

Leicester

5.10. Adaptive Reuse Overlay District (AROD).

[Amended ATM 5/5/2008]

A. The purpose of the Adaptive Reuse Overlay District (AROD) is to:

- (1) Provide specific regulations allowing for the reuse of municipal, religious, and historic mill buildings in a way that promotes public health, safety and welfare and is in keeping with the adjacent character of the neighborhood.
- (2) Provide regulatory flexibility and intensification of use in municipal, religious, and historic mill buildings to prevent disinvestment or deterioration of buildings that have become obsolete for their original purposes.
- (3) Allow for the reuse of municipal, religious, and historic mill buildings as a means to increase the town's overall tax base, create employment opportunities and ensure efficient use of municipal services so as to not create a burden on these services.
- (4) Encourage the adaptive reuse of historic buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition of these landmark structures.

B. Eligibility for Conversion

The following shall be eligible for conversion to those uses listed in Section D of this bylaw:

- (1) A municipal building located in any zoning district if it was used for not less than fifteen (15) years for municipal use.
- (2) Any existing structure having not less than 10,000 square feet constructed more than sixty (60) years ago and historically part of a mill complex.
- (3) Any existing structure used for one or more of the following religious uses for not less than fifteen (15) years: churches, convents, schools, rectories, and parish halls.

C. Scope of Authority

The AROD is superimposed over all the underlying zoning districts in the Town. Except as specified in this Section 5.10, the provisions of the underlying zoning districts shall remain in effect. The regulations of this overlay district shall govern reuse, reconstruction or expansion of those buildings eligible for conversion as describe in Subsection B above. The Special Permit Granting Authority for an Adaptive Reuse Development (ARD) under this section shall be the Planning Board. Adaptive Reuse Developments which utilize any of the provisions of this Section 5.10 relative to use, parking, and/or dimensional controls shall require a special permit from the Planning Board. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board Rules & Regulations for Special Permit Applications.

D. Uses Permitted

(1) Uses allowed by the right [note: deletion of the word “the” doesn’t require an amendment, as the original bylaw as passed doesn’t include the word “the” – it appears to have been added in error.]

The following uses be allowed by-right:

- a) Any uses permitted by right in the underlying zoning district in which the structure is located.
- b) Conversion of former municipal buildings to private medical or professional offices.

(2) Uses allowed by Special Permit

The following uses are allowed by special permit and subject to site plan review:

- a) Senior Village Development residential uses, Adult Day Care Facilities, and Senior Village Community Centers as defined under Section 5.7.03
- b) Multi-family
- c) Professional or administrative offices

- d) Community recreational center or personal training centers
- e) Medical Clinic, Dental Office, Veterinarian Office, and Ancillary Offices and Facilities
- f) Community center or conference center with meeting rooms
- g) Studios for art, drama, speech, dance, or music
- h) Retail
- i) Indoor commercial recreation or health club
- j) Research and Development uses including ancillary office use and electronic and computer laboratories, but not including ancillary manufacturing, assembly, sale or resale or storage for sale or resale of any goods, items, or material
- k) Mixed-Use Development, Vertical Mix
- l) Mixed-Use Development, Horizontal Mix
- m) Brewery, Distillery, Winery
- n) Brew Pub
- o) Makerspace

(3) Multiple or Mixed Uses: Any combination of uses allowed by right in D(1), and uses allowed by special permit in D(2), may be allowed provided they are compatible with each other and maintain the public health, safety and welfare of the community.

(4) Uses required by MGL c40A, Section 3, such as public and private non-profit religious and educational institutions are allowed in the AROD by right subject to Site Plan Review.

E. Parking Requirements

(1) For all new buildings and structures and for reuse or substantial restoration of existing buildings or structures within the Adaptive Reuse Overlay District, the parking requirement of Section 5.1 of the Zoning Bylaw shall apply.

(2) The Planning Board shall be authorized to modify parking, loading requirements, dimensional requirements for off-street parking and loading areas; layout requirements and the number of required spaces in conjunction with the grant of a special permit pursuant to this Section 5.10. This provision shall only apply to uses in the Adaptive Reuse Overlay District which are located in buildings or structures in existence as of the date of the adoption of this Section of the Leicester Zoning Bylaw. In determining the appropriate reduction, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information. The decrease in number of required spaces shall not create undue congestion, traffic hazards, or a substantial detriment to the neighborhood, and shall not derogate the intent and purpose of this Bylaw.

F. Dimensional and Other Requirements

(1) The Planning Board, by Special Permit, shall have the authority to waive or modify dimensional controls set forth in Section 4 of the Zoning Bylaw.

(2) The Site Development Standards for the underlying district are applicable. Where the underlying district does not have Site Development Standards, the standards for the Business (B) District shall apply. The Board, through the ARD special permit, may allow for modifications of Site Development Standards where not feasible due to existing site constraints.

(3) For multi-family projects, the maximum number of dwelling units shall be established by the Planning Board after reviewing the following criteria:

a) Existing structures

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b) Proposed method and efficacy of stormwater disposal

c) Availability of water and sewer

d) Trip generation, traffic safety and internal site traffic

e) Character of the proposed ARP and its relation to the surrounding neighborhood(s)

f) Character of the existing buildings and the potential for reuse thereof

g) Applicability of the Water Resource Protection Overlay District

h) Reports of the technical consultants of the Planning Board and all other reviewing boards

(4) Existing Buildings may be expanded provided that such expansion is consistent with the building's historic character and scale and does not cause substantial detriment.

(5) New Buildings may be constructed on the ARD site provided that the number, type, scale, architectural scale, and uses within such new buildings shall be subject to Planning Board approval. For all new structures or buildings, the dimensional requirements of the underlying zoning district shall apply and, if applicable, to the extent that the dimensional requirements vary dependent upon the use of the building, the pre- dominant use based upon gross floor area utilized shall govern.

(6) All proposed signs shall comply with Section 3.2.07 of the Bylaw, except that if the building and land on which situated are located in a single family district (SA, R1, R2), the Planning Board may permit a sign of no larger than 10 square feet which identifies only the building and its occupants.

G. Standards for Approval

(1) As a condition of any special permit for the an Adaptive Reuse Project that proposes 10 or more multi-family dwelling units, a minimum of ten (10%) of the total number of dwelling units shall be required, in perpetuity, to be restricted to persons qualifying as moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate incomes. This affordability requirement is recommended but not required for

live-work spaces associated with makerspaces.

(2) The proposed project preserves or enhances the historic significance of existing buildings on or eligible to be on the State or National Register of Historic Places and, where applicable, the eligibility of the same for listing on the State or National Register of Historic Places as an individual property or a contributing property to an area.

(3) Any expansion of existing buildings on or eligible to be on the State or National Register of Historic Places is consistent with the U.S. Secretary of the Interior's Standards for Rehabilitation, as determined by the Leicester Historical Commission.

(4) The project shall have sufficient local infrastructure to accommodate the proposed development

(5) The proposed ARD does not cause substantial detriment to the neighborhood after considering the following potential consequences

a) noise, during the construction and operational phases,

b) pedestrian and vehicular traffic,

c) environmental harm,

d) visual impact caused by the character and scale of the proposed structure(s), and

The SPGA may attach such additional conditions and limitations to a Special Permit granted under this Section as may be necessary to protect the neighborhood surrounding the property, and as may be necessary to encourage the most appropriate use of the land and building to be converted.

11XX.XX ADAPTIVE REUSE

The following provisions allow for and encourage the reuse of existing non-residential structures, such as a place of worship or school, located in a residential district. These provisions apply to existing buildings that are no longer used for their original purpose and can be converted into a use compatible with the larger residential district. Adaptive reuse of existing non-residential structures in the residential districts is allowed by conditional use and subject to the following standards:

- (a) The existing structure is clearly non-residential in its original construction.
- (b) A non-residential structure in a residential district may be converted to the following uses:
 - (1) Multi-family dwelling
 - (2) Office
 - (3) Industrial design
 - (4) Limited research and development
- (c) The development standards of the underlying district apply.
- (d) Off-street parking is required for the new use. However adaptive reuse is granted a ten percent (10%) reduction in the amount of parking required by the use and may utilize the shared parking provisions of this Ordinance.

Alternative used more commonly: No off-street parking is required when located within an existing building. However, any off-street parking currently provided shall be retained.
- (e) For an office use, all signs are limited to a maximum sign area of twenty-four (24) square feet.
- (f) For any non-residential use, outside storage or display is prohibited. All servicing, processing and storage uses must be located within the structure.

GERMAN VILLAGE

MODEL ZONING OVERLAY, ADAPTIVE REUSE ORDINANCE

1. PURPOSE

The purpose of this Adaptive Reuse Ordinance is to provide a more efficient way for eligible buildings and adaptive reuse projects to meet zoning, building, fire protection, and public utility standards. The provisions of this program can apply to all or portions of eligible buildings located in a designated adaptive reuse overlay zone, where the building's current use is being changed to a different use.

