

VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS

MONDAY, MARCH 5, 2012

7:30 P.M.

Regular Meeting
Village Hall Council Chamber
675 Village Court

The Village of Glencoe 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 facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4111, or please contact the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.

A G E N D A

1. CALL TO ORDER AND ROLL CALL

Barbara Miller, Chair
James Clark
David Friedman
Ed Goodale
Jim Nyeste
Howard Roin
Steve Ross

2. CONSIDERATION OF THE MINUTES OF THE MEETING OF THE FEBRUARY 6, 2012 ZONING BOARD OF APPEALS.

A copy of the February 6, 2012 meeting minutes is attached.

3. ADJOURNMENT.

VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS

REGULAR MEETING

February 6, 2012

1. CALL TO ORDER.

A meeting of the Fence Board of Appeals of the Village of Glencoe was called to order at 7:30 p.m. Monday, February 6, 2012 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Barbara Miller, Chair

Members: James Clark, David Friedman, Ed Goodale, Jim Nyeste, and Howard Roin.

The following were absent:

Steve Ross

The following Village Staff were also present:

John Houde, Building & Zoning Administrator

3. APPROVE ELFMAN APPEAL AT 600 SHERIDAN.

The Chairman stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Merrick Elfman of a decision by the Building & Zoning Administrator to deny fence repairs and the south driveway infill for the 5 foot 8 inch brick fence along Sheridan Road. The proposed fence work requires an increase in the allowable height from 4 feet to 5 foot 8 inches. There are no percentage limits on variations the Fence Board of Appeals can grant.

The Chairman reported that notice of the public hearing was published in the January 5, 2012 GLENCOE NEWS and 13 neighbors were notified of the public hearing by mail and that no letters or verbal inquiries had been received. The Chairman then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chairman read the following items which the applicant previously submitted. That person noted:

1. Two variances were granted on January 3, 2011 for the following modifications to the east garden wall:
 - a. The north point of access would be in-filled with a new garden wall. The wall would be 5' 8" tall (to the top of the concrete gap).
 - b. A new central point of entry would be added, which would require the removal of a section of the existing garden wall.
2. Following further design development of the site, as well as several discussions with Village staff, it was decided to eliminate the existing south driveway access to Sheridan Road. The obvious gain is a significant reduction in impermeable surface through the removal of the driveway that provides access to that point of egress. Once that is removed, it is the desire of the owners to seamlessly continue the existing masonry wall, by infilling the current south opening. The garden infill will be designed and detailed to match the existing one in height, materials, and detailing, the wall will be 5'-8" tall to the top of the concrete cap.
3. The variation, if granted, will not alter the essential character of the locality; the existing garden wall, which runs from the north end of 614 Sheridan to the south end of 600 Sheridan, will be maintained aside from the proposed modifications and repairs to portions of the leaning wall. Any changes will match the existing wall in height and detailing.
4. The variation will be in harmony with the general purpose and intent of the Fence Ordinance; the request does not include any unusual, unattractive variation in height. It will be a very consistent in-fill, along with a new opening, which will hardly be discernable to a passerby, once the changes have been made.
5. The variation will set no unfavorable precedent either in the immediate neighborhood, or to the Village as a whole; the request is similar to any variation request to rebuild an existing garden wall that exceeds current height limitations. It does not seem as though this request will establish any particular precedent.
6. The variation will not affect public safety; the access to and from Sheridan Road remains as it was approved in January, 2011.

The Chair made part of the record, as additional testimony the Agenda Supplement, which the Secretary was directed to preserve as part of the record in this matter.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for a variance in the 5 foot 8 inch tall masonry brick fence be granted per the drawings presented, making findings and resolving as follows:

FINDINGS

1. The requested variation is within the jurisdiction of the Fence Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, the Fence Board finds that it has been established that the request meets the standards necessary to permit the granting of a variation in that it would not:
 1. Alter the essential character of the locality;
 2. Be out of harmony with the general purpose and intent of the fence ordinance;
 3. Set an unfavorable precedent whether to the immediate neighborhood or to the Village as a whole; and
 4. Affect public safety.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request, for an increase in the allowed fence height along Sheridan Road to maintain and repair the existing 5 foot 8 inch high brick fence and to infill the south driveway opening be granted as shown in the drawings or plans submitted by the owners and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Building & Zoning Administrator is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period a building permit is issued and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

Adopted by the following vote:

AYES: Clark, Friedman, Goodale, Nyeste, Roin, Miller (6)

NAYS: None (0)

ABSENT: Ross (1)

There being no further business to come before the Fence Board of Appeals, the meeting adjourned at 7:45 p.m.


Secretary

VILLAGE OF GLENCOE
ZONING COMMISSION

MONDAY, MARCH 5, 2012
7:30 P.M.

Regular Meeting
Village Hall Council Chamber
675 Village Court

The Village of Glencoe 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 facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4111, or please contact the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.

