington Animal Hospital). The Petitioner is proposing to demolish a portion of the existing building and construct an addition and related site improvements including but not limited to parking, lighting, landscaping and signage. The subject property is zoned B-1 General Business Service District. The subject property is located in Neighborhood 4, and is designated for Commercial (Retail/Office) by the Village of Barrington 2010 Comprehensive Plan.

Chairperson Bush summarizes the agenda for the meeting and noted that owner of the daycare center will present their testimony, then after that the Village Staff will present their final information, then finally the meeting will be open for public comment.

Dennis Mogan, part owner of the Barrington Community Child Care Center (BCCCC), presented his testimony to the Plan Commission. Mr. Mogan indicated that he has been involved with the Child Care Center for 13 years. Mr. Mogan stated that the Child Care Center was built in the fall of 1992 and has taught hundreds of children throughout the years. Mr. Mogan gave an overview of his property, BCCC operations and where the location of the proposed Barrington Animal Hospital will be.

Mr. Mogan indicated that one of his biggest concern is that if a 6-foot to 8-foot fence is placed along BCCCC's existing fence, it will not have a very good appearance. Another concern he indicated was that he does not want any water from the development coming onto his property and potentially flooding the basement. Mr. Mogan stated that he has never had water in the basement of BCCCC and does not the Barrington Animal Hospital project to change that.

Mr. Mogan stated that he went and visited the Cleveland Veterinary Clinic in South Elgin and the Hoffman Estates animal hospital and kennel facility. Mr. Mogan indicated that he heard barking dogs non-stop at the Hoffman Estate kennel facility. He continued that he will have the same amount of dogs barking right outside of the BCCCC.

Mr. Mogan continued by saying that he was quite disturbed that the traffic engineer did not know there was a child care center near the Barrington Animal Hospital project. Also, he indicated that Nathan, who did the sound testing, had never been on site or tested for sound in the parking lot. Mr. Mogan also stated that he does not believe a solid masonry fence is something that will beautify northwest highway, as many people have indicated in the recent Village of Barrington Comprehensive Plan survey. Mr. Mogan concluded that the Village of Barrington Zoning Ordinance has defined both a Kennel and Veterinary clinic use and both defined uses indicate that each use shall not be joined together within one use.

Steve Bauer, an attorney from MPS Law and representing the Barrington Animal Hospital, asked to cross-examine Dennis Mogan.

Mr. Bauer asked Mr. Mogan if he had reviewed the civil engineering plans for the proposed site and if Mr. Mogan was a P.E. Mr. Mogan indicated that he is not a P.E., but he indicated that he has reviewed the civil engineering plans and has brought a Metra engineer to help give the Plan Commission a better understanding of what is being proposed. Mr. Bauer asked Mr. Mogan weather his determination for the storm water management system was by himself or his Metra engineer witness. Mr. Mogan indicated that was determined by himself. Mr. Bauer also asked Mr. Mogan if he is aware that the Village will require approved civil engineering plans before the site is redeveloped or if the Village would abide by its storm water management code. Mr. Mogan believes that the Village will be able to follow through and require all documentation to ensure compliance. Mr. Bauer asked Mr. Mogan if he could authenticate Mr. Mogan's recording of barking dogs at the Hoffman Estates animal facility. Mr. Mogan stated that he could provide that information.

Mr. Bauer asked Mr. Mogan about his concern about the beautification of the Northwest Highway and if Mr. Mogan has been the front elevations. Mr. Mogan indicated that he has seen the front elevations and believed the front masonry fence is going to be a beautiful fence. Mr. Bauer continued by asking Mr. Mogan if he has read the B-1 District standards in the Zoning Ordinance and if he has noticed that a Kennel and Veterinary Office are special uses. Mr. Mogan stated that he has read the B-1 District of the Zoning Ordinance and was not aware that a Kennel or Veterinary office were authorized special uses. Mr. Bauer had no more further questions.

Mr. Mogan asked to bring Mr. Joseph Lorenzini as one of his witnesses. Mr. Lorenzini was sworn in. Mr. Lorenzini stated that he has worked at Metra for 29 years and is a registered professional engineer with the State of Illinois. Mr. Lorenzini walked through his understanding of the parking lot plan as it relates to storm water management. He believes that with the Golf Course having consistent flooding, the new development will cause further flooding for BCCCC's property. Mr. Lorenzini recommends placing a drainage swale on the proposed property so that the water can be retained on the property and not flood the neighboring property. Mr. Lorenzini also stated that he did not see any drainage calculations for the proposed property or a flood plain map. Mr. Lorenzini also recommends adding further shrubbery to make the site look more pleasant. Mr. Mogan concluded his testimony.

Chairperson Bush opened the meeting for public comments. She sworn in the public who will be addressing the Plan Commission.

Bill Hartman, Barrington resident and longtime customer of Barrington Animal Hospital, feels the Village has put a burden on the Animal Hospital to move to a different site because of the creation of the access drive from the Metra parking lot. He believes this should be considered when the Plan Commission evaluates this proposed project. Mr. Hartman also said that the BAH current outdoor play area does not have that many barking dogs and the dog barking is not consistent. He indicated that the noise from proposed outdoor play yard will be hardly noticeable and that the smell should not be a concern. Mr. Hartman said that the low intense use of the Barrington Animal Hospital is the best fit as for traffic because a restaurant could create more traffic concerns than a dog hospital use. Mr. Hartman continued that the

Animal Hospital will be the best possible neighbor to the adjacent properties and suggests the Plan Commission to vote to approve the project.