2. DEFINITIONS.

2.1. *Adaptive reuse overlay zone* – An area designated on the [local zoning map] where adaptive reuse projects in eligible buildings are

2.2 *Adaptive reuse project* – Any change of use from a building's current use to a new use in all or a portion of any eligible

2.3 *Eligible building* – Any building within an Adaptive Reuse Overlay Zone that is at least 50 years old and that was constructed in accordance with building and zoning codes in effect at the time of construction

3. APPLICABILITY.

3.1. The provisions of this Adaptive Reuse Ordinance apply to adaptive reuse projects taking place in eligible buildings within an adaptive reuse overlay zone. The change of use of an existing vacant or underutilized building to new uses that promote community goals is permitted subject to compliance with the standards found in this chapter.

3.2. The provisions of this chapter can also apply to buildings that are listed or eligible for historic designation located in an adaptive reuse overlay zone; however, additional regulation under and any other related historic guidelines, including the Secretary of the Interior Standards may apply.

3.3 Expansions to the floor area of an eligible building must comply with the development standards of the underlying zone and are not eligible for the incentives provided in Section

3.4. The provisions of this zoning overlay are intended to modify the standards otherwise applied to the site by its underlying zone. Unless specifically modified by this chapter, all other standards adopted for this site shall

4. ELIGIBILITY

Projects must meet the following criteria to be an eligible adaptive reuse project:

4.1. Project site shall be located in an Adaptive Reuse Overlay

4.2 The building must be an eligible building, as defined in Section 2.3.

4.3 The project results in a change of use for the existing building.

5. DEVELOPMENT STANDARDS.

Adaptive reuse projects shall, at a minimum, comply with the following development standards.
(Insert development standards appropriate to local conditions and priorities) Incentives.

6. INCENTIVES

6.1. The project can exceed the maximum density established by zoning code] for the site provided the adaptive reuse project is in compliance with any minimum residential unit size standards established by this code.

6.2. Existing building setbacks may remain and shall be considered legally nonconforming, but no further encroachments shall be permitted into any nonconforming setback .

6.3. *Height.* The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legally Any rooftop construction needed for building circulation, drainage, ventilation, utilities, or passive recreation shall be included within the height exemption. This height exemption does not include new residential or commercial floor area.

6.4. *Loading Zone.* A new loading zone shall not be required if the existing building does not have an existing loading

6.5. New parking spaces shall not be required for any converted use within the existing footprint of the building, but expansions to floor area shall be required to provide parking according to [local jurisdiction parking rules].

6.6 *Transfer of Development Rights* This section authorizes a program through which building owners choosing to reuse older, smaller buildings may transfer unused zoned development potential to an approved receiving site in exchange for payment. (Insert specific provision of the TDR)

7. APPROVED LAND USES.

Subject to the limitations of section 9.2, a broad range of land uses or mix of uses shall be allowed in the Adaptive Reuse Incentive Overlay Zone, irrespective of the underlying zoning , as part of an adaptive reuse project. However, no new uses that emit noxious odors or excessive noise shall be allowed, unless the applicant demonstrates the use will not negatively impact nearby residences.

8. ALTERNATIVE BUILDING CODE REGULATIONS

8.1. Applicability The alternative building code regulations adopted in this section are applicable to eligible buildings located in an adaptive reuse zone.

8.2. In permitting repairs, alterations, and additions necessary to accommodate adaptive reuse projects, the alternative building regulations shall impose requirements that will, in the determination of the Building Official, protect the public health, safety, and welfare.

8.3. Nothing in this section shall be construed to allow the reduction of existing seismic or fire and life-safety elements of an eligible building where such elements provide a greater level of protection than the minimum requirements established by this

8.4. Procedure

8.4 .1. The applicant must submit an Alternative Methods and Materials application to the [Local building department]. Upon review of such application, the Building Official is authorized to grant approval when the proposed design is found satisfactory and complies with the intent of the provisions of current building codes in effect, and that the material, method or work offered is justified by current accepted performance-based engineering and analysis in assessing quality, strength, effectiveness, fire resistance, durability, and safety.

8.4 .2. The Building Official shall review adaptive reuse project proposals on a case-by-case basis, and may require pre-submittal meetings at his or her discretion.

9. ALTERNATIVE FIRE CODE REGULATIONS

9.1 The alternative fire code regulations adopted in this section are applicable to eligible buildings located in an adaptive reuse zone.

9.2 Uses and Occupancies. Subject to the approval of the Fire Official, the use or occupancy type of an eligible building shall be allowed to be changed as part of an adaptive reuse project without conforming to all requirements of the [locally adopted version of Existing Building Code], provided the new or proposed occupancy is equally or less hazardous, based on life and fire risk than the existing

9.3 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of the [local fire code], the Fire Official shall have the authority to grant modifications for individual cases, provided the Fire Official shall first find that special individual reasons make the strict letter of the [local fire code] impractical and the modification is in compliance with the intent and purpose of the [local fire code] and that such modification does not lessen health, life, and fire safety requirements .

9.4 Procedure

9.4.1 The applicant must submit an Alternative Methods and Materials application to the [local fire authority]. Upon review of the application, the [local fire official] is authorized to grant approval when the proposed design is found satisfactory and complies with the intent of the provisions of the current fire codes in effect , and that the material, method or work offered is at least equivalent of that prescribed in the [local fire code] in quality, strength, effectiveness, fire resistance , durability and safety.

9.4.2 The applicant must submit a Fire Life Safety (FLS) Report which shall identify the eligible building's existing features and evaluate existing fire and life-safety features against the current code requirements. The Fire Official will review the FLS report and evaluate the proposal for final recommendations.

9.5 The Fire Official shall review adaptive reuse project proposals on a case-by-case basis, and may require pre-submittal meetings at its

10. ALTERNATIVE PUBLIC WORKS STANDARDS

10.1 Applicability The alternative public works standards adopted in this section are applicable to eligible buildings located in an adaptive reuse overlay

10.2 The [local public works department] may adopt alternate standards for projects within adaptive reuse overlay zones. The

[local public works department] shall impose such requirements as will, in the determination of the [Public Works Director], protect the public health, safety, and welfare.

10 .3. The [Public Works Director] shall review adaptive reuse project proposals on a case-by-case basis, and may require pre-submittal meetings at his or her discretion .

11. SEVERABILITY

11.1 If any section, subsection, sentence, clause, phrase or port ion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction , such decision shall not affect the validity of the remaining portions of this The [legislative body] of the [local jurisdiction] hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sect ions , subsection s, sentences, clauses, phrase s, or portions be declared invalid or unconstitutional.

8.7 Adaptive Reuse Overlay District

8.7.1 Purpose. The purpose of the Adaptive Reuse Overlay District is to promote adaptive reuse as part of broader goals supporting historic preservation, economic development, housing production, and environmental sustainability and resilience. It is the intent of this Section to make it feasible for eligible buildings to be reused and revitalized. The provisions of this program can apply to all or portions of eligible buildings and the lots on which they are situated located in a designated adaptive reuse overlay district, where the building's current use is being changed to a different use.

8.7.2 Definitions.

1. Adaptive reuse overlay district – An area designated on the City of Salem zoning map where adaptive reuse projects in eligible buildings are incentivized.
2. Adaptive reuse project – Any change of use from a building's current use to a new use in all or a portion of any eligible building. The adaptive reuse project may also include additions and new construction.
3. Eligible building – Any building within an Adaptive Reuse Overlay District that is at least 50 years old.

8.7.3 Applicability.

1. The Planning Board may grant a special permit for any adaptive reuse project taking place in eligible buildings and the lots on which they are situated within an adaptive reuse overlay district. The change of use of an existing vacant or underutilized building to new uses that promote community goals is permitted subject to compliance with the standards found in this chapter.

8.7.4 Eligibility. Projects must meet the following criteria to be an eligible adaptive reuse project:

1. Project site shall be located in an Adaptive Reuse Overlay District.
2. The building must be an eligible building, as defined in Section 8.7.2.3.
3. The project results in a change of use in all or a portion of the existing building.

8.7.5 Requirements.

1. All adaptive reuse projects require site plan review as provided for in Section 9.5.
2. The Planning Board shall not take action on an adaptive reuse project until it has received a recommendation from the Salem Historical Commission.
3. The Planning Board shall not take action on an adaptive reuse project that includes additions or new construction until it has received a recommendation from the Design Review Board of the Salem Redevelopment Authority. The Design Review Board's review shall focus on the design of the new construction as it relates to the eligible building.
4. Expansions to the floor area of an eligible building and new construction on the lot must comply with the dimensional requirements provided in Section 8.7.6.

5. The provisions of this zoning overlay are intended to modify the standards otherwise applied to the site by its underlying district. Unless specifically modified by this chapter, all other standards adopted for this site shall apply.

