

# Overview of Proposed Zoning Ordinance Update



## **What is the zoning ordinance?**

Maple Bluff's current zoning ordinance divides the Village into different zoning districts, and for each zoning district specifies allowable land uses and structures allowed and required setbacks, building design, signage, and other standards. The Village's zoning maps show where the different zoning districts apply and what minimum front (and often rear) building setbacks are for each lot.

## **Why is the Village updating its zoning ordinance?**

The update will help preserve the Maple Bluff community as a small, attractive, pedestrian-friendly lakeside community with a desirable character and sense of place. At the same time, the update will reflect changes since the ordinance was last revisited over 20 years ago. These include, for example, how people live, work, and recreate and what building materials and signage options are available. Maple Bluff households are seeking exterior renovations and additions to meet modern needs, with such projects guided by zoning regulations and processes.

Some standards and processes in the current ordinance seem to differ from those desired by today's residents and officials. Relatedly, the current ordinance addresses setbacks, land divisions, comprehensive plan amendments, and other topics in sometimes confusing manner, which can result in different interpretations and disagreements. To better clarify and communicate rules, the draft update to the ordinance increases definitions, introduces graphics, and uses objective and measurable standards wherever practical. The draft update also clarifies and simplifies regulations and procedures, saving time and money.

## **How is the Village updating its zoning ordinance?**

In March 2023, the Village Board appointed a Zoning Ordinance Update Steering Committee to guide the process and approved the committee's charge. The Committee was made up mainly of members of the Board, Plan Commission, and other Village committees. Village staff and the consulting Village Planner have supported the Committee. The Steering Committee recommended the update in December 2024, and the Village's Building Board and especially Plan Commission advised adjustments over winter 2025. Next, the update requires a public hearing, formal recommendation from the Plan Commission, and adoption by the Village Board. The hearing is scheduled for April 15<sup>th</sup>.

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## How is the Village's updated zoning ordinance organized? What are the changes?

The updated ordinance is organized as follows, with the purpose of each article and significant changes and upgrades from the current ordinance indicated:

**Article 1—Introduction:** Sets the legal basis and purpose of the zoning ordinance.

**Article 2—Zoning Map and Districts:** Lists and describes the zoning districts, where they are mapped, permitted and conditional uses in each district, and dimensional standards (e.g., setbacks). Significant proposed changes and upgrades from the current zoning ordinance:

- Defines a shorter list of generally broader land use types, but also some uses unique to Maple Bluff (e.g., Executive Residence).
- Utilizes a table to show which are permitted or conditional uses in each zoning district, rather than separate and overlapping lists for each district.
- Based on Village plans, identifies preferred commercial land uses as permitted-by-right uses in the Village's business (now abbreviated "CM") district, and other commercial uses as either conditional or prohibited uses.
- Utilizes another table and a series of graphics to show dimensional standards (e.g., area, height, setbacks, floor area percentages) for lots, buildings, and other structures. These types of standards are scattered in multiple places in the current zoning ordinance.
- Generally sets maximum fence height of 4 feet, with 6 foot tall fences allowed along and near rear lot lines.
- Generally does not allow new fences closer to the front lot line than the house; the Building Board has occasionally allowed under the current zoning ordinance.
- Establishes minimum lot area, setback, floor area ratio, maximum impervious requirements in non-residential zoning districts.
- Based on the Village Planner's study of existing conditions, increases by-right floor area percentages by 5% for sub-10,000 sf lots and for ½-1 acre lots.
- Removes the Village's current maximum building footprint percentage requirement, which the study showed is virtually never relevant given the overlapping maximum impervious surface area and minimum floor area percentage requirements that would remain.
- Removes the current required adjustment to minimum side yard setback in R-A district that tends to center new homes on lots but is challenging to administer, but still generally requires a 22.5 foot total minimum width for both side yards and 7 foot minimum for any one side yard in the R-A district, and retains adjustments for lots with wider and narrower than 75 foot widths.

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- Generally establishes minimum setback for all new hard surfaces of 2 feet, which in the current ordinance is limited to back-yard driveways only.

**Article 3—Land Use Description and Standards:** Describes and provides performance standards for each listed permitted, conditional, and accessory land use allowed in at least one zoning district. Significant proposed changes and upgrades from current zoning ordinance:

- Clearly allows accessory suites for extended family members in a single-family home, but not separate, unconnected accessory dwelling units.
- Establishes a minimum area for new single family houses 1,000 sq. ft. There is currently no minimum house size requirement in Maple Bluff. Only 2% of all current houses are under 1,000 sq. ft.
- Restricts rental of single-family residences for a period of 6 or fewer days (i.e., tourist rooming houses), and introduces standards for rentals of more than 6 but fewer than 30 consecutive days. There are currently no local tourist rooming house regulations in Maple Bluff.
- Modernizes home occupation rules, including vehicle trip maximums and allowing use of accessory buildings by conditional use permit.
- Sets rules for small energy generation (e.g., solar panels) intended to encourage their use in a way that respects State law and Village character.
- Limits garage, yard, estate, and in-home sales to four sales per year. There are currently no limits on garage sales in Maple Bluff.
- Updates ordinance to comply with state and federal law for uses like manufactured housing, community living arrangements, signs, and telecommunication facilities so that rights, possibilities, and limits on local regulatory authority are more clearly understood.

**Article 4—General Design and Performance Standards:** Provides site and building design standards for new construction, expansions, and exterior remodeling. Also provides fence, outdoor storage, driveway, parking, exterior lighting, and noise standards. Significant proposed changes and upgrades from the current zoning ordinance:

- Focuses much more on measurable standards, including for design review for new, expanded, or exterior remodeled residences and for fences.
- Continues recent trend of reducing the types and scope of projects that require Building Board approval before obtaining a building permit, including all fences and a list of minor exterior home and site changes.

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- Sets a maximum floor area percentage that does not exceed 150% of the average floor area percentage of “neighboring principal buildings”—a term that is defined and illustrated in the ordinance.
- Requires one or more windows, doors, and/or other architectural detailing on each flat wall greater than 20 feet in length.
- Requires most fences to be designed with no greater than 60% opacity when viewed at a right angle from the fence, but allows 60%+ opacity for first 2 feet, rear yard fences that meet principal building setbacks, and limited other cases.
- Rather than setting an across-the-board 3-space maximum for residential garages, allows between 2 and 5 in-garage parking spaces based on parcel size.
- Limits the amount of illumination attributable to exterior lighting, as measured at any parcel line, to 1.0 footcandle (i.e., light emitted from candle 1 foot away).
- Generally limits noises at residential parcel lines to no more than 60 decibels (e.g., conversational speech) between 10 p.m. and 7 a.m. and 70 decibels (e.g., gas-powered car, vacuum cleaner) at other hours.

**Article 5—Sign Regulations:** Provides exterior signage regulations for residential and non-residential zoning districts. Significant proposed changes and upgrades from the current zoning ordinance:

- Puts all non-residential zoning district sign rules in one table.
- Defines and illustrates a wide variety of sign types to clarify regulations.
- Removes content-based regulation and limits political sign regulation in compliance with U.S. Supreme Court rulings and State law.

**Article 6—Land Division and Consolidation:** Establishes substantive standards for the division, modification, and consolidation of lots and parcels, with the general goals of preserving existing residential and open space character. Significant proposed changes and upgrades from current ordinance:

- Increases objective standards for Village review of land division and consolidation requests by certified survey map (CSM), while still considering surrounding context when approving new lot sizes.
- Requires a CSM to consolidate historic lots of record where a landowner desires to build over a historic lot line within their ownership parcel.

**Article 7—Legal Nonconforming Uses, Structures, and Lots:** Establishes requirements for nonconforming conditions legally established prior to the adoption of this updated zoning ordinance. Significant proposed changes and upgrades from the current zoning ordinance:

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- Allows each substandard lot of record to have a home, if no home ever crossed a lot line, provided that all setbacks and other dimensional requirements are met. This is a State law requirement. Under current Maple Bluff rules, each historic lot of record in the Village is allowed a home regardless of whether a building currently or ever crossed lot lines and whether such lot was later joined with others in a single tax parcel.
- Clearly allows changes and additions to nonconforming structures (e.g., does not meet new setback requirement), as long as the change or addition does not extend or worsen the nonconformity.

**Article 8—Procedures and Administration:** Establishes the administrative and enforcement framework for application of the new ordinance, including all land development approval processes. Significant proposed changes and upgrades from the current zoning ordinance:

- Provides much greater clarity in procedures, submittal requirements, and criteria for review of zoning changes, building projects, land divisions, and variances—putting them all in one place versus scattered placements.
- Clearly assigns design and site plan approval for major projects to the Building Board and not the Plan Commission.
- Expands the array of minor projects that do not require Building Board approval, including patio, deck, walkway replacements and enlargements of no greater than 100 square feet and others listed in the proposed ordinance.
- Only where a project involves a requested special exception to floor area percentage requirements would perspective renderings (“massing study”) of the proposed building be required.
- Specifies that the schematic design review stage applies to proposals for new homes plus projects that involve a 50% or greater floor area expansion, prior to the detailed design review stage. Current ordinance vague on when this two-stage process is and is not expected.

**Article 9—Word Usage, Abbreviations, and Definitions:** Establishes definitions for hundreds of terms used in the updated zoning ordinance to help with understanding and to reduce different interpretations (and disagreements) later.