

STAFF REPORT

2021-31P: Zoning Chapter Amendment

Community Development Department

Council Chambers, 7:30 PM, April 7, 2022

To: Paul Luke, Chairman, Skokie Plan Commission

From: Matt Brandmeyer, AICP, Community Development Director

Case: **2021-31P: Zoning Chapter Amendment: General Zoning Ordinance Update**

General Information	
<i>Petitioner</i>	Village of Skokie
<i>Purpose</i>	The Village of Skokie is requesting an amendment to Section 118 of the Skokie Village Code to make changes to the Zoning Ordinance to the B4 Shopping District, the addition of Solar Requirements, and other updates and corrections.

STAFF REVIEW

Staff proposes the following updates to the zoning ordinance:

1. Public hearings – staff proposes to remove the requirement for public hearings to be held for parking determinations and subdivision plats. There is no specific statutory requirement to hold hearings for these items, and they can be reviewed as regular business.

Since subdivision plat reviews are largely a ministerial process where the Village is obligated to approve a plat that meets minimum requirements, staff is concerned a formal public hearing raises expectations by the public that a plat can be denied even if it meets minimum requirements. We experienced this a few months ago with the review of a plat on Wood Drive because it had ties to the Carvana proposal.

2. OR district site plan approval – staff proposes to add the OR district to the site plan approval section. As per the OR district regulations a site plan review is required in the OR district. However, the site plan section omits review for industrial zoning districts including OR. Staff proposes this change in order to avoid confusion for future OR district proposals.
3. Window trim lighting – staff proposes a prohibition on window trim lighting. Staff has received complaints that window trim lighting is unsightly and disharmonious with nearby businesses and commercial street frontage.
4. Solar energy systems – staff proposes to include specific language for solar energy systems or solar panels in coordination with SolSmart. The code doesn't address solar panels. We have approved them as accessory structures. By adding the language to the code, we are explicitly allowing their review and approval. The ordinance language

employs language provided by SolSmart and uses language from our Wind Energy System requirements.

5. B4 Shopping District – staff proposes to add a mixed-use building option to the B4 district. The change is in anticipation of a mixed-use development proposal at Touhy & Linder. Old Orchard Mall and Village Crossing, which are the only B4 areas in the Village, have expressed interest in adding mixed-use development to their campuses. Mixed-use is a trend seen in large shopping areas across the country and may play a key role in their continued vitality.

The proposed language uses existing B4 district language and components of the Mixed-use district requirements. This included adding multifamily as a restricted use in the district. The proposed development includes a potential cannabis dispensary. The Touhy/Linder area is one of two areas where a dispensary can be located with the other being the existing Curaleaf site. Staff has added this as a permitted use in the district.

6. Collective use of parking – staff proposes to allow parking to be shared between commercial and residential uses within a mixed-use building outside the mixed-use districts. The rationale is businesses can use residential parking when it isn't being used since the peak times are different. Staff proposes to allow up to 20% of required residential parking to be shared.

STAFF RECOMMENDATION

Staff recommends that Chapter 118 Zoning of the Skokie Village Code be amended with the text in **BOLD** as follows:

Sec. 118.8 Hearing, appeals, and modified reviews.

(a) Hearings

- (1) Notice. **Public hearings are required for map amendments, chapter amendments, site plan approvals, special use permits, and variances and are not required for parking determinations or subdivision plats.**

Upon receipt of an application in proper form, the Zoning Official shall arrange to advertise the time and place of the public hearing. Such advertisement shall be given by at least one publication in a newspaper of general circulation within the Village. Such notice shall state the nature of the request, the location of the property, and the time and place of the hearing. Except for ~~parking determinations and zoning~~ chapter amendments, personal notice must be given by regular mail of the time and place of the hearing to each property owner, as ascertained by the most recent available property tax records available to the public by the Cook County Assessor's Office, of all lots or buildings lying in whole or part within 250' of the property lines of the subject property and all tenants, occupants, and property owners on the subject property. The petitioner must file an affidavit with the Zoning Official containing a complete list of the names and last known addresses of all persons served proper notice

pursuant to this section. The notice shall be advertised, posted in a conspicuous manner on the subject property, and delivered by first class mail not more than 45 days nor less than 15 days prior to the hearing, as applicable.

Sec. 118-58. – Required site plan approval.

In **the OR Office Research District** and all business, mixed-use and residential districts site plan approval is required for the development, redevelopment, or modification of buildings and structures or site plan modifications of sites 1 acre or larger in size.

Sec. 118-71. Window Trim Lighting

Rope lighting, flexible lighting, series lighting and other similar application window trimming are prohibited if visible from a public way. This section is not intended to prohibit seasonal lights.

