

Key Questions & Possible Responses
Zoning Ordinance & Map Update Project
Amended: September 19, 2023



This document is intended as a list of substantive questions to answer for Maple Bluff’s pending zoning ordinance update, plus the Village Planner’s **possible responses** for each question in the updated ordinance. These responses are not intended as ordinance language or the final word on direction for the updated ordinance. They are instead the preliminary thoughts and advice of the Village Planner, intended to provide a platform for Committee guidance leading to preparation of a first draft of the updated ordinance in the upcoming few months.

GENERAL/APPROACH

1. As the Village updates its zoning ordinance, how should it weigh preserving private property rights with maintaining the community interests in compatible land use? **Possible response: Community input has suggested that both are important to residents. These will be reflected in the purpose statement for the updated zoning ordinance, with such purpose referenced while preparing detailed ordinance language. For certain matters (e.g., home remodelings without expansions), the language may tilt to maximizing owner rights, while for others (e.g., uses generating off-site stormwater or lighting impacts) language may lean more towards community interests in compatibility.**
2. How should the new ordinance weigh maximizing the number of objective, measurable standards for review of new development, building additions, and exterior remodeling with allowing subjectivity and flexibility in review standards? **Possible response: Stakeholders have consistently asked for more measurable, objective standards, and less subjectivity. This approach is also favored by recent state law changes. The ordinance update will feature measurable “performance standards” for different types of land uses and for new and expanded structures like homes and fences**
3. How can we best lead to consistent decisions over time regardless of who sits on deciding committees or is the zoning administrator? **Possible response: The updated ordinance will establish clear performance standards, submittal requirements, term definitions, and review procedures to minimize such differences. Also, in my opinion, the Building Board seems overworked and lacking sufficient ordinance guidance, which I hope to address in the updated ordinance.**
4. How can we make sure that applicants for land use approvals know exactly what substantive criteria will be used to make decisions on their approvals? And that they may sometimes require State or other approvals outside of the Village? **Possible response: The updated ordinance should include clear lists indicating application requirements, with each item in the list related to a substantive ordinance requirement (or excluded from the list). General direction about likely and possible State approvals will be included in the updated ordinance, and in updated application forms that will follow its adoption.**
5. How can we make sure that ordinance requirements are limited to those that the Village is prepared to and has administrative capacity to enforce? **Possible response: By limiting the requirements to those with a clear purpose, reasonable community support, and limited need, time, expertise, and special equipment for interpretation and enforcement.**

6. How can the Village best make sure that ordinance changes avoid unintended consequences? Possible response: Careful drafting of a complete update to the zoning ordinance, as opposed to applying more patches to the existing ordinance. Flagging key provisions from the current ordinance to carry forward will be important with such a “repeal and replace” effort.
7. Should the updated ordinance include mature tree preservation/mitigation standards? Possible response: There is some community support for preserving Maple Bluff’s mature tree cover, and possibly requiring new tree planting after a certain threshold of tree removal occurs, as a way to preserve the Village’s character. The current zoning ordinance is vague in this regard. Tree preservation/mitigation standards could take different forms. I have taken the following approach in other zoning ordinances I have prepared: “Mature Tree” = 12+” diameter at 4.5’ above grade, not including any plantation, invasive, or nuisance tree. If >30% of mature trees will be removed, provide plan for additional tree plantings within the site to compensate, on a 2-to-1 basis, for all mature trees proposed for removal above the 30% removal standard.
8. How should the updated ordinance address new and dispersed forms of electricity generation (e.g., home solar, geothermal) and distribution (e.g., EV charging, back-up generators)? Possible response: 74% of survey respondents indicated that the Village should be very flexible or somewhat flexible in regulations of on-site electricity generation and distribution. State statutes provide some limits to local regulation that also need to be considered. The updated ordinance should probably enable small-scale solar, wind, and geothermal systems designed to meet on-site energy needs as permitted accessory use/structures, subject to performance standards related to setbacks, visibility (e.g., generally not in front yard, panels flush to roof setbacks), sound, and perhaps tied to the strong community desire to bury overhead utility lines. On-site generators could be regulated for noise and extent of testing. Outdoor EV charging stations might be limited to the commercial district by right, and by conditional use permit in the Land Conservancy district. Limited types of alternative energy generators—like outdoor wood furnaces—should probably be prohibited entirely.
9. How should the updated ordinance direct or guide the burying of electrical and utility lines? Possible response: Burying electrical and utility lines appears near the top of Maple Bluff resident priorities related to land use. Continuing to attach an expectation for burying lines with new and expanded home projects seems to make sense. Conflicts with mature trees should be considered. Transmission lines are generally inside of the public road right-of-way, so their burying is usually outside of the purview of zoning.

