

4. PUBLIC HEARING AND CONSIDERATION OF A REFERRAL BY THE VILLAGE BOARD OF A PROPOSED ZONING CODE AMENDMENT REGARDING NON-RESIDENTIAL USES IN SINGLE-FAMILY RESIDENTIAL DISTRICTS

Development Services Director Baxter reported that the purpose of this proposed code amendment is to consider how the Zoning Code regulates non-residential uses in residential zoning districts, especially regarding these uses' potential for greater impacts on nearby properties that would typically come from residential uses. These impacts may include traffic, parking, signage, lighting, noise, and structure size.

The Zoning Code currently allows some non-residential uses to be located in residential zoning districts "by right" without Zoning Commission, Plan Commission, or Village Board review. Non-residential construction in residential districts must meet the same, or at times reduced, zoning standards as single-family residential construction, with two exceptions: non-residential uses must be located on lots that are at least 20% as large as a minimum lot size in the zoning district, and they must meet more substantial off-street parking requirements with associated site design and landscape screening measures. Recent changes to state law have eliminated the Village's ability to apply off-street parking requirements in much of the Village, leaving only minimum lot size as a significant regulator of these non-residential uses.

Development Services Director Baxter advised that staff and the Village Board are requesting that the following should be considered:

- Should the list of non-residential uses that are allowed in residential zoning districts be amended?
- Is minimum lot size the most effective way to determine where non-residential uses may be located and to mitigate their potential impacts on nearby properties?
- Are the current minimum lot sizes for non-residential uses appropriate?
- In addition to or in place of minimum lot size standards, should development standards for non-residential uses in residential zoning districts be updated to better mitigate the users' impacts on nearby properties? These development standards may include setback requirements, floor area limits, traffic circulation requirements, or limits on outdoor uses.
- In addition to or in place of lot size requirements, should a Special Use Permit (SUP) be required for some or all of these non-residential uses?
- In addition to or in place of lot size requirements, should non-residential uses be allowed as conditional uses, which would not require a public hearing or Board approval, but instead would allow these uses "by right" so long as certain conditions are met?
- Should established non-residential uses in residential districts be exempt from some or all of any new regulations that come out of this amendment?

Development Services Director Baxter advised that libraries are exempt from off-street parking requirements. In addition, preschools/daycare facilities could have the most negative impact because they can open up anywhere in a residential use. He noted that the Village cannot have off-street parking limits with a Special Use.

Chairman Novack asked if the Commission could be creating barriers that are not needed.

Development Services Director Baxter noted the following: the minimum lot size can be changed, determination can be made as to where certain uses are allowed, and existing non-residential uses can be grandfathered. He advised that it also needs to be determined whether established non-residential uses should be subject to new requirements, and an example of this would be to require an SUP for any expansion of an existing use.

Chairman Novack commented that the SUP puts guardrails up, but it also expands uses. A discussion ensued and Commissioners suggested an SUP/grandfather combination.

Attorney Hannah Saed noted that singling out a religious use would be a violation, so any changes would have to be applied evenly.

Chairman Novack opened the discussion to public comment.

Development Services Director Baxter swore in resident Carolyn Winter. Ms. Winter commented that hypothetically zoning variations that were referred to, such as a preschool can be expanded, and what the Montessori School did was buy out other lots and expand.

Development Services Director Baxter swore in resident Ed Gooddale. Mr. Gooddale advised that he was the incoming Chair of the United Methodist Church, and he asked if any potential changes would require them to adjust their future plans. Chairman Novack stated that the Commission is leaning toward grandfathering existing uses. Development Services Director Baxter reported that there is no proposal to change accessory uses to a church.

Commissioner Holzman questioned if there are existing non-residential uses that do not meet parking requirements, and is parking a guardrail for expansion. Development Services Director Baxter said yes there are existing uses that do not meet parking requirements, and parking serves as a guardrail for the smaller sites.

Commissioner Koppersmith asked how other Villages are addressing this issue. Development Services Director Baxter advised that he has not contacted other Villages, but he can if directed to do so by the Commission.

Chairman Novack advised that he was in favor of recommending an SUP, floor area ratio (FAR) and setbacks, and removing the minimum lot size. Development Services Director Baxter noted that the Park District, School District, and Public Library can apply for a SUP to go beyond variation relief. He suggested that the Commission direct staff to prepare a draft resolution which can then be reviewed and changes can be made.

Commissioner Elsasser moved, seconded by Commissioner Fox, to direct staff to prepare a draft resolution for a proposed Zoning Code amendment regarding the regulation of non-residential uses in residential zoning district including a SUP process for all of the uses listed in the March 2, 2026 Zoning Commission packet, removal of minimum lot size for non-residential uses, inclusion of minimum lot size for all residential uses, grandfathering all non-residential uses that are existing uses and exempt them from SUP process, and list uses that have unlimited use for FAR, height and setback.

RESULT:	ACCEPTED
AYES:	Elsasser, Fox, Holzman, Koppersmith, Novack, Zuckerman
NAYS:	None
ABSENT:	Ruderman
ABSTAIN:	None

5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There was no public comment.

6. **ADJOURN**

The meeting adjourned at 9:19 p.m.

RESULT:	ACCEPTED
AYES:	Elsasser, Fox, Holzman, Koppersmith, Novack, Zuckerman
NAYS:	None
ABSENT:	Ruderman
ABSTAIN:	None