Rick Noak, owner of the apartment building at 565 Carl Ave, indicated that he was upset that the representative of the Petitioner has called the Park District golf course a "little Country Club" and said that Barrington is our community. Mr. Noak indicated that noise is not an issue for him because of the other surrounding noises of trucks. Mr. Noak stated his issue is that this facility is too close to the surrounding properties and that the veterinarian who owns BAH is retiring and it is unknown how the BAH business will turn out. Mr. Noak concluded that he is frustrated with the proposal and believes traffic and parking are a major issue.

Terrie Blanke, owner of the Barrington Community Child Care Center, began by saying that her children at the center love the open space around the building and usually watch traffic along Route 14. She indicated that once this project moves forward, BCCCC will be isolated by a fence and previous learning opportunities will be taken away from the child care facility. Mss. Blanke believes the proposed 8 foot fence was not requested by her and will be a phony shield to protect the noise, odor, and nuisances of the proposed project. Ms. Blanke indicated that the open space around her property will be stripped from her enjoyment. She continued that the new building will decrease the value of her building and the proposed building is not harmonious or continuous with the surrounding properties.

With no more further public comment, Chairperson Bush closed public comments. Chairperson Bush asked Staff to proceed with any information they would like to present.

Ms. Tennant gave a summary of a few items that were discussed during the past few meetings relating to zoning requirements. She reiterated that Attorney Bateman indicated at the 1/14/20 meeting that the definitions in the Zoning Ordinance are not operational requirements or prohibitions but simply definitions used to describe what would qualify a particular use to be classified as such. She continued that this means that the definition of "Kennel" does not include a veterinary office as an implied accessory use to that kennel and the definition of "Office, Veterinary" does not include a kennel as an implied accessory use to that veterinary office.

Ms. Tennant continued that one item that was discussed was the Auto-Turn Analysis and indicated that the purposed of an Auto-Turn Analysis is demonstrate the feasibility of a truck being able to access and navigate the site. She indicated that the fire truck used in the Auto-Turn Analysis done by the Petitioner is a 40 foot long truck, which is the largest truck that could respond from the surrounding communities, but the largest truck the Barrington Fire Department owns is a 30 foot long truck. She continued that the truck that was shown in the objector's Auto-Turn Analysis was a 43 foot long truck and would not be the size of a truck that would respond to this site in case of an emergency.

Ms. Tennant continued by talking about the required parking count and indicated that the Zoning Ordinance has a table of uses in the parking chapter with each labeled use labeling how the parking count

is calculated. Ms. Tennant indicated that there is not a specific parking calculation for a Veterinary Office use and the calculations of the parking for the veterinary office falls under the general office category. She stated that the Village has calculated the required parking count at 42 and 50 parking spaces are being provided.

Ms. Tennant continued by stating the proposed parking stalls are compliant. She indicated that the Petitioner is proposing a 16 foot parking stall with a 24 inch overhang and an overhang of up to 30 inches is permitted per the Zoning Ordinance.

Ms. Tennant continued by giving an overview of the proposed fencing for proposed development. She stated that one item that will have to be addressed by the Plan Commission is the letter from the Park District requesting that an 8 foot fence is placed along the south property line, along the golf course, which would have to be approved by the Plan Commission because it would be an additional exception from the Zoning Ordinance. She indicated that the reason the Park district is asking for this request is to discourage anyone from accessing the golf course from the subject property.

Ms. Tennant continued by pointing out the transitional yard requirement and that the Petitioner is requesting an exception from the transitional yard requirement in the B-1 District. She indicated that the Zoning Ordinance requires that whenever a lot in the B-1 District abuts the side lot line in a Residential District that there should be a transitional yard provided equal to one half of the required front yard of the neighboring Residential District. Ms. Tennant continued by saying 560 Carl Ave (BCCC) is zoned R-8 General Residential District, the required transitional yard is 15'-0". She stated that the staff Reports calls an exception to reduce the transitional yard from 15'-0" to 10'-2" and based on the parking overhang encroachment it should actually be 8'-2". Ms. Tennant finished by taking any questions from the Commissioners.

Commissioner Windon asked Staff weather on the original proposal if there a fence proposed along the south property line.

Ms. Tennant replied that the original proposal did not include a fence along the south property line and through some of the concerns that were mentioned at the public hearings, the Petitioner added a fence to mitigate those concerns. Ms. Tennant noted that the fence along the east property is compliant as far as height and material and staff believes that the east side fence is appropriate for this location.

Commissioner Windon asked is there an advantage to having an 8 foot fence along the south property line compared to a 6 foot fence.

Ms. Tennant replied that the 8 foot fence would be a barricade for golf balls that might hit cars in the parking lot area and would provide further protection with a slightly taller fence.

Vice-Chairperson Hogan asked if the existing 18 foot screen on the park district property protects both the day care facility and the bank property or if the screen protects just the day care facility.