RESIDENTIAL ADDITIONS AND REMODELING; NEW HOMES

1. How important is preserving the historic residential character of the Village? If important, what approach(es) should be used to make this happen? Regulations? Incentives? Possible response: While many residents value historic preservation in the community, many residents also appear flexible regulations on home remodeling projects that don’t involve expansion. I do not think there is sufficient community support for a general historic preservation ordinance or district. Changes to residential building design standards (for new buildings, additions, and possibly remodelings) to require attention to compatible vertical and horizontal form, height and volume, setbacks, and maybe color palette may be more important (and easier to apply) than trying to achieve or preserve a

particular historic style among homes. Streamlined permitting for projects that clearly preserve historic building character could also be considered.

2. How should floor area ratios be regulated? Should there be any exceptions? Possible response: Floor area ratio (building floor area/lot area) is a good tool to get at the volume/bulk of a residence on a lot, and maintaining compatible building sizes seem to be a priority of many residents. The “A” and “B” Residence Districts have a maximum FAR of 0.25 and 0.30 respectively, which may be increased by Building Board action. The base 0.25/0.30 minimums should be reconfirmed and as necessary calibrated to actual current conditions in Maple Bluff. In my opinion, preserving the opportunity for exceptions makes sense, but with clear criteria and probably absolute maximums. Also in my opinion building massing studies ought to be required only (and perhaps every time) an FAR exception is requested.
3. In general, is the Village too strict, too lenient, or about right in its approach to regulating home additions? Exterior home remodeling without additions? Possible response: Based on my analysis of Building Board activity and community sentiment, there may be room to allow an even broader range of exterior home remodeling projects without Building Board review, provided the updated ordinance provides clear standards and limits. Graphic approaches to communicate standards will be considered.
4. Should the Village have quantitative expectations for new landscape plantings in conjunction with new home construction and home additions? (For example, a certain number of points required per additional building square foot, with trees worth 10 points, shrubs worth 3 points, etc.) Possible response: 59% of community survey respondents either strongly agreed or somewhat agreed that the Village should require landscaping with residential projects like additions (32% disagreed). This could be a required landscape plan submittal with each addition (maybe above, say, 20% of current building area) or with a new home proposal, with some quantitative direction. This approach could be paired with and possibly reduced in conjunction with existing tree and shrub preservation.
5. Should the Village limit or require standards for demolitions of existing residences? Requiring removal of all foundational materials? Driveway? Require a bona fide home replacement plan before allowing demolition? Possible response: Basic health, safety, aesthetic, property owner, and Village roadway use standards for demolition should continue to be included in the ordinance. Enhancements should include removal of all basement, foundation, and driveway sections unless there is a clear plan and deadline for reuse. It is unclear to me whether a home replacement plan ought to be required.
6. How should residential building height be measured for purposes of determining whether maximum required height is met? For sloped lots? To peak or mid-point of gable point and eave? Possible response: The current zoning ordinance measures height from the mean elevation along the front of the building to the highest point of the structure, excluding chimneys. For sloped lots, the height is determined by locating the mean distance of the natural grade between the front building line and the rear building line to the highest point of the structure. There are other ways to measure height, including those that measure to the middle of gable or hip roof sections. This is a detailed and subtle matter. A graphic indicting the solution in the ordinance may be warranted.

7. Should the Village require a maximum timeline in which exterior remodelings and renovations can occur? Possible response: Several community survey respondents mentioned issues with exterior remodeling projects that spanned several months, or even years, with related noise, dumpsters, and other negative effects on neighbors, “viewscales”, and open space. Many ordinances require commencement of activities authorized by a building permit within one year of permit issuance, and completion within one year of commencement. It may make sense to move in this direction.