6. Adaptive reuse projects that include six (6) or more residential dwelling units shall have ten (10) percent of the units be affordable housing units, which is defined as year-round units that serve households at or below eighty (80) percent of the area median income and shall remain affordable for a minimum of ninety-nine (99) years as evidenced by deed restrictions and that meet all requirements of G.L. Chapter 40B. The City's inclusionary housing ordinance, if such ordinance exists, shall supersede this provision.

8.7.6 Dimensional Requirements.

Maximum bulk, yards, height, parking and loading requirements shall be established for each adaptive reuse project by the development plan approved by the Planning Board and shall conform to the standards below.

1. *Lot area per dwelling unit.* The project can exceed the maximum density established by the Salem Zoning Ordinance for the site provided the adaptive reuse project.

2. *Setbacks.* Existing building setbacks may remain and shall be considered legally nonconforming.

3. *Height.* The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legally nonconforming. Any rooftop construction needed for building circulation, drainage, ventilation, utilities, or passive recreation shall be included within the height exemption. New construction shall not exceed the height of the existing building.

4. *Parking.* The parking requirements may be accommodated by either one or a combination of on-site parking and/or parking at municipal or other parking facilities in the vicinity of the proposed use. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criterion: The parking facility must be less than one thousand (1,000) feet from the proposed development, the distance to be measured in a straight line from the two (2) closest points between the proposed use and the parking facility. If using a municipal facility, the owner must purchase an annual parking pass to satisfy the parking requirement.

5. *Loading Zone.* A new loading zone shall not be required if the existing building does not have an existing loading zone.

8.7.7 Permitted Land Uses. All uses permitted as of right in R3 shall be allowed in the Adaptive Reuse Overlay District, irrespective of the underlying zoning, as part of an adaptive reuse project.

1. *Other Uses.* Certain other uses, as set forth in Section 8.7.7.2, will be allowed by special permit from the Planning Board within an adaptive reuse project provided that all nonresidential uses shall be located within a multifamily dwelling and shall not exceed 30 percent of the gross floor area.

2. *Eligible Uses.* Eligible special permit uses within an adaptive reuse project are:

1. Artist lofts and living space, studios, workrooms and shops of artists, artisans and craftsmen, where products of the artistic endeavor or craft activity can be for sale on the premises or by specific off-premises commission from a sponsor or client.

2. Banks and savings and loan institutions.
3. Barber shops and beauty parlors.
4. Books, stationery and gift stores.
5. Business and professional offices.
6. Crafts, related stores selling jewelry, crafts, etc. where production occurs on the premises.
7. Dwelling units above first floor retail, personal service, or office use.
8. Florist shops, but excluding greenhouses.
9. Galleries.
10. Laundromats/dry cleaning establishments.
11. Medical and dental offices.
12. Specialty food stores, including candy store, meat market, delicatessen, or bakery, but not those where food is served for consumption on the premises.
13. Tailor and custom dressmaking shops.

In addition to the new section in the zoning ordinance, the zoning map will need to be amended to show where the Adaptive Reuse Overlay District is located. It is envisioned the map amendments would consist of:

- 150 Federal Street (St. James Church and School);
- 15 Hawthorne Boulevard (Immaculate Conception Church and School);
- 9 Cleveland Street (St. Anne's Convent and School); and
- 5 Broad Street (current Council on Aging building).

Summit County, Utah.

11-6-21: ADAPTIVE REUSE OF HISTORICALLY SIGNIFICANT STRUCTURES:

Historically significant buildings are valued in Summit County based upon their contribution to the general welfare, aesthetics and values of property and historical education of Summit County. Historically significant buildings tell the story of Summit County and provide architectural and/or cultural significance. The purpose of these regulations is to provide for the adaptive reuse of a historically significant building with a new use that meets the criteria set forth in this Code.

A. No Increase In Density: No increase in density above those uses in the underlying zoning district is or shall be granted through these provisions except as provided for by this section.

B. Use Must Be Contained Within The Historic Structure: The adaptive reuse of a historically significant building must be confined to the building itself.

1. Exception: The adaptive reuse may include exterior patios and decks, provided they are associated with the use, and the patios and decks do not detract from the historical character of the building.

C. Determination Of Historic Significance Required: Prior to any review for an adaptive reuse of the property, the property owner must demonstrate that the structure is "historically significant". Determinations of historical significance shall be made by the Planning Commission, who must find that the structure or building meets at least one of the following definitions set forth in subsection D of this section.

D. Historically Significant Within Summit County Is Defined As:

1. The building or structure is identified with important events of Summit County history, or exemplifies significant contributions to the broad cultural, economic or social history of Summit County;

2. Is associated with the lives of historic personages important to Summit County history; or

3. Embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius broadly influenced Summit County.

E. Additional Uses Allowed: In addition to the allowed, conditional and low impact uses designated in the underlying zoning district, the following uses may be approved as a conditional use in a historically significant building in any zoning district:

1. Professional office;
2. Restaurant; and
3. Retail commercial establishments.

F. Qualifying Provisions: In order to qualify for conditional use review under section 11-4-7, "Conditional Use Permits", of this title, the applicant must first demonstrate compliance with all of the following to the Planning Commission:

1. The building is designated as historically significant by the Planning Commission. The designation process must be completed prior to the County accepting a conditional use permit application for the structure unless the Community Development Director determines that it is in the best interest of the County to process the designation and conditional use permit applications together.

2. The adaptive reuse will require minimal physical change to the building as these features are important in defining the overall historic character of the building and environment.

3. The adaptive reuse is contained entirely within the historically significant structure, unless specifically excepted in subsection B1 of this section.

4. If applicable, significant archaeological resources affected by the project shall be protected and preserved. If such resources, for the adaptive reuse, must be disturbed, mitigation measures may be undertaken and approved by the Community Development Director. Disturbances to archaeological resources shall be kept to a minimum.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.

6. The adaptive reuse will not have a material net cumulative adverse impact on the neighborhood or the County due to:

- a. Traffic;
- b. Parking;
- c. Signs;
- d. Lighting;
- e. Removal of landscaping; and
- f. Noise, fumes or odors.

G. Deed Or Restrictive Use Covenant Required: As a condition of the adaptive reuse of a historically significant structure conditional use permit, the property owner shall record a deed or restrictive use covenant to benefit the County, which protects the historical structure from demolition and changes contrary to the intent of the preservation of historical structures provision herein. (Ord. 894, 3-13-2019)

Chapter 7E

OVERLAY DISTRICTS

- 7E.1 Purpose**
- 7E.2 IL Route 47 Corridor Overlay District**
- 7E.3 Washington Street/IL Route 120 Corridor Overlay District**
- 7E.4 Adaptive Reuse Overlay District**
- 7E.5 Traditional Neighborhood Development Overlay District**

7E.1 Purpose

The overlay zoning districts set forth herein are intended to impose regulations and standards in addition to or in lieu of those required by the underlying zoning designation. The requirements of an overlay district shall apply whenever they are in conflict with or are more stringent than those in the underlying zoning district. The following overlay districts are hereby established:

- IL Route 47 Corridor Overlay District;
- Washington Street/IL Route 120 Corridor Overlay District;
- East US Route 14 Corridor Overlay District.
- Adaptive Reuse Overlay District
- Traditional Neighborhood Development Overlay District

7E.2 IL Route 47 Corridor Overlay District

7E.2.1 Purpose

The IL Route 47 Overlay District is created to establish design standards and land use criteria for land abutting IL Route 47 within the City of Woodstock. The intent of this District is to implement the goals and objectives of Woodstock's comprehensive plan documents and the Route 47 Corridor Study, to require these improvements in conjunction with the IL Route 47 Strategic Regional Arterial Plan/Report, and to provide specific standards and criteria which will result in better traffic movement, less vehicular congestion, more efficient access to land adjoining IL Route 47, a safer setting for pedestrians, bicyclists, and motor vehicles, and a visually more attractive environment.

7E.2.2 Application

Any proposal for land abutting IL Route 47 involving new building construction, the establishment of additional building area, a major change and/or expansion of use, or a major change in site layout, including but not limited to parking lot alterations or changes in site access, shall comply with the regulations set forth herein. Cosmetic alterations not requiring a building permit and typical maintenance activities, as well as the renovation and/or interior remodeling of existing structures, are excluded from the provisions of these regulations.

7E.2.3 Area, Bulk, Density, and Setback Regulations

Criteria regarding area, bulk, density, and setback requirements shall be those set forth in Table 7A.2 of this Ordinance, except that the front yard setback on IL Route 47, from US Route 14 south to the City limits and from Ware Road north to the City limits, shall be 90 feet measured from the centerline of IL Route 47.