Ms. Tennant replied that the existing screen only protects the day care facility and does not extend to this property.

Commissioner Anderson asked Staff to clarify what the distance is from the new outdoor play yard to the daycare center.

Ms. Tennant replied that the back of the play yard to the front corner of the day care facility building is 181 feet.

Chairperson Bush asked for any last public comments.

William Graft, the attorney representing Charles Van Fossan and the property directly east to the subject property, gave his final comments on the project. Mr. Graft indicated that the proposed development is too big of a project on too small of a site mentioning that this development is like ten pounds of potatoes in a five pound sack. Mr. Graft noted that in previous testimony he has provided a separate engineer to do a parking analysis for the proposed development and the development does not provide adequate parking. He continued that the proposed development will have a diminution of value of the surrounding properties. Mr. Graft reminded the Plan Commission that the proposed development must meet all of the Special Use criteria and he believes the proposed developments only meet some of the requirements for a Special Use.

Mr. Graft continued that the proposed development is a regional animal campus and pointed out that one of the Petitioners, Dr. Krol, has done this same type of project previously in Chicago and now that animal facility is owned by a different company. Mr. Graft indicated that it is unknown who will own this facility in the future. Mr. Graft continued by addressing that it is unknown how the Petitioner will police their parking lot and/or the noise coming from the parking lot. Mr. Graft continued by saying the use of the building is too intense with such a small parking lot and the amount of traffic that will be produced by this use. Mr. Graft stated that there is no adequate way to police the amount of animals that are dropped off and picked up from this site.

Mr. Graft stated that the definition of Kennel and the definition of Veterinary Office are exclusive for the reason that once combined they create a multiplier for a higher intense use. He believes that these two uses do not belong on the same site and that definitions matter, regardless if the use is within a Planned Development or not. Mr. Graft also pointed out that the Village is not getting anything in return for granting the Special Uses. Mr. Graft continued by reviewing the exceptions that are being requested by the Petitioner and indicated that the Petitioner is requesting too much relief from the Zoning Ordinance. He indicated that exceptions are exceptional and they should be rare.

Mr. Graft said that the proposed development will negatively impact the property values of the surrounding properties as the proposed use will create excessive noise, traffic, odor and parking. He indicated that future buyers of the surrounding properties will be discouraged because of the proposed development. Mr. Graft also said that Dr. Thunder, who testified, did not come up with a conclusion on the noise impact of dogs within the parking lot. He indicated that noise from the parking lot is an issue that was never resolved.

Mr. Graft continued that the traffic of the proposed development is an issue and the Petitioner's traffic engineer indicated that if an emergency vehicle were to enter Exmoor, that the emergency vehicle would turn around on Exmoor Avenue and not enter the property. He also pointed out that the traffic engineering indicated that if there was not adequate parking, cars would be parking on the street or at surrounding locations. Mr. Graft continued by reviewing the staffing and operations of the Barrington Animal Hospital and indicated that the site is under parked for the number of staff and proposed operations. Mr. Graft indicated that his engineer calculated that 80 parking spaces will be needed and the proposed 50 spaces is not enough for this site. Mr. Graft also stated that the parking stalls are substandard and do not meet the Village code.

Mr. Graft continued by reviewing the Dr. Amy Heineke testimony that children and the small majority of people will be affected by the noise of dog barking at this proposed development.

Mr. Graft concluded that this the proposed development is too big of a project on too small of a site mentioning that this development is like ten pounds of potatoes in a five pound sack. He believes the proposed building is massive and does not have the proper setback along Route 14. He indicated that a bigger site is needed and the Petitioner should buy more to get the adequate space for the proposed development. Mr. Graft finished by stating Mr. Van Fossen is opposed to the proposed development.

Chairperson Bush asked for the final statements by the Petitioner.

Mr. Bauer gave the final remarks for the Petitioner and indicated that the Plan Commission should be in support of the proposed development. Mr. Bauer stated that the Barrington Animal Hospital has demonstrated a significant amount of effort to address the concerns that have been raised by the public and have made significant modifications to the plan to eliminate and/or mitigate those concerns. Mr. Bauer reviewed the modifications that were made from the original proposed plan that are listed in the Staff Report. Mr. Bauer indicated that all of the Special Use Standards and Planned Development Standards have been satisfied by the Petitioner.

Mr. Bauer continued that Staff has recommended approval of the proposed development with specific conditions that addresses noise and traffic. Mr. Bauer indicated that the Village gets a broad authority to maintain control of any nuisance that may occur and that the Village can cite the Petitioner, at any time, if the conditions are not meet. Mr. Bauer also noted that the Petitioner has provided substantial information that the proposed development will not diminish the surrounding property values. Mr. Bauer concluded

that the Petitioner has satisfied all the Special Use and Planned Development conditions and recommends that the Plan Commission recommends approval of the request.

Chairperson Bush asked Mr. Bauer if his client still intends to build the Animal Hospital first than the kennel/dog day care at a later date.

Mr. Bauer confirmed.

Chairperson Bush closed testimony and opened the meeting for Commissioners deliberation.

Chairperson Bush asked Staff if the proposed development can be approved in two parts, and have Phase 2 be approved at a later date.