OTHER RESIDENTIAL ZONING MATTERS

8. What should be the Village’s approach and standards for home occupations? Allow by right with strict limits, as is the current approach? Should there be the potential for additional flexibility by conditional use permit (e.g., modest sign, occasional on-site customers)? Possible response: 79% of community survey respondents indicate that the updated zoning ordinance should be somewhat strict or very strict in home-based business regulations. Therefore, there does not seem to be much appetite for expanding the range of home occupations in a way that would make them more visible or impactful. Existing performance standards for home occupations probably need a tune up though.
9. How permissive or limiting should the ordinance be in enabling division of existing residential lots for new homes? Possible response: Two-thirds of community survey respondents suggested that the updated zoning ordinance should be somewhat strict or very strict in allowing the division of existing lots for new residences. That being said, there are legal limitations to restricting new homes on certain lots created in the past but not so far used as separate lots. We will need to navigate those legal waters.
10. How permissive or limiting should the ordinance be in allowing in-home suites for extended family members? For accessory dwelling units (e.g., above-garage apartments)? Possible response: 72% of community survey respondents stated that the updated zoning ordinance should be somewhat flexible or very flexible in regulating in-home suites for extended family members. An in-home suite is typically defined as “a designated area within a single-family home, containing separate living amenities like a kitchen, bathroom, and living space, with a required interior access to the principal dwelling unit. It must appear as one unified residence from the outside and share utilities.” Given the aging Baby Boom population, there is current demand for this type of living, and the zoning ordinance should probably accommodate it by right. Conversely, 62% of respondents suggested the Village should be somewhat strict or very strict in regulating accessory dwelling units. An accessory dwelling unit is defined as “a secondary, self-contained residential unit located on the same property as a primary dwelling, typically used for additional housing and often referred to as a granny flat, in-law suite, or backyard cottage. There is no interior access to the principal dwelling unit, such as in an in-home suite.” This suggests an approach requiring a conditional use permit with performance standards for accessory dwelling units, or not allowing them.
11. For its fencing regulations:
 - a. Should focus continue to be on between-yard and lake view openness or should ordinance be more open to opaque privacy fences?
 - b. Should fences continue to be generally limited to rear yards only, except in unique circumstances?
 - c. How should fence height be regulated? Should there be a difference in regulations

of fence height, depending on its location in the front, side, or rear yard? What about fences between close neighbors with windows? What about privacy fences?

d. Are fence materials important? If so, which are preferred?

Possible response: Fence regulations will be a focus of this update effort. Fences garnered significant attention in the community survey and in other discussions. There has been generally favorable response to limiting privacy fences that affect between-yard and Lake views. Many stakeholders including Building Board members have asked for clearer and more measurable fencing standards. Fences also occupy much of the Building Board's agendas—about one-quarter of all cases in the past two years. Broadly speaking, I recommend the updated ordinance include the use of graphics to communicate regulations, and detailed requirements regarding height, design, opacity, and materials—which may vary by location or setback in yard. My suggestion Building Board approval for fences that clearly meet these regulations would no longer be required. Exception requests could be routed to the Building Board, and the updated ordinance would include criteria for the Board to apply.

12. Is the signage currently observed in residential neighborhoods in the Village too much, too little, or about right? How should non-political signs in residential neighborhoods be regulated, if at all? Possible response: "About right" seems the mood. However, a number of survey respondents expressed concern with too many builder, contractor, or remodeling signs. The Village's current sign regulations do have limits, which may not be widely known and/or hard to enforce. These could be continued, perhaps with notices of limits attached to applications and building permits to increase awareness.
13. Is the exterior lighting currently observed in residential neighborhoods in the Village too much, too little, or about right? Possible response: Lighting spill-over concerns have come up in Building Board reviews. Several survey respondents expressed concern over the excessive use of outdoor lighting and its impact on neighbors, lake views, and the night sky. Measurable options for the updated ordinance include requirements for dark-sky/shielded lighting above a certain lumen output, establishing a maximum footcandle reading at property lines (0.5 footcandle is common), and/or restricting the visibility of the lighting element (bulb) from adjoining residential property.
14. What should the Village's regulations be, if any, regarding outdoor firewood storage? Possible response: Other municipalities have regulated firewood storage in residential areas by not allowing firewood in front yards, maintaining neat stacking conditions with proper drainage, and limiting to a height of five feet above grade or higher when placed adjacent to a fence or wall. This might be a reasonable approach for the new Village ordinance, unless this is a clear non-issue in Maple Bluff.
15. Should the Village consider regulation regulating the duration, placement, and possibly other features of portable outdoor storage units (e.g., PODs)? Possible response: Regulations like the following will be considered: "A temporary portable storage container or dumpster can be used on residential property for up to 30 days for purposes like storage during household moves or construction projects, as long as it doesn't infringe on neighboring property or public spaces, is placed on a hard surface, and complies with temporary use review procedures and any required permits when placed in public streets." The Village has related regulations in Section 166-11 of its Code that need to be revisited and possibly refined or moved to (or referenced within) the zoning

ordinance.

16. Should the Village consider regulation regulating the duration, placement, and possibly other features of dumpsters? **Possible response:** See above related to PODs.
17. Should the Village consider regulation regulating the duration, placement, and possibly other features of golf carts, recreational vehicles, ATVs, boats, and snowmobiles? **Possible response:** Two-thirds of survey respondents suggest the Village should be somewhat strict or very strict in such regulations. Section 212-2 of the Code already prohibits outdoor RV storage in the Village and Section 166-11 has other related regulations. These to be revisited and possibly refined or moved to (or referenced in) the zoning ordinance. Regulations from other communities include that such vehicles must be operable, set back a certain distance from property lines based on zoning district rules, be limited in number at any one time, should not be connected to municipal utilities except for maintenance, and must be stored on hard, all-weather surfaces.
18. How should ordinance address long-term storage of motor vehicles on driveways or in yards? **Possible response:** Section 166-13 currently limits motor vehicle parking outside of driveways and designated parking spaces, but definitions could be cleaned up. Maximum duration of vehicle parking/storage on a residential driveway or parking space could be established, but enforcement could become a challenge (e.g., car is moved on last day of every period).
19. Should the Village consider regulation regarding the duration, intensity, and timing of noise and its impacts on others? And should this apply to the? **Possible response:** Noise regulation had support in the community survey, with several comments targeting noise concerns to yard care, contractors, and Maple Bluff County Club activities. Section 160-6 of Maple Bluff's Code currently states: "No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence." Other municipal ordinances have quantitative noise limits measured in decibels, which I recommend the Village substitute for this general language that is likely hard to enforce.
20. Should Village regulations on vacation rentals be as strict as allowed by State law, or more flexible? Should there be a differentiator between short-term vacation rentals (i.e., a few days) and long-term rentals (i.e., a month or longer)? **Possible response:** 78% of survey respondents indicated that the updated zoning ordinance should be somewhat strict or very strict in regulating vacation rentals. A few open-ended responses suggested allowing and regulating long-term vacation rentals but not short-term vacation rentals, consistent with what State law allows. I recommend consideration of a provision to disallow rentals less than seven days in duration, which is the shortest possible by law.
21. Should Village continue to maintain on its zoning map minimum front and shoreline setbacks for each lot in the Village (which is rather unique to Maple Bluff), or should it transition to rely on general setback requirements for all lots in each zoning district in the text of the zoning ordinance? **Possible response:** The decision to maintain specific minimum front and shoreline setbacks on the zoning map—a relatively a unique feature in Maple Bluff—or transition to general setback requirements for each zoning district in the zoning ordinance should consider the Village's goals regarding consistency, flexibility, and waterfront preservation. I welcome input on which approach to take, and will do more research on the matter.

22. Should the Village encourage compatible multiple-family housing development along Sherman Avenue? Possible response: Survey results suggested mixed community opinions, but a clear sentiment against non-single-family housing anywhere else in the Village. I recommend that the Village continue to provide for multiple-family housing in its Business district as perhaps its sole location for non-single family housing.

NON-RESIDENTIAL DEVELOPMENT

1. For commercial development signage along Sherman Avenue, should the Village generally maximize flexibility to businesses or limit sizes and types of signs? Should the Village promote a standard or model for sign types, colors, fonts, and sizes along Sherman Avenue? Possible response: The prevailing mood seems to be to limit sizes and quantities, but not to stifle design and material creativity with some exceptions (e.g., phase out backlight plastic panel signs, achieve some design consistency within Lakewood Plaza). Community survey respondents and other stakeholders have commented on replacing dilapidated and outdated signage along Sherman and North Sherman Avenues.
2. Should the Village add a conditional use permit or special exception procedural option for when business owners wish to differ from ordinance signage requirements? Response: In my opinion, yes, but I suggest that such reviews be the purview of the Plan Commission rather than the Building Board. Like fences, achieving an ordinance where signs meeting all standards could be administratively approved might be a target, with only those requiring exceptions going to a board or commission for approval.
3. What are your greatest interests with respect to commercial development along Sherman Avenue? Limiting off-site traffic? Limiting off-site parking? Maximizing range of businesses? Controlling hours of operation? Limiting signage? Limiting lighting? Etc. Response: I suggest the updated ordinance include performance standards for all commercial land use types or categories to address these matters. See the separate “outline” document for further thoughts. I also recommend that the Plan Commission rather than the Building Board review exception requests for minimum parking requirements—it is not a design matter.
4. Should the updated ordinance include some type of “upzoning” of the Village’s tax incremental district area to help maximize tax increment? Possible response: The Village through its TID and Gateway Plan has already signaled a willingness to upzone that area. The updated zoning ordinance can refer at least to the latter document.
5. What types of commercial uses/operations should the Village promote at the Lakewood Plaza property northeast of Sherman and Commercial? What types of commercial uses/operations should the Village discourage there? Possible response: Stakeholder input appears to support more restaurants and other “third-spaces” here. The Business district permitted and conditional use list will be revisited to assure than desired uses are also in the permitted use to the extent practical. Uses can still include performance standards even if not requiring a conditional use permit.
6. Should the Village attempt to restrict the operating hours of businesses selling alcohol along Sherman Avenue? Possible response: Community survey respondents were split, with 52% stating the Village should be very flexible or somewhat flexible in regulating hours of operation for alcohol sales and consumption and 44% stating the Village should be somewhat strict or very strict in regulating hours of operation for alcohol sales and

consumption. This matter may be better addressed outside of the zoning ordinance, particularly if it is to apply to businesses already in operation.

7. What should be the allowable range of future uses for the Maple Bluff Country Club property? **Possible response:** This issue is currently being addressed through another process. 60% of survey respondents suggested that the Village should be somewhat strict or very strict on “land uses at the MBCC property.” The survey also revealed little support for housing on that property.
8. Should the Village include standards for sports courts, including barriers, fencing, operating hours, setbacks, noise, and lighting restrictions? **Response:** I recommend yes. These could be listed as permitted accessory uses in residential districts subject to listed performance standards.
9. What should be the allowable range of future uses for the Maple Bluff Marina/Park property? **Response:** To be determined, except the community does not appear to want housing here, and 59% of survey respondents suggested that the Village should be somewhat strict or very strict on “land uses at the Maple Bluff Marina/Park property.” Still, given its relatively isolated location, this may be a site where a slightly broader range of uses might be considered. Research on other comparable marina sites is warranted.
10. What should be the allowable range of future uses and buildings on the Maple Bluff Beach/Park property? Commercial uses? **Response:** To be determined, except the community does not appear to want housing here. Many communities are opening up similar spaces to more community events and quasi-commercial uses facilitating gatherings and concessions.
11. What should be the allowable range of future uses and buildings on the neighborhood park properties? Commercial uses? **Response:** Same as Beach/Park property.
12. Recognizing likely limits on local control under State law, should the Village attempt to limit the range of uses and activities on the Executive Residence property? Or create a separate zoning district or assign LC zoning to that property? **Response:** My recommended approach is to separately classify “Executive Residence” as a permitted use in the “A” Residence zoning district, but make it subject to different performance standards than single-family residences given its unique functions.