Sec. 118-72. Solar Energy Systems

(a) Roof-mounted solar energy system

- (1) Defined as a solar energy system that is structurally mounted to the roof of a building or structure.**
- (2) Permitted as an accessory structure within all zoning districts.**
- (3) The height shall be no more than 15' above the highest point of a building's roof or 15' above the existing allowable building height in the district, whichever is lower in height.**
- (4) No portion of the structure shall be located within any required yard.**

(b) Ground-mounted solar energy system

- (1) Defined as a solar energy system that is structurally mounted to the ground and is not roof-mounted**
- (2) Permitted as an accessory structure within all zoning districts.**
- (3) The structure height shall not exceed 1 story or 15' in height.**
- (4) The structure shall meet setback requirements for accessory structures as per Section 118-60 of this chapter.**
- (5) The total area of all accessory structures shall not occupy more than 30% of the rear yard.**

(c) Electrical transmission lines.

All on-site electrical transmission lines connecting a solar energy system to a building or to the electrical distribution system shall be located underground.

(d) Building permit required.

A building permit is required for the construction or installation of a solar energy system.

Sec. 118-99. – Cannabis dispensaries.

(c) Location restrictions. A dispensary shall not be located within 1,500' of the property line of a pre-existing dispensary or within 1,000' of the property line of private or public school grounds, a child care center not in a residence, a public park, a library, or a games arcade establishment to which admission is not restricted to persons 21 years or older, **unless it is located within 750 feet of Village Police Headquarters and all other statutory location restrictions are met.**

Sec. 118-145. – B4 Regional Shopping district. Sec. 118-188. – RX Regional Mixed-

Use Shopping District

The Regional **Mixed-Use** Shopping district is established to accommodate business establishments of a wide range of **mixed-use**, retail business, and complementary uses to serve a trade area reaching out for several miles or more and embracing a large segment of an urban region. All properties within this district shall be considered planned developments requiring site plan approval in accordance with Article II of this chapter. The following requirements shall apply to the **B4 RX** district:

Minimum District Size: 20 acres

Commercial Buildings:

(1) *Building height.* The maximum building height shall be:

- a. Three stories, not to exceed a maximum height of 65 feet.
- b. Twelve stories, not to exceed a maximum height of 175 feet, provided that the following criteria are met:
 1. The third level of such structure shall not be located closer than 250 feet to each boundary of the district; and
 2. The maximum floor area shall not exceed 12,000 ft² per floor above the third level.

(2) *Yards.* No building, structure or accessory building shall be erected or maintained within 150 feet of any boundary of a B4 district.

Mixed-Use Buildings:

(1) *Building height.* The maximum building height shall be twelve stories, not to exceed a maximum height of 175 feet.

(2) *Yards.* A minimum front yard of 25 feet along Illinois State Route frontages and 15 feet along other street frontages is required. A minimum side and rear yard of 25 feet is required. A minimum landscaped buffer yard of 25 feet is required when adjoining a residentially-zoned property within or outside the Village boundaries.

(3) Commercial area. A minimum of 10,000 square feet or 15% of gross first-floor area, whichever is less, of first-floor commercial is required within each mixed-use building.

(4) Building design.

a. The minimum first floor height measured from grade to the second story finished floor level shall be 15 feet.

b. The minimum depth on the first floor commercial shall be 24 feet.

c. At least 60% of first floor linear frontage shall be devoted to commercial uses or lobby area.

d. At least 50% of the wall area that is between 2 and 12 feet above grade shall be occupied by windows and/or entry doors. These windows and doors shall be the following requirements:

1. Utilize clear transparent glass in order to provide clear views of building interiors from the street to allow natural surveillance of the street and adjacent outdoor spaces.

2. Tint, internal screening, patterns or mirrored coatings are prohibited.

3. Coatings shall be limited to those necessary to meet the minimum U-factor requirement in the latest edition of the International Energy Conservation Code adopted by the State of Illinois.

4. Be of commercial grade and design.

5. The surface shall not be covered or obstructed by products, signs in excess of the requirements in the Signs chapter, or other opaque materials placed behind the window.

e. An entrance to a corner building shall be located at the corner.

(5) Restricted uses. Residential uses are only to be permitted within mixed-use buildings.

Section 118-211. Collective use of parking spaces

No parking shall serve as a required space for more than 1 use, **except in mixed-use buildings where 20% of required parking for residential uses may be shared with commercial uses.**

Appendix A. – Use Table

Residence, 3- or more unit multifamily

Add as a Restricted Use (R) in the B4 District

Cannabis dispensary

Add as a Permitted Use (P) in the B4 district