Ms. Tennant confirmed that it is possible to do so.

Commissioner Windon indicated that he would be against breaking the approval in two parts because it does not make sense for the Petitioner's business plan. He believes the whole proposal should be on the table and not require the Petitioner to submit a second approval for Phase 2.

Commissioner Anderson and Commissioner Ehrle agreed with Commissioner Windon.

Vice-Chairperson Hogan indicated that he does not want this proposed development to be delayed again, but believes that there is a lot of information to be reviewed and thinks he will need further time to review everything.

Commissioner Anderson indicated that he is struggling understanding the parking and how it shorts out and the opinions that were presented. He suggested that he would need more time to review the plans and would like some information from Staff before he could come to a conclusion.

Vice-Chairperson Hogan stated that he is in the same position as Commissioner Anderson by wanting more time to study the plans and the Planned Development regulations. He stated that he understands the time and expense that the Petitioner has been through, but wants to get the proposed development done right for the community.

Commissioner Windon asked Staff when the next scheduled meeting is.

Ms. Tennant indicated that the next scheduled meeting is March 10<sup>th</sup>.

Commissioner Windon stated that he would not be available on March 10<sup>th</sup> through March 16<sup>th</sup>.

Chairperson Bush indicated that she is not available before March 10<sup>th</sup>.

Mr. Binder stated that next meeting after March 10<sup>th</sup> is April 14<sup>th</sup>.

Ms. Tennant informed the Commission that there is always an option to schedule a special meeting.

Commissioner Windon suggested to schedule March 10<sup>th</sup> as a place holder meeting. The Commission discussed a date for a special meeting.

Ms. Tennant informed the Commission that the Plan Commission cannot schedule the next public hearing on two separate dates.

Chairperson Bush indicated that the Meeting should be held on March 10<sup>th</sup>. She continued that the Commission members should ask any questions to Staff during this meeting so that everyone can be informed to vote for the next meeting.

Ms. Tennant confirmed that any questions should be asked and Staff can provide a memo to the Plan Commission before the next meeting date.

Commissioner Windon asked Staff if he is able to attend the meeting through a phone call if possible for the March 10<sup>th</sup> meeting. He also expressed his concern that if this development is denied because of the issues as far as noise and traffic, a different by-right development could be developed, like a restaurant, on this site with a higher amount of noise and traffic than a veterinary hospital and kennel use.

Ms. Tennant asked the Commission if everyone was available to have the special meeting on March 9<sup>th</sup>.

All the Commissioners agreed that they would be available on March 9<sup>th</sup> for a special meeting, except Commissioner Windon who was unsure on his schedule, but could plan to attend.

Attorney Bateman confirmed Commissioner Windon's question that any Commissioner could call into a meeting and be present, if only a physical quorum is present and the reason must qualify by the Village Code.

Ms. Tennant asked the Commission if they have any questions for Staff before the meeting was continued.

Commissioner Anderson asked that with so much parking data available with this proposed project, if Staff could provide an analysis to help him understand the assumptions and information.

Ms. Tennant confirmed that Staff can provide a breakdown of the parking information to the Plan Commission.

Commissioner Windon indicated that he will be available for a special meeting on March 9<sup>th</sup>.

The Commission discussed and determined a special meeting on March 9<sup>th</sup> would work with everyone's schedules.

Commissioner Windon motioned and Commissioner Anderson seconded the motion to continue PC 19-05 to Special Meeting on March 9, 2020 at 7:00 p.m. on the Special Use Planned Development for the redevelopment and operation of a Veterinary Office and Kennel (Barrington Animal Hospital).

*A voice vote noted all ayes, and Chairperson Bush declared the motion approved. The vote was 5-0; the motion approved.*

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Minutes

*January 28, 2020*

Commissioner Ehrle made a motion to approve the January 28, 2020 meeting minutes. Vice-Chairperson Hogan seconded the motion. A voice vote noted all ayes, and Chairperson Bush declared the motion approved.

*Special Joint PC/COW – February 19, 2020*

Vice-Chairperson Hogan made a motion to approve the February 19, 2020 Special Joint PC/COW meeting minutes. Commissioner Windon seconded the motion. A voice vote noted all ayes, and Chairperson Bush declared the motion approved.

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Planners Report

Ms. Tennant said a submittal for an amendment to the Planned Development for 407 E. Main Street was received. She indicated the building will remain a residential building, but some changes are being requested from the original approval.

Other

Vice-Chairperson Hogan discussed some questions he has regarding definitions in the Zoning Ordinance and requesting further clarification from Staff.

Adjournment

Vice-Chairperson Hogan made a motion and Commissioner Ehrle seconded to adjourn the meeting at 9:14 p.m. Chairperson Bush declared the motion approved.

Respectfully submitted,

Andrew Binder  
Planning & Zoning Coordinator

Approved:

*Village of Barrington  
Plan Commission Meeting  
Minutes Summary*

Date: March 9, 2020

Time: 7:00 p.m.