A G E N D A

1. CALL TO ORDER AND ROLL CALL

Barbara Miller, Chair
James Clark
David Friedman
Ed Goodale
Jim Nyeste
Howard Roin
Steve Ross

2. PUBLIC COMMENT TIME.

3. PUBLIC HEARING TO HEAR TESTIMONY AND TO MAKE A RECOMMENDATION TO THE VILLAGE BOARD ON PROPOSED AMENDMENTS TO THE ZONING CODE RELATING TO THE ELIMINATION OF THE CONTEXTUAL DESIGN REVIEW COMMISSION.

The Agenda Supplement for this request is attached.

4. ADJOURNMENT



Village of Glencoe

Zoning Commission Agenda Memorandum

DATE PREPARED: February 22, 2012

MEETING DATE: March 5, 2012

AGENDA SUBJECT: Referral from Village Board to hold a Public Hearing to hear public testimony and to make a Recommendation to the Village Board on Proposed Amendments to the Zoning Code Relating to the Elimination of the Contextual Design Review Commission.

RECOMMENDATION: That the Zoning Commission hold its Public Hearing and make its Recommendation back to the Village Board.

Background:

The Contextual Design Review Commission, or CDRC, was established on April 21, 2005 to provide a *voluntary* means for single-family residential design review. In exchange for the review, and the applicant's agreement to incorporate recommended design changes, the Commission may grant adjustments (incentives) that provide zoning and floor area ratio (FAR) benefits to an applicant. Since the process is purely voluntary, applicants may withdraw at any time, however, withdrawal forfeits all adjustments allowable through the contextual design review process.

The first official meeting of the CDRC was held on September 19, 2005. Sections 7-104 and 7-505 of the Zoning Code, both attached, set forth the following as they relate to the Commission: membership, jurisdiction and authority, purpose, procedures, standards (design guidelines), and authorized adjustments (incentives). The primary order of business for the newly established Commission was to prepare residential design guidelines to be used when evaluating applications for contextual design review. The Village Board adopted a resolution on July 20, 2006 approving the residential design guidelines as prepared by the CDRC. Following the Board's approval of the residential design guidelines, the CDRC began reviewing applications for design review on October 9, 2006.

On October 16, 2008, CDRC Chairman Walt Eckenhoff and staff liaison Nathan Parch presented a status report to members of the Village Board reviewing the Commission's first two years of work. The status report noted a combination of factors likely affecting participation in the process and recommendations aimed at attracting additional applicants, specifically modifications to the FAR adjustments. Members of the Village Board considered the FAR recommendations at their December 18, 2008 meeting and chose to table the matter. No further consideration was given to the recommendations since that time.

On November 18, 2010, Chairman Walt Eckenhoff presented a second status report to the Village Board. Mr. Eckenhoff noted that the Commission experienced little to no activity in 2010, and therefore did not hold meetings, and that two Commissioners moved out of Glencoe resulting in two vacancies. Due to the inactivity of the Commission, members of the Village Board considered whether it was worthwhile to continue a process that was rarely utilized and that did not provide the extent of public benefit as originally envisioned. The consensus of the Village Board was to maintain the CDRC even if that meant it would only meet on an as-needed basis.

At the November 18, 2010 meeting referenced above, Chairman Walt Eckenhoff and members of the Village Board discussed the possibility of incorporating sustainability into the scope of the CDRC and the adjustments it is authorized to approve. Adding a new sustainability focus to the Commission would be consistent with recommendations included in the Village's Sustainability Study.

Members of the CDRC met December 12, 2010 through July 11, 2011 to consider amendments to the Residential Design Guidelines with the goal of encouraging energy efficient/sustainable design. In lieu of financial incentives, which were viewed as unlikely, Commissioners concurred that FAR inducements remained the most viable option. To that end, Commissioners recommended modifying the FAR adjustments to establish a 15% FAR increase for reuse and renovation of existing home structures and a 10% FAR increase for new home structures that incorporate sustainable design practices thereby reducing demand for utilities.

Chairman Walt Eckenhoff and Commissioner Mark Piltingsrud presented the above noted FAR recommendations to the Village Board on November 17, 2011. Several members of the Village Board expressed

concerns with FAR increases, despite the requirement to incorporate sustainable design practices to reduce utility demand, and no further action was taken.

At their December 12, 2011 meeting, CDRC members discussed the outcome of the November 17th Village Board meeting. Members reviewed a list of possible options for the Commission to consider moving forward.

Commissioners agreed that there are no viable incentives to encourage sustainable design other than FAR increases; permit fee rebates, expedited permit review, and an awards program were previously evaluated and dismissed for varying reasons. Adding sustainability criteria to the CDRC guidelines and maintaining current incentives was discussed, but Commissioners felt it would be ineffective without a pool of applicants. Commissioners also considered recommending that overall Village FAR percentages be lowered, but compared the Village's FAR percentages to other north shore communities and determined Glencoe is already on the lower end.