7E.2.4 Land Use Permitted land uses are those allowed in the underlying zoning district or as otherwise provided for in this Ordinance. A mix of residential and non-residential land use is encouraged within the IL Route 47 Overlay District, subject to the following:

- A. Residential Land Uses. If existing single-family-detached or single-family-attached residential properties are proposed for non-residential or multiple-family uses, consolidation of such properties into a single zoning lot for purposes of shared access shall occur where possible in order to reduce or minimize the number of curb cuts. Residential dwellings on a ground floor are discouraged within the IL Route 47 Overlay District. Dwelling units may be established above the ground floor of any principal structure in the IL Route 47 Overlay District, including those on land zoned for non-residential use, subject to the area and bulk requirements set forth in Table 7A.2 of this Ordinance and applicable provisions of the City's building codes.
- B. Non-residential Land Uses. Retail and service uses are preferred land uses and are encouraged within the IL Route 47 Overlay District. Although the predominant land use on the west side of Route 47 between IL Route 120 and Melody Lane is residential, if zoning and/or land use changes are proposed business uses and professional offices are preferred.

7E.2.5 Layout and Design Standards

- A. Prior to issuance of building permits for new development activity along IL Route 47, exterior facade design plans shall be submitted to the Community Development Department for review and approval. Where applicable, site plans shall also be submitted to the Community Development Department for review and approval.
- B. Off-site improvements, including but not limited to pavement striping, traffic signalization, and directional signage can and may be required. Turning entrance lanes and acceleration/deceleration lanes are required for non-residential, multifamily, and mixed use developments unless the City Engineer determines they are unnecessary. The dedication of additional right-of-way may be required to allow for roadway widening. Where applicable, Illinois Department of Transportation approval shall be obtained.
- C. Where physically possible, adjacent business properties shall provide cross access drives and pedestrian access to allow circulation between sites. Easements shall be dedicated to allow cross access driving lanes and/or frontage drives generally parallel to IL Route 47 for the purpose of providing cross access to and from existing and/or future parking areas on adjoining parcels. Such easements shall be recorded prior to the issuance of any building permits and driveways shall be designed, located, and constructed to take into account future access to adjoining property.
- D. Curb Cut Access and Entrance Requirements

1. Curb cuts along opposite sides of IL Route 47 are encouraged to be located opposite one another to the greatest extent physically possible or to be maintained with an offset that complies with applicable City and Illinois Department of Transportation standards.
2. Where practical, a curb cut shall provide common access to abutting properties. Location of curb cuts and site access shall be based in part on the ability to provide such common access. Easements shall be provided to allow common usage of curb cuts and access drives, and such easements shall be provided and recorded prior to the issuance of any building permits for a site.
3. The number of curb cuts for any parcel or lot shall be the minimum necessary to provide site access. This number shall be determined by the City Engineer and shall require the concurrence of the Illinois Department of Transportation.
4. Curb cuts and driveway approaches shall not be located within acceleration or deceleration lanes, and shall be designed to provide exiting vehicles with unobstructed views.
5. Driveway approaches shall not be greater in width, measured at the lot line, than thirty-six (36) feet for business uses and twenty-five (25) feet for residential uses, or as required by the Illinois Department of Transportation. Curb cuts and driveway approaches which are restricted to “one-way traffic” or “right-in, right-out” movement may be exempted from this requirement by the Community Development Director. (Ordinance Number 09-O-64, adopted October 20, 2009).
6. The driveway specifications and length shall be designed to provide adequate stacking capacity for both entering and exiting vehicles, to prevent vehicles from backing into the flow of traffic on a public street, and to avoid causing conflicts with on-site circulation.
7. Where side road frontage is available and access is physically practical, site access shall occur via collector streets or side roads, in order to lessen and reduce the number of direct access points onto IL Route 47. Such access shall be the maximum distance possible from IL Route 47, with a preferred distance of at least 150 feet.

E. Off-street Parking Requirements

1. Except as herein stated, the minimum number of required off-street parking spaces shall be that which is required by this Ordinance.
2. Off-street parking areas for non-residential, multiple family and mixed-use developments shall be improved with curb and gutter, and paved with a hard, dust-free, surface material. These requirements may be amended by the City Engineer based upon alternative design factors and demonstrated need.
3. Off-street parking areas shall not be located so as to prevent access between a primary building and a pedestrian route. Parking areas are encouraged to be situated to

the side and/or rear of a principal building, and are not permitted within a required front yard.

4. Parking areas shall be designed to connect with parking areas on adjacent sites in order to eliminate or reduce the need for using the street for cross movements.

5. Parking areas and/or driving aisles for non-residential, multiple family, and mixed use developments may be situated within ten (10) feet of a side lot line when they serve a joint parking facility shared by abutting property owners and/or businesses. When joint parking facilities are provided for similar uses, the total number of required parking spaces for each business may be reduced by ten (10) percent. For joint parking facilities for dissimilar uses which have non-overlapping and non-conflicting parking demands, the required number of spaces for both uses may be reduced by up to twenty-five (25) percent based upon the determination of the Community Development Director that such reduction will not result in increased congestion or traffic hazards.

6. Off-street parking areas shall be located and easily accessible with respect to building entrances and pedestrian routes. Parking areas shall not block or otherwise conflict with building entrances and pedestrian routes.

F. Internal Circulation.

Driveways and driving aisles within a non-residential, multiple family, or mixed-use development site shall have sufficient widths and turning radii to accommodate large vehicles including but not limited to buses, semi-trailers, and vans. In no case shall driveway and driving aisle width be less than what is required by this Ordinance.

G. Pedestrian/Bicycle Access

1. Public sidewalks, having a minimum width of four (4) feet and, where physically possible, located a minimum of one (1) foot into the street right-of-way, shall be installed. Where physically impossible, funds in an amount equal to the estimated cost of installing such sidewalks shall be provided to the City and used for the installation, replacement, or repair of sidewalks at an off-site location to be determined by the City Engineer.

2. New sidewalks shall extend to the farthest property line of a parcel and, where applicable, shall connect to existing sidewalks serving adjacent properties. Sidewalks shall extend and connect to adjacent residential neighborhoods, business centers, and major places of employment.

3. All building sites shall be accessible to bicycle traffic. Bicycle storage facilities are encouraged and shall consist of a stationary rack which can securely accommodate the frame and wheels of a bicycle.

H. Architectural Facade and Building Design

1. The appearance of proposed building facades shall be compatible with surrounding structures in terms of design, material, and color.

2. Building facades shall include changes in relief and vertical elements over a minimum of fifteen (15) percent of their street facades. Such changes in relief and vertical elements may be established by and consist of cornices, bases, towers, fluted masonry, or other similar treatments for visual interest and scale.
3. The height and scale of a building shall be compatible with adjoining parcels and neighboring structures, and monotony of design shall be avoided.
4. At least one major entrance to a building shall be oriented toward the public street frontage of a parcel. If a building has frontage on more than one street (a) at least one major entrance shall be oriented toward the street, or (b) a single entrance shall be oriented toward the corner where both streets intersect. A building may have more than one major entrance and a major entrance shall be architecturally emphasized and visible from the street or required parking area.
5. On non-residential, multiple family, or mixed-use development sites, at least twenty-five (25) percent of a building's front elevation shall face the street right-of-way.
6. Land between a building and adjoining street frontage, and not used for driveway or parking improvements, shall be seeded, sodded, or landscaped, and may include surfacing for pedestrian use.
7. Ground floor windows shall be provided on over fifty (50) percent of the ground floor front elevation for retail uses and over twenty-five (25) percent for all other non-residential uses, on buildings located 50 feet or closer to the IL Route 47 right-of-way.
8. Darkly tinted glass and mirrored glass that block two-way visibility are prohibited in ground floor windows on building facades that face a street. The use of such glass is, however, allowed for accent purposes and to emphasize changes in relief on large exterior wall surfaces.

7E.2.6 Signage Signage shall comply with the requirements of the Woodstock sign regulations set forth in this Ordinance.

7E.2.7 Landscaping Landscaping shall be provided for parking areas and the overall site in accordance with applicable City landscape area guidelines.

7E.3 Washington Street/IL Route 120 Corridor Overlay District

7E.3.1 Purpose

The Washington Street/IL Route 120 Corridor Overlay District is created to establish design standards and land use criteria for land abutting Washington Street/IL Route 120 between Throop Street and Woodstock's westerly corporate limits. The intent of this District is to implement the goals and objectives of Woodstock's comprehensive planning documents and to establish specific standards and criteria which will result in better traffic movement, less vehicular congestion, more efficient land use, and a visually more attractive environment.

7E.3.2 Application

Any proposal for land abutting Washington Street/IL Route 120 involving new building construction, the establishment of additional building area, a change and/or expansion of use, or a major change in site layout including but not limited to parking lot alterations or changes in site access, shall comply with the regulations set forth herein. Cosmetic alterations not requiring a building permit and typical maintenance activities, as well as the renovation and/or interior remodeling of existing structures, are excluded from the provisions of these regulations.

7E.3.3 Area, Bulk, Density, and Setback Regulations

Criteria regarding area, bulk, density, and setback requirements shall be those set forth in Table 7A.2 of this Ordinance.

7E.3.4 Land Use

Permitted land uses are those allowed within the underlying zoning designation or allowed in accordance with an approved special use permit. Residential land uses are encouraged on the southerly side of Washington Street/IL Route 120, while a mix of business, service, and light industrial uses are encouraged on the northerly side of Washington Street/IL Route 120.

When a lot or parcel on the northerly side of the Washington Street/IL Route 120 corridor has multiple zoning designations, the zoning designation which occupies the largest percentage of the lot area shall apply to the entire lot or parcel.

7E.3.5 Layout and Design Standards

A. Prior to the issuance of building permits for multifamily and non-residential construction in the Washington Street/IL Route 120 overlay district, exterior facade design plans shall be submitted to the Community Development Department for review and approval. Where applicable, site plans shall also be submitted to the Community Development Department for review and approval.

B. Acceleration and/or deceleration lanes may be required for non-residential, multifamily, and mixed use developments unless the City Engineer determines they are unnecessary.

C. Where physically possible, adjacent properties shall provide common driveways and shared access. Easements shall be dedicated to allow such shared access to exist as a matter of record. Such easements shall be recorded prior to the issuance of any building permits and

driveways shall be designed, located, and constructed to take into account future access to adjoining property.

7E.3.6 Curb Cut Access and Entrance Requirements

A. Where practical, a curb cut shall provide common access to abutting properties. Location of curb cuts and site access shall be based in part on the ability to provide such common access. Easements shall be provided to allow common usage of curb cuts and access drives. Such easements shall be provided and recorded prior to the issuance of any building permits for a site. The number of curb cuts for any parcel lot shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the adjoining street.

B. Curb cuts and driveway approaches shall not be located within acceleration or deceleration lanes, and shall be designed to provide an exiting vehicle with an unobstructed view.

C. Driveway approaches shall not be greater in width, measured at the lot line, than thirty-six (36) feet for business uses and twenty-five (25) feet for residential uses, or as required by the Illinois Department of Transportation. Curb cuts and driveway approaches which are restricted to “right-in, right-out” movement may be exempted from this requirement by the Community Development Director. (Ordinance Number 09-O-64, adopted October 20, 2009).

D. The driveway specifications and length shall provide adequate stacking capacity for both entering and exiting vehicles, to prevent vehicles from backing into the flow of traffic on a public street, and to avoid causing conflicts with on-site circulation.

7E.3.7 Off-street Parking Requirements

A. Except as herein stated, the minimum number of required off-street parking spaces shall be that which is required by this Ordinance.

B. Off-street parking areas for non-residential, multiple family and mixed-use developments shall be improved with curb and gutter, and paved with a hard, dust-free, surface material. These requirements may be amended by the City Engineer based upon alternative design factors and demonstrated need.

C. Off-street parking areas shall not be located so as to prevent access between a primary building and a pedestrian route. Off-street parking areas are encouraged to be situated to the side and/or rear of a primary building, and are not permitted within a required front yard.

D. Parking areas shall be designed to connect with parking areas on adjacent sites in order to eliminate or reduce the need for using the street for cross movements.

E. Parking areas and/or driving aisles for non-residential, multiple family, and mixed use developments may be situated within ten (10) feet of a side lot line only if they serve a parking facility shared by abutting property owners and/or businesses. When joint parking facilities are provided for similar uses, the total number of required parking spaces for each business may be reduced by ten (10) percent. For joint parking facilities for dissimilar uses which have non-overlapping and non-conflicting parking demands, the required number of spaces for both uses may be reduced by up to twenty-five (25) percent based upon the determination of the

Community Development Director that such reduction will not result in increased congestion or traffic hazards.

F. Off-street parking areas shall be located and easily accessible with respect to building entrances and pedestrian routes. Parking areas shall not block or otherwise conflict with building entrances and pedestrian routes.

7E.3.8 Internal Circulation

Driveways and driving aisles within a non-residential, multiple family, or mixed-use development site shall have sufficient widths and turning radii to accommodate large vehicles including but not limited to buses, semi-trailers, and vans. In no case shall driveway and driving aisle width be less than what is required by this Ordinance.

7E.3.9 Pedestrian/Bicycle Access

A. Public sidewalks, having a minimum width of four (4) feet and, where physically possible, located one (1) foot into the street right-of-way, shall be installed. Where physically impossible, funds in an amount equal to the estimated cost of installing such sidewalks shall be provided to the City and used for the installation, replacement, or repair of sidewalk improvements at an off-site location to be determined by the City Engineer.

B. New sidewalks shall extend to the farthest property line of a parcel and, where applicable, shall connect to existing sidewalks serving adjacent properties. Sidewalks shall extend and connect to adjacent residential neighborhoods, business centers, and major places of employment.

C. All building sites shall be accessible to bicycle traffic. Bicycle storage facilities are encouraged and shall consist of a stationary rack which can securely accommodate the frame and wheels of a bicycle.

7E.3.10 Architectural Facade and Building Design

A. The appearance of proposed building facades shall be compatible with surrounding structures in terms of design, material, and color.

B. Building facades shall include changes in relief and vertical elements over a minimum of fifteen (15) percent of their street facades. Such changes in relief and vertical elements may be established by and consist of cornices, bases, towers, fluted masonry, or other similar treatments for visual interest and scale.

C. The height and scale of a building shall be compatible with adjoining parcels and neighboring structures, and monotony of design shall be avoided.

D. At least one major entrance to a building shall be oriented toward the public street frontage of a parcel. If a building has frontage on more than one street (a) at least one major entrance shall be oriented toward the street, or (b) a single entrance shall be oriented toward the corner where both streets intersect. A building may have more than one major entrance and a major entrance shall be architecturally emphasized and visible from the street or required parking area.

E. Land between a building and adjoining street frontage, and not used for driveway or parking improvements, shall be seeded, sodded, or landscaped, and may include surfacing for pedestrian use.

F. Ground floor windows shall be provided on over twenty-five (25) percent of the ground floor front elevation for retail uses and over twenty (20) percent for all other non-residential uses, on buildings located 50 feet or closer to the IL Route 120/Washington Street right-of-way.

G. Darkly tinted glass and mirrored glass that block two way visibility are prohibited in ground floor windows on building facades that face a street.

7E.3.11 Signage

Signage shall be designed and installed in accordance with the requirements of the Woodstock sign regulations set forth in this Ordinance.

7E.3.12 Landscaping

Landscaping shall be provided for both parking areas and the overall site in accordance with applicable City landscape area guidelines.

7E.4 Adaptive Reuse Overlay District

The adaptive reuse overlay district may exist in all zoning districts. School buildings, public buildings, hospitals, churches, and other similar uses which are located within existing residential neighborhoods may no longer be suitable for their intended public use as circumstances change. Because the use of these buildings is unique and different from other special uses, the adaptive reuse overlay district provides specific regulations allowing for the reuse activity intended to promote the public health, safety, comfort, morals, and convenience, by insuring that such uses are compatible with their surroundings.

7E.4.1 Procedures for Adaptive Reuse Overlay District

The adaptive reuse overlay district shall be established as a special use. Application for an adaptive reuse overlay district shall be made to the City and shall be accompanied by all required plans and documents. Additional information may be required by the Community Development Director in order to verify that the proposed overlay district meets applicable requirements and standards set forth in this Ordinance.

- A. A special use permit approved for an adaptive reuse overlay district shall not become effective until approved in accordance with the procedures of this Section and until the ordinance approving the overlay district special use is recorded in the Office of the McHenry County Recorder. (Ordinance Number 09-O-64, adopted October 20, 2009).
- B. The adaptive reuse overlay district is intended to be attached to existing zoning districts as an overlay special use. Where such an overlay district involves the subdivision and platting of land, compliance with the subdivision review and approval procedures set forth in this Ordinance is required. As part of the overlay district approval process, variances and waivers of the requirements otherwise set forth in this Ordinance may be granted without having to proceed through a separate variation or waiver approval process.
- C. Items necessary in order to apply for a special use for an adaptive reuse overlay district, shall include, but are not limited to, the following:
 - 1. A detailed site plan showing the intended reuse.
 - 2. A detailed landscape plan.
 - 3. An explanation of how the reuse of the site is compatible with the ordinances and comprehensive planning documents of the City.
 - 4. The intended uses of the site and the parking calculations for these uses.

7E.4.2 Adaptive Reuse Overlay District Uses

- A. Uses within the special use overlay district may include, but are not limited to, the following:

- Private kindergarten, elementary, high, and junior high schools
- Business and technical schools
- Clubs, lodges, and fraternal organizations
- Colleges and universities
- Community recreational centers
- Convalescent centers
- Cultural and entertainment centers
- Dance and music academies and conservatories
- Day care centers, child and adult
- Dormitories, housing accommodations, and associated facilities, when associated with an educational institution
- Elderly housing
- Fire station
- Government offices
- Institutional housing, congregate care, group homes, group dwellings, and assisted living
- Libraries
- Municipal recreational facilities
- Museums
- Nursery schools
- Nursing homes
- Personnel training centers
- Police stations
- Pre-school
- Professional offices (Ordinance Number 09-O-64, adopted October 20, 2009).
- Religious uses, including chapels, churches, convents, monasteries, parsonages, rectories, religious assembly halls and meeting rooms, religious reading rooms, seminaries, synagogues and temples
- Sanitariums
- Schools, public
- Schools, private
- Special educational institutions
- Studios for art ceramics, and similar skills
- Studios for drama, speech, and similar skills
- Trade schools

- B. Limited Commercial Uses. Uses on sites adjacent and abutting a commercial district and having frontage on a primary or secondary road may, as part of the special use, may be the same as uses permitted in the B1 and B2 zoning districts.

7E.4.3 Design Standards

- A. The reuse of a site shall not negatively impact the existing character of the neighborhood in which it is located.
- B. The reuse of a site shall be in compliance with all applicable ordinances. Structures which do not comply with all applicable codes and ordinances shall be upgraded to meet the minimum standards specified herein prior to their reuse.
- C. When a building is proposed for reuse, additional parking may be required.

7E.5 Traditional Neighborhood Overlay District

7E.5.1 Purpose

The purpose of the Traditional Neighborhood Development (TND) Overlay District is to establish standards and procedures to guide new development and redevelopment in a manner consistent with the historic character and development pattern of the existing City, while providing an alternative to typical suburban-style development patterns. A TND:

- Has a higher overall residential and commercial density than conventional projects of the same acreage.
- Provides for a mix of uses, including residential, commercial, and civic uses.
- Incorporates a system of narrower, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and new development.
- Provides for a mix of housing types and sizes to accommodate households of all ages, sizes, and incomes.
- Retains existing buildings with historical features or other features that define the character of the community.
- Replicates the size, scale and mass of existing buildings and structures in the older parts of the City.
- Provides for a more efficient use of land and infrastructure.
- Implements the City's adopted comprehensive planning documents.

7E.5.2 Procedures for Traditional Neighborhood Development Approval

- A. TND Approval. A TND shall be reviewed and approved as a Planned Unit Development. Application TND approval shall be made to the City and shall be accompanied by all required plans and documents. Additional information may be required by the Community Development Director in order to verify that the proposed TND meets applicable requirements and standards set forth in this Ordinance.

Commentary:

Traditional neighborhoods typically result in certain social objectives, which may include the following:

- *By bringing within walking distance most of the activities of daily living, the elderly and the young gain independence of movement.*
- *By reducing the number and length of automobile trips, traffic congestion is reduced and road construction is minimized.*
- *By organizing appropriate building densities, public transit becomes a viable alternative to the automobile.*
- *By providing a full range of housing types and work places, age and economic class are integrated and the bonds of an authentic community are formed.*
- *By providing suitable civic buildings, community-wide initiatives are encouraged and supported.*

- B. TND and Zoning Changes. Any zoning change approved for a TND shall not be effective until approved in accordance with the procedures of this Section and until the ordinance approving the TND is recorded in the Office of the McHenry County Recorder. It is the intent of this Ordinance that the physical development or redevelopment of a TND not occur until after a final plat document has been reviewed and approved in conformance with the requirements of this section and/or applicable portions of this Ordinance.
- C. The TND designation is intended to be attached to existing zoning districts as an overlay designation. As part of the TND approval process, variances and waivers of the requirements otherwise set forth in this Ordinance may be granted without having to proceed through a separate variation or waiver approval process.

7E.5.3 Permitted Uses

The TND may depart from strict conformity with the density, design, dimension, area, height, bulk, use, and other regulations set forth in these regulations, as long as said departures are included as part of the approved TND documents. The uses permitted in a TND shall be governed by the permitted uses in the underlying zoning district, the uses set forth in the ordinance approving the TND or the materials included as part of the documentation comprising the approved TND final plat.

7E.5.4 Traditional Neighborhood Development Design Standards

- A. A TND should have the following features:
1. A neighborhood with a discernible center, or focal point, such as a square or green, and sometimes a busy or memorable street corner.

Commentary:

Traditional neighborhoods are compact, characterized by a diverse mix of uses, are pedestrian friendly, and are intended to ensure the following:

- *The neighborhood is limited in area to that which can be traversed in a ten-minute walk.*
- *Residences, shops, workplaces, and civic buildings are located in close proximity to each other.*
- *A hierarchy of streets which serve the needs of the pedestrian and automobile equitably.*
- *Physically defined squares and parks provide places available for formal social activity and recreation.*
- *Private buildings form a clear edge, defining the street space.*
- *Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural and religious activities.*

2. Most of the dwellings within a five-minute walk (averaging 1,800 feet) of the neighborhood center.

3. A variety of available dwelling types, including detached and attached single family homes, rowhouses, apartments, so that a diverse population may live in the same neighborhood.
4. Shops and offices at the edge of the neighborhood, and of sufficient variety to provide for a household's weekly needs.
5. Elementary schools located so that most children can walk from their homes.
6. Streets within the neighborhood forming an inter-connected network, and dispersing traffic by providing pedestrians and motor vehicles a variety of routes to any destination.
7. Relatively narrow streets sized according to traffic demands of the uses facing the street, and shaded by rows of shade trees.
8. Buildings in the neighborhood center placed close to the street, creating well-defined outdoor space.
9. Garages and parking lots rarely facing the street, with parking relegated to the rear of buildings and usually accessed by alleys.
10. Certain prominent sites at the termination of street vistas or in the neighborhood center reserved for civic buildings, which can be used for education, religious, and cultural activities.

B. Permitted uses in a TND may consist of the following:

1. A range of residential uses, including:

▪ Single-family detached dwellings. ▪ Single-family attached dwellings, including duplexes, townhouses, and row houses. ▪ Multifamily dwellings, including senior housing.	▪ For infill development, the range of residential uses may be satisfied by existing residential uses. ▪ Residential units on upper floors above commercial uses or to the rear of storefronts.
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2. Commercial areas, within a walking distance of approximately 10 to 15 minutes or ½ to ¾ mile (existing commercial areas within a distance of a 15-minute walk or ¾ mile may satisfy this requirement), including:

▪ Day care centers, child and adult. ▪ Retail shops and stores.	▪ Artist and artisan studios and shops. ▪ Restaurants, cafes and coffee shops, excluding
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- drive-through or franchise architecture.
 - Offices, including professional and medical offices.
 - Service businesses such as barber, dry cleaning or similar business.
 - Bed and breakfast establishments, as well as small hotels or inns that occupy an existing residential dwelling or the upper floors of a new or existing commercial structure.
 - Music, dance or exercise studios.
3. Civic or institutional and open space uses, including:
- Civic or institutional uses serving public or community needs, such as:
 1. Municipal offices, fire stations and post offices.
 2. Libraries, museums and galleries.
 3. Community meeting facilities.
 4. Places of worship, churches and related uses.
 5. Public and private schools and other educational facilities.
 - Civic or institutional uses, other than schools, located as part of the commercial area. Existing civic or institutional uses within a 15-minute walk or a distance of 3/4 mile may satisfy the requirement for civic or institutional uses.
 - Open space uses, such as a central square, parks, playgrounds, greenways, natural areas, and outdoor recreation areas. Large outdoor recreation areas should be at the periphery of neighborhoods rather than at central locations.

7E.5.5 Density Standards

The density or number of permitted dwelling units in a TND may be greater than that allowed prior to the change to a TND. The maximum density or number of dwelling units allowed by the underlying zoning shall be adjusted upward as a bonus awarded for furthering certain public objectives, as set forth in Section 7E.5.5.B herein.

A. Conditions for calculating residential densities

1. Areas used for nonresidential purposes shall not be counted towards the calculation of overall density or allowable number of dwelling units in a TND.
2. All dwelling units constructed above or at the rear of commercial uses are allowed in addition to the number of dwelling units authorized under this section. However, the total number of such additional dwelling units shall not be increased by more than 10 percent of the base residential density.

B. Residential density bonuses

1. The base residential density in a TND shall be 20 percent higher than the maximum residential density for a conventional development in accordance with the underlying zoning district.
2. An increase in density or in the number of allowable dwelling units is permitted where the TND provides housing for low or moderate income households. For each affordable dwelling unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum 10 percent increase in dwelling units.

C. Commercial density

The commercial density of a TND shall range from a minimum of 125 square feet of commercial floor area per residential dwelling unit to a maximum of 300 square feet of commercial floor area per residential dwelling unit. This shall include retail, food service, office and service uses. The commercial component shall be constructed prior to the commencement of construction of the final 25 percent of the dwellings in the TND.

7E.5.6 Lot Standards

A variety of lot sizes and types shall be provided to facilitate housing diversity and choice and to meet the needs of people with different housing needs.

A. Lot Diversity. Lot layouts should provide for blocks that are generally in the range of 200 to 400 feet deep by 600 to 800 feet long. Perimeter lots should be similar in size to those on land adjacent to the TND.

B. Street plane. A single street plane should be formed by designing or improving adjacent buildings and lots with uniform setbacks and evenly spaced buildings, however, projections or recesses from the front façade are allowed.

C. Lot widths. Lot widths should be similar to those of surrounding sites.

D. Front Setback for Mixed or Nonresidential Uses. Civic and commercial buildings have no minimum setback, but should be aligned with existing adjacent development where possible, or with similar setback distances for historically significant buildings in the older parts of the City.

E. Front Setback for Residential Uses. For infill and where possible with new (contiguous) development, front setbacks for new housing should be established that respond to existing setbacks on either side of and/or across the street from the new development. Setbacks shall not differ more than 5 feet from adjacent setbacks.

F. Side Setbacks. Provision for zero lot-line single-family dwellings may be permitted, provided a reciprocal access easement is recorded for both lots and that attached dwellings have pedestrian access to the rear yard by means other than through the principal structure.

7E.5.7 Project Review and Engineering

A. Architectural Standards. A variety of architectural features and building materials shall be used to give each building or group of buildings a distinct character.

B. Standards for Existing Structures

- Existing structures, if historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings shall be used as the criteria for renovating historic or architecturally significant structures.

C. Standards for New Structures

- **Size, Scale and Mass.** New structures within a TND shall be no more than 2 and ½ stories for single-family residential uses, or four stories for commercial, multi-family, or mixed uses. New structures within a TND shall be similar in size, scale and mass to existing structures constructed prior to 1945.
- **Architectural Style.** The architectural style of a building shall be continued in all of its major features on all sides visible from a public street. If new structures for retail or other commercial uses exceed an individual footprint of 5,000 square feet, then the facades of such buildings shall be designed to appear as multiple buildings.
- New structures may be constructed in any architectural style but incorporating elements of the mid-western vernacular is strongly encouraged. However, if such structures are built using elements and forms of Victorian, Craftsman/Bungalow, Prairie School or colonial revival style, such elements shall be based upon an architectural inventory of the existing structures in the region. Stylistic details characteristic of other regions of the United States are discouraged.
- **Entries and Facades.** The front facade of the principal building on any lot in a TND shall face onto a public street and shall not be oriented to face directly toward a parking lot. Porches, pent roofs, roof overhangs, hooded front doors or other architectural elements shall define the front entrance to all residences. For commercial buildings, a minimum of 30-percent of the front facade on the ground floor shall be transparent, consisting of windows or door openings allowing views into and out of the interior. For retail buildings, a minimum of 40-percent of the front facade on the ground floor shall be transparent, consisting of windows or door openings allowing views into and out of the interior.
- **Standards for Accessory Apartments.** Accessory apartments may be placed on a single-family detached residential lot within the principal building or an accessory building provided that:
 - The accessory apartments shall not exceed 800 square feet in area.
 - If located within a separate building or as an addition to the principal building, the accessory apartments shall be installed, located, or constructed only in the rear yard and shall meet all side yard setback requirements for principal uses.
- **Exterior Colors.** Exterior colors shall comply with the City's project review design standards and guidelines.
 - Fluorescent, day glow and/or neon colors shall not be permitted. Where such colors

- constitute a component of a standardized corporate theme or identity, muted versions of such colors may be used.
- Color schemes shall be used consistently throughout the property and on both the upper and lower portions of buildings, and on all façades of a building or structure.
 - Standards for Exterior Signs. The design and placement of exterior signs shall comply with the sign regulations contained in this Ordinance, and shall complement the scale of the development and its surroundings.
 - Standards for Exterior Lighting.
 - Street lights shall be decorative and blend with the architectural style of the TND. Street lights shall provide adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties.
 - In commercial or civic areas and parking lots, decorative lamps 18 feet in height shall be posted at regular intervals for pedestrian activity.
 - In multi-family areas, exterior lighting shall comply with approved project review standards and guidelines.
 - Factors for Determining Historic or Architectural Significance. A structure shall be at least fifty (50) years old; and meet one or more of the following criteria:
 - Its location is a site of a significant local, county, state, or national event.
 - It has character, interest, or value which is part of the development, heritage, or cultural characteristic(s) of the city, the county, the state, or the nation.
 - It is identified with a person or persons who significantly contributed to the development of the city, county, state, or the nation.
 - It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
 - It is identified with the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the city, county, state, or the nation.
 - It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
 - It embodies design elements that make it structurally or architecturally innovative.
 - It has a unique location or singular physical characteristics that make it an established or familiar visual feature.
 - It has character which is a particularly fine or unique example of a utilitarian structure, including, but not limited to, commercial buildings, factories, industrial buildings or structures, including pump houses or viaducts, with a high level of integrity or architectural significance.
 - It establishes a sense of time and place unique to the City.
 - It is suitable for preservation or restoration.
 - It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.
 - It has yielded, or may be likely to yield, information important to pre-history or other areas of archaeological significance.
 - It is an exceptional example of a historic or vernacular style or one of few remaining in the City.

- Landscaping and Screening Standards. Overall composition and location of landscaped areas, including screening and buffering features, shall comply with the approved landscape standards of the City and shall complement the scale of the development and its surroundings.

7E.5.8 Circulation

The circulation system shall be used to organize and define the community, acting as functional and visual links between neighborhoods, the TND center, civic and commercial areas and open space. The circulation system shall be interconnected both internally and to existing development in order to achieve adequate traffic capacity, connected pedestrian and bicycle routes, controlled through traffic, limited lot access to streets intended for higher traffic volumes, and safe and efficient mobility through the community.

A. General Street Design. Traffic calming features such as curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

B. Pedestrian Circulation. Pedestrian circulation systems that minimize conflicts with automobiles shall be provided throughout all development sites that consist of more than one building, and shall connect all buildings to public sidewalks. Where feasible, existing pedestrian routes through the site shall be preserved and enhanced.

- Walkways in residential uses. Clear and well-lighted walkways, 4 to 5 feet in width depending on anticipated pedestrian traffic, shall connect entrances into multifamily dwellings with adjacent public sidewalk and parking areas on the site.
- Walkways in civic, mixed and nonresidential uses. Clear and well-lighted walkways shall connect building entrances with adjacent public sidewalk and to parking areas on the site. Such walkways shall be a minimum of 5 feet in width, and shall be landscaped where feasible with trees, shrubs and other plant material.
- Transit access. Where transit service is planned, pleasant and convenient access to transit stops shall be provided. Future transit stops should be depicted.
- Crosswalks. Intersections of pedestrian paths with streets shall be designed with clearly defined edges and may include walk-outs or similar design features. Crosswalks shall be well lit and defined with contrasting paving materials or striping.

C. Bicycle Circulation. Convenient bicycle circulation systems that minimize conflicts with automobiles and pedestrians shall be provided throughout all development sites that include new or improved streets. Where feasible, existing bicycle routes through the site shall be preserved and enhanced.

D. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrian access and circulation, as well as with surrounding residential uses.

- Existing street grid. Site designs should maintain the existing street grid, where present, and restore any disrupted street grid where feasible.

- Service vehicles. Service vehicle access shall be provided so as not to conflict with pedestrian use. Access points for service vehicles should provide as direct a route as possible to service and loading dock areas, while avoiding movement through parking areas.
- Snow removal. Site design shall include areas for snow storage unless an acceptable snow removal plan is provided.
- Impervious surfaces. Reduction of impervious surfaces through the use of interlocking pavers or similar means is encouraged for areas that serve low-impact parking needs, such as remote parking lots, parking areas for periodic uses and parking in natural amenity areas.

E. Street Configuration.

- In order to limit and slow through traffic, local streets with narrower roadways, shorter lengths, and other geometric configurations are encouraged. No lot shall be more than 1,200 feet from a street intersection.
- Intersections shall be at a 90 degree or right angle whenever possible, but in no case less than 75 degrees. Low volume streets are encouraged to be aligned to form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) in order to reduce accidents without the use of traffic controls. A low volume street that intersects with a higher-order street, such as a collector, is encouraged to be aligned with another street to form a four-way intersection, which can easily be regulated by a stop sign or other traffic control device.
- The orientation of streets and pedestrian access should enhance the visibility of open spaces and prominent buildings, and provide for the maximum number of lots with southern exposure. All streets shall terminate at other streets or at public land, except as specified below.
- Streets and access lanes that terminate in cul-de-sacs may be permitted only when topography prevents the use of loop streets.
- Local streets may terminate in stub streets with temporary turn-arounds when such streets act as connections to future phases of the development.
- Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily uses.

7E.5.9. Street Classification Standards

Each street within a TND shall be classified as follows in order to establish its design criteria and traffic carrying capacity. Such design criteria is set forth in Table 7E.1:

A. Medium-Volume Commercial Street. This street is designed for a mixed-use City center or neighborhood commercial center. The primary function is access to commercial or mixed-use buildings, but it is also part of the major street network. On-street parking, whether diagonal or

parallel, helps to slow traffic and facilitate pedestrian traffic. Additional parking is provided in public and/or private lots to the side or rear of buildings, and alleys may be used for deliveries and alternate access.

B. Medium-Volume Residential Street (or Subcollector). This street is designed for primary access to individual residential properties, to connect streets of lower and higher function, and to access the major street network. The design speed shall be 25 miles per hour.

C. Low-Volume Residential Street. This street is designed for primary access to individual residential properties as well as access to adjacent streets. Traffic volumes are relatively low, with a design speed of 25 mph.

D. Residential Access Lane. This street is designed for primary access to a limited number of residential properties. With minimal traffic volumes, traffic is completely subservient to the residential environment. Access lanes can be constructed as cul-de-sacs, loop street, or short connecting streets, and generally serve 25 or fewer homes. Bicycle and pedestrian connections shall be provided from cul-de-sac bulbs.

E. Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also be used to provide delivery access or alternate parking access to commercial properties.

7E.5.10 Ownership and Maintenance of Public Spaces Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a TND by dedication to the City, or to an entity of the City' choosing, including but not limited to a home-owners or property-owners association, a private not-for-profit conservation organization, or a combination thereof.

7E.5.11 Failure to Initiate Construction After Approval

A. Approval of a TND shall be valid for no more than three (3) years from the date of approval unless within such time period construction of required infrastructure has commenced or issuance of a building permit has been obtained and construction of a building foundation has started.

B. The time-frame stated herein may be extended for up to one (1) year by the Community Development Director if an extension request is filed with the City prior to the expiration of the approved TND. Any additional extensions of an approved TND may be granted by the City Council for a time period of up to one (1) year upon written request of the applicant.

C. At such time that the validity of an approved TND lapses, all uses, terms, and conditions set forth in said TND shall be declared null and void.

Table 7E.1: Street Classification Standards and Criteria					
	Medium volume commercial	Medium volume residential	Low volume residential	Residential access lane	Public alley
Average daily traffic volume	750 or more	750-1500	250-750	Less than 250	Not applicable
ROW width	70' or more	60'	45-55'	40-55'	20'
Pavement	40' or more, depending on number of lanes	31'	28'	28'	16' for two-way traffic, 12' for one-way
Auto travel lanes	Two or three 12' lanes with bike lanes, or two 14' curb lanes without bike lanes,	Two 10' lanes with two 4' bike lanes, or two 14' lanes w/o bike lanes	Two 10' lanes	One 14' lane	Two 8' lanes for two-way traffic, or one 12' lane for one-way traffic
Bicycle lanes	Two 4' lanes, or 14' wide curb lanes for autos and bikes	Two 4' lanes next to 10' auto lanes, or none with 14' auto lanes	Two 4' lanes with two auto travel lanes, or no bike lanes with one 14' auto lane (queuing)	None	None
Parking	Both sides	None, one, or both sides	None, one, or both sides	One or both sides	None (access to individual drives & garages outside ROW)
Sidewalks	Both sides, 4' minimum	Both sides, 4' minimum	Both sides, 4' to 5' minimum	One side (21' pavement) or both (28' pavement) sides, 4' minimum	None
Curb and gutter	Required	Required	Required, but inverted curb may be approved by City Engineer	Required, but if private, inverted curb may be permitted	Not required

QUICKNOTES

Adaptive Reuse

Adaptive reuse is the process of converting buildings that have outlived their original purpose to accommodate new uses. It emphasizes the preservation or rehabilitation of building features over extensive remodeling. Common examples include factory-to-apartment, home-to-office, and store-to-school conversions.

In many circumstances, the community and individual benefits of adaptive reuse outweigh those of replacing existing buildings or building new structures on previously undeveloped sites. However, local officials may need to address regulatory and market barriers to unlock these benefits.

BACKGROUND

Humans have been reusing buildings for thousands of years. Converting old buildings to new uses was, historically, cheaper and easier than securing building materials and labor for new structures. In the United States, these market conditions began to change in the second half of the 19th century with the completion of a national rail network and the rapid industrialization of the U.S. economy. Throughout much of the 20th century, the availability of low-cost building supplies and an abundance of willing labor meant it was often cheaper to demolish and replace older buildings than to adapt them to new uses.

Since the late 20th century, many communities have a new, or renewed, interest in adaptive reuse. Increasing material, labor, demolition, and disposal costs mean that adaptive reuse is often more cost effective than replacing an existing building. Furthermore, adaptive reuse can trigger reinvestment in surrounding properties, which can breathe new life into areas with high rates of vacancy or disinvestment. Existing buildings are inherently energy efficient because they do not require substantial new investments of energy to extract, process, or transport building materials. Meanwhile, there is a growing awareness among planners, local officials, and other community stakeholders that older buildings often positively influence how people think and feel about established neighborhoods or districts by providing a bridge to the past.

Despite these potential benefits, not all existing buildings can be easily repurposed. Environmental contamination may complicate the reuse potential of some buildings. Others may struggle to attract new uses because of poor quality building materials or insufficient transportation access or infrastructure capacity.

CREATE A STRATEGY

Every community has different adaptive reuse opportunities based on the age, quality, variety, and vacancy rate of its building stock and its unmet demand for uses that can adapt to existing buildings. Some existing buildings can easily accommodate new uses, while others require creative solutions or large investments to appeal to new occupants or to fix structural problems.

The first step in creating a community-wide strategy for promoting adaptive reuse is assessing current conditions. This typically involves documenting and analyzing the local building stock, demolition and development trends, and demographic and employment forecasts. Next, it is important to evaluate existing barriers to adaptive reuse, such as regulatory, financial, or physical constraints. Then planners, local officials, and other community stakeholders can identify and evaluate potential tools to address these challenges.

Eric Allix Rogers, Flickr (CC BY-NC-ND 2.0)



Stores and restaurants now occupy
former tobacco warehouse buildings in
downtown Durham, North Carolina.



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The final step is to update the local comprehensive plan, and any relevant neighborhood or district plans, to provide clear direction for regulatory changes or new programs that support adaptive reuse. These updates may consist of a discussion of adaptive reuse issues; an explicit statement of goals, objectives, and policies; maps of opportunity areas; and information about the timing, funding, and responsibilities for implementation actions.

UPDATE REGULATIONS

Both zoning and building regulations can pose barriers to adaptive reuse of older structures. Zoning regulations can make it difficult to reuse a building if the proposed new use is not permissible under the property's current zoning designation. Alternatively, the zoning regulations may require the proposed use to provide parking spaces, open space areas, or other site development features that won't fit on the property. Likewise, contemporary building codes are often incompatible with older structures. Consequently, many communities have updated their zoning or building codes to remove regulatory barriers to adaptive reuse.

Some communities treat adaptive reuse projects as a distinct land-use or development type to facilitate reuse without requiring rezoning. Others have added new adaptive reuse overlays or districts to encourage the planned reuse of larger structures or contiguous areas with multiple obsolete structures. Both approaches can offer regulatory relief by modifying permissible density, required site development features, or building code requirements.

Local building codes that require existing buildings undergoing renovation or restoration to conform to standards for new construction represent a different regulatory barrier. Consequently, many communities have revised their building code standards for existing buildings. The goal of these alternative standards is to protect public health and safety without requiring cost-prohibitive structural modifications or building material replacements. Many of these codes are based on the International Code Council's *International Existing Building Code*.

PROVIDE EDUCATION AND ASSISTANCE

Cities and counties can actively support adaptive reuse projects by providing education to community members about adaptive reuse opportunities, regulatory requirements, and permitting processes. Local officials can also incentivize reuse by creating technical or financial assistance programs.

Technical assistance programs may help property owners navigate the building renovation or rehabilitation process, including identifying existing incentives, or they may help potential occupants identify existing buildings that could accommodate their proposed uses. Meanwhile, financial assistance programs may provide tax relief, grants, or low-interest loans to help finance building conversions.

Beyond this, infrastructure and transit service improvements in areas with concentrations of older buildings can help make adaptive reuse an attractive option for a wider range of potential tenants.

CONCLUSIONS

Repurposing existing buildings for new uses is an ancient practice with modern benefits. Adaptive reuse is resource efficient, enhances sense of place, and can generate new economic activity. However, adaptive reuse opportunities vary based on characteristics of the local building stock and local market conditions. Consequently, many communities create an explicit adaptive reuse strategy to identify and break down regulatory and market barriers to reuse.

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FURTHER READING

Published by the American Planning Association

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Other Resources

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