Location: Village Board Room  
200 South Hough Street  
Barrington, Illinois

In Attendance: Anna Markley Bush, Chairperson  
Dan Hogan, Vice-Chairperson  
Richard Ehrle, Commissioner  
Jeff Anderson, Commissioner  
Robert Windon, Commissioner  
Joann Lee, Commissioner

Staff Members: Andrew Binder  
Jennifer Tennant  
Marie Hansen  
Jim Bateman

**Call to Order**

Chairperson Bush called the meeting to order at 7:00 p.m.

Roll call noted the following: Robert Windon, present; Richard Ehrle, present; Jeff Anderson, present; Susan Ferry, absent; Joann Lee, present; Vice-Chairperson Dan Hogan, present; Chairperson Anna Markley Bush, present.

There being a quorum, the meeting proceeded.

#####

**New Business**

**PC 19-05: Special Use/Planned Development 353 W. Northwest Highway (Barrington Animal Hospital)**

**PETITIONER:** RWE Management Company  
16W361 N. Frontage Road, Suite 106  
Burr Ridge, IL 60527

**PROPERTY OWNER:** Fifth Third Bank  
1701 Golf Rd  
Rolling Meadows, IL 6008-4227

The Petitioner is seeking approval of a Special Use Planned Development for the redevelopment and operation of a Veterinary Office and Kennel (Barrington Animal Hospital). The Petitioner is proposing to demolish a portion of the existing building and construct an addition and related site improvements including but not limited to parking, lighting, landscaping and signage. The subject property is zoned B-1 General Business Service District. The subject property is located in Neighborhood 4, and is designated for Commercial (Retail/Office) by the Village of Barrington 2010 Comprehensive Plan.

Chairperson Bush summarizes the agenda for the meeting and noted that public comment was closed at the last meeting and this meeting is for the Commission to deliberate and vote on the matter. Chairperson Bush opened up the meeting by asking the Commissioners if they have any questions.

Vice-Chairperson Hogan began by asking Staff on how the open space was increased on the property and how the open space was calculated.

Ms. Tennant indicated that the amount of open space was increased from the existing bank site. The green space was increased on the site and that green space does not include the parking lot landscape islands.

Mr. Binder indicated that since the drive through is being removed and replaced with grass, the open space is being increased. The open space is the green areas on the site, which does not include the parking lot landscape islands.

Vice-Chairperson Hogan indicated that the Zoning Ordinance chapter for planned developments states that land development should preserve the value of the surrounding residential area. He wanted to confirm that he is stating the most recent guidelines.

Ms. Tennant indicated that he did have the most up to date Zoning Ordinance and indicated that Section 11.5-D are more general guidelines.

Commissioner Lee asked if Staff could clarify the comment made in Memo #3 regarding the fence and if Staff meant to say if the proposed fence is not out of character within the Village.

Ms. Tennant indicated that a comment was made during the previous meetings that the proposed fence was out of character within the Village. She continued by saying that the sentence in the Staff memo was to address that public comment and that the proposed fence is not out character for the Village.

Commissioner Lee asked if they could see a sample of the proposed material and what color will be used.

Mr. Binder indicated that the proposed material is a Trex composite fence and provided the sample fence materials. Ms. Tennant stated that the fence will have a shadow box look and the material comes in multiple colors.

Chairperson Bush asked what the proposed color of the Trex fence will be.

Michael Matthys indicated that the fence color has not been chosen but that they will use any color that is recommended.

Commissioner Lee asked Staff for their feedback and observations on the tour of the Barrington Square Animal Hospital.

Mr. Binder gave an overview of the tour at the Barrington Square Animal Hospital in Hoffman Estates. He indicated that other people were invited on the tour and the intent was to get a sense of the operations and what the proposed development would feel like and sound like. Mr. Binder said he personally felt the facility was clean and felt the major sound only came from the dogs inside the kennel. He continued that the odor was not present inside or outside and concluded that it was nice facility.

Vice-Chairperson Hogan asked Staff if the Village has an operational agreement with the Doghouse of Barrington.

Ms. Tennant said that the recommend conditions from Staff are mimicked from the Doghouse of Barrington ordinance and stated that those conditions will be part of the operational agreement.

Vice-Chairperson Hogan indicated that he went and visited the site of Doghouse of Barrington and counted eleven parking spots on site. He stated that Lageshulte Street is also pretty busy in the mornings and afternoons because of the close proximity to the High School. He asked Staff if there has been any issues with drop-off or pick-up from the Doghouse of Barrington.

Ms. Tennant stated that she is not aware of any traffic issues with Doghouse of Barrington and Staff did speak to the Police Department to see if there were any barking complaints and the Police Department indicated that there were no barking complaints in the last five years. She continued that she has also been to Doghouse of Barrington site multiple times and indicated that parking is tight at the location but people have been using street parking to supplement the eleven spaces for the Doghouse of Barrington business.

Vice-Chairperson Hogan also indicated that the Doghouse of Barrington conditions had a limitation on the number of dogs within the business.

Ms. Tennant indicated that the Doghouse of Barrington is limited to 40 dogs for daycare and 40 dogs for overnight boarding, but could not exceed 60 dogs at one time.

Chairperson Bush made a comment that there is also side parking for the Doghouse of Barrington. Vice-Chairperson Hogan confirmed that there are parking spaces all around the Doghouse of Barrington and that they are not the only business in the multi-tenant space with limited parking.