Following much discussion and an evaluation of all options, the Commission unanimously approved forwarding the following three recommendations to the Village Board:

- Adopt a sound energy efficient code or LEED program that is a mandatory part of the building permit process;
- Remove incentives and review process language from the CDRC's Residential Design Guidelines booklet and issue it to all building permit applicants as an educational tool since it contains a good history of the architectural development of the Village; and
- Disband the CDRC as a Village Commission due to the lack of applicants.

Following the meeting, Chairman Eckenhoff forwarded the above recommendations to Village President Scott Feldman who then shared them with members of the Village Board.

In reviewing the matter with the Village Attorney it was determined that an amendment to the Zoning Code would be required to disband the CDRC, thereby removing from the Code Sections 7-104 and 7-505. To that end, a Village Board Resolution is attached directing the Zoning Commission to conduct a public hearing to consider possible amendments to the Zoning Code related to the elimination of the Contextual Design Review Commission and to make recommendations back to the Village Board.

Analysis:

As Zoning Code amendments or deletions require public hearing and consideration by the Zoning Commission, the Village Board approved the attached Resolution at its January 19, 2012 meeting referring the Village Zoning Commission to review amendments to the Zoning Code relating to elimination of the Contextual Design Review Commission.

As specified in the referral Resolution, the Zoning Commission was requested to conduct the appropriate review and public hearing and deliver its recommendation to the Village Board by March 15, 2012.

Notice of the March 5, 2012 public hearing was published in the February 9, 2012 Glencoe News.

Recommendation:

Staff recommends that the Zoning Commission hear public comment, discuss testimony and make a recommendation to the Village Board concerning Zoning Code Contextual Design Review Commission Amendment.

Attachments:

Referral Resolution

Sections 7-104 and 7-505 of Glencoe Zoning Code – Contextual Design Review

November 17, 2011 Village Board Meeting Minutes

December 12, 2011 Contextual Design Review Commission Meeting Minutes

VILLAGE OF GLENCOE

RESOLUTION NO. R-01-2012

**A RESOLUTION DIRECTING THE ZONING COMMISSION
TO CONSIDER POSSIBLE AMENDMENTS TO THE ZONING CODE
RELATING TO THE CONTEXTUAL DESIGN REVIEW COMMISSION**

WHEREAS, under the Village's Zoning Code, a Contextual Design Review Commission ("**CDRC**") has been established pursuant to Sections 7-104 and 7-505 of the Glencoe Zoning Code; and

WHEREAS, the members of the CDRC have provided beneficial service to the Village, including services as a resource for considering new regulations relating to sustainability incentives and requirements; and

WHEREAS, notwithstanding the valuable service provided by the members of the CDRC, there have been few applications to the Village seeking action from the CDRC; and

WHEREAS, given the low utilization of the CDRC and the Contextual Design Review process, the President and Board of Trustees have determined that it is beneficial to the Village to consider whether maintaining the development regulations and opportunities associated with the Contextual Design Review process are in the best interests of the Village and its residents; and

WHEREAS, the Village Board desires the Glencoe Zoning Commission to conduct a public hearing and consider potential amendments to the Zoning Code relating to the continued need of the Contextual Design Review process and the CDRC;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

SECTION ONE: **Recitals:** The foregoing premises are hereby incorporated into and made part of this resolution.

SECTION TWO: **Conduct Hearing on Contextual Design Review Process.**
The President and Board of Trustees hereby refer to the Zoning Commission for public hearing and recommendation of potential amendments to the Zoning Code relating to the continuance of the CDRC and the Contextual Design Review process.

SECTION THREE: **Time Frame.** The Zoning Commission is to conclude the public hearing process and forward written recommendations relating to the continuance of the CDRC and the Contextual Design Review process to the Village Board no later than March 15, 2012.

SECTION FOUR: **Effective Date.** This resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

PASSED THIS 19TH DAY OF JANUARY, 2012.

AYES:

NAYS:

ABSENT:

APPROVED THIS 19th DAY OF JANUARY, 2012.

Scott M. Feldman
Village President

ATTEST:

Paul M. Harlow
Village Clerk

ZONING CODE - ARTICLE VII

7-202

jurisdiction and authority:

1. Subject to the provisions and standards of Ill. Rev. Stat. ch. 24 ¶ 11-13-14 (1989), as may be amended from time to time, and Section 7-501 of this **Code**, to conduct hearings and to make recommendations to the **Board of Trustees** with respect to any proposed **amendments** to the regulations imposed and the **districts** created under this **Code** as the **Board of Trustees** may refer to the **Zoning Commission** from time to time.
2. Subject to the provisions and standards of Section 7-502 of this **Code**, to conduct hearings and to make recommendations to the **Board of Trustees** with respect to the granting or denial of any **special use permit** under this **Code**.
3. Subject to the provisions and standards of Section 7-503 of this **Code**, to review and make determinations with respect to certain plans for **development** for appearance review.

7-104 CONTEXTUAL DESIGN REVIEW COMMISSION

- A. Creation; Membership. The Contextual Design Review Commission shall consist of seven members appointed by the Village President and confirmed by the **Board of Trustees**. All members shall be residents of the **Village**. The members of the Commission should have significant background in residential design and construction, land planning, or other related disciplines in order to facilitate the enhancement of **single family dwelling developments** seeking approvals pursuant to Section 7-505 of this **Code**. The Village President shall have the power to remove any member for cause and after a **public hearing**. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the Village President and confirmation by the **Board of Trustees**. Initial appointments to the Commission shall be as follows: one member for a one-year term; two members for a two-year term; two members for a three-year term; and two members for a four-year term. All re-appointments and appointments of successors upon the expiration of any term of any member shall be for a period of four years and until a successor has been appointed and has qualified for office. All members of the Contextual Design Review Commission shall serve without compensation.
- B. Chairperson and Acting Chairperson. The Village President shall name one member of the Contextual Design Review Commission as Chairperson, who shall preside at all **public meetings and hearings** and fulfill the customary functions

of that office. In the absence of the Chairperson, an Acting Chairperson designated by the members of the Contextual Design Review Commission shall act as chairperson and shall have all the powers of the chairperson. The Chairperson shall have the power to administer oaths.

- C. Staff Secretary; Minutes; Public Records. The **Village Manager** shall designate a Staff Secretary of the Contextual Design Review Commission, who shall attend all of its proceedings. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Commission meetings, hearings, and proceedings and all correspondence of the Commission. The Village Clerk shall provide for keeping a file of all records of the Commission, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.
- D. Quorum and Necessary Vote. No business shall be transacted by the Contextual Design Review Commission without a quorum, consisting of four members, being present. The concurring vote of at least four members of the Contextual Design Review Commission shall be necessary on any motion to decide in favor of the applicant on any application made pursuant to Section 7-505 of this **Code**. If less than a quorum is present, the **public hearing or meeting** may be adjourned from time to time as provided in the Illinois Open Meetings Act. The Staff Secretary shall in writing notify all members of the Contextual Design Review Commission of the date of the adjourned **public hearing or meeting** and shall also notify such other interested parties as may be designated in the vote of adjournment.
- E. Absent Members. No member absent from any portion of a proceeding shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the proceeding during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.
- F. Meetings; Hearings; Procedures. Regular meetings of the Contextual Design Review Commission shall be held in accordance with the annual schedule posted in the **Manager's** office and at such other times as the members of the Contextual Design Review Commission may determine. All meetings, hearings, and deliberations of the Contextual Design Review Commission shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act. The Contextual Design Review Commission shall adopt its own rules of procedure for the conduct of its business not inconsistent with this **Code** and the statutes of the State of Illinois.

- G. Record. The transcript of testimony, if any; the minutes; all applications, requests, and papers filed in any proceeding before the Contextual Design Review Commission; and the decision of the Contextual Design Review Commission shall constitute the record.
- H. Decisions. Every decision of the Contextual Design Review Commission shall be memorialized in a written resolution which shall include findings of fact; shall refer to all pertinent evidence in the record and to the exhibits, plans, or specifications upon which such decision is based; shall specify the reason or reasons for such decision; shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or declining to grant relief; and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized. Such resolution may be incorporated into the minutes of the Contextual Design Review Commission. The Contextual Design Review Commission may take final action on any decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Contextual Design Review Commission's decision shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented and approved at the next regular **public meeting** of the Contextual Design Review Commission.
- I. Conflicts. No member of the Contextual Design Review Commission shall appear before the Contextual Design Review Commission on, or participate in the hearing or disposition of, any matter or application in which that member has an interest (including interests as a consultant, representative, or other person receiving, or who may be receiving, remuneration), either directly, indirectly, or through one's business or employment activities or immediate family. Notwithstanding the foregoing, a member of the Contextual Design Review Commission may appear before the Commission with respect to that member's personal residence, provided that such member shall disclose on the record his or her interest in the application and thereafter not participate in the Commission's consideration or disposition of such matter. Any conflict of interest prohibited by the Glencoe Village Code or State law shall disqualify a member.
- J. Appeals. The Contextual Design Review Commission shall only make final decisions regarding voluntary petitions for contextual design review pursuant to Section 7-505 of this Code, and any determination of the Commission declining to grant relief under Section 7-505 shall not deprive an applicant of its rights otherwise available under this Code; accordingly, no appeals may be taken from a final decision of the Commission pursuant to Section 7-505.

- K. Jurisdiction and Authority. The Contextual Design Review Commission shall have the following jurisdiction and authority:
1. Subject to the provisions of Section 7-505 of this **Code**, to consider applications for contextual design review approval and grant or decline to grant relief pursuant to Section 7-505.
 2. Upon reasonable written request of the **Board of Trustees**, to make its special knowledge and expertise available to any official, department, board, or commission of the **Village**, County, State, or Federal governments to aid them in the performance of their respective duties relating to contextual design or zoning and its administration in the **Village**.
 3. In furtherance of the above jurisdiction and authority, to make such investigations, maps, reports, and recommendations in connection therewith, relating to contextual design or zoning and its administration in the **Village** as requested by the **Board of Trustees**; provided, however, that the expenditures of the Contextual Design Review Commission shall not exceed the amount appropriated therefor.

PART II: ZONING APPLICATIONS AND HEARINGS

7-201 APPLICATIONS

- A. Place of Filing. All applications filed pursuant to this **Code** shall be filed with the Office of the **Village Manager** or with such other **Village** official or body as the **Village Manager** may by administrative order designate.
- B. Form; Number; Scale. All applications filed pursuant to this **Code** shall be on forms supplied by the **Village** and shall be filed in such number of duplicate copies as the **Village Manager** may designate by administrative order. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plans and the proposal being made and shall be folded to a size of 8-1/2 inches by 11 inches.
- C. Filing Deadlines.
 1. Applications Requiring Hearings. An application requiring a **public hearing** will not be scheduled for such hearing unless filed, in proper form and number and containing all required information,

ZONING CODE - ARTICLE VII

7-302

Such minor adjustments shall be consistent with the intent and purpose of this **Code** and the **site plan** as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this **Code**.

2. Major Adjustments. Any adjustment to a **site plan** that is not authorized by the preceding Paragraph 7-504I1 shall be considered to be a major adjustment and shall be granted only upon application to and approval by the **Board of Trustees**. The **Board of Trustees**, by ordinance duly adopted, may grant approval for a major adjustment without referral to the **Plan Commission** upon finding that any change in the **site plan** as approved will be in substantial conformity with said **site plan**. If the **Board of Trustees** determines that a major adjustment is not in substantial conformity with the **site plan** as approved, then the **Board of Trustees** shall refer the request to the **Plan Commission** for further consideration and review as provided in Subsection 7-504E of this **Code**.
- H. Amendments to Site Plan Following Completion of Development. After a site is developed in accordance with an approved **site plan**, the approved **site plan** may be amended, varied, or altered in the same manner and subject of the same limitations, as provided for original approval of **site plans**.

7-505 CONTEXTUAL DESIGN REVIEW (Adopted 4/2005)

- A. Authority. This Section establishes special regulations that apply notwithstanding other general regulations in this **Code**, but only pursuant to and subject to the purposes and procedures hereinafter set forth in this Section. The Contextual Design Review Commission, in accordance with the procedures, limitations, and standards set out in this Section or otherwise duly adopted by the Contextual Design Review Commission, may grant contextual design review approval for **single family dwellings** seeking such approval, which approval may contain adjustments to the generally applicable zoning regulations to the extent permitted in this Section and expressly authorized as part of any contextual design review approval.
- B. Purpose. The **Board of Trustees** recognizes that zoning regulations are, by nature and necessity, to be applied generally to many different settings and circumstances. Although such general applicability fosters consistency and stability, particularly in residential areas, it does not always provide sufficient flexibility to encourage excellence and innovation in design. In addition, the strict standards for securing **variations** from the zoning regulations in this **Code** may not accommodate the types of modest adjustments needed for residential

designs to reduce the appearance of excessive bulk while enhancing the **dwelling**s themselves, **adjacent** properties, and the neighborhoods in which they are located. In order to address opportunities for enhanced residential designs that reduce the appearance of excessive bulk and contribute to and maintain the character of a neighborhood without adversely impacting **adjacent** properties, this Section authorizes and encourages owners to submit their proposed designs to the Contextual Design Review Commission. Minor adjustments to the generally applicable regulations of this Code are available to promote better residential design in the context of the Village's neighborhoods. Contextual design review shall be entirely voluntary, and no person shall be entitled to any adjustments from the regulations of this Code under the Contextual Design Review procedures except with respect to a specific design and overall plan expressly approved by the Contextual Design Review Commission.

- C. Applicability of Contextual Design Review. Contextual design review is available for any new construction of, addition to, or **alteration** of a **single family dwelling**. Contextual design review shall not be required for any **single family dwelling development**, but no **single family dwelling development** shall be entitled to seek or obtain any adjustments as authorized pursuant to Subsection 7-505G of this Code unless the Contextual Design Review Commission grants contextual design review approval for a specific plan, and such adjustments shall only be available for **development** conforming to such specific plan, as well as any conditions of contextual design review approval.
- D. Parties Entitled to Seek Contextual Design Review Approval. Applications for contextual design review may be filed by the **owner** of, or any person having a contractual interest in, the subject property.
- E. Procedure.
 - 1. Pre-Application. Prior to filing an application for contextual design review, a prospective applicant shall contact the Staff Secretary to the Contextual Design Review Commission to schedule a pre-application meeting. The Staff Secretary, or not more than two members of the Commission, or both shall meet with the prospective applicant to review the process and to preliminarily assess the **single family dwelling development** that is contemplated to be the subject of an application for contextual design review. Following such meeting, a prospective applicant shall have the right, but not the obligation, to file an application for contextual design review.
 - 2. Application; Fee. Applications for contextual design review approval shall be filed in accordance with the requirements of Section 7-201 of this

Code, and such applications shall also include at least the following information and materials:

- a. Existing and proposed site plan of the subject property;
- b. Elevations of the proposed **development** on the subject property;
- c. Photographic composite of existing **structures** in its environs (as determined in the pre-application meeting);
- d. Photographic composite of the proposed **development** in its environs (as determined in the pre-application meeting);
 - e. Landscaping plans, showing existing and proposed landscaping on the subject property;
 - f. Photographs of the subject property;
 - g. Architectural plans for the proposed **development**; and
 - h. Samples of materials for the proposed **development** on the subject property.

Notwithstanding anything in Section 7-201 to the contrary, no fee shall be required in connection with an application for contextual design review, nor shall there be any limitation on successive applications for contextual design review. Any person who files an application for contextual design review shall be deemed to acknowledge and agree that: (i) the contextual design review process is entirely voluntary; (ii) the determination of the Commission to decline the granting of adjustments pursuant to contextual design review approval does not constitute any deprivation of rights; and (iii) the applicant shall have no right to appeal or otherwise challenge a determination of the Commission with respect to an application other than to withdraw from the contextual design review process.

3. Public Meeting: Notices. A **public meeting** shall be set, noticed, and conducted by the Commission in accordance with Section 7-203 of this **Code**. In addition, notice shall be provided by regular or certified mail to each **dwelling unit** located within 250 feet of the subject property. Prior to any meeting relating to an application for contextual design review, the **Village Manager** shall cause a staff report to be prepared and delivered to the members of the Commission relating to such application. Such **public meeting** may be continued from time-to-time, and the Commission may decline to act on any application for which the applicant or the applicant's representative is not present. At **public meetings**, the Commission shall

provide the applicant and any other person the opportunity to comment on the application.

4. Action by the Commission. Within 35 days following the conclusion of the **public meeting**, the Commission shall either approve an application for adjustments pursuant to this Section, approve such application with conditions, or decline to grant any adjustments for a proposed **single family dwelling development**. The Commission may provisionally approve any application for contextual design review and delegate the final terms of approval (including any conditions thereon) to one or more members, the Village staff, or some combination thereof. In addition, an applicant seeking adjustments pursuant to contextual design review may withdraw from the process at any time without limitation or consequence, and upon such withdrawal such applicant shall have the right to develop the subject property in any manner otherwise authorized under the Code exclusive of the provisions of this Section. No approval or conditional approval for contextual design review shall be binding upon an applicant unless and until such applicant seeks, obtains, and begins to prosecute **development** on the subject property pursuant to a building permit based on plans that incorporate adjustments authorized as part of a contextual design review approval. Upon such approval becoming binding, no person may pursue the **development** except in strict conformity with the contextual design review approval, including the approved plans and any conditions on such approval, and the Commission may require appropriate documentation to demonstrate the owner's consent to the contextual design review approval and any conditions thereon. Whenever a contextual design review approval is either (a) based upon the maintenance of a particular feature of the **single family dwelling** or lot receiving such approval, or (b) authorizing an increase in the otherwise allowable maximum **gross floor area**, the Commission shall require the applicant to execute and record a declaration of covenants against the subject property.
5. Designated Landmarks. For any **single family dwelling** that has been designated as a landmark or is included within a designated historic district pursuant to Section 26A-21 of the Village Code, no contextual design review approval may be sought or granted unless the Glencoe Historic Preservation Commission has first granted favorable advisory review of the proposed **development** pursuant to Section 26A-30 of the Village Code. Upon such favorable advisory review, an application for contextual design review may be considered and adjustments may be approved, provided that the plans approved pursuant to such contextual design review are substantially the same as those for which favorable advisory review was granted by the Historic Preservation Commission.

- F. Standards for Contextual Design Review Approval. Because the contextual design review process is entirely voluntary, applicants are deemed to acknowledge and agree that: (i) they have no right or expectation that any adjustments will be authorized for their proposed **single family dwelling development**; and (ii) approval of any adjustments shall be granted only in the sole discretion of the Commission. The Commission shall develop and recommend guidelines for both **alterations** and new construction of **single family dwellings** in connection with its contextual design review activities; provided, however, that no guidelines shall be established unless first approved by a resolution of the **Board of Trustees**; general satisfaction of such approved guidelines shall be necessary, but not sufficient, for an application to receive contextual design review approval.
- G. Authorized Adjustments. When the Contextual Design Review Commission determines that excellence and innovation will be enhanced in a manner that contributes to and maintains the character of a neighborhood without adversely affecting **adjacent** properties and otherwise advances the purposes of this Section, the Commission may approve adjustments to the otherwise applicable provisions of this **Code** in connection with the approval of any application for contextual design review in the following respects and no others:
1. Chimney projections into **side yard setback** up to 6'-0" in width and 2'-0" in depth;
 2. 5% increase in the maximum **gross floor area** limits, but such increase may only be applied to the **principal single family dwelling** on the subject property;
 3. For **lots** having a lot **width** of at least 80 feet, reductions in the **side yard setback** for a detached **garage** to a minimum of five feet; provided that such approval shall be subject to the terms and conditions set forth in Subparagraph 3-111G20(b) and 3-111G20(c) of this **Code**;
 4. In lieu of the exclusions authorized pursuant to Subparagraph 3-111G12(a) or 3-111G12(b), exclusions from the calculation of maximum **gross floor area** of either: (a) 400 square feet for an attached **garage** located in the rear half of the lot, but not for any **garage** along a **corner building front**; or (b) 600 square feet for a detached **garage**;
 5. Bay projection into **side yard setback** up to 8'-0" in width and 2'-0" in depth;

6. An exclusion from the calculation of maximum **gross floor area** of 400 square feet for attic space in the principal single family dwelling on the subject property;
7. In lieu of the exclusions authorized pursuant to Subparagraph 3-111G12(e), exclusions from the calculation of maximum **gross floor area** of **underbay** or **undereave** areas when determined to be a defining element of the architectural style (i.e. Prairie style);
8. An exclusion from the calculation of maximum **gross floor area** of a **basement** when a raised first floor is determined appropriate for the architectural style of the dwelling;
9. For pre-FAR single family dwellings only, reduced interior stair width, reduced stair height clearance, and/or reduced handrail height for porches, notwithstanding any provision to the contrary in this **Code** or the Village Code.

To the extent that the **owner** of a **lot** elects to accept adjustments approved pursuant to contextual design review relating to the maximum **gross floor area** under Paragraphs G2, G4, G6, G7, or G8 of this Section 7-505, no **variations** from the maximum **gross floor area** may be sought or obtained for such **lot** pursuant to this Code. In addition, for any **single family dwelling** utilizing adjustments approved pursuant to contextual design review, the cumulative adjustment to **gross floor area** allowable pursuant to the provisions of Paragraph 3-111G12 or Subsection 7-505G of this **Code** shall not exceed twenty percent (20%) of the maximum **gross floor area** applicable to such **lot** as calculated pursuant to Subsection 3-111E of this **Code**.

H. Inspections; Plan Modifications; Enforcement and Penalties; Costs.

1. Any **single family dwelling** that incorporates adjustments approved pursuant to this Section shall be subject to periodic inspection by the **Village Manager** or the Manager's designee to ensure conformity with the terms of the contextual design review approval, including the approved plans and any conditions of such approval. No modifications to the approved plans, and no deviations from the conditions of contextual design review approval, shall be permitted without the approval of the Contextual Design Review Commission; provided, however, that the Commission may approve minor modifications recommended for approval by the Village staff as part of a consent agenda and without a new application.
2. No certificate of occupancy shall be issued for any **development** of a **single family dwelling** for which a building permit was issued that

incorporated any adjustments authorized pursuant to this Section unless such **development** has been completed in strict compliance with the plans approved as part of the contextual design review, as well as any conditions of such contextual design review approval.

3. When adjustments authorized pursuant to this Section are incorporated into a **single family dwelling development**, any deviation from the plans approved as part of a contextual design review and any failure to comply with the conditions of contextual design review approval shall be deemed a violation of this **Code**, and shall subject the **owner** to fines in an amount not to exceed \$750 for each day the violation continues. In addition, the Village may also exercise any other remedy available at law, including specific performance and injunctive relief.
4. Because of the voluntary nature of the contextual design review process, any applicant who receives contextual design review approval and thereafter incorporates the adjustments authorized pursuant to this Section into a **single family dwelling development** shall be deemed to agree to reimburse the Village for any costs that the Village might incur (including reasonable attorneys' fees) in connection with any enforcement action wherein a violation is found.

PART VI: ENFORCEMENT AND PENALTIES

7-601 GENERAL ENFORCEMENT AUTHORITY AND DUTY

Upon finding the existence of any violation of this **Code**, the **Village Manager** shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

7-602 CIVIL AND ADMINISTRATIVE ENFORCEMENT

- A. Stop and Cease-and-Desist Orders. Upon finding the existence of any violation of this **Code**, the **Village Manager** shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the **Manager** shall order the discontinuance of any illegal use of land or **structures**, the removal of illegal **structures**, additions, or **alterations**, and the discontinuance of illegal work being done.

Upon a roll call, the motion was approved by the following vote:

AYES: Bhote, Cowans, Hayek, Keefe, and Levin (5)
NAYS: None (0)
ABSENT: Solomon (1)

9. CONSIDER A COMMUNITY GARDEN LICENSE AGREEMENT

Village Manager Harlow said that staff was approached by representatives of Congregation Am Shalom to provide a small portion of Village owned property to establish a community based garden area. The garden area would be used to grow vegetables, other produce, flowers and plants in raised flower beds.

The area identified for potential use is the Village owned property west of Phil Thomas Park and east of the Union Pacific Rail tracks. The sponsors of the program intend to use the garden as an educational, ecumenical, and functional community based program.

President Feldman asked if there were any public comments.

Fred Sherman, 220 Harbor Street, wanted clarification on where the garden would be placed.

Following the discussion, Trustee Keefe moved, seconded by Trustee Levin, to authorize the Village Manager to execute a License Agreement for a Community Garden with Congregation Am Shalom.

Upon a roll call, the motion was approved by the following vote:

AYES: Bhote, Cowans, Hayek, Keefe, and Levin (5)
NAYS: None (0)
ABSENT: Solomon (1)



10. RECEIVE RECOMMENDATIONS REGARDING THE CONTEXTUAL DESIGN REVIEW COMMISSION

CDRC Chairman Walt Eckenhoff provided a summary on the history of the Contextual Design Review Commission (CDRC). Following the summary, Mr. Eckenhoff outlined the Commission's recommendations, which incorporated sustainability into the scope of the Residential Design Guidelines and the authorized adjustments. The authorized adjustments were proposed to be modified as follows:

- Retain the original 5% FAR increase for design excellence;
- Establish a 15% FAR increase for reuse and renovation of existing home structures incorporating sustainable design practices that reduce demand for utilities; and

- Establish a 10% FAR increase for new home structures that incorporate sustainable design practices that reduce demand for utilities.

The 20% cap on total FAR adjustments for a subject property (CDRC adjustments + Zoning Code exclusions) would remain. The incorporation of sustainable design features would reduce a home's energy demands. Mr. Eckenhoff stated that Commissioners understood larger homes were contrary to sustainability, but noted that financial incentives in lieu of FAR increases would be difficult to justify.

Mr. Eckenhoff reviewed a series of slides illustrating the application of FAR increases under the current process and with the proposed recommendations. Commissioner Mark Piltingsrud reviewed the recommendations to the Residential Design Guidelines.

Several members of the Village Board expressed concerns with FAR increases as incentives. Apprehension was voiced regarding whether actual energy use following construction would adhere to the projections established preconstruction. Following the Village Board's discussion, President Feldman requested that the CDRC review the questions and comments made by the Village Board and return at a later meeting date.

11. CONSIDERATION OF AN ENGINEERING SERVICES AGREEMENT FOR COMPLETION OF A 2011-2012 STORMWATER DRAINAGE STUDY

Public Works Director David Mau said that the report presented to the Village Board at the September Village Board meeting identified three areas in the Village that routinely experience street and right-of-way flooding that impacts street passage, driveway access, yard flooding, and in some cases, structural flooding. Staff recommended performing a stormwater drainage study on these targeted areas to better understand the cause of the flooding, and consider recommendations for improvements. Staff recommends that the Village Board authorize the Village Manager to execute an agreement for engineering services with Engineering Resource Associates of Warrenville for an amount not-to-exceed \$19,552. The cost of the study will be covered by the anticipated balance in the Fiscal Year 2012 General Fund capital budget.

Trustee Levin moved, seconded by Trustee Keefe, to authorize the Village Manager to execute an engineering services agreement with Engineering Resource Associates, Inc. for the 2011/2012 Stormwater Drainage Study for an amount not-to-exceed \$19,552.

Upon a roll call, the motion was approved by the following vote:

AYES:	Bhote, Cowans, Hayek, Keefe, and Levin (5)
NAYS:	None (0)
ABSENT:	Solomon (1)

**VILLAGE OF GLENCOE
GLENCOE, ILLINOIS**

ZONING COMMISSION

**NOTICE OF PUBLIC HEARING ON AMENDMENT TO ZONING CODE
RELATING TO THE CONTEXTUAL DESIGN REVIEW COMMISSION**

PUBLIC NOTICE is hereby given that a public hearing shall be conducted on Monday, March 5, 2012, at 7:30 p.m., before the Zoning Commission of the Village of Glencoe, Cook County, Illinois, in the Council Chambers of the Village Hall, 675 Village Court, Glencoe, Illinois. The public hearing is to hear and consider testimony relating to the Contextual Design Review process and the Contextual Design Review Commission, and particularly on a proposed amendment to Sections 7-104 and 7-505 of the Glencoe Zoning Code for the elimination of the Commission and contextual design review.

Persons attending the hearing will have the opportunity to be heard and to ask questions regarding the proposed amendment to the Zoning Code. The public hearing may be adjourned to another date by the Zoning Commission without further notice other than a notice entered upon the minutes of said meeting fixing the time and place of its adjournment and reconvening.

John Houde
Building & Zoning Administrator

2/9/2012