Commissioner Anderson indicated that he has reviewed the supplemental memo provided by Staff that included the other permitted uses. He asked Staff if parking would be as intense or require a similar amount of parking for other permitted uses as for the proposed development.

Ms. Tennant indicated that Gewalt Hamilton did somewhat address the parking requirement for other permitted uses. She continued that a restaurant on this site would not be able to have the same footprint as the proposed Barrington Animal Hospital due to parking requirements. Ms. Tennant continued that traffic generation for restaurants are also very intense, but indicated that some other permitted uses would generate more traffic than the proposed use.

Vice-Chairperson Hogan gave his complements to Staff for the supplemental memorandums that helped him break down the comments and concerns that were raised during the public meetings. He continued that he agrees with the Village's stance that the definitions in the Zoning Ordinance are not operational requirements or prohibitions but definitions used to describe what would qualify a particular use to be classified as such. He understands the Village's interpretation of the Zoning Ordinance and believes that the Village's stance makes the most sense that both can be permitted, if they gain approval to do so. Section 11.5-A of the Zoning Ordinance permits departure when just cause is demonstrated.

Vice-Chairperson Hogan continued that many Commissioners were on the Plan Commission when the Doghouse of Barrington was up for approval and had the same concerns about smell and noise because it was much closer to residential properties than the proposed Barrington Animal Hospital. Mr. Hogan indicated that the Petitioner has demonstrated to his satisfaction that they are taking the steps necessary to resolve the smell and noise issues. He continued that the Petitioners redesigned the property to minimize the noise and that there is existing ambient noise from Northwest Highway which makes it easier to approve than the Doghouse of Barrington because of the lack of proximity to residential properties.

Vice-Chairperson Hogan continued with the concerns regarding safety. He indicated that he does not see the issue with leashed dogs, particularly within the fenced area. He continued that from Dr. Heineke's testimony that 7%-9% of kids experience fear and anxiety trauma and that dogs are just one subset of many causes of the anxiety and trauma. The most important thing from Dr. Heineke's testimony was that she will continue to have her children enrolled in the Barrington Community Child Care Center after the proposed development is built.

Vice-Chairperson Hogan continued with the concern over diminution of value of the surrounding properties. He indicated that he asked the question earlier in the meeting about the planned development requirements because he understands why there would be a distinction between commercial properties located next to a residential properties verses another commercial property. Mr. Hogan indicated that the

only close by residential property is the apartment building and did not hear any comments about diminution of value from that property. He stated that he did not find the diminution of value argument from the commercial properties persuasive.

Vice-Chairperson Hogan continued with what he believes are the harder issues, which are parking, traffic and loss of open-space. He indicated that 11.1 of the Zoning Ordinance states that in exchange for the flexibility permitted under this Chapter, the planned development should provide amenities not otherwise required by this Ordinance and establish facilities and open space greater than the minimum required by this Ordinance. He continued that with the proposed development increasing the amount of permeable surfaces, he believes the proposed development diminished the open space of the existing parcel because the mass of the proposed building or structure is significantly greater than the existing building, when Phase 2 is completed. Mr. Hogan stated that an issue for him is 11.6-A.3 of the Zoning Ordinance, which states that the proposed exceptions shall not cover more than forty (40) percent of the site area or more than forty (40) percent of the total floor area, whichever is less. But having said all of that, Vice-Chairperson also said that Section 11.6-A.8 says the Village Board may, as a part of the Planned Development approval, grant, impose, modify and/or waive any conditions and/or requirements listed in Section 11.6-A of the Chapter. He indicated that his concern of the open space in Chapter 11 of the Zoning Ordinance is not necessarily a deal-breaker, but a matter of concern. Mr. Hogan stated that he understands the definition of open-space from Staff, but believes in a different type of open space requirement such as limiting amount of sight lines and what appears to be open.

Vice-Chairperson Hogan continued that parking and traffic are another concern for him. He stated that the proposed development clearly meets the requirements of the Zoning Ordinance and believes there is adequate parking. He indicated that he is hesitant on the reports from the traffic engineers because the Plan Commission has had reports from previous developments stating that there is ample space, such as the Starbucks on Northwest Highway, and once the development is completed then traffic becomes an issue. He continued that he does not have faith in traffic engineers, but has faith in the market place to respond to that issue. Mr. Hogan stated that if the Village polices the proposed development properly, the market will help control the traffic if there is not ample space to drop-off or pick up dogs. He indicated that the Petitioner has meet the standards of the ordinance and that's the only thing the Plan Commission could ultimately demand from the Petitioner. He continued by saying that traffic is always an issue within the Village of Barrington, but stated that this use compared to other uses is not as bad as it could be.

Vice-Chairperson Hogan concluded by saying that he did take the time to go through all the documents submitted and did evaluate everything that was submitted. He stated that he agrees with Bill Hartman who testified that there is some equity here that the new ingress and egress to the commuter parking is what triggered the necessity for this facility to be relocated. He does feel that we owe a little bit of a debt to allow them to relocate within the Village. He concluded that even though he has a concern with the open space issue he accepts the Staff's explanation of what that language means. He stated that he is in favor of approval of the proposed development.

Commissioner Ehrle began by saying that he re-read everything before the meeting and said that the parking and traffic issues were handled well enough for this development. His biggest concern is the impact of the development on the surrounding area and whether it will have a negative impact. It could be located somewhere else. When you look at the overall land uses in the Village you want to put it somewhere where its best use is. It is a prime location and the Village should be considering other types of uses for the property.

Vice-Chairperson Hogan clarified that the proposed development is not only a dog day care, but also a Veterinary clinic and animal hospital. He continued that he understands Commissioner Ehrle concerns.

Commissioner Lee said that the B-1 District is a service business area that serves the needs of the people who live and work in the community. She feels that the facility is what the community needs by the evidence the Petitioner has provided and submitted. Commissioner Lee continued that the building has been vacant since 2019 and having a vibrant business come into the space will be an enhancement to the adjacent commercial office buildings. She wants to thank Staff for clarifying the parking stall length and the fire truck analysis that was brought up by Mr. Graft as not being compliant and it was clear that both issues were not concerning.

Commissioner Anderson began by thanking everyone who was a part of these hearings and said during his tenure he has never had this lengthy of a discussion and felt it was appropriate. A couple of things that raised his concerns were the parking issue, the EMS issue and the traffic. He continued that the staff work on the parking and looking the EMS issue helped clarify some things for him. It is adequately parked and the size of the truck used was significantly larger than the trucks we have here so he felt better that the EMS issue was not a big issue. Mr. Anderson indicated that he always looks at a proposal and thinks what else could be placed on the site and how it could impact the site, adjacent properties and traffic. Route 14 is very busy and believes that the proposed development is a reasonable traffic intensity and you could have a lot more with restaurants or other uses. Commissioner Anderson concluded that he is comfortable with the proposal.

Commissioner Windon began by agreeing with the analysis done by Vice-Chairperson Hogan and Commissioner Anderson. He does have a couple of counterpoints and does not believe the Village owes the Animal Hospital because the Barrington Animal Hospital is expanding and they would not be able to expand on their current site. He doesn't agree with us deciding what the best use of a space is. The best use of a space is what we can get into a space. That is not always the case but he does not believe that there are many other uses that would go on the site. He stated that he used to live near that area before and watched numerous business move in and out of buildings along the area of the proposed development and is not persuaded there is a better option for the site. Traffic will probably always be an issue, but it's not an issue with the use but an issue with the space and the town. He continued that the traffic in general is something the Village needs to alleviate in the future all across town. Commissioner Windon concluded that he is comfortable and ready to proceed.

Chairperson Bush began by thanking Vice-Chairperson Hogan for his good analysis. She stated that she loves the idea of moving the animal hospital and that her cat loves Dr. Stapleton's office. Dr. Stapleton is a beloved veterinarian in town and has no problem with moving the animal hospital. Chairperson Bush indicated that her problem is with the expansion of the animal hospital because she does think the development is ten pounds of potatoes in a five pound sack and the space is too tight for what is proposed. She continued that it is tight space and there are some open space requirements she would like to see enlarged and she does not consider a parking lot to be open space.

Chairperson Bush continued that the daycare center and the other surrounding buildings are very close. She thinks the people who use the daycare facility love it for what it is and that they will continue using it. She understands the daycare's concern about their view of open space, but stated that the Village cannot prohibit another user from coming in and blocking that space. She indicated that she is not sure about the diminution of value of the surrounding properties and did not hear any compelling testimony. Chairperson Bush indicated that parking is an issue and stated that after the debacle at the Starbucks, she is very cautious about any parking. Chairperson Bush concluded that she does not want to see anything happen to the Veterinary clinic and thinks that it is a wonderful addition to the community. She continued that there are some equity issues and wants the Barrington Animal Hospital to have a place to be, but thinks the proposed development is an enormous use of the property.

Chairperson Bush asks if anyone has any further comments, if not, she would need a motion.

Ms. Tennant stated that the Plan Commission needs to consider as a part of their motion whether or not the Plan Commission supports the additional exception requested by the Park District for the eight foot fence along the south property line. She continued that it would be the same fence material as the six foot fence that is proposed along the east property line.

Commissioner Windon asked if there was a reason for the eight foot fence.

Ms. Tennant responded that the Park District has submitted a letter with their reasoning but that the Park District would like privacy and extra barrier for golf balls. She indicated that the Park District would also like a barrier to deter people from parking and using the park to run their dogs on the golf course.

Commissioner Windon stated that he does not see the need to add an exception because he does not think it is necessary. He indicated that from his perspective that there is no difference from an eight foot fence than a six foot fence. He continued that if the Barrington Animal Hospital requested it from a liability standpoint for their cars that might be different. He concluded that he does not think the eight foot fence is needed.

Vice-Chairperson stated that he does not know if two feet will make a difference with too many golf balls. He continued that without a gate or an opening within the fence, he doesn't know 6 feet or 8 feet will make a difference. He indicated that he is inclined to agree with Commissioner Windon.

Commissioner Ehrle agrees that we do not need the eight foot fence and it is not a requirement. He continued that aesthetically the smaller fence will look better

Chairperson Bush said it will look less like a wall.

Commissioner Lee agreed with Commissioner Ehrle and believes the deterrent is already there with a six foot fence.

Commissioner Anderson agrees with a six foot fence.

Chairperson Bush indicates that everyone agrees that the south property line fence should be six feet in height.

Vice-Chairperson Hogan motioned to approve PC 19-05 for approval of a Special Use Planned Development for the redevelopment and operation of a Veterinary Office and Kennel (Barrington Animal Hospital) subject to and including the recommendations contained within the Staff Report. Commissioner Windon seconded the motion

*Roll call Vote: Mr. Windon, yes; Ms. Lee, yes; Ms. Ferry, absent; Mr. Anderson, yes; Mr. Ehrle, yes; Vice-Chairperson Hogan, yes; and Chairperson Bush, no. The vote was 5-1; the motion approved.*

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**Adjournment**

Commissioner Ehrle made a motion and Vice-Chairperson Hogan seconded to adjourn the meeting at 7:44 p.m. Chairperson Bush declared the motion approved.

Respectfully submitted,

Andrew Binder  
Planning & Zoning Coordinator

Approved:

**Village of Barrington**  
**Special Joint Meeting – Plan Commission & Committee of the Whole Minutes Summary**

Date: March 4, 2020

Time: 7:00 p.m.

Location: Village Board Room  
200 South Hough Street  
Barrington, Illinois

In Attendance: Dan Hogan, Plan Commission Vice-Chairperson  
Dick Ehrle, Plan Commission  
Karen Darch, Village President  
Kate Duncan, Trustee  
Jennifer Wondrasek, Trustee  
Jason Lohmeyer, Trustee

Staff Members: Scott Anderson, Village Manager  
Marie Hansen, Director of Development Services  
Jennifer Tennant, Asst. Director of Development Services  
Andrew Binder, Planning & Zoning Coordinator  
Jeremie Lukowicz, Director of Public Works  
Patty Dowd-Schmitz, Director of E/M/C

The special joint meeting commenced at 7:00 p.m.

Vice-Chairperson Hogan gave a summary of the planned proceedings including a summary of what comprehensive planning is and what type of feedback the Commission is seeking at this time. Vice-Chairperson Hogan also gave an overview of the role of the Plan Commission.

Jennifer Tennant, Asst. Director of Development Services gave a brief overview of her role and introduced the Staff that was present and their roles with the Village.

Vice-Chairperson Hogan opened the floor up for general public comment.

The public provided feedback on a number of issues and ideas relating to Neighborhoods 6 & 16 and the Village as a whole. Topics discussed included traffic mitigation on Rt. 14 and Village wide, safe ingress and egress to The Garlands and economic development in the Village. Attendees also discussed parking in the Village, the impact the Rt. 14 underpass will have on the area, the need for safe pedestrian crossing on Northwest Highway, sidewalk condition throughout the Village and the need for additional sidewalks and how to bring more people to the Village.

The meeting concluded at 8:15 p.m. upon the conclusion of public comment.

Respectfully submitted,  
Jennifer Tennant, Asst. Director of Development Services

Approved:

**Village of Barrington**  
**Special Joint Meeting – Plan Commission & Committee of the Whole Minutes Summary**

Date: July 29, 2020

Time: 6:00 p.m.

Location: Virtual via Zoom

In Attendance:

Anna Bush, Plan Commission Chairperson	Karen Darch, Village President	Scott Anderson, Village Manager
Robert Windon, Plan Commission	Emily Young, Trustee	Phil Freund, PW Supervisor
Joann Lee, Plan Commission	Jennifer Wondrasek, Trustee	Marie Hansen, Director of DS
Anna Kessler, Plan Commission	Jason Lohmeyer, Trustee	Jennifer Tennant, Asst. Director of DS
David Holtermann, Plan Commission	Todd Sholeen, Trustee	Andrew Binder, P&Z Coordinator

The special joint meeting commenced at 6:00 p.m.

Chairperson Bush gave a summary of the planned proceedings including a summary of what comprehensive planning is and what type of feedback the Commission is seeking at this time. The members of the Plan Commission introduced themselves and have a brief overview of their background and experience.

Marie Hansen, Director of Development Services, provided a brief update on the current status of the Rt. 14 underpass project.

Jennifer Tennant, Asst. Director of Development Services gave a brief overview of her role and introduced the Staff that was present and their roles with the Village. Additionally, Ms. Tennant provided a summary of the type of feedback related to comprehensive planning topics that the Village is seeking from residents at this meeting.

Chairperson Bush opened the floor up for general public comment.

The public provided feedback on a number of issues and ideas relating to Neighborhoods 5 &10 and the Village as a whole. Topics discussed included safe pedestrian crossing on Rt. 14, improvement to the path along the east side of Rt. 59 adjacent to Jewel Park, better school crossing across Rt. 59, sidewalks and other various bike and pedestrian related enhancements. Attendees also discussed traffic, sound mitigation, Northwest Highway beautification, Flint Creek enhancements and the possibility of connecting to Lake Michigan water.

The meeting concluded at 7:00 p.m. upon the conclusion of public comment.

Respectfully submitted,  
Jennifer Tennant, Asst. Director of Development Services

Approved: