

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
June 4, 2019
7:00 p.m.

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) June 11, 2019 Study Session
 - b) June 18, 2019 Regular Meeting
 - c) July 2, 2019 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Village Council Minutes
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 - c) Ordinance No. M-7-2019: 976 Green Bay Road - Robbins Architecture - Special Use Permit (Adoption)12
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 - e) Resolution No. R-55-2019: Establishing a Retiree Health Savings (RHS) Program for Members of the International Association of Firefighters (Adoption)38
 - f) Resolution No. R-56-2019: Community Rating System Program - Repetitive Loss Area No. 5 (Adoption).....41

- 8) Ordinances and Resolutions
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 - i) Resolution No. R-37-2019: Approving a Banquet and Reception Hall at 915 Green Bay Road (Public Hearing & Adoption).....83
 - b) Ordinance No. MC-3-2019: Adopting Parking Regulations (Adoption).....118
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 - b) Resolution No. R-39-2019: Approving a Class Y Liquor License for Boutique Bites (Adoption).....137
 - c) Ordinance No. MC-5-2019: Adoption of Model Building Codes & Local Amendments (Adoption).....141
- 9) Old Business: None.
- 10) New Business: None.
- 11) Appointments
- 12) Closed Session
- 13) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site: <http://www.villageofwinnetka.org/government/village-videos/>.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

**MINUTES
WINNETKA VILLAGE COUNCIL SPECIAL MEETING**

April 30, 2019

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, April 30, 2019, at 6:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 6:00 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penny Lanphier, Scott Myers, John Swierk, and Anne Wedner. Absent: None. Also in attendance: Village Manager Robert Bahan, Village Attorney Peter Friedman, and one person in the audience.
- 2) Public Comment. Ted Wynnnychenko, Oak Street. Mr. Wynnnychenko commended the Village for joining the Greenest Region Compact 2. He suggested the Council encourage solar panel installation in Winnetka by revising its net metering policy. He also submitted photos of shared stormwater detention areas between single family properties in Naperville, and asked if the Village's engineering guidelines would allow such installation between consenting property owners. President Rintz said the Council would consider his comments.
- 3) Closed Session. Trustee Cripe, seconded by Trustee Myers, moved to adjourn into closed session to discuss Personnel, pursuant to Section 2c(1) of the Open Meetings Act. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.
- 4) Adjournment. Trustee Cripe, seconded by Trustee Myers, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 7:52 p.m.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION**

May 14, 2019

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, May 14, 2019, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:01 p.m. Present: Trustees Jack Coladarci, Andrew Cripe, Robert Dearborn, Penny Lanphier, John Swierk, and Anne Wedner. Absent: None. Also in attendance: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Ben Schuster, Community Development Director David Schoon, Finance Director Tim Sloth, Economic Development Coordinator Cindy Plante, and approximately 7 persons in the audience.

- 2) Public Comment.

Mike Finnerty, co-owner of Fred's Garage, 844 Spruce. Mr. Finnerty informed the Council he is interested in exploring the former Savocci Glass site for a new restaurant concept.

- 3) 93 Green Bay Road Draft Request of Proposals. President Rintz explained that the Village has owned 93 Green Bay Road since 2001. He added that inquiries from interested developers about purchasing the site has prompted the Village to explore its options for the parcel.

Ms. Pierce explained the parcel is 12,939 square feet and contains a former gas station/auto repair building of approximately 1,300 square feet which does not appear to be in usable condition. In the past, the Village has leased the property to a car dealership and New Trier High School for overflow parking, but it is now vacant. The site is designated by both the Downtown Master Plan and the Comprehensive Plan as an important gateway into Winnetka.

Ms. Pierce said the RFP has been drafted to encourage proposals that are creative as well as feasible. Some of the metrics used to judge respondents would be past development successes, experience working with similar properties, and a financially strong development team. The goals for the property are: (i) return the property to a taxable and productive commercial use; (ii) help improve pedestrian access at the Green Bay Road/Winnetka Avenue intersection; and (iii) attractive architectural and landscape design to showcase the gateway location of the site.

President Rintz asked if the building has any structural deficiencies. Ms. Pierce explained that further study is needed to determine the structural integrity of the building.

There was a discussion about potential environmental damage from underground gas tanks. Manager Bahan said the Village feels confident most of the gas tanks have been removed, and some soil remediation has been done. However, it is not known if there is further cleanup to be done at the site, and environmental remediation could be done in tandem with the RFP process.

Trustee Lanphier noted that she was a Village Trustee and a member of the Plan Commission when the Subject Property was first discussed by the Village. She recalled that the intersection at that time was configured differently, with gas stations on every corner, which

imparted an auto-centric ambiance to the Indian Hill business district. The Comprehensive Plan recommended the Village purchase the parcel and turn it into green space to distinguish the gateway to Winnetka and nearby New Trier High School; the conversation did not include redevelopment. She urged the Council to think of the land from a higher level and possibly take into the consideration the Village-owned parking lot adjacent to the Subject Property. She also suggested it might be a better alternative to lease the land long-term rather than sell it outright.

President Rintz noted that the Village doesn't have to approve any of the potential responses to its RFP; and the Council has the right to decide it wants to maintain control over the parcel for the long term. The immediate goal is to get the private market's vision for the site.

The Council discussed the RFP concept, after which President Rintz called for public comment.

Mr. Finnerty suggested the Council inform developers about its desires for the property, in the interest of sending a message that the Village wants to work with developers, and to get the best responses. He noted that newer residents want more amenities in the commercial districts, and the Village needs to find a way to accommodate them.

After a brief discussion, the Council was in favor of letting the creativity of the market decide on a use for the parcel, and not limiting that creativity by dictating options.

Al Stepan, co-owner of Fred's Garage. Mr. Stepan pointed out that since Green Bay is a state Road, IDOT will control curb cuts on the property; and he asked if there are any Metra setback issues that the Village is aware of. President Rintz replied the Village had not yet discussed setbacks with Metra.

President Rintz encouraged the Trustees to share their ideas with staff; and the Council agreed to move forward with the RFP.

- 12) Closed Session. Trustee Cripe moved to adjourn into Closed Session to discuss the purchase or lease of real property by the Village, pursuant to Section 2c(5), of the Illinois Open Meetings Act. Trustee Swierk seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Coladarci, Cripe, Dearborn, Lanphier, Swierk, and Wedner. Nays: None. Absent: None.

President Rintz announced that the Council would not return to the open meeting after Executive Session. The Council adjourned into Executive Session at 8:04 p.m.

- 4) Adjournment. Trustee Dearborn, seconded by Trustee Cripe, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:21 p.m.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
May 21, 2019**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, May 21, 2019, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 p.m. Present: Trustees Jack Coladarci, Andrew Cripe, Robert Dearborn, and Penfield Lanphier. Absent: Trustees John Swierk and Anne Wedner. Also present: Village Manager Robert Bahan, Village Attorney Peter Friedman, Community Development Director David Schoon, Assistant Community Development Director Brian Norkus, Fire Chief Alan Berkowsky, Deputy Fire Chief John Ripka, and approximately 9 persons in the audience.
- 2) Pledge of Allegiance. Trustee Lanphier led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) June 4, 2019 Regular Meeting. All of the Council members present said they expect to attend.
 - b) June 11, 2019 Study Session. All of the Council members present said they expect to attend.
 - c) June 18, 2019 Regular Meeting. All of the Council members present said they expect to attend.
- 4) Public Comment.

Pat Balsamo, Cherry Street. Ms. Balsamo commented that the annual Landmark Trolley Tours, emceed by Nan Greenough and Louise Holland, were enhanced this year with an extra day of tours and a Sesquicentennial brochure of the homes on the tour.

Liz Kunkle, Holly Lane. Ms. Kunkle mentioned that *Go Green Winnetka* would be hosting its second annual Yards That Work tour in Winnetka on Sunday, July 14 from 10AM - 2PM; the tour showcases sustainable yard projects in the Village.
- 5) Reports:
 - a) Trustees.
 - i) Trustee Cripe reported that on May 9 he had attended the SolSmart Community Awards at Argonne Labs, where Winnetka won bronze status. The event included a presentation about the costs of installing solar, which disclosed that in America, administrative costs for solar installations are higher than hardware costs.
 - ii) Trustee Lanphier reported that Saturday's Community Conversations had included discussions about bike racks, stormwater and other topics. Community Conversations will be held at the Farmers' Market during the summer months.
 - b) Attorney. None.
 - c) Manager. None.

- d) Village President. President Rintz reported that Winnetka's stormwater team had presented an intergovernmental agreement (IGA) to the New Trier High School District 203 Board on May 20, where it was well-received. The Village looks forward to a positive recommendation for the IGA at the District 203 Board meeting on June 10.
- 6) Approval of the Agenda. Trustee Cripe, seconded by Trustee Coladarci, moved to approve the Agenda. By voice vote, the motion carried.

7) Consent Agenda

- a) Village Council Minutes.
 - i) May 7, 2019 Regular Meeting.
- b) Approval of Warrant List dated May 3-16, 2019 in the amount of \$455,049.00.
- c) Resolution No. R-50-2019: Trenchless Relining of Sanitary Sewers (Adoption).
- d) Resolution No. R-51-2019: Brick Paver Maintenance (Adoption).
- e) Resolution No. R-52-2019: SWANCC Board Appointments (Adoption).
- f) Resolution No. R-53-2019: Bulk Rock Salt Purchase (Adoption).

Trustee Lanphier, seconded by Trustee Dearborn, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Coladarci, Cripe, Dearborn, and Lanphier. Nays: None. Absent: Trustees Swierk and Wedner.

8) Environmental & Forestry Commission 2019 Green Awards.

Matt Havlik, Public Works Analyst, presented Green Awards to Mercedes and Bernardo Sichel, 420 Birch Street, for their residential stormwater improvement project; and Amanda and George Hanley, 855 Auburn Road, for a garden project that incorporated stormwater best management practices.

The Council congratulated the award winners, and commended them for their stewardship of the environment.

9) Ordinances and Resolutions.

- a) Resolution No. R-37-2019: Approving a Banquet and Reception Hall at 915 Green Bay Road (Public Hearing Continuation). President Rintz announced that the public hearing for approval of a banquet and reception hall at 915 Green Bay Road would be continued until the June 4, 2019 Council meeting, when the full Council will be in attendance.
- b) Ordinance No. M-7-2019: 976 Green Bay Road - Robbins Architecture - Special Use Permit (Introduction/Adoption). Mr. Schoon explained that the Village's practice has been to allow a use by right in the Retail Overlay if it provides a retail component. While this practice will be changed moving forward, the applicant's business is already established in its current location.

Trustee Dearborn said the Village needs to be more vigilant in monitoring how business owners adhere to their promises, as a long time has elapsed since the business started operating.

Celeste Robbins, owner of Robbins Architecture. Ms. Robbins explained that when she expanded her office and moved into the Retail Overlay, her intent was to sell custom cabinets and hardware. However, after she moved into her new space, a large project came up and she became too busy to set up the retail operation, and she now would prefer a special use permit approval rather than try to run two businesses.

Trustee Coladarci expressed concern about the erosion of the Retail Overlay.

President Rintz noted that the changing face of retail makes it difficult to predict what town centers will look like in the future. Non-retail uses are currently gaining in popularity, and there is a disconnect between what some residents want to see and what the market will deliver.

Trustee Cripe said the business is complementary to the Hubbard Woods Design District, which sets it apart from other special uses in the area. He added that the windows are attractive and vibrant, and although the approval process was not ideal, he would approve the use.

Trustee Dearborn agreed with Trustee Cripe's comments and added that this case is a reminder the Village needs to develop a system to follow-up with approved business plans.

Trustee Lanphier also agreed that the windows are vibrant and the space is inviting. She expressed discomfort with requiring some uses in the Retail Overlay to include retail elements, while not making other uses do the same. She suggested there is a need for new businesses to register with Community Development for a license, to keep the Village informed and provide a line of communication.

Ms. Robbins suggested the Village identify the attributes it expects retail to bring to the downtowns, and whether the goal of a vibrant downtown can be met with other uses.

Trustee Dearborn, seconded by Trustee Cripe, moved to waive introduction of No. M-7-2019. By roll call vote, the motion failed. Ayes: Trustees Coladarci, Cripe, and Dearborn. Nays: Trustee Lanphier. Absent: Trustees Swierk and Wedner.

Trustee Dearborn, seconded by Trustee Cripe, moved to introduce Ordinance No. M-7-2019. By voice vote, the motion carried.

- c) Ordinance No. MC-5-2019: Adoption of Model Building Codes & Local Amendments (Introduction). Mr. Schoon explained that since municipalities don't have the resources to develop their own codes, they rely on national codes for models. The national codes are updated every three years, and most towns update their codes every other cycle, because the process is so complex. A team of experts comprised of Village and SAFEbuilt staff has been reviewing the model codes for the past year to ensure compatibility with Winnetka's local standards. The Subject Ordinance would codify the updates to Winnetka's building, fire, and safety codes.

Mr. Schoon said an issue of note is a recommendation to expand the property maintenance code to be applicable to single family residences. Doing so would give the Village more enforcement power over dilapidated and unsafe residential properties. When the property maintenance code was first adopted in 2012, it carved out an exception for single-family residential, condominiums, or multifamily units.

Enforcement of the maintenance code would remain complaint-driven; meaning the Village will only investigate cases of neglect if a resident calls to complain about a specific derelict property. Currently, Village staff must rely on the nuisance code for sanitary and safety concerns; and the nuisance code is written so broadly that it is not an appropriate enforcement tool when dealing with cases of severely neglected residential properties.

The Council discussed the recommended amendment to the property maintenance code. Concern was expressed about enforcement against residents who are older and might have limited incomes to make repairs. Mr. Schoon explained that the Village helps those people find resources in the form of non-profits that help individuals of limited means; recommending a visit from the Police Department social worker; and working with the families of such individuals. He noted that using the nuisance code to deal with severe cases of hoarding or neglect is very challenging and takes a long time to resolve, leaving adjacent neighbors dissatisfied.

President Rintz noted that the Village relies on and trusts the staff who enforce code provisions; however, staff needs better tools to compel homeowners to rectify severe conditions. The neighbors of the neglected homes expect and need help from the Village in these situations; Village staff has shown no inclination to be heavy-handed with enforcement in the past, and it is expected they will use their discretion to obtain suitable and thoughtful outcomes.

Trustee Dearborn asked why the Council had not discussed the code amendments in a Study Session to get more background on the material. President Rintz explained that since the codes are so highly technical, there is not much value the Council can add to the process.

Trustee Cripe said he did not desire to get into the details on such technical matters, and he expressed confidence in the Village's enforcement capabilities with an expanded property maintenance code. He suggested a hardship appeal process could be added that gives the Council a final say in enforcement of especially difficult cases.

Manager Bahan noted that since the last code update instituted the commercial property maintenance code, no big increase in enforcement has occurred because the Village only gets involved in maintenance issues if it receives an explicit complaint.

The Council generally agreed to introduce the Subject Ordinance and discuss a financial appeals process in June, when the absent Trustees Wedner and Swierk are present.

Trustee Andy, seconded by Trustee Lanphier, moved to introduce Ordinance No. MC-5-2019. By voice vote, the motion carried.

10) Old Business. None.

11) New Business.

- a) Coldwell Banker Special Use Review - 564-68 Lincoln Avenue (Ordinance No. M-10-2017). Mr. Schoon reviewed the 2017 special use permit process for Coldwell Banker, where approval was contingent upon the operation of a popup retail area along the display windows on Lincoln Avenue.

Karen Aronson, Coldwell Banker. Ms. Aronson explained that the brokerage had success bringing in popups in the first three months after the space was renovated. After that, it got progressively more difficult to get retailers interested in the space, and the process has been revised as time has gone on. She said initially, retailers would pay a fee to use the space, but it is now being offered for free; and Coldwell Banker will continue to try and be compliant on the retail requirement of the special use permit.

The Council discussed techniques for attracting vendors to the popup space. It was suggested that Coldwell Banker develop a better plan to entice retailers, and to consider the possibility of at least using the space as a gallery to provide an interesting window display.

President Rintz said he had been frustrated by the lack of communication from Coldwell Banker after getting no responses to his messages. He pointed out that when the Council approved the special use permit, Coldwell Banker agreed to become a partner with the Village and comply with the conditions of the permit. He added that he had been disappointed to hear Coldwell Banker was charging a fee to use the space, and he was happy to hear that element is no longer a part of the popup plan. The key for the partnership to work is for Coldwell Banker to communicate with the Village so the Council does not feel ignored or disrespected. Finally, he said perhaps a work session with one or two Trustees to brainstorm ideas to fill the space would be helpful.

Ms. Balsamo commented that popup stores are very difficult to work with, and she suggested Ms. Aronson contact the marketing department of a local university to see if marketing students could contribute some useful ideas.

12) Appointments:

- a) Trustee Lanphier, seconded by Trustee Cripe, moved to re-appoint Chuck Dowding as Chair of the Environmental & Forestry Commission. By voice vote, the motion carried.

13) Closed Session. None.

14) Adjournment. Trustee Lanphier, seconded by Trustee Dearborn, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:11 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Approval of Warrant List Dated May 17-30, 2019

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 06/04/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☒ Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated May 17-30, 2019 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated May 17-30, 2019.

Attachments:

None.



Agenda Item Executive Summary

Title: Ordinance No. M-7-2019: 976 Green Bay Road - Robbins Architecture - Special Use Permit (Adoption)

Presenter: David Schoon, Director of Community Development

Agenda Date: 06/04/2019

Consent: ☐ YES ☒ NO

☒	Ordinance
☐	Resolution
☐	Bid Authorization/Award
☐	Policy Direction
☐	Informational Only

Item History:

5/21/19 - Village Council Regular Meeting - Introduction of Ordinance No. M-7-2019 - <https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20190404.pdf#page=232>

Executive Summary:

At the Village Council meeting on May 21, the Village Council approved introduction of Ordinance No. M-7-2019 to allow Robbins Architecture to operate an existing architect's office on the ground floor at 976 Green Bay Road, which is located within the Commercial Overlay District.

During the Council's discussion of the request by Celeste Robbins, d/b/a Robbins Architecture, a trustee asked how much of the space in the Hubbard Woods Business District is occupied by various land uses and special uses. Attached is a staff report which provides a summary of the amount of commercial square footage and the number of commercial storefronts occupied by special uses for each of the three business districts (Attachment B).

Also attached is the Plan Commission staff report that was previously provided for the May 21 meeting. If you would like to review additional details regarding the request and the Plan Commission's discussion of the request, a link to the May 21 Village Council agenda materials is provided above.

Recommendation:

Consider adoption of Ordinance No. M-7-2019.

The Ordinance would allow the existing architect's office at 976 Green Bay Road within the C-2 Commercial Overlay District.

Attachments:

Attachment A: Ordinance No. M-7-2019

Attachment B: Village Council Staff Report - Hubbard Woods Occupancy by Use Type & Special Uses

Attachment C: PC Staff Report - Previously issued for May 21, 2019 VC meeting

ATTACHMENT A

ORDINANCE NO. M-7-2019

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE OPERATION OF A PROFESSIONAL OFFICE
WITHIN THE C-2 COMMERCIAL OVERLAY DISTRICT OF THE VILLAGE
(976 Green Bay Road)**

WHEREAS, Celeste Robbins, d/b/a Robbins Architecture ("***Applicant***"), is the lessee of the property commonly known as 976 Green Bay Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("***Subject Property***"); and

WHEREAS, the Subject Property is located within the C-2 General Retail Commercial District and the C-2 Commercial Overlay District of the Village (collectively, "***C-2 Commercial Overlay District***"); and

WHEREAS, the Applicant desires to operate an architect's office at the Subject Property, which qualifies as a "professional office" pursuant to the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("***Zoning Ordinance***"); and

WHEREAS, Marlene Richmond and Kenneth Richmond are the record title owners of the Subject Property (collectively, "***Owner***"); and

WHEREAS, pursuant to Section 17.44.020 and the table of uses set forth in Section 17.46.010 of Zoning Ordinance, the operation of a professional office is not permitted within the C-2 Commercial Overlay District without a special use permit; and

WHEREAS, on February 20, 2019, the Applicant filed an application for a special use permit pursuant to Section 17.44.020.B and Chapter 17.56 of the of the Zoning Ordinance to allow the operation of a professional office at the Subject Property ("***Special Use Permit***"); and

WHEREAS, the Owner of the Subject Property has consented to the application for the Special Use Permit filed by the Applicant; and

WHEREAS, on April 3, 2019, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by a vote of eight in favor and one opposed, recommended that the Village Council approve the Special Use Permit, upon certain conditions; and

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit for the operation of a professional office at the Subject Property satisfies the standards for the approval of special use permits within the C-2 Commercial Overlay District set forth in Chapter 17.56 and Section 17.44.020.B of the Zoning Ordinance and is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Section 1 as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: SPECIAL USE PERMIT. Subject to, and contingent upon, the terms and conditions set forth in Section 3 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.44.020.B of the Zoning Ordinance and the home rule powers of the Village, to allow the establishment and operation of a professional office by the Applicant at the Subject Property within the C-2 Commercial Overlay District.

SECTION 3: CONDITIONS. The Special Use Permit granted by Section 2 of this Ordinance is subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Compliance with Regulations.** The development, use, and maintenance of the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- B. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- C. **Compliance with Plans.** So that the Applicant's use of the Subject Property is consistent with the special use standard that display windows, facades, signage and lighting be similar in nature and compatible with that provided by retail uses, the development, use, and maintenance of the architect's office at the Subject Property must be consistent with the Floor Plan and photographs submitted by the Applicant, consisting of five sheets, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B ("Floor Plan")**, except for minor changes approved by the Director of Community Development (within his permitting authority) in accordance with all applicable Village codes, ordinances, and standards.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance shall be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant, the Owner, and each of their heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant or the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the Special Use Permit granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the Special Use Permit granted in Section 2 of this Ordinance

unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may be amended from time to time. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the Special Use Permit granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 7: EFFECTIVE DATE.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant and the Owner with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant and Owner do not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 7.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2018.

Introduced: May 21, 2019

Passed and Approved: _____, 2019

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

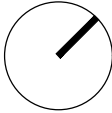
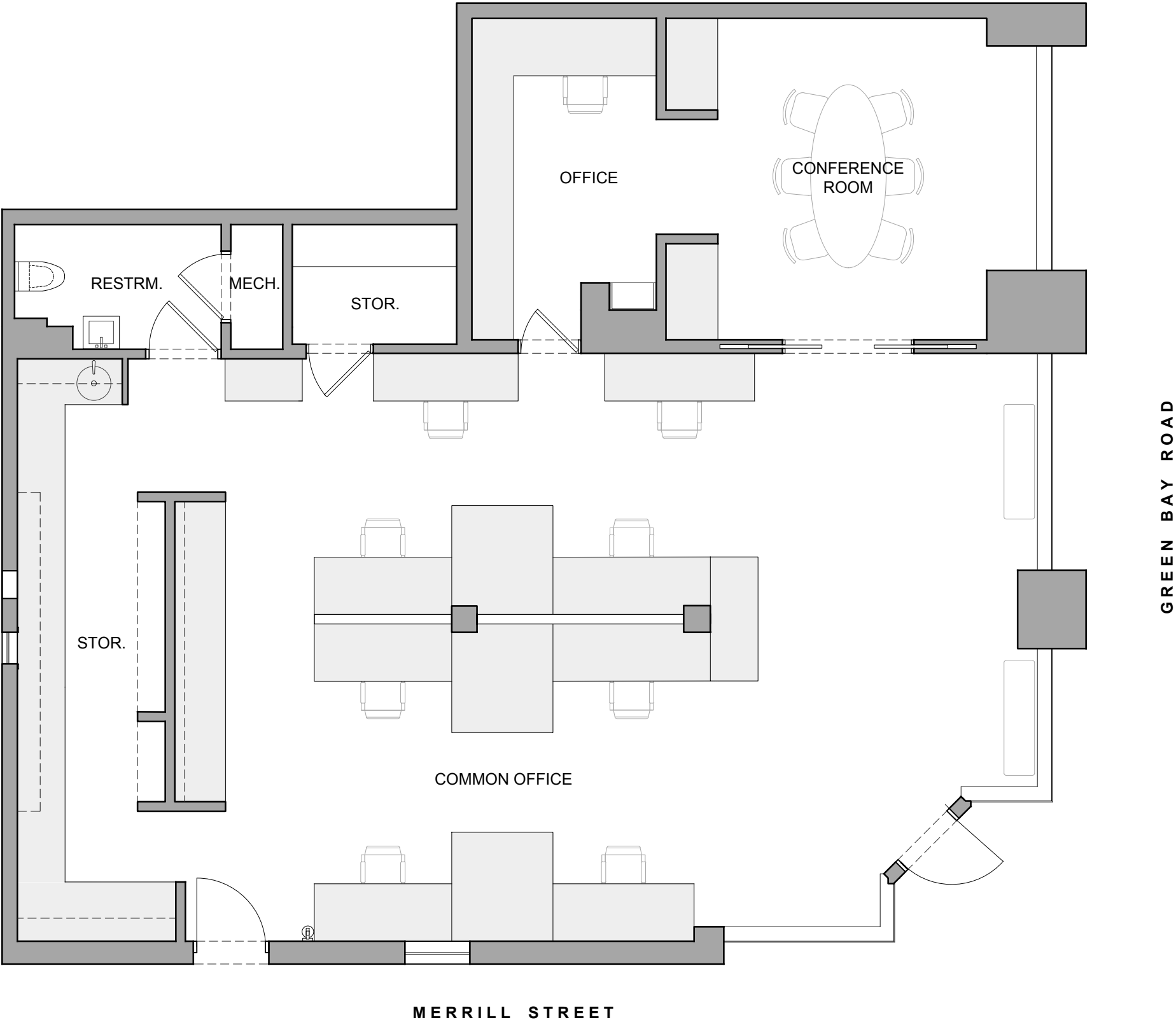
Unit Number 1-S3, in Winnetka Manor Condominium as Delineated on a Survey of the Following Described Real Estate: Lots 6 and 7 in Block 2 in Lakeside Jared Gage's Subdivision of Part of the Northwest 1/4 of the Fractional Section 17 and Part of the East 1/2 of the Southwest 1/4 of Fractional Section 8, Township 42 North, Range 13 East of the Third Principal Meridian, which Survey is Attached as Exhibit "A" to the Declaration of Condominium Recorded as Document Number 90300819, as Amended by Document 90497073, together with Its Undivided Percentage Interest in the Common Elements in Cook County, Illinois.

Commonly known as 976 Green Bay Road, Winnetka, Illinois.

PIN: 05-17-114-011-1029

EXHIBIT B
FLOOR PLAN
(SEE ATTACHED EXHIBIT B)

EXHIBIT B





VIEW FROM GREEN BAY ROAD

RobbinsArchitecture

976 Green Bay Rd Winnetka, Illinois 60093
Tel 847 446 8001 Fax 847 446 8005
www.robins-architecture.com



VIEW FROM SIDEWALK



VIEW OF CONFERENCE ROOM FROM SIDEWALK



VIEW OF COMMON OFFICE FROM SIDEWALK

EXHIBIT C
UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("**Village**");

WHEREAS, Celeste Robbins, d/b/a Robbins Architecture ("**Applicant**"), desires to operate an architect's office located at 976 Green Bay Road in the Village ("**Subject Property**"); and

WHEREAS, an architect's office at the Subject Property qualifies as a "professional office" pursuant to the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("**Zoning Ordinance**"); and

WHEREAS, Marlene Richmond and Kenneth Richmond (collectively, "**Owner**") are the record title owners of the Subject Property and consents to the operation of an architect's office by Applicant at the Subject Property; and

WHEREAS, Ordinance No. M-7-2019, adopted by the Village Council on _____, 2019 ("**Ordinance**"), grants a special use permit to the Applicant for the operation of a professional office at the Subject Property within the C-2 Commercial Overlay District of the Village; and

WHEREAS, Section 7 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant and the Owner have filed, within 60 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant and the Owner do hereby agree and covenant as follows:

1. The Applicant and the Owner do hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant and the Owner acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant and the Owner acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant or the Owner against damage or injury of any kind and at any time.

4. The Applicant and the Owner do hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the special use permit for the Subject Property.

5. The Applicant and the Owner hereby agree to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2019

ATTEST: **CELESTE ROBBINS**

By: _____ By: _____

ATTEST: **MARLENE RICHMOND**

By: _____ By: _____

ATTEST: **KENNETH RICHMOND**

By: _____ By: _____



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, DIRECTOR
DATE: MAY 30, 2019
**SUBJECT: CASE 19-12-SU: 976 GREEN BAY ROAD - ROBBINS ARCHITECTURE
 HUBBARD WOODS DISTRICT LAND USES AND SPECIAL USES**

During the Council's May 21, 2019 discussion of Ordinance M-7-2019, Robbins Architecture's request for special use approval to allow an architect office in the C-2 Commercial Overlay District at 976 Green Bay Road, a trustee asked a question regarding how much of the space in Hubbard Woods is occupied by various land uses and special uses. The following information regarding this issue comes from the Village Council's study of the Overlay District in 2018 and early 2019.

The following tables comes from a March 8, 2018, staff report to the Village Council regarding the C-2 Commercial Overlay and 1) provides a summary of the amount of commercial **square footage** and 2) the **number of commercial storefronts** occupied by special uses for each district. In addition, it includes vacancy information for the three areas.

Concentration of Special Uses Within Each Business District	East Elm District	West Elm District	Hubbard Woods District
Measurement by square footage			
Total square feet on ground floor	124,179 s.f.	198,103 s.f.	187,096 s.f.
Square feet occupied by Special Uses on ground floor	13,595 s.f.	25,332 s.f.	8,168 s.f.
Percentage (%) of total square footage occupied by Special Uses on ground floor	13.0%	12.8%	4.4%
Measurement by number of storefronts			
Total number of commercial tenant spaces on ground floor	70 spaces	76 spaces	125 spaces
Total number of commercial tenant spaces occupied by Special Uses on ground floor	11 spaces	6 spaces	5 spaces
Percentage (%) of total number of tenant spaces occupied by Special Uses on ground floor	16.0%	7.9%	4.0%
Vacancy Rates			
Vacancy Rates of March 5, 2018	2.32%	3.58%	18.71%

(1) Elm Street figures do not include the One Winnetka site.

The following information comes from another staff report dated October 4, 2018, to the Village Council regarding the Overlay District. This information measures “**ground floor frontage**”.

Specific Business Categories as Percentage of Overlay District Ground Floor Footage

	Elm Street Business District (Linear Feet)	Elm Street Business District (% of Total Linear Feet)	Hubbard Woods Business District (Linear Feet)	Hubbard Woods Business District (% of Total Linear Feet)
Retail	1,077	28.67%	909	31.03%
Food & Dining	807	21.48%	596	20.35%
Beauty Service/Barber	252	6.71%	145	4.95%
Cleaners/Tailor/Shoe Repair	48	1.28%	103	3.52%
Educational Services/Tutoring/ Test Prep	-	0.00%	23	0.79%
Arts & Cultural Instruction (Arts/Language/Dance/Music Instructions)	-	0.00%	-	0.00%
Maker Places	-	0.00%	-	0.00%
Fitness/Personal Training	20	0.53%	-	0.00%
Medical/Dental	70	1.86%	90	3.07%
Personal Service Other	-	0.00%	61	2.08%
Financial Services	443	11.79%	198	6.76%
Home Service	-	0.00%	25	0.85%
Office	202	5.38%	-	0.00%
Auto Oriented Services	-	0.00%	215	7.34%
Mixed Use	250	6.65%	-	0.00%
Governmental Use	125	3.33%	-	0.00%
Vacant (a)	463	12.32%	564	19.26%
Total	3,757	100.00%	2,929	100.00%

(a) The Elm Street vacancy figure includes the vacant properties that are part of the One Winnetka site.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 27, 2019
SUBJECT: CASE NO. 19-12-SU: 976 GREEN BAY ROAD - ROBBINS ARCHITECTURE
SPECIAL USE PERMIT

INTRODUCTION

On April 3, 2019, the Plan Commission is scheduled to consider an application submitted by Celeste Robbins (the "Applicant"), concerning a Special Use Permit in accordance with Chapter 17.44 [C-2 General Retail Commercial District] and Chapter 17.56 [Special Uses] of the Winnetka Zoning Ordinance to allow an architect's office on the ground floor at 976 Green Bay Road (the "Subject Property"). The Applicant is the current lessee of the Subject Property, which is owned by Marlene and Kenneth Richmond (the "Owner").

The Applicant currently operates Robbins Architecture on the Subject Property, and it was brought to the Village's attention that the Applicant was operating an architect office without a retail component. In 2014, when the Applicant took occupancy of the space her intent was to have retail space at the front of the commercial space; therefore, a special use permit was not required. The Applicant provided a letter in 2014 noting the intent was to have a retail component as part of the architectural services the business would provide (see Attachment C).

A sign has been posted on the Subject Property and a website notice has been posted on the Village website indicating the time and date of the Plan Commission public hearing. A mailed notice has been sent to property owners within 500 feet of the Subject Property. As of the date of this memo, staff has received seven (7) written comments from the public regarding this application. The comments are provided in Attachment B of this report.

PROPERTY DESCRIPTION

The Subject Property is one of the first floor commercial spaces located in the three-story mixed-use building at 976-986 Green Bay Road, located at the northwest corner of Green Bay Road and Merrill Street. *City Kids Dental* (984 Green Bay Road), which received a special use permit in 2017 to operate a dental office in the Commercial Overlay District, is currently the only other tenant in the building. The space immediate north of *City Kids Dental* (986 Green Bay Road) is currently vacant. The space at 976 Green Bay Road has been occupied by the Applicant since 2014. The Subject Property is located within the Village's **Commercial Overlay District**, which places limits on many non-retail uses, including professional offices, such as architects, engineers and attorneys, requiring that they be evaluated by the Plan Commission and Village Council as a special use.

COMMERCIAL OVERLAY DISTRICT BACKGROUND

The Overlay District was established in 1987 out of concern about the viability of the business districts as a whole if non-retail occupancies were allowed to proliferate and occupy significant areas within retail shopping districts. At the time of adoption there was a concern about the possible proliferation of real estate offices and financial institutions.

The Village Zoning Ordinance describes the purpose of the Overlay District and its restrictions on non-retail uses as being

“to encourage retailing of comparison shopping goods and personal services compatible with such retailing on ground floor in order to encourage a clustering of such uses, to provide for a wide variety of retail shops and expose such shops to maximum foot traffic, while keeping such traffic in concentrated (yet well distinguished) channels throughout the district.”

Since its adoption in 1987, the Overlay District has been revised on more than one occasion to alter district boundaries, or to modify the types of uses which are permitted within each district. As you are aware the Village Council is currently considering further amending the Overlay District regulations. On March 13, 2018 the Village Council began its review of the Overlay District and discussed potential changes to the District. At the request of the Village Council, at the Plan Commission (PC) meeting in April 2018, the Commission participated in an exercise regarding allowed uses in the Overlay District and the boundaries of the District. The Village Council considered the results of the PC's exercise at its July and October 2018 study sessions and further discussed changes to the Overlay District at its meeting on January 15, 2019.

Ultimately, on March 19, 2019 the Village Council conducted a public hearing and approved introduction of Ordinance No. MC-01-2019, an ordinance amending the Zoning Ordinance regarding uses and regulations in the three commercial districts, including amendments to the Overlay District. The Village Council is scheduled to consider adoption of the ordinance on April 4, 2019. Details regarding the amendments can be found in the attached staff report to the Village Council. If you would like additional details, please reference this report, which is included as Attachment D. It is important to note that the changes the Village Council is considering would not impact a request such as this. A special use permit will still be required for a professional office on the ground floor in the Overlay District.

HUBBARD WOODS BUSINESS DISTRICT OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Hubbard Woods Business District is included as Figure 1 on the following page. The Subject Property is highlighted yellow, located immediately south of *City Kids Dental* on Green Bay Road.

Gray areas indicate the underlying C-2 General Retail Commercial zoning, which permits a relatively broad array of uses, including various retail uses, along with a number of non-retail uses such as professional offices, financial service firms, medical offices and the like.

Red crosshatch areas represent those areas subject to the restrictions of the Commercial Overlay District. The boundaries of the Overlay District are established along certain public streets and extend for a depth of 50 feet from the front property line.

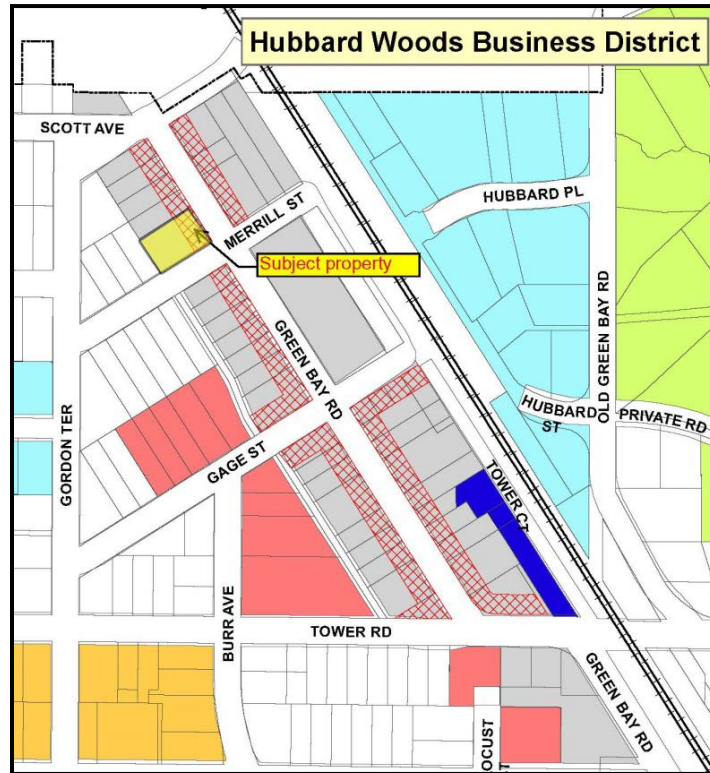


Figure 1 – Hubbard Woods Business District

DESCRIPTION OF REQUEST

As previously noted, the Applicant currently operates Robbins Architecture in the approximately 1,600 square foot space at 976 Green Bay Road. Originally, when the Applicant took occupancy of the space in 2014 her intent was to have retail space at the front of the commercial space; therefore, a special use permit was not required. The Applicant provided a letter in 2014 noting the intent was to have a retail component as part of the architectural services the business would provide, which is included in this report as Attachment C. It was recently brought to the Village's attention that the Applicant was operating an architect's office without a retail component, thus requiring the Applicant to request special use approval.

Upon notification that a special use permit is required to operate an architect's office, the Applicant submitted the application currently being considered by the Plan Commission. The space is pictured in Figures 2 and 3 on the following page.

As represented in the Office Floorplan sheet included in the attached application materials (Attachment A), the space currently has eight (8) work stations in a common office area, a separate private office and a conference room. The Applicant explains in the written explanation how the Applicant finds that the layout of its space and its façade windows are similar in nature and compatible with that provided by retail uses. The Applicant also states that they several weekly meetings with clients, consultants and vendors that do not add any more demand on parking than a typical retail tenant. According to the Applicant, the employees utilize the employee parking spaces available in the Hubbard Woods parking structure, which is a half a block to the north. Due to the low amount of customer parking demand generated by the use, it was determined by staff that a parking study would not be necessary.



Figure 2 – Subject Property



Figure 3 – Subject Property

STANDARDS FOR REVIEW / FINDINGS

Section 17.44 of the Zoning Ordinance provides a series of eleven (11) standards for the evaluation of Special Use applications within the Commercial Overlay District, which provides a framework for evaluation by the Plan Commission. The Applicant has supplied as part of their application materials a narrative addressing how this proposal complies with the eleven (11) standards.

Following conclusion of public comment and Commission discussion, the Commission may choose to consider the following motion:

The Plan Commission recommends **approval [denial]** of the requested special use to allow an architect's office on the ground floor at 976 Green Bay Road within the C-2 Commercial Overlay District, based on the following findings of fact:

"The proposed architect's office is consistent with the Standards for granting of Special Use Permits in the Commercial Overlay District, as follows:

1. The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. The establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;
6. The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes;
7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses of a comparison shopping nature;
8. Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature;
9. The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses of a comparison shopping nature;
10. If a project or building has, proposes or contemplates a mix of retail, office and service-type uses, and the retail portions of the project or building shall be located adjacent to the sidewalk. The minimum frontage for each retail use adjacent to the sidewalk shall be twenty (20) feet with a minimum gross floor area of four hundred (400) square feet. In addition, such retail space shall be devoted to active retail merchandising which maintains typical and customary hours of operation; and

11. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses of a comparison shopping nature.

In addition, the Commission may also wish to consider if there are any conditions it may want to place on the facility's operation. If the Commission chooses to place conditions as part of its recommendation, it will want to include the conditions at the end of the findings of fact.

This request is subject to final approval by the Village Council.



Agenda Item Executive Summary

Title:

Resolution No. R-54-2019: Approving a Class A-1 Liquor License for Wild Thing, LLC d/b/a Spirit Elephant (Adoption)

Presenter:

Marc Hornstein, Chief of Police and Peter Friedman, Village Attorney

Agenda Date:

06/04/2019

Consent:

YES



NO

☐

Ordinance



Resolution

☐

Bid Authorization/Award

☐

Policy Direction

☐

Informational Only

Item History:

None.

Executive Summary:

Wild Thing, LLC d/b/a Spirit Elephant desires to open a restaurant at 924 Green Bay Road. Spirit Elephant is a full-service restaurant that sells and serves alcoholic beverages incidental and complementary to the sale and service of meals for consumption. Spirit Elephant also has a counter area where food and liquor will be served. Spirit Elephant has applied for a Class A-1 liquor license.

A Class A-1 liquor license authorizes the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of meals for consumption only on the premises where sold, provided that patrons may be served alcoholic beverages while waiting to be seated when no tables are available. The Class A-1 license shall additionally authorize the service of food or liquor at a counter, bar or waiting area, subject to certain conditions.

If approved, Resolution No. R-54-2019 will grant the requested liquor license, subject to the following conditions: (i) completion of the liquor license application background investigation by the police department; (ii) final inspection and approval of the premises; and (iii) issuance of a certificate of occupancy for the premises. The resolution will also update the appendix to Chapter 5.09 of the Village Code that sets forth all authorized licenses by classification, which is attached to the Resolution as Exhibit A.

Recommendation:

Consider adopting Resolution No. R-54-2019, Approving and Authorizing a Class A-1 Liquor License for Wild Thing, LLC (924 Green Bay Road)

Attachments:

1) Resolution No. R-54-2019

**A RESOLUTION APPROVING AND AUTHORIZING A CLASS A-1
LIQUOR LICENSE FOR WILD THING, LLC
(924 Green Bay Road)**

WHEREAS, the Village of Winnetka (“**Village**”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, Wild Thing, LLC (“**Applicant**”) is the lessee of the property commonly known as 924 Green Bay Road in the Village (“**Property**”); and

WHEREAS, the Applicant desires to operate a full service restaurant on the Property known as Spirit Elephant (“**Business**”); and

WHEREAS, pursuant to Section 5.09.100 of the Winnetka Village Code, in May of 2019, the Applicant submitted an application to the Village for a Class A-1 liquor license (“**Liquor License**”) for the Business; and

WHEREAS, the Council of the Village of Winnetka (“**Village Council**”) has determined that it is in the best interest of the Village to approve and authorize the issuance of the Liquor License to the Applicant for the Business;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL AND AUTHORIZATION OF LIQUOR LICENSE. The Village Council hereby approves and authorizes the issuance of the Liquor License to the Applicant for the Business.

SECTION 3: AMENDMENT TO AUTHORIZED LIQUOR LICENSES. Pursuant to Section 5.09.030 of the Village Code, the Village Council hereby amends the Appendix to Winnetka Village Code Chapter 5.09 to read as set forth in **Exhibit A** attached to and, by this reference, made a part of this Resolution.

SECTION 4: EFFECTIVE DATE. This Resolution will be in full force and effect from and after:

- A. Its passage and approval according to law;
- B. Approval of final inspection of the Business by the Village Chief of Police, or his designee;

- C. Completion of a criminal background check of the Applicant by the Village Chief of Police, or his designee; and
- D. Issuance of a certificate of occupancy for the Property.

ADOPTED this 4th day June, 2019, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

APPENDIX TO WINNETKA VILLAGE CODE CHAPTER 5.09

Authorized Liquor Licenses

Classification	Issued	Licensee
A	3	Kyoto Little Lan's Café Aroma
A-1	89	Avli Restaurant Little Ricky's Bad Dog House, LLC (Stacked and Folded) Trifecta Grill/The 21 Club Fred's Garage, LLC Mino's, LLC Paradise Food Italia, LLC FFMM, Inc. (George Trois & Aboyer) <u>Wild Thing, LLC (Spirit Elephant)</u>
A-2	1	Grateful Bites Pizza Shoppe, LLC
A-3	0	
A-4	0	
A-5	0	
B	3	Grand Food Center A1 Koh Enterprise Global, LLC (Lakeside Foods) Walgreens #21150
C	Unlimited	Issued on an event-by-event basis
D	2	Good Grapes Albatross Wine Company, LLC
E	0	
E-1	0	
E-2	1	Good Grapes
F	0	
P	1	Winnetka Park District
Wine Station Rider	1	Trifecta Grill/The 21 Club



Agenda Item Executive Summary

Title: Resolution No. R-55-2019: Establishing a Retiree Health Savings (RHS) Program for Members of the International Association of Firefighters (Adoption)

Presenter: Megan E. Pierce, Assistant Village Manager

Agenda Date: 06/04/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☒ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

April 4, 2019- Ratification of 2019 - 2022 Collective Bargaining Agreement Between the Village of Winnetka and the International Association of Firefighters (IAFF), Local 2077

Executive Summary:

Earlier this year, the Village Council ratified a new collective bargaining agreement with IAFF. An implementation step resulting from that ratification was for the Village to establish a Retiree Health Savings (RHS) program in which members of IAFF will participate. The Village has worked with IAFF to select ICMA-RC as the provider of this program; the Village offers other employee programs through ICMA-RC, such as a 457 savings plan.

The Council must execute a Resolution for the Village to enter into agreement with ICMA-RC, which allows staff to facilitate the program administration. However, the funding comes directly from the members of IAFF and is done at no cost to the Village. Following adoption of the Resolution, the Village will complete documentation with ICMA-RC for the program to become effective July 1, 2019.

Recommendation:

Consider adopting Resolution No. R-55-2019, Establishing a Retiree Health Savings (RHS) Program for Members of the International Association of Firefighters

Attachments:

Resolution No. R-55-2019

**A RESOLUTION ESTABLISHING A RETIREE HEALTH SAVINGS (RHS)
PROGRAM FOR MEMBERS OF
THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)**

WHEREAS, the Village of Winnetka (“**Village**”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, members of the International Association of Firefighters (IAFF) Local 2077 recently executed a collective bargaining agreement with the Village, which included provisions for IAFF’s members to participate in a Retiree Health Savings (RHS) program known as the ICMA Retirement Corporation’s VantageCare Retirement Health Savings Program (“**RHS Program**”) through the Village’s Integral Part Trust and the Village’s welfare benefits plan; and

WHEREAS, the establishment of the RHS Program, on which the members of IAFF have unanimously agreed, also serves the interest of the Village by enabling employees to save funds for employee health needs during retirement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: ADOPTION OF RHS PROGRAM. The Village Council hereby adopts the RHS Program.

SECTION 3: DECLARATION OF RHS PROGRAM TRUSTEE. The Village Council hereby declares that the assets of the RHS Program shall be held in trust, with the Village serving as trustee for the exclusive benefit of RHS Program participants and their survivors, and the assets of the RHS Program shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the RHS Program. The Village has executed the Declaration of Trust of the Village of Winnetka Integral Part Trust (the same trust made available by the ICMA Retirement Corporation).

SECTION 4: DESIGNATION OF RHS PROGRAM COORDINATOR. The Village Council hereby designates the Village’s Finance Director to be the coordinator and contact for the RHS Program and shall receive necessary reports, notices, and other communications.

SECTION 5: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval as provided by law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 4th day of June, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-56-2019: Community Rating System Program - Repetitive Loss Area No. 5 (Adoption)

Presenter: James J. Bernahl, Assistant Director Public Works/Engineering

Agenda Date: 06/04/19

Consent: ☒ YES ☐ NO

- ☐ Ordinance
- ☒ Resolution
- ☐ Bid Authorization/Award
- ☐ Policy Direction
- ☐ Informational Only

Item History:

The Community Rating System (CRS) is a voluntary program of the National Flood Insurance Program (NFIP) designed to reward a community for doing more than meeting the NFIP minimum requirements to reduce flood damages. The reward for these activities comes in the form of reduced premiums for flood insurance policy holders. Since that time, staff has been working closely with the officials from FEMA and the Insurance Services Office (ISO), who are the administrative arm of the CRS program, to provide the necessary documentation, perform the necessary studies, and implement the necessary programs to qualify for entry into the program.

Executive Summary:

While the CRS program is voluntary, there are mandatory activities every community must participate in to be eligible for the CRS discount. The Village has addressed all of these mandatory requirements, except for addressing Repetitive Loss Properties, which falls under Series 500, Flood Damage Reduction. Repetitive Loss Properties are defined as those properties for which two or more claims of more than \$1,000 have been paid by the NFIP within any 10-year period since 1978. Nationally, these properties represent only 1% of all the NFIP's insurance policies, but they account for nearly 1/3 of the claim payments.

According to FEMA's records, there are 23 Repetitive Loss properties in the Village, which classifies the Village as a "Category C" community. To participate in the CRS program, Category C communities must adopt either a Floodplain Management Plan or a Repetitive Loss Area Analysis (RLAA). Because the required scope for a separate Floodplain Management Plan is excessive, and partially duplicative of the adopted Stormwater Master Plan, the Village has opted for the RLAA. The RLAA is intended to identify repetitive loss areas, determine potential causes and risks of flooding, survey properties to identify specific potential mitigation strategies, and communicate this information to property owners. Based on the Village's specific claim history, there are five (5) separate Repetitive Loss Areas (RLA) within the Village. The Village selected Baxter & Woodman Consulting Engineers to perform the RLAA for each of the five RLAs.

Executive Summary (continued):

The Village has completed RLAA reports for the first four RLA study areas, and these were approved by the Village Council on February 3, 2015. The repetitive loss area No. 5, which is attached for Council review, is the final area that needs to be adopted. In order for the Village to participate in the CRS program, the Village must adopt the RLAA report.

The Village is currently scheduled to meet with a representative from the Insurance Service Office (ISO) on June 13, 2019 for the Village's mandatory review of all activities. The adoption of the RLAA No. 5 will ensure that the Village maintains its current rating of a class 6. A Class 6 rating, will provide a 20% discount on flood insurance premiums for those properties that have flood insurance within the Special Flood Hazard Area.

Recommendation:

Consider adoption of Resolution No. R-56-2019, adopting Repetitive Loss Area Report for Repetitive Loss Area No. 5.

Attachments:

- Resolution No. R-56-2019
- Agenda Report
- Copy of Repetitive Loss Area No. 5 Report

RESOLUTION NO. R-56-2019

**A RESOLUTION
ADOPTING REPETITIVE LOSS AREA ANALYSIS REPORT FOR
REPETITIVE LOSS AREA NO. 5 IN THE VILLAGE OF WINNETKA**

WHEREAS, the Village of Winnetka ("**Village**") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has been a participant in good standing in the Federal Emergency Management Agency ("**FEMA**") National Flood Insurance Program ("**NFIP**") since 1973; and

WHEREAS, the Village engages in a variety of floodplain management activities, including without limitation the development of regulations, mapping, public education and awareness, and stormwater management, to protect against flood damages and to educate property owners; and

WHEREAS, the Village has applied for entry to the Community Rating System ("**CRS**"), a program administered through the NFIP that reduces flood insurance policy premiums in communities that undertake floodplain management activities that exceed the NFIP's minimum requirements, including without limitation the preparation of a repetitive loss area analysis for each repetitive loss area located within the community; and

WHEREAS, FEMA 2019 records indicate that there are 23 repetitive loss properties in the Village (collectively, the "**Repetitive Loss Properties**"), which properties are defined as properties for which the NFIP has paid two or more claims that exceed \$1,000 within any 10-year period since 1978; and

WHEREAS, the Village has identified five repetitive loss areas (collectively, the "**Repetitive Loss Areas**") within the Village that consist of the Repetitive Loss Properties; and

WHEREAS, communities with more than 10 repetitive loss properties must undertake a repetitive loss area analysis to inform property owners of the causes of, and potential mitigation strategies to address, flooding; and

WHEREAS, the Village has prepared Repetitive Loss Area Analysis Reports (collectively, the "**RLAA Reports**") for each of the Repetitive Loss Areas; and

WHEREAS, the Village has notified the owners of the Repetitive Loss Properties within the Repetitive Loss Areas, of the causes and risks of, and potential mitigation strategies to address, flooding; and

WHEREAS, to become a participant in the CRS, the Council of the Village of Winnetka ("**Village Council**") must approve and adopt the RLAA Reports; and

WHEREAS, the Village Council has determined that approving and adopting the RLAA Reports is in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL AND ADOPTION OF RLAA REPORTS. The Village Council hereby approves and adopts the RLAA Report attached to and, by this reference, made a part of this Resolution a **Exhibits A**.

SECTION 3: EXERCISE OF HOME RULE AUTHORITY. This Resolution is adopted by the Village Council in the exercise of its home rule powers.

SECTION 4: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval according to law.

ADOPTED this 4th day of June, 2019, pursuant to the following roll call vote:

AYES:	_____
NAYS:	_____
ABSENT:	_____
ABSTAIN:	_____

Signed

Village President

Countersigned:

Village Clerk

Agenda Report

Subject: Resolution R-56-2019: Adopting Federal Emergency Management Agency Community Rating System Repetitive Loss Area Analysis Report 5

Prepared By: James J. Bernahl, Assistant Director of Public Works/Engineering

Date: June 4, 2019

Background

On February 3, 2015, the Village Council passed Resolution R-3-2015 Adopting Repetitive Loss Area Analysis (RLAA) Reports for Repetitive Loss Areas 1, 2, 3 and 4 in the Village of Winnetka. These reports were based upon FEMA's 2013 records that indicated that there were 18 Repetitive Loss Properties in the Village. Subsequent to the adoption of the Resolution for RLAA's 1-4, additional Repetitive Loss Properties arose, creating the need for a new Repetitive Loss Area 5.

Repetitive Loss Properties are defined as those properties for which two or more claims of more than \$1,000 have been paid by the National Flood Insurance Program within any 10-year period since 1978. Nationally, these properties represent only 1% of all the NFIP's insurance policies, but they account for nearly 1/3 of the claim payments. Each year, FEMA produces a list of repetitive loss properties for communities interested in the CRS program. (The address list is for Village use only, and is protected by the Privacy Act of 1974.)

There are three repetitive loss categories:

- Category A: A community that has no repetitive loss properties, or whose repetitive loss properties all have had mitigation measures applied to them.
- Category B: A community that has at least 1, but fewer than 10, repetitive loss properties that have not received mitigation.
- Category C: A community that has 10 or more repetitive loss properties that have not received mitigation.

Repetitive Loss Area Analysis

Currently, there are 23 Repetitive Loss properties in the Village of Winnetka, which classifies the Village as a Category C community. To participate in the CRS program, Category C communities must adopt either a Floodplain Management Plan or a Repetitive Loss Area Analysis (RLAA). The Village is presently working on developing a separate Floodplain Management Plan, but it is not yet ready for adoption or implementation. Therefore, the Village is continuing to perform RLAA's for our Repetitive Loss Properties. The RLAA is intended to reduce the risk of flood insurance losses, using a very specific scope of analysis:

- Identify repetitive loss properties and determine boundaries of RLAs
- Notify and survey property owners within RLAs
- Inspect properties to identify flood risks and potential causes, and possible mitigation strategies
- Communicate the results to property owners so that they can consider reducing their risk of flooding through an understanding of the problems and possible solutions.
- Update the reports annually

The Village had previously selected Baxter & Woodman Consulting Engineers to perform the RLAA for each of the four previous RLAs, and again selected them to perform the RLAA for Area 5 for a total fee of \$3600.

In March 2019, the Village sent out a survey and separate letters to each property within the identified RLA 5. The survey was designed to solicit information from the homeowner as to what type of flooding and flood damage their home experienced during a certain flood event. The double letter mailing served two functions: to provide information to the homeowner that they are in a RLA and how to better prepare for flood events and to mitigate, protect and prevent the damages incurred during a flood event. Following this letter of notification, Baxter & Woodman then collected data and information; inspected each property in the RLA; and reviewed alternate protection and preventative measures for each property, documenting the results in these reports. The reports for the RLA study area is attached for Council review. On an annual basis, to remain in good standing with the CRS program, the Village must update the RLAA reports, and assist/encourage the RLA property homeowners in implementing the recommended flood hazard mitigations measures and in obtaining any available funding assistance for those measures.

In order for the Village to participate in the CRS program, the Village must adopt the RLAA report. Resolution R-56-2019 (**Attachment #1**) provides for adoption of RLAA report for RLA 5. The RLAA report is shown as **Exhibits A** of Resolution R-56-2019.

The Village is scheduled for our CRS Recertification Audit on June 13, 2019, and are hoping to maintain our Class 6 Rating, if not improve to the next higher class. A Class 6 rating will provide a 20% discount on flood insurance premiums for those properties that have flood insurance within the Special Flood Hazard Area (10% for properties located outside the Special Flood Hazard Area). As flood insurance premiums are increasing as a result of recent Federal action, this 20% savings will be significant.

Recommendation:

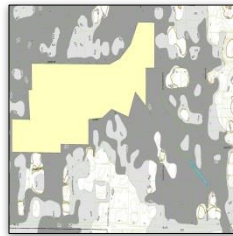
1. Review Repetitive Loss Area Report for Area 5;
2. Consider adoption of Resolution R-56-2019, adopting Repetitive Loss Area Reports for Repetitive Loss Area 5.

Attachments:

1. Resolution R-56-2019
2. Copy of RLAA Report No. 5

Village of Winnetka, Illinois

Repetitive Loss Area Analysis – Area #5



Prepared by:

BAXTER & WOODMAN
Consulting Engineers

www.baxterwoodman.com

May 2019

Village of Winnetka, Illinois Repetitive Loss Area Analysis – Area #5

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LIST OF DEFINITIONS

100-Year Flood (1% Annual Chance Flood)

A storm event that has a 1% chance of being equaled or exceeded in any given year.

100-Year Flood Elevation

The high water elevation produced by the 100-year flood.

100-Year Floodplain

The area that would be inundated by the 100-year flood.

500-Year Flood (0.2% Annual Chance Flood)

A storm event that has a 0.2% chance of being equaled or exceeded in any given year.

500-Year Floodplain

The area that would be inundated by the 500-year flood.

CRS (Community Rating System)

A voluntary program designed to reward a community for doing more than meeting the NFIP minimum requirements to reduce flood damages.

FEMA (Federal Emergency Management Agency)

The Federal agency responsible for implementing the NFIP.

FIRM (Flood Insurance Rate Map)

A series of maps provided by FEMA that designate areas of a community according to various levels of flood risk.

MWRDGC (Metropolitan Water Reclamation District of Greater Chicago)

An independent government and taxing body that manages water supply, wastewater, and stormwater in Cook County, Illinois.

NFIP (National Flood Insurance Program)

The program enabling property owners in participating communities to purchase insurance protection from the Federal government against losses from flooding.

Repetitive Loss Property

A property for which two or more flood insurance claims of more than \$1,000 have been paid within any 10-year period since 1978.

RLA (Repetitive Loss Area)

The properties on the repetitive loss list prepared by FEMA and all nearby properties with the same or similar flooding conditions.

RLAA (Repetitive Loss Area Analysis)

A detailed, site-specific plan to reduce flood losses in repetitively flooded areas.

EXECUTIVE SUMMARY

The purpose of this Report is to help home owners reduce their flood risk by providing a broader understanding of the problems and identifying potential solutions. It is one component of the Village's overall floodplain management program. Due to the number of properties in the Village that meet the National Flood Insurance Program's (NFIP's) definition of Repetitive Loss properties, a Repetitive Loss Area Analysis (RLAA) is required for the Village to participate in the Community Rating System (CRS) program. This Report focuses on Repetitive Loss Area #5, one of the five designated Repetitive Loss Areas (RLAs) within the Village of Winnetka. RLA #5 is comprised of the yellow shaded areas shown in Figure 2.

This Repetitive Loss Area Analysis (RLAA) followed a five step process.

- Step 1 – Advise all the properties in each RLA that the analysis will be conducted and request their input on the hazard and recommended actions.
- Step 2 – Collect data from agencies or organizations that may have plans or studies that could affect the cause or impacts of the flooding.
- Step 3 – Inspect each building in the RLA and collect basic data.
- Step 4 – Review alternative approaches and determine whether any property protection measures or drainage improvements are feasible. The review must consider the full range of property protection measures for the types of buildings affected, including: preventative activities, property protection activities, natural resource protection activities, emergency services measures, structural projects, and public information activities.
- Step 5 – Document the findings in a report.

Section 3 of this Report describes the next steps, which include: implementing recommended flood hazard mitigation measures, obtaining funding assistance for these measures, and annually updating this Report.

1. BACKGROUND

1.1 Problem Statement

Flooding is a reoccurring problem for communities across the nation, including Winnetka. Neighborhood flooding events disrupt transportation, commerce, and lives. Property damage due to flooding is much more than an inconvenience; it carries a high price of both time and money.

Simply put, a flood is a damaging overflow of water into a building or onto land that is dry most of the time. One type of flooding occurs when streams or rivers overflow into a floodplain, but flooding also occurs outside of floodplains when the rate of stormwater runoff exceeds the capacity of the drainage system. Flooding in Winnetka is typically due to the capacity of the drainage system and not due to overflowing rivers or streams.

The purpose of this Report is to help home owners reduce their flood risk by providing a broader understanding of the problems and identifying potential solutions. It is one component of the Village's overall floodplain management program. Due to the number of properties in the Village that meet the National Flood Insurance Program's (NFIP's) definition of Repetitive Loss properties, this Repetitive Loss Area Analysis (RLAA) is required for the Village to participate in the Community Rating System (CRS) program. The Village joined the NFIP in 1973 and recently applied for entry into the CRS program. Additional information about the NFIP, the CRS program, and a RLAA is provided below.

1.2 National Flood Insurance Program

The NFIP is based on a cooperative agreement between the Federal Emergency Management Agency (FEMA) and local units of government. FEMA agrees to underwrite flood insurance policies within a community and the community agrees to regulate development in the floodplain. Participation in the NFIP is voluntary, but communities have incentive to join because Federally-backed flood insurance is not available in non-participating communities and a non-participating community will not receive Federal aid for damage to insurable buildings in the floodplain.

The three basic components of the NFIP are floodplain mapping, flood insurance, and floodplain management regulations. Floodplain mapping is provided by FEMA on a series of maps called Flood Insurance Rate Maps (FIRM), which designate areas of a community according to various levels of flood risk. Regardless of its risk level, any building in an NFIP participating community can be covered by a flood insurance policy, even buildings not located in a mapped floodplain. A flood insurance policy is only mandated for Federally-backed mortgages on buildings in the floodplain. Any new buildings constructed in a floodplain, and any improvements or repair of existing buildings in a floodplain, is subject to the Flood Hazard Protection Regulations (Chapter 15.68) of the Village Code.

1.3 Community Rating System

The CRS is a voluntary program designed to reward a community for doing more than meeting the NFIP minimum requirements to reduce flood damages. Communities can be rewarded for activities such as: reducing flood damage to existing buildings, managing development in areas not shown in the floodplain on the FIRMs, protecting new buildings from floods greater than the 100-year flood, helping insurance agents obtain flood data, and helping people obtain flood insurance. The reward for these activities comes in the form of reduced premiums for flood insurance policy holders.

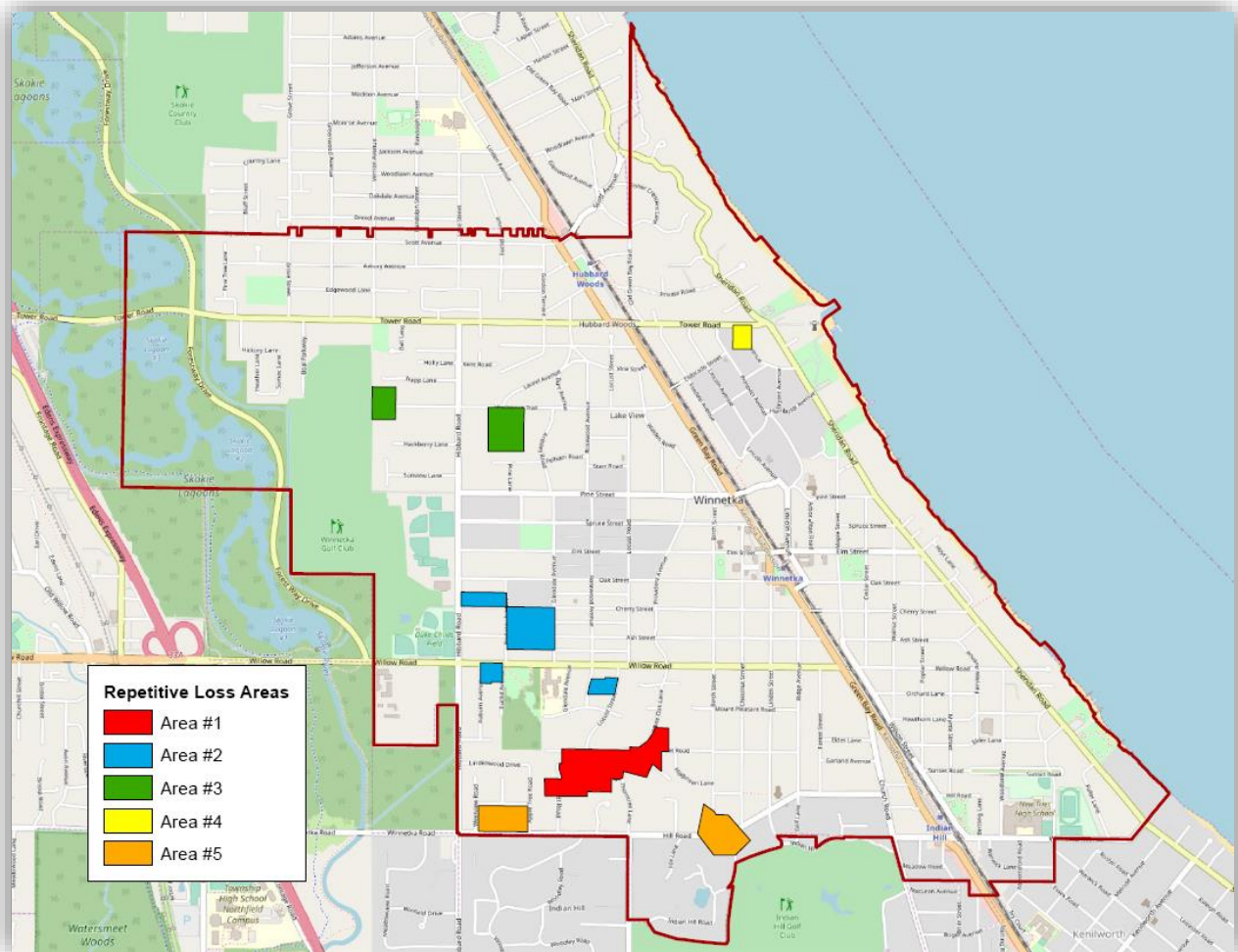
Once a community has been accepted into the CRS, the community's floodplain management activities are rated according to the scoring system described in the CRS Coordinator's Manual. CRS communities are rated on a scale of 1-10. A Class 10 community receives no reduction in flood insurance premiums, but every class above 10 receives an additional 5% premium reduction. Class 1 requires the most credit points and provides a 45% premium reduction.

1.4 Repetitive Loss Area

The NFIP considers a property a Repetitive Loss Property if two or more flood insurance claims of more than \$1,000 have been paid within any 10-year period since 1978. According to FEMA's records, there are 23 Repetitive Loss Properties within the Village. Many more properties in Winnetka may have reached the damage threshold for Repetitive Loss Properties, but not all properties are covered by flood insurance and flood insurance claims are not submitted for all flood damage sustained.

In order for a community with 10 or more Repetitive Loss Properties to participate in the CRS program, special conditions have to be met. One condition requires the Village to adopt either a Floodplain Management Plan or a Repetitive Loss Area Analysis (RLAA) prior to its entry into the CRS program. A Repetitive Loss Area (RLA) consists of Repetitive Loss properties and the surrounding properties that experience the same or similar flooding conditions, whether or not the buildings on those surrounding properties have been damaged by flooding. Figure 1 shows the 5 RLAs in Winnetka.

FIGURE 1

Repetitive Loss Areas in Winnetka**The process of developing a RLAA consists of five steps:**

- Step 1 – Advise all the properties in each Repetitive Loss Area (RLA) that the analysis will be conducted and request their input on the hazard and recommended actions.
- Step 2 – Collect data from agencies or organizations that may have plans or studies that could affect the cause or impacts of the flooding.
- Step 3 – Inspect each building in the RLA and collect basic data. Building entry is not necessary for this step since adequate information can be collected by observing the building from the street.
- Step 4 – Review alternative approaches and determine whether any property protection measures or drainage improvements are feasible. The review must consider the full range of property protection measures for the types of buildings affected, including: preventative

Village of Winnetka, Illinois

Repetitive Loss Area Analysis – Area #5 • 190424.30

activities, property protection activities, natural resource protection activities, emergency services measures, structural projects, and public information activities.

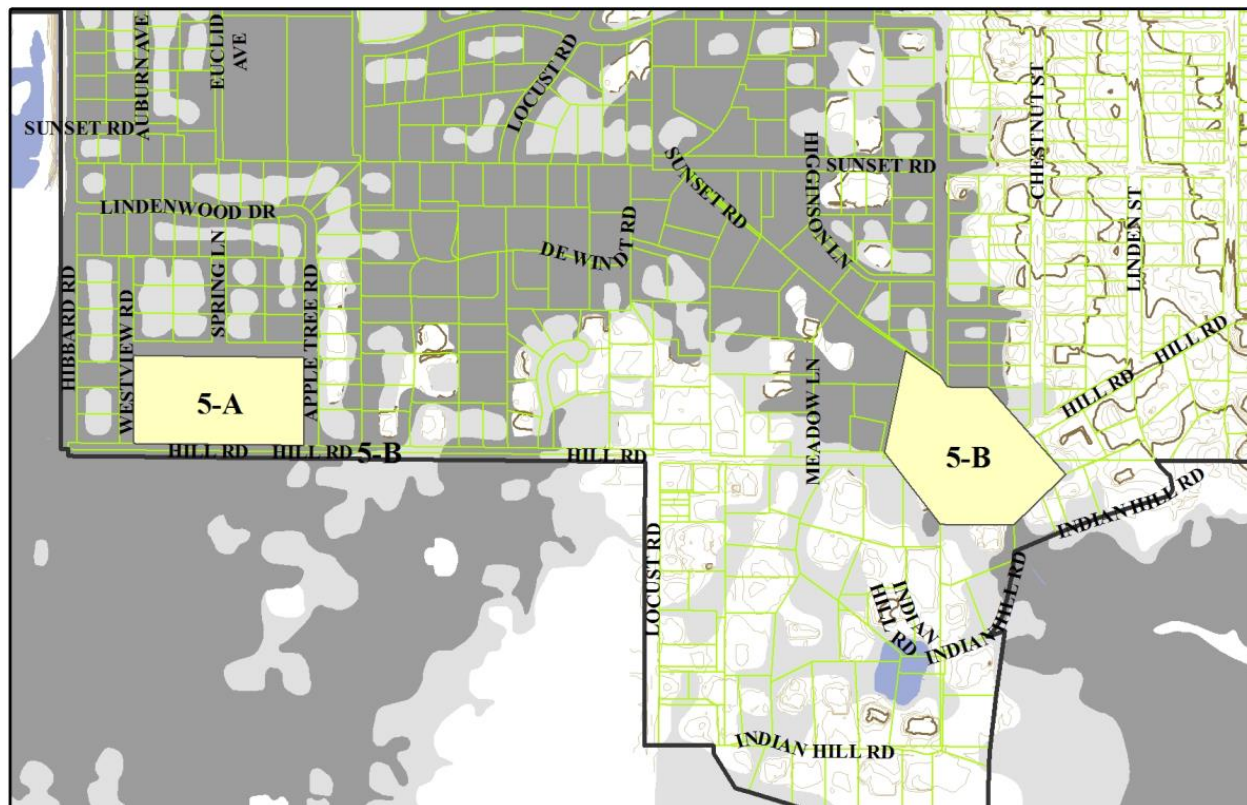
- Step 5 – Document the findings in a report. The report should include: a summary of the process that was followed and how property owners were involved in the process; a problem statement with a map of the affected area; a list or table showing basic information for each building in the affected area; the alternative approaches that were reviewed; and a list of action items identifying the responsible party, when the action should be completed, and how it will be funded.

This Report focuses on RLA #5, one of the five designated RLAs within the Village of Winnetka. RLA #5 is defined by the yellow shaded areas in Figure 2. The dark grey shaded areas are the 100-year floodplain. The light grey shaded areas are the 500-year floodplain.

Area #5 is a consists of several adjacent areas in the southwest part of Winnetka and is shown in Figure 2. The limits are roughly bounded by Broadmeadow Road on the north, Apple Tree Road on the east, and Hill Road on the south and Westview Road west; as well as a number of properties in the vicinity of the intersections of Hill Road with Birch Street and Indian Hill Road.

FIGURE 2

Repetitive Loss Area #5



2. REPETITIVE LOSS AREA ANALYSIS

2.1 Step 1 – Advise the Residents

Flooding has been an ongoing problem in Winnetka for many years. One of the most extreme storm event in recent history took place on July 22 and 23, 2011. Following that event, the Village sent a survey to all residents inquiring about flooding they may have experienced during the July 2011 storm event. This survey and a summary of the survey results are included in Appendix A.

On April 15, 2014, as part of the Village's annual outreach letter mailed to residents in RLAs, the Village notified residents of the ongoing RLAA and requested their input. Upon completion of a draft of this Report, another letter was sent out to residents in the RLA informing them of this Report, where and how they would be able to review it, and where and how they might submit comments regarding it. Both letters are included in Appendix B.

2.2 Step 2 – Collect Data

Plans and studies from several sources were utilized in this analysis. The sources listed below provided data related to the causes and impacts of flooding in the RLA.

- FEMA
- Metropolitan Water Reclamation District of Greater Chicago (MWRDGC)
- Village of Winnetka

A request for information was also sent to the Illinois State Water Survey (ISWS), but no additional information was available. Correspondence with MWRDGC and ISWS can be found in Appendix C.

2.2.1 Previous Studies and Plans

Flood Insurance Study – Cook County, Illinois and Incorporated Areas (FEMA 17031CV001G, 2008)

Within the RLA, the Cook County Flood Insurance Study (FIS) determined the 100-year flood elevation to be approximately 625.3 (based on the North American Vertical Datum of 1988). The Village's topographic maps indicate the ground elevations within the RLA generally range between 620 and 626.

Detailed Watershed Plan - North Branch of the Chicago River and Lake Michigan Watershed: Volume 1 (HDR, January 2011)

Within the RLA, MWRDGC's Detailed Watershed Plan determined the 100-year flood elevation to be 625.5 (based on the North American Vertical Datum of 1988).

Stormwater Alternatives Study for Western and Southwestern Winnetka (STRAND, June 2016)

Within the RLA, the Stormwater Alternatives Study for Western and Southwestern Winnetka determine the 100-yr flood depths to be between 1.40 and 1.92 feet.

2.2.2 Flood Insurance and Flood Event Data

According to both the FIRM and the Cook County Flood Inundation Map, every property within the RLA is at least partially, if not fully, within the 100-year floodplain. This data correlates well with flood data reported by residents and Village staff.

2.2.3 Flooding Experiences of Property Owners

A flooding survey was sent to all residents in the Village of Winnetka in August of 2011. Of the approximately 4,425 properties in the Village, 1,061 survey responses were received. This 24% response rate is a very good response for surveys of this type. Of 22 properties within RLA #5, 4 home owners responded. The 18% response rate is average and is believed to be representative of the RLA.

- 50% of the respondents reported overland flooding.
- 25% reported sewer backups.

A full summary of the survey results is included in Appendix A.

2.3 Step 3 – Inspect Buildings

On-site inspections of buildings in the RLA were performed in April of 2019. This inspection was performed from the public right-of-way by a licensed professional engineer. As such, the engineer did not survey building elevations in relation to the 100-year flood elevation. Therefore, the flood protection assessments in this Report are based upon visual observation of relative elevations. Each property within the RLA was visited and the following attributes were documented:

- Foundation type and condition;
- Relative low-opening elevations;
- Relative elevation of first floor;
- Basement window types and elevation;
- Window well types and elevation;
- Subsurface or at-grade doors;

- Garage location and relative elevation;
- Property grading;
- Downspout discharge location; and
- Neighborhood topography and flow routes.

The summary of the collected data for RLA #5 is as follows:

- 32% of the buildings have a low-opening elevation (basement windows, window wells, doorways, etc.) that appears to be below the 100-year flood elevation;
- 59% of the properties have ground adjacent to the building that is flat or sloped toward the building; and
- 55% of the properties have downspouts discharging adjacent to the building foundation.

A full summary of the results is included in Appendix E, and the data collected is included as Attachment 1.

2.4 Step 4 – Review Alternatives

Many types of flood hazard mitigation exist, and there is not one mitigation measure that fits every case. Nor is there even one application that fits most cases. Successful mitigation often requires multiple strategies. The CRS Coordinator's Manual breaks the primary types of mitigation down as displayed in Figure 3.

FIGURE 3

Categories of Floodplain Management Activities (FEMA FIA-15, 2017)

1. **Preventive** activities keep flood problems from getting worse. The use and development of flood-prone areas is limited through planning, land acquisition, or regulation. They are usually administered by building, zoning, planning, and/or code enforcement offices.
2. **Property Protection** activities are usually undertaken by property owners on a building-by-building or parcel basis.
3. **Natural Resource Protection** activities preserve or restore natural areas or the natural functions of floodplain and watershed areas. They are implemented by a variety of agencies, primarily parks, recreation, or conservation agencies or organizations.
4. **Emergency Services** measures are taken during an emergency to minimize its impact. These measures are usually the responsibility of city or county emergency management staff and the owners or operators of major or critical facilities.
5. **Structural Projects** keep flood waters away from an area with a levee, reservoir, or other flood control measure. They are usually designed by engineers and managed or maintained by public works staff.
6. **Public Information** activities advise property owners, potential property owners, and visitors about the hazards, ways to protect people and property from the hazards, and the natural and beneficial functions of local floodplains. They are usually implemented by a public information office.

2.4.1 Preventative

The Village regulates residential and commercial development through its building code, planning and zoning requirements, stormwater management regulations and floodplain regulations. Any project located in a floodplain, regardless of its size, requires a permit from the Village, unless the project can be characterized as routine maintenance. Depending on the size and scope of the project, a development within the Village may also fall under the jurisdiction of the MWRDGC, the Cook County Department of Transportation and Highways, the Illinois Environmental Protection Agency, the Illinois Department of Natural Resources, the Illinois Department of Transportation, and/or the U.S. Army Corps of Engineers.

Responsibility: Village of Winnetka, along with Federal, State, and other local regulatory agencies
 Timeline: Ongoing
 Funding: Municipal revenues

2.4.2 Property Protection

These measures are generally performed by the property owners or their agents. FEMA has published numerous manuals that help a property owner determine which property protection

measures are appropriate for particular situations, several of which are listed below. The manuals listed below are available for review at Public Works, Village Hall, and the Winnetka Public Library.

- FEMA 259, *Engineering Principles and Practices of Retrofitting Floodprone Residential Structures*
- FEMA 312, *Homeowner's Guide to Retrofitting: Six Ways to Protect Your House from Flooding*
- FEMA 551, *Selecting Appropriate Mitigation Measures for Floodprone Structures*
- FEMA 348, *Protecting Building Utilities from Flood Damage*
- FEMA 511, *Reducing Damage from Localized Flooding*
- FEMA 102, *Floodproofing Non-Residential Structures*
- FEMA 55, *Coastal Construction Manual (Volume 1 and 2)*
- FEMA 84, *Answers to Questions about the NFIP*
- FEMA 54, *Elevated Residential Structures Book*
- FEMA 268, *Protecting Floodplain Resources: A Guidebook for Communities*
- FEMA 347, *Above the Flood: Elevating Your Floodprone House*
- FEMA 257, *Mitigation of Flood and Erosion Damage to Residential Buildings in Coastal Areas*
- FEMA 85, *Protecting Manufactured Homes from Floods and Other Hazards*

The primary methods of property protection are: sewer improvements, wet floodproofing, dry floodproofing, elevation, relocation, and demolition. Each of these methods are described below. A table of floodproofing types versus relative cost can be found in Appendix E.

Sewer Improvements

Heavy rains can saturate the soil and infiltrate the sanitary sewer system through leaky joints or cracks in the pipes. The inflow of stormwater floods the sanitary sewer system causing water to back-up into the home through lower level plumbing fixtures. This occurrence can be prevented by installing a sewer backflow preventer, an overhead sewer system, floor drain plugs and/or stand pipes. A backflow preventer will allow the sanitary sewer water to flow freely from the home to the sewer, but restrict the reverse flow. Backflow preventers do require maintenance and can fail if debris in the sewer prevents the valve seating properly. An overhead sewer system pumps wastewater from basement level plumbing fixtures up to an elevation near the ground level, where it can drain by gravity into the sewer service line. This higher sewer makes it unlikely that water will back-up into the building. Floor drain plugs and stand pipes are much simpler ways to stop a sewer back-up. Some floor drain plugs stop water from flowing in either direction and are typically installed manually before a storm event. Other floor drain plugs utilize a float that will not interfere with the normal operation of the drain, but can fail if debris in the sewer prevents the valve from seating properly. Stand pipes involve fitting a length of pipe (generally three feet or less) in the floor drain so that the sewer back-up is contained within the stand pipe.

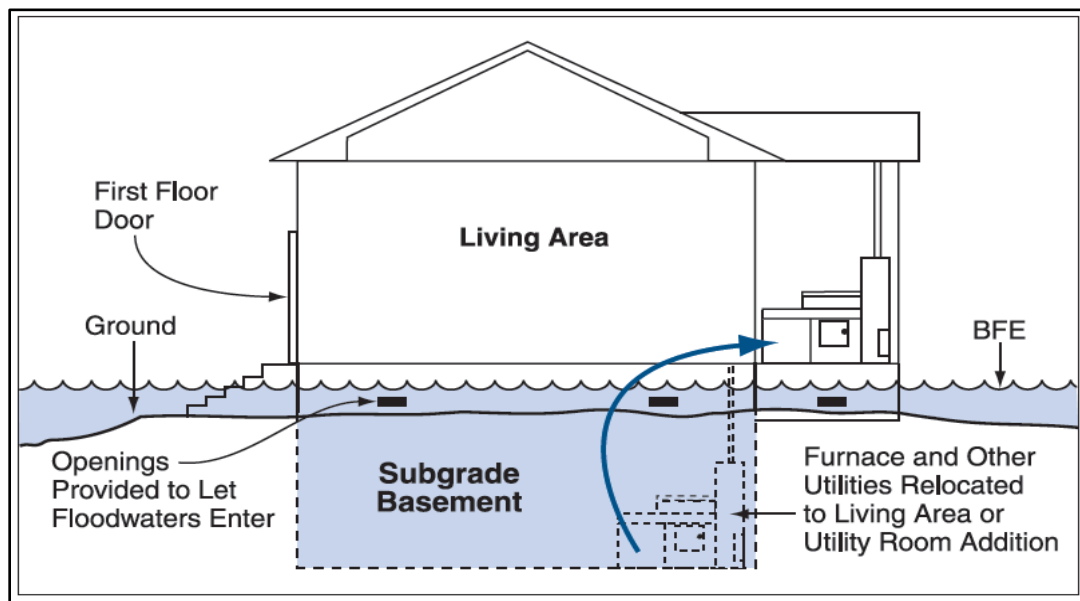
Wet Floodproofing

Wet floodproofing consists of modifying uninhabited portions of a home, such as a crawl space, garage, or unfinished basement with flood-damage resistant materials, to allow floodwaters to enter the

structure without causing damage (see Figure 4). Wet floodproofing requires portions of the building need to be cleared of valuable items and mechanical utilities. A key component of wet floodproofing is providing openings large enough for the water to flow through the structure such that the elevation of the water in the structure is equal to the elevation of the water outside of the structure. This equilibrium of floodwater prevents hydrostatic pressure from damaging structural walls.

FIGURE 4

Wet Floodproofing Example (FEMA P-312, December 2009)



Dry floodproofing consists of completely sealing around the exterior of the building so that water cannot enter the building (see Figure 5). Dry floodproofing is not a good option for areas where floodwater is deep or flows quickly. The hydrostatic pressure and/or hydrodynamic force can structurally damage the building by causing the walls to collapse or causing the entire structure to float. However, in areas that have minimal velocity and low depth, dry floodproofing can be a good option.

FIGURE 5

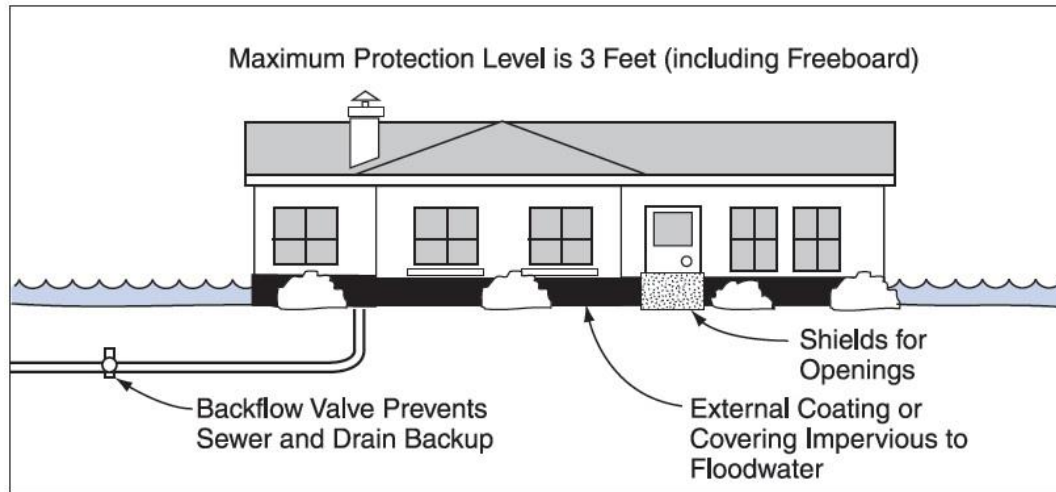
Dry Floodproofing (FEMA P-312, December 2009)

FIGURE 6

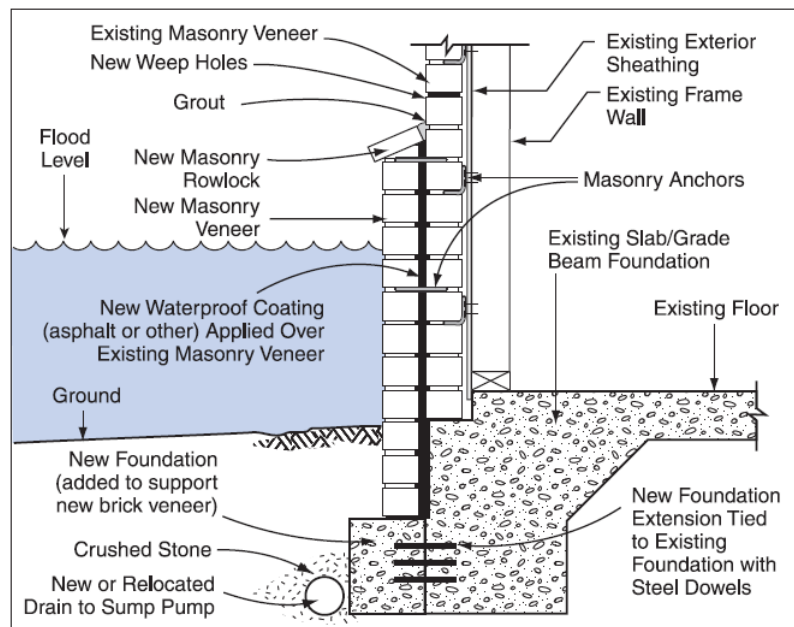
New Brick Veneer Over Waterproof Coating FEMA P-312, December 2009

FIGURE 7

Driveway Berm



FIGURE 8

Raised Concrete Window Well



FIGURE 9

Glass Block Basement Windows

Figures 6, 7, 8, and 9 display various methods of dry floodproofing. The schematic detail in Figure 6 portrays an asphalt coating spread on the exterior of a structure covered by a decorative brick veneer. Figure 7 is an example of a driveway reconstructed to prevent surface water in the street from flooding a below-grade garage. Figure 8 is a raised concrete window well that is sealed to the side of the structure to prevent floodwaters from entering through the basement window. Figure 9 is an alternate to the window well; the glass pane window is removed and replaced with glass blocks that can withstand the pressure of ponding floodwaters.

Many flood hazards can be mitigated with various forms of dry flood proofing. Properties that do not have adequate protection of their low opening (window or basement door) can effectively raise the low opening height with a window well or a flood gate. The ultimate height of the low opening depends on several factors, such as: the level of flood protection desired, the appearance, and cost. The flood protection elevation could be set 1-foot higher than the existing low opening elevation, or it could be set to match the elevation of the lowest opening into a home that cannot be raised. This might be the elevation of the threshold of a door, for example.

Properties that do not have adequate grading can re-grade their lawns. The ground adjacent to a building should slope away from the building so stormwater runoff does not accumulate against the foundation wall, where it can seep into the building. If possible, a minimum ground slope of 1% is desirable. Furthermore, downspouts should extend at least 6 feet away from a building foundation. In cases where the ground adjacent to the building is flat or slopes toward the building, the

downspouts should extend far enough to ensure stormwater does not drain back toward the foundation.

The NFIP only allows dry floodproofing for residential retrofits that are not classified as a substantial improvement. A substantial improvement is any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement.

FIGURE 10

Elevated House



Elevation

Sometimes dry or wet floodproofing are not enough and greater measures must be taken. For example, if the floodwaters are too high for dry floodproofing and the inhabited area is too low for wet floodproofing, it may be necessary to raise the structure. While this can be a much costlier endeavor, it may be the only solution to protect a home from floodwaters. The structure in Figure 10 is an example of a home that is elevated above the 100-year flood elevation. The Cook County Watershed Management Ordinance requires all substantially improved residential buildings have their lowest floor elevated 2 feet above the 100-year flood elevation. This may preclude a basement in the elevated building.

Demolition

The only way to ensure a structure will not accumulate additional losses from future flood events is to demolish the structure completely. There are two options demolishing a structure.

1. A government agency can purchase the property, demolish the structure, and convert the property to a park or other open space.
2. The property owner may retain ownership, demolish the structure, and build a new structure in a manner that meets all local building and flood protection code requirements.

The primary methods of property protection are: sewer improvements, wet floodproofing, dry floodproofing, elevation, relocation, and demolition. These are the most common methods of property protection, although other methods exist ranging a very broad span of cost and effort.

Responsibility: Property Owners
Timeline: As Soon As Possible
Funding: Private Funding or Grant Funding

2.4.3 Natural Resource Protection

Care should be taken to maintain the streams, wetlands and other natural resources within a floodplain. Removing debris from streams and channels prevents obstructions. Preserving and restoring natural areas provides flood protection, preserves water quality and provides natural habitat. Most of the natural resources within the Village are in open spaces owned and maintained by either the Winnetka Park District or the Cook County Forest Preserve District.

Responsibility: Winnetka Park District, Cook County Forest Preserve
Timeline: Ongoing
Funding: Government taxing bodies

2.4.4 Emergency Services

Advance identification of an impending storm is only the first part of an effective Flood Warning and Response Plan. To truly realize the benefit of an early flood warning system, the warning must be disseminated quickly to floodplain occupants and critical facilities. Appropriate response activities must then be implemented, such as: road closures, directing evacuations, sandbagging, and moving building contents above flood levels. Finally, a community should take measures to protect public health and safety and facilitate recovery. These measures may include: cleaning up debris and garbage, clearing streets, and ensuring that that citizens have shelter, food, and safe drinking water.

Responsibility: Village of Winnetka
Timeline: Ongoing
Funding: Municipal revenues

2.4.5 Structural Projects

In response to the flood damage resulting from severe storm events in September 2008 and July 2011, the Village initiated several Flood Risk Reduction Assessments to determine what structural improvements could be made to mitigate flood damage from future storm events in the areas that have proven to be the most susceptible to flooding.

Construction of the Winnetka Avenue Pump Station Improvements was completed in the summer of 2014. These improvements, which include the replacement of four pumps at the station to increase capacity from 40,000 gallons/minute to 60,000 gallons/minute, will directly benefit residents in RLA #5 by improving flow in storm sewers in south and west Winnetka and increasing the discharge capacity of the Forest Preserve ditch.

The Western and Southwestern Winnetka Stormwater Plan was adopted in 2016; it includes a combination of surface and underground stormwater storage and conveyance improvements to mitigate for the 100 year event (Bulletin 70, 1989) in the western and southwestern portions of town. Preliminary approval for the stormwater storage project has been received from the Cook County Forest Preserve and other local agencies. Project design and permitting is expected in 2019 and 2020, with construction starting in late 2020, for the first phase of the project. Future phases have not been precisely scheduled but are expected to occur subsequent to completion of phase 1.

Responsibility: Village of Winnetka
Timeline: Ongoing
Funding: Stormwater Utility

2.4.6 Public Information

One of the most important, and often overlooked, aspects of mitigation is public awareness. Awareness starts with recognition of the flood risk. FIRM panels, which designate areas of a community according to various levels of flood risk, can be viewed at www.FEMA.gov. Also, real estate transactions require disclosure of known flood hazards.

The next level of awareness is related to hazard mitigation measures. Often homeowners can greatly reduce their risks with mitigation efforts; they just do not know it. For that reason, as part of this analysis, every resident in the RLA has been contacted and informed of the opportunity to review this Report. In addition, the Village sends out an annual outreach letter to every resident in each RLA.

Responsibility: Village of Winnetka, FEMA, real estate agents
Timeline: Ongoing
Funding: Flood insurance premiums, real estate transaction fees, and municipal revenues

2.5 Step 5- Document the Findings

This Report documents the findings of the required RLAA. As required, the Report includes: a summary of the process that was followed and how property owners were involved in the process; a problem statement with a map of the affected area; a list or table showing basic information for each

building in the affected area; the alternative approaches that were reviewed; and a list of action items identifying the responsible party, when the action should be completed, and how it will be funded.

3. NEXT STEPS

3.1 Recommendations

First and foremost, the Village should continue its ongoing flood hazard mitigation initiatives. These initiatives include: enforcing development regulations and keeping them up-to-date; planning and constructing capital improvement projects; informing the public about flood hazards and mitigation options; and providing critical emergency services. Other government agencies, such as FEMA, MWRDGC, the Cook County Forest Preserve District, and the Winnetka Park District, should continue doing their part, as well. Finally, homeowners and residents should take steps to protect their property and reduce the likelihood of future flood losses.

Since every property in RLA #5 is within the 100-year floodplain, every property owner should carry flood insurance. In most cases, a sewer back-up or basement flood rider should be added to the insurance policy so that the building contents are covered.

Figure 11 lists common flood hazards that are known to exist in RLA #5 based on information received from residents and observations made during the on-site building inspections. Many of the flood hazards are related to openings that appear to be at or below the 100-year flood elevation. It should be noted that the 100-year flood elevation is not the highest possible elevation that flood waters may reach; greater flood elevations can and do occur. Common practice when installing flood protection measures is to protect the building to 2 feet above the 100-year flood elevation in order to account for uncertainties in the calculated flood elevation, wave action, and unpredictable effects such as those caused by ice or debris jams.

FIGURE 11

Common Flood Hazards and Typical Suggested Solutions

Common Flood Hazard	Typical Suggested Solution
Home within the 100-year floodplain	Carry flood insurance and elevate all mechanical facilities and valuable property above the 100-year flood elevation
Sanitary sewer back-up	Install an overhead sewer system or other backflow prevention
Unprotected window below the 100-year flood elevation	Replace a glass pane window with a glass block window or increase the height and seal around the edges of the window well
Unprotected door below the 100-year flood elevation	Install a flood barrier, such as a driveway berm, a permanent concrete flood wall, or a removable flood gate
Detached garages below the 100-year flood elevation	Raise the garage above the 100-year flood elevation or wet floodproof the garage
Downspouts splash on grade near the foundation	Install downspout extensions that discharge away from the foundation and ensure there is positive drainage from the foundation
Unprotected finished floor below the 100-yr flood elevation	Dry floodproof or elevate the building above the 100-year flood elevation

The common flood hazards and typical suggested solutions in this Report are broad-based recommendations for the entire RLA. They are not applicable to all properties in the RLA, but appear to be applicable to many of the properties. Property owners should consider obtaining an elevation certificate to determine the exact elevation of their house in relation to the 100-year flood elevation and should consult with an engineer, plumber, or other contractor regarding mitigation measures for a specific property.

Due to the height of the 100-year flood elevation above the ground throughout most of RLA #5, high intensity storm events are likely to cause some flooding, even on properties that have a well-graded yard that slopes away from the building foundation and a private yard drain system; however, many of the properties in RLA #5 have very low rear yards that are likely to collect and retain water after small amounts of rainfall. Installing private yard drain systems connected to the Village storm sewer system should reduce the duration of standing water in these locations; however, it should be noted that the depth of flooding may not be reduced for high intensity storm events when the Village's storm sewer system is at capacity.

3.2 Funding Assistance

In certain cases, a flood insurance policy holder will be eligible for up to \$30,000 of coverage over and above the structural flood insurance coverage. This coverage is called Increased Cost of Compliance (ICC). It applies in cases where local floodplain management regulations require a substantially damaged building to be elevated or retrofitted. This coverage is not dependent upon a community receiving a disaster declaration, but it is only available if the building damage was caused by a flood and if there was a flood insurance policy on the building before the flood.

Several other sources of hazard mitigation assistance are available following the completion and adoption of the Cook County All Hazards Mitigation Plan in 2014. The most common hazard mitigation assistance programs are: the Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM), and Flood Mitigation Assistance (FMA). Each program has its own eligibility and funding criteria, but each can be used to fund property protection measures as shown in Figure 12, provided that the Benefit Cost Ratio exceeds 1.0. In general, these programs are funded when FEMA approves an application prepared jointly by a local government, such as the Village, and the Illinois Emergency Management Agency (IEMA). In most cases, FEMA pays 75% of eligible expenses, but the federal share can reach 90% for Repetitive Loss Properties and 100% for Severe Repetitive Loss (SRL) properties.

FIGURE 12

Eligible Activities by Hazard Mitigation Assistance Program (FEMA Hazard Mitigation Assistance Unified Guidance, July 2013)

Eligible Activities	HMGP	PDM	FMA
Property Acquisition and Structure Demolition	√	√	√
Property Acquisition and Structure Relocation	√	√	√
Structure Elevation	√	√	√
Mitigation Reconstruction			√
Dry Floodproofing of Historic Residential Structures	√	√	√
Dry Floodproofing of Non-residential Structures	√	√	√
Minor Localized Flood Reduction Projects	√	√	√
Structural Retrofitting of Existing Buildings	√	√	
Non-structural Retrofitting of Existing Buildings and Facilities	√	√	√
Safe Room Construction	√	√	
Wind Retrofit for One- and Two-Family Residences	√	√	
Infrastructure Retrofit	√	√	√
Soil Stabilization	√	√	√
Wildfire Mitigation	√	√	
Post-Disaster Code Enforcement	√		
Generators	√	√	
5 Percent Initiative Projects	√		
Advance Assistance	√		

3.3 Continuation

The CRS program requires an annual update to this RLAA. The annual update must review each recommended action, discuss the actions that were implemented and those that were not, and recommend any changes to the recommended actions. The report must be made available to the public, including the media and property owners and residents of the RLA. This process must continue every year for the Village to maintain its standing in the CRS program. Also, this update must preface each CRS cycle verification visit. Refer to Section 510 of the CRS Coordinator's Manual for more information (FEMA FIA-15, 2017).

4. WORKS CITED

Baxter & Woodman Consulting Engineers. (2012). *Flood Risk Reduction Assessment - Additional Study Areas*. Winnetka: Village of Winnetka Illinois.

Christopher B. Burke Engineering, Ltd. (October 2011). *Winnetka Flood Risk Reduction Assessment*. Winnetka: Village of Winnetka Illinois.

FEMA 17031CV001G. (2008). *Flood Insurance Study - Cook County, Illinois and Incorporated Areas*.

FEMA 551. (March 2007). *Selecting Appropriate Mitigation Measures for Floodprone Structures*.

FEMA FIA-15. (2013). *Community Rating System Coordinator's Manual*. National Flood Insurance Program, Community Rating System.

FEMA P-312. (December 2009). *Homeowner's Guide to Retrofitting - Six Ways to Protect Your Home From Flooding* (Second Eddition ed.).

HDR. (January 2011). *North Branch of the Chicago River and Lake Michigan Watershed: Volume 1*. Metropolitan Water Reclamation District of Greater Chicago.

2011 Flooding Survey Results		
Total Properties	22	
Total Respondents	4	
	16%	response rate
Did you experience flooding in your house, basement, or attached garage during the July 22-23 storm?	50%	Yes
	50%	No
Type of Flooding	25%	Floor drain, laundry, tub, shower, or toilet
	25%	Window well or doorway
	25%	Wall or floor seepage
	0%	Sump pump failure
	0%	Other
What time did flooding commence?	0%	12am-6am
	0%	6am-12pm
	0%	12pm-6pm
	0%	6pm-12am
What time did flooding subside?	0%	12am-6am
	0%	6am-12pm
	0%	12pm-6pm
	0%	6pm-12am
How much water did you get?	100%	0-1 foot
	0%	1-3 feet
	0%	3-6 feet
	0%	>6 feet
How many occurrences in the last five years?	0%	0
	75%	1
	0%	2
	25%	3
	0%	4
	0%	5
In what years did it flood?	25%	2007
	0%	2008
	25%	2009
	100%	2011
Does your building have protection for sanitary backups?	0%	Yes
	0%	No
	100%	Not sure
If yes, what type?	0%	Sump pump
	0%	Backflow preventer
	0%	Ejector pit
	0%	Elevated drain pipe

Appendix B: Letters to the Residents



April 15, 2014

Resident

Winnetka, IL 60093

**Re: Village of Winnetka
Analysis of Flood Prone Areas and
Repetitive Loss Areas**

Dear Resident:

The Village has applied for entry into the Community Rating System (CRS), which is a voluntary program designed to reward a community for its flood mitigation efforts. The reward comes in the form of reduced premiums for flood insurance policy holders within the community. One of the prerequisites for entry into the CRS is an analysis of the areas within the Village that have repeatedly suffered from flood damages. You have received this letter because your property has either been subject to flooding on more than one occasion for which claims have been made and received on your flood insurance policy of more than \$1,000 from the National Flood Insurance Program within any rolling 10-year period for your home, or because your property is located in an area where adjacent properties have experienced flood damage on several occasions for which flood insurance claims have been made. **Your input in this analysis will be valuable whether your house has been damaged by flooding or not.**

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) produces a list of repetitive loss properties within each National Flood Insurance Program (NFIP) community, which the Village of Winnetka is an active member in good standing, that has one or more repetitive loss properties. Repetitive loss properties are those properties for which two or more claims of more than \$1,000 have been paid by the NFIP within any 10-year period since 1978. Although these properties represent only 1% of all the NFIP's insurance policies, they account for nearly one-third of the claim payments. In order for the Village of Winnetka to participate in the CRS program with repetitive loss properties, an outreach program must be implemented in an attempt to try to mitigate the cause of the flood damage, either on your property or in your neighborhood. All specific repetitive loss property information is for the Village's internal use only, and is protected by the Privacy Act of 1974.

If your property is a repetitive loss property, or if you have any information to share regarding the recurrence and severity of past flooding in the area, the Village of Winnetka is kindly requesting that you provide information regarding the exact nature of the flood damage so that we may better provide you with the appropriate property protection measures for the flood situation. Please forward the information regarding the flood damage that resulted in the flood insurance claims to the Village of Winnetka, attention Susan Chen, 1390 Willow Road, Winnetka, IL 60093; by phone at (847)716-3532; or by e-mail to schen@winnetka.org. Please note that if you responded to the Village's flood survey in August 2011, the Village can incorporate the information you provided at that time into this analysis. You will be notified again once a draft of the analysis report is available for review and comment. We hope you can participate in this analysis and we look forward to your input.

As many of you are aware, the Village of Winnetka is in the process of pursuing several possible large scale storm water management mitigation projects which can be viewed on the Village of Winnetka's website www.villageofwinnetka.org. Unfortunately, some of the repetitive loss areas are situated on private streets with private storm sewers. While the Village of Winnetka is unable to undertake specific public improvements in these areas, certain aspects of the proposed storm water mitigation plans will help to mitigate the flooding in these areas. Meanwhile, here are some things that you can do:

1390 WILLOW ROAD, WINNETKA IL 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558



1. Contact the Village of Winnetka Public Works Department at (847) 716-3568 to speak with one of the Engineering Staff about possible mitigation measures for your flooding issues;
2. Prepare for flooding by doing the following:
 - Know how to shut off the electricity and gas to your house when a flood comes;
 - Make a list of emergency numbers and identify a safe place to go;
 - Make a household inventory, especially of basement contents;
 - Put insurance policies, valuable papers, medicine, etc... in a safe, dry place;
 - Collect and put cleaning supplies, camera, waterproof boots, etc... in a convenient location;
 - Develop a disaster response plan – See the Red Cross' website: www.redcross.org/images/pdfs/code/family_disaster_plan.pdf for a copy of the brochure "**Your Family Disaster Plan**"
 - Get a copy of **Repairing Your Flooded Home** at www.redcross.org/www-files/Documents/pdf/Preparedness/file_cont333_lang0_150.pdf. Also visit FEMA's web site at www.fema.gov/hazards/floods/
3. Consider some permanent flood protection measures.
 - Mark your fuse or breaker box to show the circuits to the floodable areas. Turning off the power to the basement can reduce property damage and save lives, except the storm sump pump and sanitary ejector pump should be placed on a separate circuit with battery back-up which can remain operable during a storm event;
 - Consider elevating your house to the Flood Protection Elevation, which is two feet above the Base Flood Elevation;
 - Check your home for water entry points. These can be basement windows, the basement stairwell, doors, and dryer vents. These can be protected with low walls or temporary shields;
 - Install floor drain plugs, standpipe, overhead sanitary sewer or a sanitary sewer backflow prevention device to prevent sewer backup flooding;
 - More information can be found in **Homeowner's Guide to Retrofitting: Six Ways to Protect your House from Flooding**. This publication can be found at www.fema.gov/library/file?type=publishedFile&file=fema_p312_a.pdf&fileid=7f8c0a20-fa08-11de-8441-001cc456982e or at the public library.
 - There is also a link on the Village's website, www.villageofwinnetka.org the Guide to Flood Protection in Northeastern Illinois, published by the Illinois Association for Flood plain and Storm Water Management.
 - Note that some flood protection measures may need a building permit and others may not be safe for your type of building, so be sure to talk with the Community Development Department for code and permit requirements.

1390 WILLOW ROAD, WINNETKA IL 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558



4. Obtain information on financial assistance programs.
 - FEMA offers four grant programs to fund pre- and post-disaster mitigation activities, including: Hazard Mitigation Grant Program (HMGP); Pre-Disaster Mitigation (PDM); Flood Mitigation Assistance (FMA); and Repetitive Flood Claims (RFC). Detailed information on these programs and other related programs is available at www.fema.gov/about/divisions/mitigation/mitigation.shtm#6.
5. Obtain flood insurance.
 - A flood insurance policy will help pay for repairs after a flood and, in some cases, it will help pay the costs of elevating a substantially damaged building.
 - Homeowner's insurance policies do not cover damage from floods. However, because the Village of Winnetka participates in the National Flood Insurance Program, you can purchase a separate flood insurance policy. This insurance is backed by the Federal Government and is available to everyone, even properties that have been flooded or are out of the flood plain. Most flood insurance policies include Increased Cost of Compliance coverage. The coverage provides for the payment of claims up to \$30,000 toward the costs to comply with State or Community flood plain management laws or ordinances after a flood event in which the structure has been declared substantially damaged in accordance with the locally enforceable regulation.
 - If your property is located in an area that is not mapped as a Special Flood Hazard Area (Zone A or AE), you may qualify for a lower-cost Preferred Risk Policy.
 - Some people purchased flood insurance because it was required by the bank with they got a mortgage or home improvement loan. Usually, these policies just cover the building's structure and not the contents. During the kind of flooding that happens in your area, there is usually more damage to the furniture and contents than there is to the structure. Ensure that you have contents coverage.
 - Don't wait for the next flood to buy insurance protection. In most cases, there is a 30-day waiting period before the National Flood Insurance Program coverage takes effect.
 - Contact your insurance agent for more information on rates and coverage.

If you have questions regarding Repetitive Loss Areas or other general flood plain requirements, please provide the Village with the street address of the property in question. Inquiries can be directed to the Engineering Department of the Village of Winnetka, and can be made in person, by telephone, or by e-mail. The Engineering Department is located at the Village Yards, 1390 Willow Road, Winnetka. While any of our Engineering Staff can answer your questions, our Flood Plain Manager is Susan Chen, Assistant Village Engineer, who can be reached at (847) 716-3532 or schen@winnetka.org.

For general questions or concerns regarding local flooding, drainage issues or sewer back-ups, contact 847-716-3568, and your call can be directed to the appropriate Public Works staff.

Sincerely,

Steven M. Saunders, P.E.
Director of Public Works/Village Engineer

1390 WILLOW ROAD, WINNETKA IL 60093
Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558

Month X, 2014

Name

Address

Winnetka, Illinois 60093

Subject: Village Analysis of Flood Prone Areas

Dear Name:

The Village has applied for entry into the Community Rating System (CRS), which is a voluntary program designed to reward a community for its flood mitigation efforts. The reward comes in the form of reduced premiums for flood insurance policy holders within the community. One of the prerequisites for entry into the CRS is an analysis of the areas within the Village that have repeatedly suffered from flood damages. Your property is located within an area identified as Repetitive Loss Area #X. A draft report on the Repetitive Loss Area Analysis for Area #X can be reviewed at www.villageofwinnetka.org or at the Village of Winnetka Public Works Facility (1390 Willow Road). Your input on the draft report is welcome and comments will be accepted until Month X, 2014.

Sincerely,

Steven M. Saunders, P.E.

Director of Public Works/Village Engineer

I:\Chicago\WINNE\131058-WINNE - Repetitive Loss\90-General\Municipal Services\Work\Resident Invitation Letter.docx

Appendix C: Data Collection Correspondence

Correspondence with MWRDGC

To: Mark G. Phipps

Cc: Steve Saunders (SSaunders@winnetka.org); Fitzpatrick, Kevin (Eng)

Subject: RE: Winnetka - Repetitive Loss Area Analysis

Mark,

As discussed over the phone, the District completed the North Branch of the Chicago River (NBCR) Detailed Watershed Plan (DWP) in 2011. During DWP, we collected problems identified by the communities, updated the H&H model, and developed projects. Below is a link to the DWP and inundation maps.

http://www.mwrld.org/irj/go/km/docs/documents/MWRD/internet/protecting_the_environment/Stormwater_Management/htm/North_Branch_Chicago_River_Watershed/North_Branch_Chicago_River_DWP.htm

<http://gispub.mwrld.org/swima/>

The TARP system does not impact the Winnetka storm sewer system. If you have additional questions on TARP, feel free to contact Kevin Fitzpatrick at 1-312-751-3163.

Michael "Mick" Cosme, P.E., CFM
Senior Civil Engineer
Metropolitan Water Reclamation District of Greater Chicago
111 E. Erie
Chicago, IL 60611
p 312.751.3092
f 312.751.5710

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

Correspondence with ISWS

From: Heistand, Glenn [mailto:heistand@illinois.edu]
Sent: Tuesday, April 08, 2014 2:37 PM
To: Mark G. Phipps
Cc: Steve Saunders (SSaunders@winnetka.org)
Subject: RE: Winnetka - Repetitive Loss Area Analysis

Mark,

ISWS does not have any flooding studies in Winnetka, besides possibly some dusty paper copies of FEMA effective models.

The Village is probably already in coordination with Brian Eber at IDNR-OWR for their pre-CRS Community Assistance Visit, but if not, I recommend contacting him for additional information (brian.eber@illinois.gov). Let me know if I can be of further assistance.

Glenn

Glenn N Heistand, PE, CFM
Illinois State Water Survey
Prairie Research Institute
University of Illinois
2204 Griffith Drive
Champaign, IL 61820-7495
(217) 244-8856
heistand@illinois.edu

Appendix D: Summary of Inspection Results

Total Properties	22	
Foundation	64%	Concrete
	0%	Other
Yard	23%	Sloped away
	77%	Flat
Rear Yard	82%	Low
Downspout	45%	Splash on Grade
	41%	Underground
	0%	Extended
	0%	Underground/Splash on Grade
	0%	Underground/Extended
Approximated steps up to 1st floor	27%	1
	41%	2
	27%	3
	0%	4
	0%	5
	0%	>6
	5%	Low
	0%	Raised
Window Height	0%	Low
	0%	Grade
	0%	Raised
Window Type	0%	Glass
	0%	Glass block
Window Well Height	0%	Low
	18%	Grade
	0%	Raised
Window Well Type	0%	Metal
	41%	Concrete
Garage	91%	Detached
	9%	Attached
Garage Elevation	14%	Low
	14%	Grade
	73%	Raised

Appendix E: Floodproofing Methods

Table 3-16. Relative Costs of Various Retrofit Measures

Construction Type	Existing Foundation	Measure	Retrofit	Relative Cost
Frame, Masonry Veneer, or Masonry	Crawlspace or Basement	Wet Floodproofing 	Wet floodproof crawlspace to a height of 4 feet above LAG or wet floodproof unfinished basement to a height of 8 feet above basement floor	Lowest  Highest
Masonry Veneer or Masonry	Slab-on-Grade or Crawlspace	Dry Floodproofing 	Dry floodproof to a maximum height of 3 feet above LAG	
Frame, Masonry Veneer, or Masonry	Basement, Crawlspace, or Open Foundation	Levees and Floodwalls 	Levee constructed to 6 feet above grade or floodwall constructed to 4 feet above grade	
Frame, Masonry Veneer, or Masonry	Basement, Crawlspace, or Open Foundation	Elevation 	Elevate on continuous foundation walls or open foundation	
Frame, Masonry Veneer, or Masonry	Basement, Crawlspace, or Open Foundation	Relocation 	Elevate on continuous foundation walls or open foundation	
Frame, Masonry Veneer, or Masonry	Slab-on-Grade	Elevation 	Elevate on continuous foundation walls or open foundation	
Frame, Masonry Veneer, or Masonry	Slab-on-Grade	Relocation 	Elevate on continuous foundation walls or open foundation	Varies
Frame, Masonry Veneer, or Masonry	Slab-on-Grade, Crawlspace, Basement, or Open Foundation	Demolition 	Demolish existing building and buying or building a home elsewhere	

HOMEOWNER'S GUIDE TO RETROFITTING SIX WAYS TO PROTECT YOUR HOME FROM FLOODING 3-41

(FEMA P-312, December 2009)



Agenda Item Executive Summary

Title: Resolution No. R-37-2019: Approving a Banquet and Reception Hall at 915 Green Bay Road (Public Hearing & Adoption)

Presenter: David Schoon, Community Development Director

Agenda Date: 06/04/19

Consent: ☐ YES ☒ NO

- ☐ Ordinance
- ☒ Resolution
- ☐ Bid Authorization/Award
- ☐ Policy Direction
- ☐ Informational Only

Item History:

01/15/2019 - Village Council review of Applicant's original request.

02/19/2019 - Village Council review of Applicant amended request, which did not include a cafe along the street frontage of the building.

03/19/2019 - Village Council scheduled to hold public hearing; which was continued at request of applicant.

04/16/19 - Village Council held public hearing- <https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20190416.pdf>

05/07/19 - Village Council scheduled to hold continued public hearing, which was continued at applicant's request.

05/21/19 - Village Council scheduled to hold continued public hearing, which was continued at Council's direction.

Executive Summary:

On June 4, 2019, the Village Council is scheduled to hold a continued public hearing and consider an application submitted by Boutique Bites, LLC (the “Applicant”), as potential lessee of the property located at 915 Green Bay Road (the “Subject Property”), and by 915 Green Bay Road LLC, as owner of the Subject Property (the “Owner”), requesting a text amendment to the Zoning Ordinance or other alternative zoning approvals to allow a banquet and reception hall on the Subject Property. The Applicant’s current plans include opening a business on the Subject Property that would contain (1) a retail special food store and café, (2) a banquet and reception hall, and (3) a catering company on the Subject Property (together all three are referred to as the “Facility”). The Council should note that the Applicant has reincorporated the retail specialty food store and café into her proposed uses for the Subject Property.

Based upon direction provided by the Village Council during its previous discussions regarding the Applicant’s request, the Facility would require adoption of the following approval documents:

A. Resolution No. R-37-2019, A Resolution Approving a Banquet and Reception Hall Use at 915 Green Bay Road.

B. Ordinance No. MC-3-2019, An Ordinance Amending “The Winnetka Code,” as Amended, to Regulate Valet Parking in the Village.

C. Resolution No. R-38-2019, A Resolution Establishing the Fees for the Processing of a Valet Parking Permit Application and Banquet Parking Permits.

D. Ordinance No. MC-4-2019, An Ordinance Amending the Winnetka Village Code to Create a Liquor License Classification for Banquet and Reception Halls.

E. Resolution No. R-39-2019, A Resolution Approving and Authorizing a Class Y Liquor License for Boutique Bites, LLC.

Executive Summary (continued):

Attached to this executive summary is a separate staff report summarizing the Village Council's April 16 discussion of the zoning approvals, the creation of the valet parking regulations, and establishing related parking fees (Items A, B, and C). Also included in this agenda packet is a separate executive summary regarding the ordinance amendment to the liquor license code and associated resolution granting the Applicant a liquor license (Item D & E). At the April 16, the Council did adopt introduction of each of the ordinances.

Recommendation:

Hold a public hearing and consider adoption of Resolution No. R-37-2019, which is presented for adoption in conjunction with the other ordinances and resolutions associated with the Applicant's request at the June 4 Regular Council Meeting.

Attachments:

Staff Report for June 4, 2019 Village Council Meeting

Attachment A - Resolution No. R-37-2019

Attachment B – Applicant’s Current Application Materials

Attachment C - Written Public Comments Received Since April 16, 2019, Public Hearing



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, DIRECTOR
DATE: MAY 30, 2019
SUBJECT: BOUTIQUE BITES – 915 GREEN BAY ROAD

INTRODUCTION

On June 4, 2019, the Village Council is scheduled to hold a continued public hearing and consider an application submitted by Boutique Bites, LLC (the “Applicant”), as potential lessee of the property located at 915 Green Bay Road (the “Subject Property”), and by 915 Green Bay Road LLC, as owner of the Subject Property (the “Owner”), requesting a text amendment to the Zoning Ordinance or other alternative zoning approvals to allow a banquet and reception hall on the Subject Property. The Applicant’s current plans include opening a business on the Subject Property that would contain (1) a retail special food store and café, (2) a banquet and reception hall, and (3) a catering company on the Subject Property (together all three are referred to as the “Facility”).

Based upon direction provided by the Village Council during its previous discussions regarding the Applicant’s request, the Facility would require adoption of the following by the Village Council:

- A. Resolution R-37-2019, A Resolution Approving a Banquet and Reception Hall Use at 915 Green Bay Road. (Attachment A)
- B. Ordinance MC-3-2019, An Ordinance Amending “The Winnetka Code,” as Amended, to Regulate Valet Parking in the Village. (Refer to separate executive summary for a copy of this ordinance)
- C. Resolution R-38-2019, A Resolution Establishing the Fees for the Processing of a Valet Parking Permit Application and Banquet Parking Permits. (Refer to separate executive summary for a copy of this resolution.)
- D. Ordinance MC-4-2019, An Ordinance Amending the Winnetka Village Code to Create a Liquor License Classification for Banquet and Reception Halls. (Refer to separate executive summary for more detailed information regarding this item and copy of ordinance.)
- E. Resolution R-39-2019, A Resolution Approving and Authorizing a Class Y Liquor License for Boutique Bites, LLC. (See separate executive summary for more detailed information regarding this item and copy of resolution.)

As directed by the Village Council and explained at the April 16 Village Council meeting, the Village Attorney and Village staff drafted a resolution approving the Facility with the understanding that the Village would study in the future whether or not to allow banquet and reception halls as a permitted use or special use in the C-2 General Retail Commercial District and the C-2 Commercial Overlay District. Accordingly, the resolution approving the use of the property does not amend the Zoning Code at this time; rather, it allows this use of the property on a one-off basis while the Village continues to study the use.

In response to a request by a Village Trustee, the Village has posted a sign on the property informing members of the public regarding the continued public hearing at the June 4 Village Council meeting. This is to complement the public hearing published in the Winnetka Current as well as the courtesy notice that was

mailed to all property owners and tenants within 250 feet of the Subject Property. Attached are additional public comments the Village has received since the April 16 public hearing (Attachment C).

APRIL 16, 2019, PUBLIC HEARING

During the April 16, 2019, Village Council public hearing on the applicant's zoning relief request, the Council heard from members of the public—including those in favor and those opposed to the project. Those opposed to the project were property owners and residents from the area that have concerns regarding noise that would be generated by the Facility with music until midnight and loading/unloading that could occur between 10:00 p.m. and 1:00 a.m. In addition, the Village had received several emails regarding the proposed Facility.

After hearing from the public, Council members commented on the proposal. In general, trustees found that the proposed banquet facility would bring activity to the area. As long as issues regarding noise and parking could be adequately addressed, they expressed the opinion that the use would be welcome addition to the Hubbard Woods Business District. The following section identifies the issues/concerns trustees raised regarding noise and provides a response from the Applicant or staff. At the conclusion of its April 16 discussion, the Village Council did adopt introduction of the required ordinances.

VILLAGE COUNCIL CONCERNS

The Applicant has provided a written narrative responding to concerns and comments from April 16 as well as a more refined floor plan of the building. (Attachment B – Applicant's Current Application Materials) The following summarizes the Council's comments as well as a response from the Applicant and staff.

Noise & Sound. Trustees stated that Applicant needs to provide adequate soundproofing of the building to prevent noise spillage from music being played within the facility onto adjoining properties. It was envisioned the Applicant's architect should present a plan that minimizes noise generated from within the Facility impacting neighbors, including consideration of the building's skylight. In addition, a trustee asked if the Applicant would be willing to stop playing music before midnight.

Applicant and Staff's Responses. In the attached narrative submitted by the Applicant, the Applicant further describes her operation and how she would manage noise and sounds coming from the Facility. She states she continues to work with an architect and sound engineer regarding the installation of soundproofing materials near the ceiling trusses that would absorb sound prior to reaching the skylight. She plans to present additional information at the June 4 meeting. The Applicant notes she continues to plan to allow music to play until midnight.

Staff explored establishing specific maximum decibel levels that any noise generated by the Facility could not exceed. On the surface it would seem fairly simple to set a specific decibel level, but the regulation of noise interfacing an outdoor environment is more complicated. In measuring noise you must take into consideration the ambient noise in the area, such as noise generated by adjoining properties and passing cars, trucks, trains, or airplanes. In addition the frequency level of a sound should impact the acceptable maximum decibel level. The specificity of decibel levels must also take into consideration the means of enforcement.

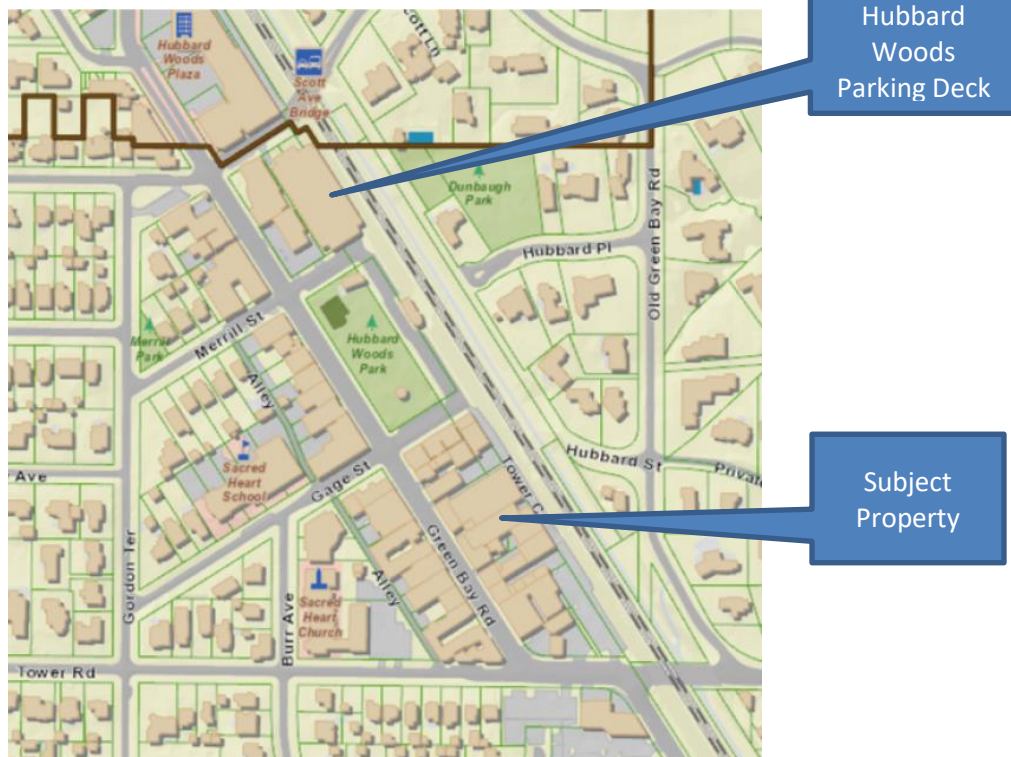
Rather than setting a precedent by establishing a maximum decibel for the Facility, staff believes that if the Village Council wants to begin to use decibel measurements as an enforcement mechanism, that we should look more holistically regarding how doing so would impact the community, existing permitted business uses, and future proposed uses. Until that time, staff has included language in the resolution stating that activity on the Subject Property may not generate a level of sound that would violate the Village's nuisance sound standard, which states a public nuisance affecting peace and safety is "any sound or noise which because of its volume level,

duration and character annoys, disturbs, injures, or endangers the comfort, health, peace, and repose of safety of reasonable persons of ordinance sensibilities within the Village.”

Parking. Regarding parking, Village trustees requested that the Applicant provide a basic description of the valet parking operations, which should include providing sufficient space and time for the valet pick-up/drop-off area. Trustees also desired for the Village to set specific parking areas for valet parking and identify penalty if not abided by. The Council discussed potential measures to ensure weekday, daytime customers to the Facility use the required daily parking passes for the Hubbard Woods Parking Deck, rather than nearby neighborhoods.

Applicant's & Staff Responses. In the Applicant's narrative, she provides an overall description of the valet parking operator and operations (see below). Should the Council approve the banquet facility as well as the new valet parking regulations, the Applicant would then need to submit a more detailed application for a valet parking permit for staff's review and approval.

- *Customers would drop off their vehicles in a drop-off/exchange area that would consist of a minimum of two parking spaces throughout the event and up to four spaces at the beginning of larger events.*
- *Valet attendants would drive the cars north on Green Bay Road to Scott Avenue and would park cars in the upper levels of the Hubbard Woods Parking Deck.*
- *In order to avoid the residential neighborhood streets, the valet attendants would follow the following route for parking: head south on Green Bay Road, take a right onto Gage Street, then south onto the alley located between the commercial properties on the west side of Green Bay Road and Sacred Heart church and community center buildings, then east onto Tower Road, and then north on Green Bay Road to drop off the cars in front of the venue.*



Staff has amended the valet parking ordinance to more clearly define fines for when a valet parking operator, attendant, employee or other agent of the valet parking permit applicant violates the following conditions of a valet parking permit: (a) parking a vehicle in a non-designated parking area; (b) picking-up or dropping-off a customer's vehicle in a non-designated drop-off/exchange area; or (c) driving a customer's vehicle on a non-designated route between the designated drop-off/exchange area and the designated parking area(s) (see Section 5.76.090 Enforcement & Penalties of Ordinance MC-3-2018). The amount of the fines would be based upon parking fines currently identified in the Municipal Code, an excerpt of which is provided in Appendix 1 at the end of this staff report.

As currently drafted, the resolution approving the banquet facility requires the following to address weekday daytime Facility customers:

2. For any event scheduled between 8:00 a.m. and 6:00 p.m. on weekdays, for which valet services are not provided, the Applicant shall be required to purchase from the Village banquet parking permits for guests of the event and use reasonable efforts to require such guests to park in those areas designated by the Village in the Village parking garage. The Applicant shall purchase permits for the total number of guests registered to attend the event and shall make all reasonable efforts to distribute the permits to the guests prior to the day of the event.

Many of the residential streets immediately to the east and west of the Hubbard Woods Business District either outright prohibit parking (portions of Merrill, Gage, the west side of Gordon Terrace, and portions of Old Green Bay Road) or prohibit parking between 8:00 a.m. and 6:00 p.m. except Sundays and holidays or limit parking to 90 minutes (west side of Gordon Terrace, and portions of Merrill Street and Burr Avenue.) No parking is allowed between 8:00 a.m. and 10:00 a.m. on portions of Hubbard Place. The significant limitations on permitted parking in these areas will limit the attractiveness of these areas for guests wanting to park there.

Annual Review. Related to both the noise and parking issues, some trustees thought that the Village will need to monitor, enforce and review the operations—suggesting we establish an annual review process as part of the Village's monitoring of the operation.

Applicant and Staff's Response. *In her narrative the Applicant states that she feels it is not necessary to implement an annual review of the Facility. She states if an issue arises they will handle them immediately with the Village.*

The resolution approving the Facility contains a series of conditions with which the Applicant must comply. If she does not comply with them, the resolution provides a process by which the Village can revoke its approval. The Applicant has an incentive to immediately address issues as they arise. If the Applicant has not been in violation of the conditions, the review of the Facility operation may create expectations the Village will change its course, which in turn, creates risk and uncertainty for the continued operation of the business.

If the Council should decide that it wishes to include an annual review process, staff proposes this be done after the first year, as shown in the following language that the Council may wish to add to the resolution:

Annual Review. One year after the issuance of a certificate of occupancy (including a temporary certificate of occupancy), the Village staff shall prepare a report to the Village Council identifying any parking or noise issues that occurred on the Property during the

previous year, and how the issues were addressed. The report will be presented at a Village Council meeting, and the Applicant and the property owners and residents within 250 feet of the Property will be informed of the date of the Council meeting and will be provided an opportunity to address the Council.

OTHER CHANGES TO APPROVAL DOCUMENTS

Resolution R-37-2019, A Resolution Approving a Banquet and Reception Hall Use. As the Applicant refined her floor plan from a general sketch to a scaled drawing, she discovered that the café/food shop would occupy a little over 60% of the building frontage rather than a minimum of 75%. The resolution has been amended to state that this part of the building shall occupy “no less than 60 percent of the street frontage of the building”.

Ordinance MC-3-2019, An Ordinance Amending “The Winnetka Code,” to Regulate Valet Parking. A few other minor changes have made, such as regarding when traffic control devices can go into place to designate any valet parking spaces, if such are required, and another change to remove language that was inadvertently left in the original draft.

RECOMMENDATION

At the June 4, 2019, Village Council meeting, the Council is scheduled to hold a continued public hearing on the requested zoning relief and to consider adoption of the following ordinances and resolutions necessary for approval of the Applicant’s Facility.

- A. Resolution R-37-2019, A Resolution Approving a Banquet and Reception Hall Use at 915 Green Bay Road. (Attachment A)
- B. Ordinance MC-3-2019, An Ordinance Amending “The Winnetka Code,” as Amended, to Regulate Valet Parking in the Village. (Refer to separate executive summary for a copy of this ordinance)
- C. Resolution R-38-2019, A Resolution Establishing the Fees for the Processing of a Valet Parking Permit Application and Banquet Parking Permits. (Refer to separate executive summary for a copy of this resolution.)
- D. Ordinance MC-4-2019, An Ordinance Amending the Winnetka Village Code to Create a Liquor License Classification for Banquet and Reception Halls. (Refer to separate executive summary for more detailed information regarding this item and copy of ordinance.)
- E. Resolution R-39-2019, A Resolution Approving and Authorizing a Class Y Liquor License for Boutique Bites, LLC. (See separate executive summary for more detailed information regarding this item and copy of resolution.)

ATTACHMENTS

Attachment A - Resolution R-37-2019, A Resolution Approving a Banquet and Reception Hall Use at 915 Green Bay Road.

Attachment B - Applicant’s Current Application Materials

Attachment C - Written Public Comments Received Since April 16, 2019, Public Hearing

Appendix 1

Section 10.24.110 Parking violations--Owner's responsibility--Definitions--Penalties--Pre-court payment--Final notice.

C. Schedule of Fines for Parking Violations. Fines for parking violations shall be assessed as follows:

1. If paid within ten (10) days or less after the date of the citation alleging the violation, the fine shall be:

a. Thirty-five dollars (\$35.00) for each of the first, second and third violation within any twelve (12) month period;

b. Fifty dollars (\$50.00) for each of the fourth, fifth and sixth violation within any twelve (12) month period;

c. One hundred dollars (\$100.00) for each of the seventh, eighth and ninth violation within any twelve (12) month period; and

d. One hundred fifty dollars (\$150.00) for the tenth violation within any twelve (12) month period, and for each violation thereafter within any twelve (12) month period.

2. If paid more than ten (10) days after the date of the citation alleging the violation and prior to court hearing, the fine shall be:

a. Forty-five dollars (\$45.00) for each of the first, second and third violation within any twelve (12) month period;

b. Sixty dollars (\$60.00) for each of the fourth, fifth and sixth violation within any twelve (12) month period;

c. One hundred ten dollars (\$110.00) for each of the seventh, eighth and ninth violation within any twelve (12) month period; and

d. One hundred sixty (\$160.00) for the tenth violation within any twelve (12) month period, and for each violation thereafter within any twelve (12) month period.

3. If not paid prior to court hearing, then upon a finding of guilty the fine shall be:

a. A minimum of thirty-five dollars (\$35.00) and a maximum of one hundred fifty dollars (\$150.00) for each of the first, second and third violation within any twelve (12) month period;

b. A minimum of sixty dollars (\$60.00) and a maximum of one hundred fifty dollars (\$150.00) for each of the fourth, fifth and sixth violation within any twelve (12) month period;

c. A minimum of one hundred ten dollars (\$110.00) and a maximum of one hundred sixty dollars for each of the seventh, eighth and ninth violation within any twelve (12) month period; and

d. A minimum of one hundred sixty dollars (\$160.00) and a maximum of one hundred seventy-five (\$175.00) for the tenth violation within any twelve (12) month period, and for each violation thereafter within any twelve (12) month period.

RESOLUTION NO. R-37-2019

**A RESOLUTION APPROVING A BANQUET AND RECEPTION HALL USE
AT 915 GREEN BAY ROAD**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the "Winnetka Zoning Ordinance," as amended ("**Zoning Code**"), establishes certain zoning regulations for permitted and special uses within each zoning district; and

WHEREAS, the Zoning Code does not permit the use of property within the Village's C-2 General Retail Commercial District ("**C-2 District**") or C-2 Commercial Overlay District ("**Overlay District**") for banquet and reception halls; and

WHEREAS, Boutique Bites, LLC ("**Applicant**") is the potential lessee of the property commonly known as 915 Green Bay Road in the Village, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Resolution ("**Property**"); and

WHEREAS, the Property is owned by 915 Green Bay Road, LLC ("**Owner**"); and

WHEREAS, the Applicant desires to operate on the Property a banquet and reception hall ("**Proposed Use**"); and

WHEREAS, the Village Council desires to further study whether to amend the Zoning Code to permit the Proposed Use as a permitted or special use in the C-2 District and Overlay District; and

WHEREAS, as part of its study of the Proposed Use, the Village Council desires to, on a one-time basis, permit the Applicant to use the Property for the Proposed Use pursuant to the terms and conditions of this Resolution to determine whether future amendments to the Zoning Code are in the best interests of the Village and the planning for the C-2 District and Overlay District; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to approve the Proposed Use on the Property, subject to and in strict accordance with the terms and conditions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated as the findings of the Village Council, as if fully set forth herein.

SECTION 2: APPROVAL OF PROPOSED USE. Pursuant to the Village's home rule authority, and subject to and contingent upon the conditions set forth in Section 3 of this Resolution, the Village Council hereby approves the use of the Property for the Proposed Use.

SECTION 3: CONDITIONS. The approval granted by Section 2 of this Resolution is subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. Restaurant and Specialty Food Store. The banquet and reception hall facility located on the Property must include a (i) restaurant and/or (ii) specialty food and beverage shop located along the sidewalk in front of the Property that occupies no less than ~~60~~ 75 percent of the street frontage of the building (collectively, the ***"Food Shop"***). The Food Shop shall maintain a transparent storefront design similar in nature to what is illustrated in the Village's Design Review Guidelines, and shall maintain customer seating and display areas along the building's storefront window. The Food Shop must include seating for no fewer than 15 guests in a space that is no less than 750 square feet. The Food Shop shall be open at least five days per week for a minimum of 8 hours per day, except for holidays and if closed as a result of an emergency, remodeling, or repairs.
- B. Use of the Banquet Space. The portion of the Property other than the Food Store, private office, kitchen and food preparation areas (***"Banquet Space"***) may be used only in accordance with the following:
 - 1. The Banquet Space may be used only for private, by invitation only, events and provide seating for no more than 150 guests in a space that is no less than 4,000 square feet;
 - 2. The majority of the food served at all private events hosted in the Banquet Space must be prepared on-site;
 - 3. Seating at tables must be available at all private events hosted in the Banquet Space;
 - 4. The Banquet Space may not be primarily used for live entertainment and dancing;
 - 5. All events held in the Banquet Space must include a food package purchased from the Applicant. Liquor packages may only be purchased in conjunction with a food package; and
 - 6. Events in the Banquet Space may only be scheduled on the following days and times:
 - a. Sunday through Thursday from 8:00 a.m. to 10:00 p.m., except for: (i) the Sunday night before Memorial Day, on which events must end by

12:00 a.m. (midnight); (ii) July 3 if such date is on a Sunday, events must end by 12:00 a.m. (midnight); (iii) the Sunday night before Labor Day, on which events must end by 12:00 a.m. (midnight); (iv) December 30, an event must end by 12:00 a.m. (midnight); and (v) December 31, an event must end by 1:00 a.m. on January 1.

b. Friday and Saturday from 8:00 a.m. to 12:00 a.m. (midnight) except as set forth in Section 3.B.6.a above.

- C. Minimization of Nuisances. The Applicant must take sufficient measures to minimize noise, loud conversations, light, and other nuisances that may emanate from the Property so as to not unreasonably interfere with or disturb the normal use and enjoyment of nearby properties.

No activity on the Property may generate a level of sound that violates Chapter 9.16, Public Nuisances of the Village Code, which specifically states the following is a public nuisance affecting peace and safety: “Any sound or noise which because of its volume level, duration and character annoys, disturbs, injures, or endangers the comfort, health, peace, and repose of safety of reasonable persons of ordinance sensibilities within the Village.”

- D. Parking and Loading. The Applicant must comply with a parking, loading, and valet parking plan approved by the Village’s Community Development Director (“**Parking Plan**”), which parking plan must contain, at a minimum, the following elements:

1. The Applicant shall purchase from the Village employee parking permits for all employees that drive to the Property, and Applicant’s employees may not park in any Village public parking spaces while at the Property except those designated by the Village for use pursuant to such employee parking permits, (including during such times that employee parking is not restricted to specific locations and times).
2. For any event scheduled between 8:00 a.m. and 6:00 p.m. on weekdays, for which valet services are not provided, the Applicant shall be required to purchase from the Village banquet parking permits for guests of the event and use reasonable efforts to require such guests to park in those areas designated by the Village in the Village parking garage. The Applicant shall purchase permits for the total number of guests registered to attend the event and shall make all reasonable efforts to distribute the permits to the guests prior to the day of the event.
3. For any event held on the Property that starts after 5:00 p.m. and that would have more than 75 registered guests, the Applicant shall be required to secure and provide valet parking services during the event.

4. When valet parking services are not provided for an event held between 8:00 a.m. and 6:00 p.m. on weekends, the Applicant shall provide information to the guests to park in the Village's parking lots and garages, which information shall be provided to guests at least 24-hours prior to the event.
 5. The Applicant may request the Village to designate up to two parking spaces in front of the Property as fifteen-minute parking spaces.
 6. Loading and unloading for on- and off-site events shall take place only in the Property's dock area and not on public rights-of-way. Notwithstanding anything to the contrary contained herein, it shall not be a violation of this Section 3.D.6 if Applicant's vendors load and unload items through the front door of the Property so long as the items loaded and unloaded are carried by hand and the vendor takes no more than two trips from the delivery vehicle.
 7. No load-out after an event may occur between 1:00 a.m. and 7:00 a.m. on Saturday and Sunday mornings, or between 11:00 p.m. and 7:00 a.m. on Sunday through Thursday, except for: (i) the Sunday night before Memorial Day, on which a load-out may occur until 1:00 a.m. on Labor Day; (ii) July 3 if such date is on a Sunday, on which a load-out may occur until 1:00 a.m. on July 4; (iii) the Sunday night before Labor Day, on which a load-out may occur until 1:00 a.m. on Labor Day (iv) December 30, on which a load-out may occur until 1:00 a.m. on December 31; and (v) December 31, on which a load-out may occur until 2:00 a.m. on January 1.
- E. Compliance with Regulations. Except to the extent specifically provided otherwise in this Resolution, the development, use, and maintenance of the Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time, including, without limitation, compliance with all Village ordinances regarding noise.
- F. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, or contributions required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Resolution. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check.

SECTION 4: RECORDATION OF RESOLUTION; BINDING EFFECT. A copy of this Resolution will be recorded with the Cook County Recorder of Deeds. This Resolution and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Resolution will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Resolution unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: SEVERABILITY. If any provision of this Resolution or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Resolution to the greatest extent permitted by applicable law.

SECTION 7: AMENDMENTS TO PROPOSED USE. Any amendments to the approvals granted in Section 2 or the conditions set forth in Section 3 of this Resolution may be requested by the Applicant in writing to the Village. Prior to amending this Resolution, the Village Council must hold a public hearing on any proposed amendments, and notice of such public hearing shall be given in the same manner as set forth in Section 17.72.040(D)(3) of the Zoning Code.

SECTION 8: EFFECTIVE DATE.

A. This Resolution will be in full force and effect from and after its passage and approval as provided by law, and upon providing satisfactory evidence to the Village that the Applicant has entered into a lease for the Property.

B. The Approvals set forth in Section 2 of this Resolution will be effective only upon the filing by the Applicant and Owner with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit B** attached to and, by this reference, made a part of this Resolution to accept and abide by each and all of the terms, conditions, and limitations set forth in this Resolution and to indemnify the Village for any claims that may arise in connection with the approval of this Resolution.

C. In the event that the Applicant and Owner do not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.B of this Resolution within 60 days after the date of passage of this Resolution by the Village Council, the

Village Council shall have the right, in its sole discretion, to declare the Approvals granted in this Resolution null and void and of no force or effect.

ADOPTED this 16th day of April, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lot 6 and the Northerly 4 feet of the Easterly 150 feet of Lot 7 in Block 5 in Lakeside Jared Gage's Subdivision of part of the East 1/2 of the Northwest 1/4 of fractional Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, recorded February 8, 1872, as document 12387, in Cook County, Illinois.

P.I.N. 05-17-123-017-0000

Commonly known as 915 Green Bay Road, Winnetka, Illinois.

EXHIBIT B

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("**Village**");

WHEREAS, 915 Green Bay Road, LLC ("**Owner**") is the record title owner of the real property commonly known as 915 Green Bay Road, in Winnetka, Illinois ("**Property**"); and

WHEREAS, Boutique Bites, LLC ("**Applicant**") is the lessee of the Property; and

WHEREAS, the Applicant desires to use the Property as a banquet and reception hall ("**Proposed Use**"); and

WHEREAS, on _____, 2019, the Village Council approved Resolution R-37-2019 ("**Ordinance**") approving the use of the Property for a banquet and reception hall ("**Approval**"); and

WHEREAS, Section 8 of the Resolution provides, among other things, that the Resolution will be of no force or effect unless and until the Applicant and Owner have filed, within 60 days following the passage of the Resolution, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Resolution;

NOW, THEREFORE, the Applicant and Owner do hereby agree and covenant as follows:

1. The Applicant and Owner do hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.
2. The Applicant and Owner acknowledge that any public notices and hearings have been properly given and held with respect to the adoption of Resolution, have considered the possibility of the revocation provided for in the Resolution, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant and Owner acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's approval of the Approval for the Property or its adoption of the Resolution, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant or Owner against damage or injury of any kind and at any time.
4. The Applicant and Owner do hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Resolution approving the Approval of the Property. Need discussion and explanation

5. The Applicant and Owner hereby agree to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village. Need discussion and explanation

Dated: _____, 2019

ATTEST: BOUTIQUE BITES, LLC

By: _____ By: _____
Its: _____ Its: _____

Dated: _____, 2019

ATTEST: 915 GREENBAY ROAD, LLC

By: _____ By: _____
Its: _____ Its: _____

BOUTIQUE BITES PROPOSAL UPDATES

Location:

915 Green Bay Road, Winnetka, IL 60093

Community Considerations:

- **Valet Parking – VIP Valet**
 - We are working closely with VIP Valet to implement parking standards for the village and venue. They have been in business for 25 years and service many venues regularly, in addition to parties in private residences. We have consistently worked with VIP for over 8 years on events in the city, suburbs, as well as other states (Michigan, Wisconsin, Iowa). They provide the utmost professional service and are known as the best in the industry.
 - VIP staffing for all events include an onsite manager, greeter(s), runners (parking attendants), and at least 1 garage manager.
 - The formula for their valet management is based on the following:
 - Type of event (wedding, corporate, etc)
 - Hours of the event
 - Approximate number of cars that will be parked
 - They routinely staff heavier at the start of any event, as guests arrive around the same time, then reduce staff accordingly as guests tend to leave at different times throughout the evening.
 - The main goal is to manage the parking in such a way that prevents backup on Green Bay Road, while providing the best and safest service to the guests and establishment.
 - Current valet plan:
 - Valet signage and team will be setup in front of the venue. A minimum of 2 loading zone or designated parking spaces will be required for all events, and up to 4 spaces at the beginning of weddings and/or larger events.
 - Designated spaces will need to be blocked off at least 2 hours in advance of the event starting.
 - Once guests arrive, the vehicles will be parked on the upper level of the Hubbard Woods parking deck, entering and exiting off of Scott Avenue.
 - As guests prepare to leave, they will give their tickets to the valet, and then wait for their cars either in front of the venue or inside the entrance hallway of the venue.
 - Car retrieval route:
 - When exiting the parking deck, the parking attendants will make a left turn onto Scott Avenue, followed by a left on Green Bay Road, a right on Gage, they will go through the alley, make a left on Tower Road, then end up back on Green Bay Road to drop off cars in front of the venue for guest pickup.

- **Noise & Sound**

- Our goal is to create an atmosphere that is fun, vibrant, and infused with a city aesthetic and appeal. Noise is inevitable when building up the liveliness in the business district of any community. With that said, we are very cognizant of the residential neighbors in the area and are taking all measures and precautions to limit noise outside of the venue.
- We are working with an architect firm and sound engineer to install soundproofing materials near the ceiling trusses that will absorb sound prior to reaching the skylight. We are continuing to work with them and will present additional information at the June 4th meeting.
- The current architect plans for the space show the café up front taking up a majority of the square footage, as well as a separate entrance hallway into the venue. Any music played at events will take place in the center of the building, away from the entrance/exit doors. Additionally we will have built-in walls and partitions/drapery in place for restrooms, the café, and the separation of cocktail hour and dining. All of this will assist in minimizing noise from inside the venue traveling outside.
- Boutique Bites has an 11-year proven track record of cultivating and catering for an exclusive high-end clientele list. We have catered weddings for current Winnetka (and surrounding suburb) residents. In addition we have 5 years of experience operating our own venue in the West Loop. Based on this experience, the following can be expected:
 - No more than 25% of the guest count is left at the end of a wedding. So if a wedding has 150 guests, at most 35 guests will be left at the very end of the evening. Contrary to what some residents are anticipating, there will not be 150 people on Green Bay Road in front of the venue at midnight. Guests leave throughout the night once dinner service is complete
 - If a wedding is taking place from 6pm-midnight for example, the typical flow of the evening would be as follows:
 - 5:30pm guests begin arriving
 - 6pm-6:20pm ceremony
 - 6:30pm-7:30pm cocktail hour
 - 7:30pm-9pm dinner
 - 9pm-midnight dancing and hourly guest departure
 - Like all caterers and restaurants, we take our liquor license responsibility very seriously. Our bartenders and managers are adept at identifying and not serving (if necessary) any guests who are reaching their limit. In our venue experience, we have not had **any** alcohol related incidents.
 - Boutique Bites caters offsite events at other venues and locations throughout the city and suburbs. Typical of all catering companies, we will be loading items in and out of the facility at all different

times. Similar to all restaurants, we will have deliveries made to our loading dock at all different times.

- In addition, we staff 2 doormen at each wedding/event above 75 guests. They assist guests when entering and leaving the venue, and make sure that they do so in a respectful way to the neighborhood.
 - Weddings and events will have the option of playing music until midnight on Fridays and Saturdays, which are the same hours as Fred's Garage down the street, and only 1 hour past Minos' closing time.
 - As of now, there is no set music decibel limit. In our current venue, decibels range from 80-90 during dancing. We are open to working with the village based on the following decibel information:
 - Most people base decibel metrics off of 100dB, which is quite loud. However, decibels are not measured on a linear scale, but rather an exponential scale.
 - As a rule of thumb, for each 10dB, the volume approximately doubles. So 90dB is double the volume of 80dB. And 100dB is four times the volume of 80dB.
 - Music professionals recommend no less than 90dB during dancing. 80dB is fine for music just audible over dinner conversation, but when it comes time for dancing, they need to be able to double that so that guests have music vibrant and loud enough to dance to.
 - Our main objective when building out the space according to noise parameters will be to limit any noise from inside the building traveling outside with respect to the nearby properties.
- **Village Annual Review**
 - As of now we don't think this is necessary to implement annually. If and when any issues arise, we will handle them immediately with the village. We want nothing more than to consistently be on good terms with our neighbors and the community in general. I whole-heartedly believe that my café and venue will be an asset to the neighborhood and surrounding businesses, in addition to adding a vibrancy that will hopefully encourage other new businesses to open in the area.

seat count & area

Seating Count

Cafe	18 seats
Cocktail	12 seats
Lounge	5 seats
Banquet Space	128 seats

Area Calculations

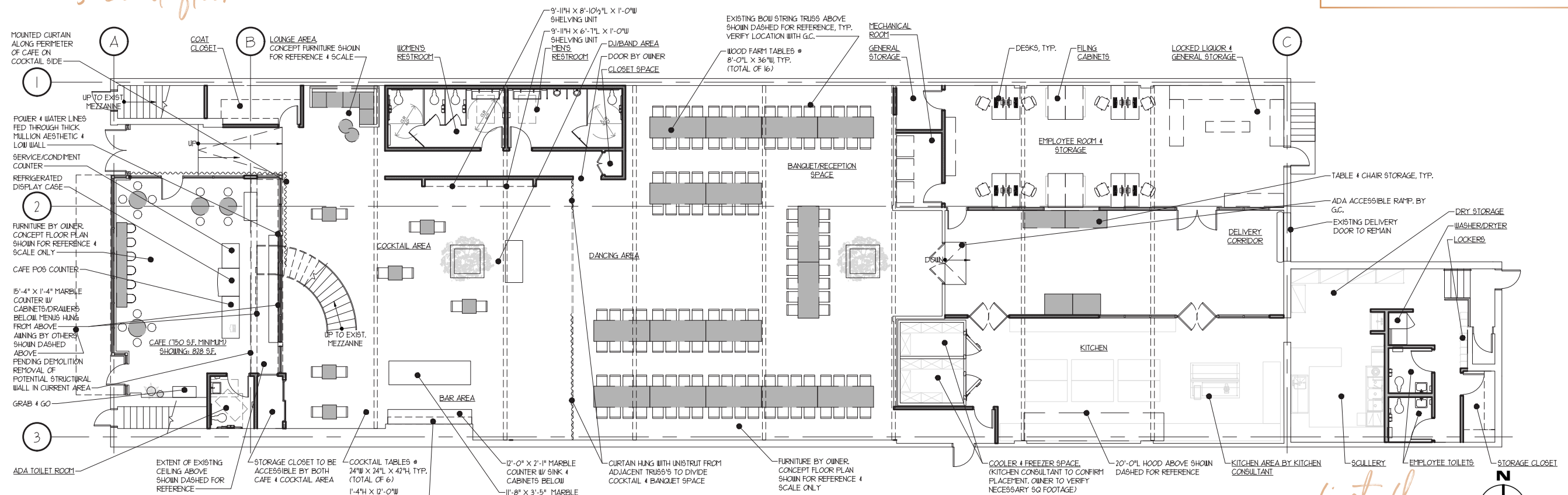
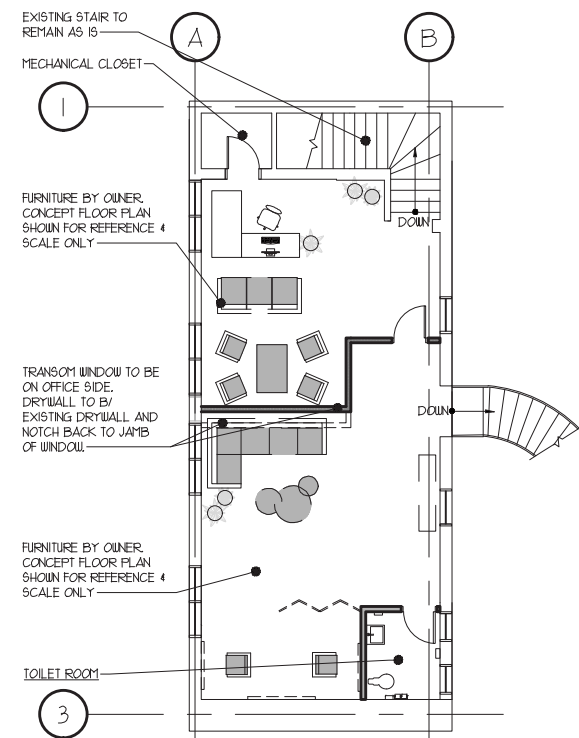
Overall Downstairs (using BOMA) ~9,497 SF

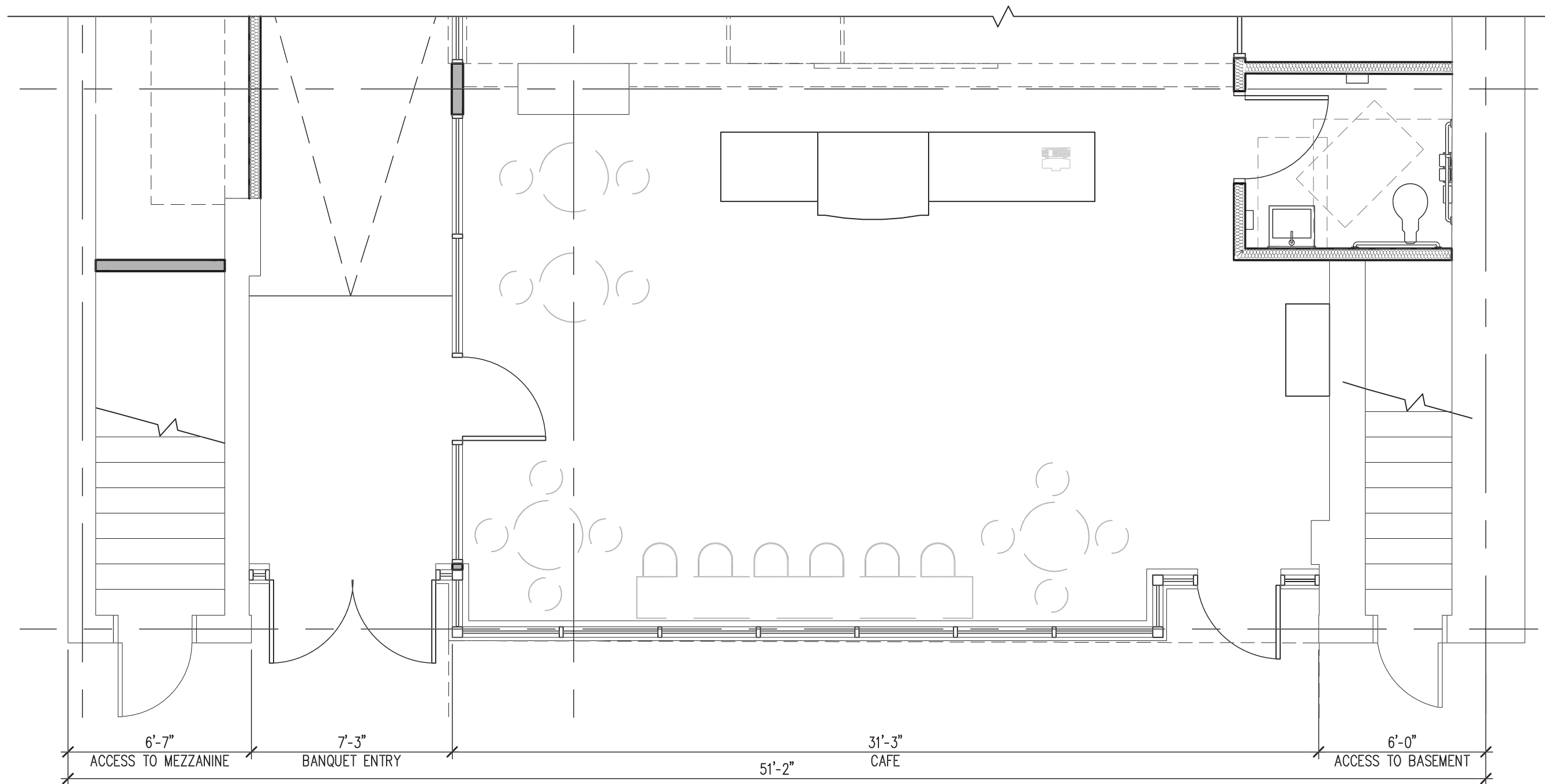
• Coat Room	~ 73 SF
• Cafe	~ 828 SF
• Cocktail	~1,681 SF
• Main Toilet Rooms/Hallway	~ 458 SF
• Banquet	~ 2,361 SF
• Kitchen	~ 930 SF
• BOH Scullery/Storage	~ 576 SF
• Storage & Office	~ 962 SF
• Delivery Corridor	~ 727 SF

Overall Upstairs (using BOMA) ~ 1,110 SF

• Office Lounge	~ 419 SF
• Owner's Office	~ 365 SF
• Toilet Room	~ 45 SF

TOTAL: ~10,597 SF OVERALL





first floor 

David Schoon

From: Jeannie Balsam <[REDACTED]>
Sent: Thursday, April 18, 2019 4:31 PM
To: David Schoon
Cc: Cindy Plante; Cynthia Burr
Subject: Support For Boutique Bites

Hi David -

I wanted to write a letter in support of Boutique Bites relocating to Hubbard Woods and the long vacant Antique Emporium space.

It is a wonderful opportunity for Hubbard Woods and Winnetka to leverage the increased traffic and success of the beautiful park, Graeter's and Nino's.

We have many friend from outside Winnetka (specially Glenview and Evanston) that visit our neighborhood often for these new and successful businesses.

Boutique Bites could add to that list.

I am a long time resident of Winnetka & Glencoe (21 years) , Sacred Heart Family for 16 years, current business owner @ 903 Green Bay Road for almost 8 years, and extremely committed to the re-vitalization of the neighborhood.

Please reflect on the bigger picture for this neighborhood and continue to support the businesses that will bring back the livelihood of the area that I fell in love with over 20 years ago.

Sincerely -

Jeannie

JEANNIE BALSAM
JEANNIE BALSAM INTERIORS
PHONE: [REDACTED]
CELL: [REDACTED]
[REDACTED]

David Schoon

From: Randi Lamb [REDACTED] >
Sent: Friday, April 19, 2019 7:26 AM
To: David Schoon
Subject: Boutique Bites Meeting

Hello,

My name is Randi Lamb and I am the owner of Randoons in Hubbard Woods. I will be celebrating 20 years of my shop this May. I am writing in support for Boutique Bites.

I know that a place like this would be a huge asset to Winnetka, It will bring in new people and also for fill an empty space.

Food and events are the number one reason people will visit a town, This type of Events place will bring in money and new life to our area.

I honestly cannot see any reason that this would not be a good fit for our area. We need more traffic and less empty store fronts if we want Hubbard Woods down town to survive, especially with the way small businesses are closing all over the US. Many of the shops are barely surviving and this would definitely help out the entire downtown.

It would also bring new potential shoppers to are area.

Please consider Boutique Bites to be apart of our town and a way to help it grow and thrive.

Thank you for your time,

Randi Lamb

David Schoon

From: Ciao Bella Sewing <[REDACTED]>
Sent: Saturday, April 20, 2019 11:28 AM
To: David Schoon
Subject: In support of Boutique Bites to Hubbard Woods Design District

Hi David,

I hope all is well! I am writing this note because I am in support of adding Boutique Bites to the Hubbard Woods Design District in Winnetka. The HWDD needs additional retailers, restaurants, etc. to help maintain and promote the small area of shopping and eating for locals and anyone who might be visiting the area. Boutique Bites would be filling a spot that has been vacant for several long years. It would be great to see a business take over that space. In addition, how wonderful for the area to gain an established business. Again, I wanted to express my support in adding Boutique Bites to the HWDD. Thank you for your time and consideration.

Kind Regards,
Taylor Ioannou

Ciao Bella Sewing
874 Green Bay Road
Suite 220
Winnetka

David Schoon

From: Rare Finds Ltd. <[REDACTED]>
Sent: Monday, April 22, 2019 11:55 AM
To: David Schoon
Subject: FW: Boutique Bites

FOR YOUR INFORMATION.

From: Rare Finds Ltd. <[REDACTED]>
Sent: Monday, April 22, 2019 11:47 AM
To: 'dschoon@winnetka.org.' <dschoon@winnetka.org>
Subject: Boutique Bites

Dear Mr. Schoon:

I have been a resident of Hubbard Woods for 43 years (140 Old Green Bay Road). I have been a shop owner in Hubbard Woods for 16 years (Rare Finds Ltd. 890 Green Bay Road).

I **strongly** support the opening of Boutique Bites in Hubbard Woods. The Village Council's approval of Boutique Bites should be a no-brainer. This is a business with a proven track record that wants to come to our community and occupy a large space that has been an eyesore for years. In fact, the Council should actively use its time to seek a meeting with Boutique Bites' management for the purpose of strongly encouraging its location in Hubbard Woods.

In the 43 years that I have lived in this village, it has never looked this bad. At present, Hubbard Woods is a business disaster area. Businesses have come and gone. Stores and lots have remained empty.

I understand that the Council has received objections from some Winnetka residents based on the possibility that events at Boutique Bites will cause noise and disruption. That is ridiculous. It assumes that Boutique Bites will be outsiders coming to our village to cause trouble rather than to be good citizens doing their best to conduct their business appropriately at all times. Will these objecting residents next ask the Council to relocate the train tracks because the commuter trains are noisy?

Please do something positive and approve Boutique Bites quickly and let's move on to a bigger and better future for the Hubbard Woods Business District.

Sincerely,

Fraida Aland
Rare Finds Ltd.

David Schoon

From: Mattie M <[REDACTED]>
Sent: Monday, April 22, 2019 3:49 PM
To: David Schoon
Subject: RE: Boutique Bites

Mr Schoon,

I have been a business owner in Hubbard Woods for 22 years. I have personally encouraged businesses to come here every opportunity I have had. I absolutely agree with Fraida Aland. Hubbard Woods needs new life! The empty store fronts are an eyesore. In such a difficult retail environment, as we are facing now, I feel the council needs to be more open to perspective businesses.

Donna Sternaman
Mattie M

--

=====

[REDACTED]

David Schoon

From: Meg Carroll <[REDACTED]>
Sent: Tuesday, April 23, 2019 8:29 AM
To: David Schoon
Subject: In support of Boutique Bites

Dear David,

I am writing to offer my vigorous support of Boutique Bites locating to the Hubbard Woods neighborhood and reawakening the long vacant Antique Emporium space.

As both longstanding residents of the north shore and Winnetka business owners my husband and I have over 25 years of experience living and working in and around the area. Our company, Bedside Manor Ltd, opened a second location on Green Bay Rd back in 1995 and has been very fortunate and maintains a prosperous and thriving retail establishment in Hubbard Woods. During the last 12 years we have all witnessed the changes that have swept the retail world and now we find the area ripe for new enterprises with inspired energy to begin to fill the vacancies. Please support Boutique Bites to rejuvenate the existing space with a vital and branded addition to Hubbard Woods.

Sincerely,

Meg Carroll

Bedside Manor Ltd
920 Green Bay Rd.
Winnetka, IL.

David Schoon

From: Adam Paronto <[REDACTED]>
Sent: Tuesday, April 23, 2019 7:27 AM
To: ContactCouncil; David Schoon
Subject: Boutique Bites RFP

Hi David,

My name is Adam Paronto; I own Reprise Coffee Roasters (950 Green Bay Rd.) in Hubbard Woods. I wanted to reach out to express my support for Boutique Bites opening down the street and joining our neighborhood. I think I speak for many others when I say this, but Hubbard Woods is in desperate need of foot traffic in order to create a sustainable economy in our little business district. There is an amazing opportunity with the quality of businesses already and I believe Boutique Bites will add to the neighborhood to help fill an enormous gap which is only one of eleven empty storefronts... Not to compare it to downtown Waukegan, but I would expect that our town would like to see a flourishing neighborhood. Which is a big reason that I decided to open our headquarters in the suburbs instead of Chicago. I'm a believer of the neighborhood, and although retail has had a rough go at it worldwide... we need hospitality businesses like Boutique Bites to fill the void.

If I can do anything to further support them please feel free to contact me directly.

My best,

Adam Paronto
Reprise Coffee Roasters
[REDACTED]

David Schoon

From: Celeste Robbins [REDACTED] >
Sent: Tuesday, April 23, 2019 10:31 AM
To: ContactCouncil; David Schoon
Subject: Boutique Bites

Dear David:

I am writing in support of Boutique Bites relocating to Hubbard Woods. I have been in business in Winnetka for 12 years and believe that Boutique Bites will contribute to the success of the Hubbard Woods business district. Boutique Bites is an established business and will bring in potential shoppers from outside the area, fill up a vacant space that has detracted from our area for six years and will create an anchor for Hubbard Woods to attract other businesses.

Please approve Boutique Bites so that Hubbard Woods can continue to build a thriving community.

Sincerely,
Celeste Robbins

David Schoon

From: Cynthia Burr <[REDACTED]>
Sent: Saturday, April 27, 2019 1:46 PM
To: ContactCouncil
Cc: David Schoon
Subject: Boutique Bites proposal

Dear Village Council Members,

As the owner of Vivid Art Gallery in Winnetka, I am writing to express my support for the proposed Boutique Bites event space in Hubbard Woods. I think it would be a great addition to Winnetka generally, and, more specifically, a shot in the arm for the Hubbard Woods business district.

There really is very limited event space in the area outside of country clubs – only the Kenilworth Club and the Winnetka Community House come to mind. What a great opportunity this is for the Village to further support the family milestones of the community by providing a place in which to hold baby showers, wedding showers, bar and bat mitzvahs, graduation parties, and weddings. I also see the potential for luncheons, cocktail parties and fundraisers. Not to mention the need the area has for an additional catering source. My gallery does a lot of business with out-of-town caterers, and would be delighted to have a local resource to support its monthly First Friday events.

From a Hubbard Woods standpoint, it is essential that we continue to find new ways to fill the unprecedented number of empty storefronts in our three-block area. I believe that the space that Boutique Bites is considering has been vacant for six years! While the remaining Hubbard Woods businesses are working hard to continue to attract shoppers to the area, there is no doubt that the many empty stores give the street a blighted look. We are all concerned about the viability of our businesses, as stores continue to leave amidst the general decline in brick and mortar retail and the continued rise in local commercial rents. Most of us have clauses in our leases that require us to share in any property tax increases. As a result, we are now facing large add-ons to our already high rents. I'm not sure how many businesses will be able to weather that blow, and I expect to see more shops close in the near future.

So it's of paramount importance that the Village Council consider the Boutique Bites proposal with the future of the Hubbard Woods business district in mind. Its location here will bring not only new potential customers to the existing businesses, but provide a vote of confidence in the future of the area. More businesses will choose to locate here as a result of their being on the block. It is reassuring that the business is an established one, with an owner who has deep experience and an outstanding reputation. There is no reason that I can see to view their proposal as anything but positive for the area.

I do understand that there have been some concerns raised by residents regarding the potential for noise, litter, parking issues, etc. I hope that the Council will give Boutique Bites the opportunity to address these concerns and will trust that their intention is to be a good neighbor. Most people do not like change, of course. But change there will be – it's up to you to decide if it will be towards the revitalization of Hubbard Woods or towards its further decline.

Best regards,

Cynthia Burr

Cynthia Burr
Owner, Vivid Art Gallery
895 Green Bay Road
Winnetka, IL 60093

p:

www.vividartgallery.net

David Schoon

From: Brian Norkus
Sent: Tuesday, April 30, 2019 4:45 PM
To: David Schoon
Subject: FW: 915 Green Bay Road - concerns and potential solutions
Attachments: Concerned Neighbors and Businesses of 915 Green Bay Road.pdf

From: Ed Gjertsen II [REDACTED]
Sent: Tuesday, April 30, 2019 4:29 PM
To: ContactCouncil
Cc: Brian Norkus; Mrs. Alexandra A Gjertsen
Subject: 915 Green Bay Road - concerns and potential solutions

Dear Mr. Rintz, other Honorable Trustees, and Mr. Norkus,

We have attached a correspondence to assist the Village Council and staff further understand the concerns and potential solutions raised by neighbors and businesses possibly affected by the addition of Boutique Bites, LLC at 915 Green Bay Road.

Thank you in advance for your consideration and deep desire to balance the concerns of Winnetka's residents alongside the desire of business development.

Sincerely,

Ed Gjertsen II
900 Old Green Bay Road

Dear Mr. Rintz, other Honorable Trustees and Mr. Norkus:

We appreciated the opportunity to share our views during the April 16 Village Council meeting in which Trustees discussed the various regulation and ordinance changes necessary to permit Boutique Bites, LLC (“Boutique”) to operate in Hubbard Woods.

We ask the Village Council to consider and address the following during the May 7 meeting when discussions regarding Boutique are scheduled to continue.

Several of the Village Trustees indicated strong support for the surrounding neighbors especially those in adjacent apartments and showed concern that all potentially affected are heard and satisfied. We would welcome the Trustees to consider the following:

- An earnest effort by the Winnetka Village Council to review Chapter 9.16 D 8 of the Code of Ordinances relating to the public nuisance of sound or noise. The majority of Trustees were in favor of improving noise standards that are more objective, clear, and consistently enforceable. It is strongly encouraged that an updated ordinance is in place before issuing an occupancy permit to Boutique.
- Institute a formal review process to include residents, Village staff, police, Village Council members and representatives of Boutique. The scheduled review could occur six-months after an occupancy permit is granted. The process would include reviews of:
 - Adherence to the noise ordinance
 - Valet parking procedures and conformity to the ordinance
 - Formal complaints or other violations
 - Business update from Boutique representative
- Consider Trustee Lanphier’s suggestion of an 11 pm cut off of entertainment.
- Village of Winnetka considers installing an acoustic noise barrier behind the Hubbard Woods Business district along Tower Court.
- Village of Winnetka requires Boutique to include a noise limit provision in its event contracts with customers which is often standard within the industry.

As mentioned, we ask the Village Trustees during the May 7, 2019, Council meeting to address and discuss the following additional items:

- Village Trustees to outline a plan to monitor Boutique’s adherence to Village ordinances and regulations
- Describe what measures and recourse Village Trustees, staff and police would have available should Boutique violate Village ordinances and regulations.
- What circumstances would disallow Boutique to operate at 915 Green Bay Road?

We appreciate the Village Council’s desire to attract business to the Hubbard Woods district and thank you for your consideration and deliberation of the above tenets.

Sincerely,

The Concerned Neighbors and Businesses of 915 Green Bay Road

David Schoon

From: Kelly Appleton [REDACTED] >
Sent: Monday, May 20, 2019 9:49 AM
To: David Schoon
Cc: Brian Norkus
Subject: Support of Boutique Bites in Hubbard Woods

Hello Brian and David,

My name is Kelly Appleton and I am a resident of Hubbard Woods. I am writing to express my support of Boutique Bites in their attempt to relocate to Green Bay road in Hubbard Woods. I have lived in this neighborhood for 31 years and have seen countless businesses open and close along that stretch of retail on Green Bay. The businesses there are crucial to the culture of the neighborhood, and when they change almost annually, it can feel as though there isn't much of a community. An event space, like the one in question, would have the staying power that many retail stores do not have.

I have personally become acquainted with Elaina Vazquez and Boutique Bites, as her space in the West Loop is where I held my own wedding several years ago. The operation Elaina runs deserves all of my praise - she is incredibly professional, respectful and her taste is beyond beautiful. I do not worry that the events that they'd host would be rowdy and disruptive to the neighborhood. She is far too professional for that. They would bring an energy to the area that hasn't existed in my time here and there is no question that their space would fit with (and likely enhance) the neighborhood. I can also imagine it would be great for the other business in the neighborhood to have Elaina's clientele in Hubbard Woods. She would bring introduce a population from the city to the area that might otherwise not come, and would likely patronize other business in the area.

I feel very strongly that this would benefit the neighborhood and will attend the meeting to express these beliefs further.

Thank you for your time.

Sincerely,

Kelly Appleton
[REDACTED] Scott Avenue



Agenda Item Executive Summary

Title: Ordinance No. MC-3-2019: Adopting Parking Regulations (Adoption) and Resolution No. R-38-2019: Establishing Valet Parking Permit Fees and Daily Banquet Parking Permit Fees (Adoption)

Presenter: David Schoon, Community Development Director

Agenda Date: 06/04/2019

Consent: ☐ YES ☒ NO

☒	Ordinance
☒	Resolution
☐	Bid Authorization/Award
☐	Policy Direction
☐	Informational Only

Item History:

01/15/2019 & 02/19/2019 - Village Council considered Applicant's original & amended requests
03/19/2019 - Village Council scheduled to hold public hearing; which was continued at request of applicant.
04/16/19 - Village Council held public hearing- <https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20190416.pdf>
05/07/19 - Village Council scheduled to hold continued public hearing, which was continued at applicant's request.
05/21/19 - Village Council scheduled to hold continued public hearing, which was continued at Council's direction.

Executive Summary:

On June 4, 2019, the Village Council is scheduled to hold a continued public hearing and consider an application submitted by Boutique Bites, LLC (the "Applicant"), as potential lessee of the property located at 915 Green Bay Road (the "Subject Property"), and by 915 Green Bay Road LLC, as owner of the Subject Property (the "Owner"), requesting a text amendment to the Zoning Ordinance or other alternative zoning approvals to allow a banquet and reception hall on the Subject Property. The Applicant's current plans include opening a business on the Subject Property that would contain (1) a retail special food store and café, (2) a banquet and reception hall, and (3) a catering company on the Subject Property (together all three are referred to as the "Facility").

As currently proposed as part of its operations, the proposed banquet and reception hall would use valet parking services and annual daily banquet parking permits. The proposed ordinance would create valet parking regulations and the proposed resolution would establish fees for process valet parking applications and for daily banquet parking permits.

Please see executive summary and staff report for Resolution No. R-37-2019 for further information regarding the creation of the valet parking regulations and establishing related parking fees.

Recommendation:

Ordinance No. MC-3-2019, Adopting Parking Regulations, and Resolution No. R-38-2019, Establishing Valet Parking Permit Fees and Daily Banquet Parking Permit Fees, are presented for adoption in conjunction with with Resolution No. R-37-2019, approving the Banquet Facility.

Attachments:

Attachment A - Ordinance No. MC-3-2019
Attachment B - Resolution No. R-38-2019

Attachment A

ORDINANCE NO. MC-3-2019

AN ORDINANCE AMENDING “THE WINNETKA CODE,” AS AMENDED, TO REGULATE VALET PARKING IN THE VILLAGE

WHEREAS, the Village of Winnetka is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, properly-executed valet parking operations can benefit Village businesses and residents by reducing traffic congestion and providing parking alternatives; and

WHEREAS, poorly-executed valet parking operations threaten vehicular and pedestrian safety, increase traffic congestion, and interfere with Village services; and

WHEREAS, the Village Council has determined that it is necessary to regulate valet parking in the Village to ensure that valet parking be conducted according to best practices and to minimize the potential negative effects of valet parking; and

WHEREAS, the Village Council has determined that it will serve and be in the best interest of the Village and its residents to regulate valet parking in the Village, as set forth in the amendments to "The Winnetka Village Code," as amended ("***Village Code***"), adopted pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF WINNETKA, COOK COUNTY, STATE OF ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village Council.

SECTION TWO: VALET PARKING. Title V, entitled “Business Licenses and Regulations,” of the Village Code shall be, and is hereby, further amended to add a new Chapter 5.76, which shall read as follows:

“Section 5.76.010 Definitions.

Wherever the following words or phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 5.76.010, except when the context otherwise indicates:

- A. “Applicant” means the person who applies for a valet parking permit pursuant to Section 5.76.030 of this Chapter. An applicant may be a person, a single business, or a group of businesses; provided, however, that in the event that a group of businesses desire to jointly provide valet parking services, one business shall be listed as the primary applicant and responsible party for all of the applicant’s obligations under this Chapter.

- B. “Attendant” means a person employed by an applicant or valet parking operator to operate a vehicle in the course of providing valet parking services.
- C. “Customer” means any person granting temporary custody of a motor vehicle to a valet parking operator or attendant for the purpose of valet parking services.
- D. “Stadium parking” means the double or triple parking of vehicles in a manner as to cause one or more vehicles to be “parked in” and not movable without first moving another vehicle.
- E. “Valet parking operator” means a person, firm, or corporation hired by an applicant to provide valet parking services; provided, however, that regular employees of a corporate applicant shall not be considered “valet parking operators”.
- F. “Valet parking permit” means a permit authorizing the regular provision of valet parking services in conjunction with a business located within a commercial district, as identified in the Official Village of Winnetka Zoning Map (“**Zoning Map**”), and issued in accordance with and pursuant to this Chapter.
- G. “Valet parking plan” means a written proposal submitted to the Village in accordance with Section 5.76.030.A.1 of this Chapter as part of an application for a valet parking permit.
- H. “Valet parking service” means, in conjunction with a business located within a commercial district, as identified in the Zoning Map, the receiving, taking temporary custody of, driving, moving, parking, or storing of any vehicle that is left at one location to be driven to another location for parking, whether or not a charge is levied and whether or not done under contract to the business or organization for which the vehicles are being parked or done independently. "Valet parking service" does not include (i) public or private off-street parking operations or facilities in which customers park their own vehicles and remove the keys themselves, or (ii) services conducted in the ordinary course of business by a person, firm, or corporation engaged in the business of motor vehicle sales, service, rental, repair or storage.
- I. “Zoning Code” means the "Winnetka Zoning Ordinance," as amended.

Section 5.76.020 Valet Parking Permit Required.

- A. No person, firm or corporation shall operate a valet parking service that utilizes any public streets, rights-of-way, parking lots, or parking spaces except in accordance with a valid valet parking permit issued by the Village pursuant to this Chapter.

- B. Notwithstanding any provision of this Chapter to the contrary, no valet parking permit shall be required for the operation of valet parking services that (i) are conducted solely on private property, and (ii) do not necessitate usage of any public streets, rights-of-way, parking lots, or parking spaces in the course of providing valet parking services.

Section 5.76.030 Application for Permit.

- A. Application. An applicant for a valet parking permit shall file an application therefor on a form provided by the Village, which application shall include, without limitation, the following:

1. A valet parking plan, which plan must include, without limitation:
 - a. A diagram depicting the proposed traffic pattern to be followed by valet parking operators or their attendants, which diagram shall include the circulation routes to and from the designated drop-off/exchange area and the designated parking area(s);
 - b. A diagram depicting the precise drop-off/exchange area and the placement of any proposed signs, traffic control devices, key stands or kiosks that will be utilized to identify the drop-off/exchange area;
 - c. The proposed hours and days of the week during which valet parking services will be performed;
 - d. The number of attendants that will be utilized to perform valet parking services;
 - e. If applicable, the name, address, and telephone number of the valet parking operator hired by the applicant to provide valet parking services, and the name and telephone number of a primary contact person for the valet parking operator;
 - f. The full name, address, phone number and driver's license number of each attendant employed by the applicant or valet parking operator that will take custody of and operate any customer's vehicle for the purposes of moving it to or from the designated parking area(s);
 - g. Copies of any agreements or other written supporting documentation with any property owners whose property the applicant may use for valet parking services;
 - h. A statement from the owner of the property on which vehicles will be parked by the applicant or valet parking

- operator, if applicable, indicating (i) that privately owned parking spaces are not needed by the property owner or its agents, invitees, licensees, tenants, or other authorized guests of the property owner during the time in which the valet parking services will be provided, (ii) the number of parking spaces approved for use for valet parking services, and (iii) the location of approved spaces;
- i. A parking study demonstrating that (i) the parking spaces proposed to be used in conjunction with the valet parking services will be available during the proposed times of operation of valet parking services, and (ii) any Village-owned parking spaces proposed to be used are otherwise underutilized;
 - j. The proposed parking pattern of vehicles; and
 - k. Photographs of all signs, traffic control devices, key stands or kiosks to be utilized in the provision of valet parking services;
- 2. A plat of survey or legal description of the applicant's property;
 - 3. An acknowledgement, signed by the applicant and in a form acceptable to the Village Attorney, stating that:
 - a. The applicant will comply with all of the provisions of this Chapter and all other applicable sections of the Village Code, including, without limitation, Section 5.76.080 of this Chapter, regarding indemnification of the Village;
 - b. All valet parking services provided pursuant to the valet parking permit will comply with the valet parking plan submitted with the application for the valet parking permit;
 - c. The applicant will pay all fees required by this Chapter; and
 - d. The applicant may be held liable for any violation of this Chapter committed by a valet parking operator or its attendants in the course of providing valet parking services pursuant to a valet parking permit issued to the applicant, pursuant to Section 5.76.080 of this Chapter;
 - 4. An acknowledgment, signed by the applicant, or if the applicant plans use a valet parking operator, an authorized representative of the applicant's valet parking operator, stating that the applicant or the valet parking operator, and their attendants will comply with all of the provisions of this Chapter and all other applicable sections

of the Village Code, including, without limitation, Section 5.76.080 of this Chapter, regarding indemnification of the Village;

5. Proof of liability insurance, in accordance with and pursuant to Section 5.76.060 of this Chapter; and
 6. Payment of the valet parking permit application fee, in the amount set forth in the Annual Fee Resolution.
- B. Payment of Fees. Upon issuance of a valet parking permit, pursuant to Section 5.76.040.A of this Chapter, the applicant shall submit payment of (i) the valet parking permit application fee, (ii) any third-party legal, engineering, and other consulting or administrative fees, costs, and expenses incurred or accrued by the Village in connection with the review and processing of the valet parking permit application, and (iii) any fees imposed for the use of Village-owned parking spaces in the course of the provision of valet parking services, in an amount to be determined by the Village Manager.

Section 5.76.040 Approval or Denial of Permit; Revocation; Amendment.

- A. Approval. Upon receipt of a complete application for a new or renewal valet parking permit, and upon a determination that the application satisfies the standards and conditions set forth in this Chapter, the Village Manager shall approve the application and direct the Village Clerk to issue a valet parking permit to the applicant. The Village Manager may condition approval of the application upon additional provisions or restrictions that are consistent with the provisions set forth in this Chapter.
- B. Denial or Revocation.
1. Grounds for denial or revocation. The Village Manager may revoke an existing valet parking permit or deny an application for a new or renewal valet parking permit, upon a determination that:
 - a. The Village has a need to use the public streets, rights-of-way, parking lots, or parking spaces utilized by the applicant for valet parking services;
 - b. The valet parking service causes traffic or safety problems;
 - c. The applicant or valet parking operator is not an individual or company of good moral character and business responsibility;
 - d. The application contains any false, fraudulent or misleading material statement;

- e. The applicant or valet parking operator has made any false, fraudulent, or misleading material statement in the course of applying for or conducting prior valet parking services in the Village;
 - f. The applicant or valet parking operator has previously violated any statute, ordinance, rule or regulation relating to the provision of valet parking services;
 - g. The applicant or valet parking operator has conducted valet parking services in the Village in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public;
 - h. The parking spaces identified in the valet parking plan are no longer available to the extent necessary for the safe operation of valet parking services; or
 - i. The applicant or valet parking operator does not comply with the approved valet parking plan or any of the conditions in its valet parking permit.
2. Refund of Application Fee. In the event that the Village Manager denies an application for a new or renewal of a valet parking permit, the Village shall refund the application fee to the applicant; provided, however, that the Village shall have the right, but not the obligation, to retain 50 percent of the fee submitted within an application for a valet parking permit pursuant to Section 5.76.030.B of this Chapter, to reimburse the Village for its costs in reviewing and processing the application.
 3. Notification of Denial or Revocation. Upon the revocation of an existing valet parking permit or the denial of an application therefor, the Village Manager, or his or her designee, shall notify the applicant by first-class mail.
 4. Appeal.
 - a. Filing of Appeal. The decision of the Village Manager to revoke a valet parking permit or to deny an application for a new or renewal or valet parking permit may be appealed to the Village Council by filing a Notice of Appeal with the Village Manager. The Notice of Appeal must include a written statement setting forth fully the grounds of appeal, and must be filed within 14 days of the date on which the Village mailed notice of revocation or denial to the applicant pursuant to Section 5.76.040.B of this Chapter.

- b. Scheduling and Notice of Appeal. Any appeal filed pursuant to this Section 5.76.040.B.4.a. shall be heard at a regular meeting of the Village Council within 30 days of the filing of the Notice of Appeal. The Village Manager, or his or her designee, shall notify the appellant of the date and time of Village Council consideration of the appeal by first-class mail.
- c. Village Council Determination. The decision and order of the Village Council on the appeal filed pursuant to this Section 5.76.040.B.4 shall be final.

C. Amendment of Valet Parking Permits.

- 1. By the Permit Holder. A valet parking permit holder may request an amendment to a valet parking permit by submitting to the Village Manager documentation supporting and detailing the reasons for the requested amendment. The Village Manager shall review the request and shall either grant or deny the amendment request, in writing, within 30 days of the date of submission of the amendment request. In the event that the Village Manager denies the amendment request, he or she shall set forth the reasons for such denial in writing. The failure of the Village Manager to grant or deny a valet parking permit amendment request within 30 days of the date of submission thereof shall be deemed a denial of the request.
- 2. By the Village.
 - a. The Village Manager may initiate a valet parking permit amendment by providing (i) written notice to the applicant, and (ii) a statement setting forth the reasons for the amendment.
 - b. The applicant shall have 30 days from the date of receipt of the written notice provided pursuant to Section 5.76.040.C.2.a of this Chapter to either (i) accept the proposed amendments, or (ii) request a meeting with the Village Manager to discuss the proposed amendments, which meeting must be conducted within 30 days of the applicant's request for the meeting.
 - c. The amendments recommended by the Village Manager shall be effective upon the later to occur of (i) the date that is 30 days after the date of receipt of the written notice provided pursuant to this Section 5.76.040.C.2.a of this Chapter, and (ii) the date of the meeting between the

Village Manager and the applicant conducted pursuant to Section 5.76.040.C.2.b of this Chapter.

- d. An applicant may appeal any valet parking permit amendment enacted by the Village Manager according to the procedure set forth in Section 5.76.040.B.4 of this Chapter.

Section 5.76.050 Valet Parking Permit Term.

- A. A valet parking permit issued pursuant to this Chapter shall be valid only for one calendar year from the date of issuance of the permit.
- B. Renewal of a valet parking permit shall be submitted to the Village not later than 90 days prior to the expiration of the applicant's existing valet parking permit.

Section 5.76.060 Liability Insurance Required.

- A. The applicant or valet parking operator, if a valet parking operator is retained by an applicant, shall maintain at all times (i) general liability insurance covering all locations at which the valet parking services are or will be operated, in the minimum amounts of \$1,000,000 per occurrence for bodily injury and property damage (Combined Single Limit), and (ii) a \$1,000,000 umbrella insurance policy.
- B. The insurance policy required pursuant to this Section 5.76.060 shall be for a term at least coextensive with the duration of the valid valet parking permit issued to the valet parking operator and shall not be subject to cancellation, except upon 30 days prior notice to the Village.
- C. Upon termination or lapse of the applicant's or valet parking operator's insurance coverage, any permit issued to the permit holder shall automatically expire.

Section 5.76.070 Conduct of Valet Parking Operations.

- A. The applicant and the valet parking operator shall ensure that attendants park all cars entrusted to the applicant and the valet parking operator in secure and legal parking places and in accordance with the approved valet parking plan and the provisions of this Chapter.
- B. The applicant and the valet parking operator shall sign a statement indicating they will perform a driver's license check on all valet parking operators and attendants to ensure that operators and attendants possess valid driver's licenses issued by any state.

- C. The applicant, valet parking operator, and their respective attendants shall, when conducting a valet parking operation, wear a clearly legible patch, insignia, or badge on the clothing identifying the name of the valet parking operator.
- D. Temporary Signs and Devices.
 - 1. No temporary signs or devices designating valet parking spaces may be used other than those approved by the Village as part of the submitted valet parking plan.
 - 2. Portable Traffic Control Devices. Valet parking spaces may be designated with portable traffic control devices (including, without limitation, cones), provided that the devices (i) are not greater than four feet in height, (ii) are placed in the valet parking spaces no earlier than two hours ~~one hour~~ before valet parking services begin, (iii) are removed immediately upon cessation of valet parking services, and (iv) do not obstruct designated traffic lanes.
 - 3. All signs utilized in conjunction with valet parking services must comply with (i) Chapter 15.60 Signs of the Village Code, and (ii) the Manual on Uniform Traffic Control Devices; provided, however, that a valet parking operator may utilize one “A-frame” type sign, no larger than 24” x 36” including supports elements, for the purpose of providing notification of the valet parking service and fee at the established exchange area, which signs may be placed no earlier than two hours before valet parking services begin and must be removed immediately upon cessation of valet parking services.
 - 4. The valet stand sign must include a message encouraging customers to remove all valuables from view within the vehicle.
- E. Valet parking services shall not impede circulation in parking lots or on public rights-of-way.
- F. Stadium parking may only be used in conjunction with valet parking services if (i) the stadium parking does not impede vehicular circulation, and (ii) is part of an approved valet parking plan.
- G. In the event that off-site property is used for valet parking, as shown on an approved valet parking plan, and the owner of the off-site property revokes or otherwise abrogates the use of that off-site property for valet parking, the applicant must (i) cease all valet parking services, and (ii) submit an amended valet parking plan, pursuant to Section 5.76.040.C of this Chapter, within 30 days of the revocation or abrogation of the use of the off-site property. The applicant shall not resume valet parking services

until the amended valet parking plan is approved by the Village Manager in accordance with Section 5.76.040.C of this Chapter.

- H. Valet parking services may only be conducted in those areas identified in an approved valet parking plan; provided, however, that in the event that all of the parking spaces identified in the valet parking plan are otherwise in use, valet parking services may temporarily use other available spaces in any parking lot identified in the valet parking plan, pursuant to the following conditions and restrictions:
1. Parking spaces not identified in the approved valet parking plan may not be reserved for temporary use at any time;
 2. The applicant, valet parking operator, and their respective attendants shall cease use of all parking spaces not identified in the valet parking plan immediately upon the vacation of any parking spaces identified in the valet parking plan;
 3. The applicant, valet parking operator, and their respective attendants shall not cause a vehicle to be parked in any on-street parking space, except pursuant to a valet parking plan approved by the Village specifically authorizing such use; and
 4. In the event that, at any time, valet parking services exceed the capacity identified within an approved valet parking plan, the applicant shall submit an amended valet parking plan within 15 days to the Village Manager, pursuant to Section 5.76.040.C of this Chapter.
- I. No vehicle may be stored or parked in the drop-off/exchange area for longer than three minutes.
- J. Key stands or kiosks may be used in conjunction with valet parking services only upon satisfaction of all of the following conditions:
1. The key stand or kiosk shall be portable;
 2. The key stand or kiosk shall be placed in operation and in view of the public no earlier than one hour before valet parking services commence;
 3. The key stand or kiosk must be removed from the view of the public immediately upon cessation of valet parking services; and
 4. The key stand or kiosk may not impede pedestrian or traffic circulation, nor create a driver view obstruction; and

5. The key stand or kiosk shall be placed only in front of the business for which the valet parking service is being provided, unless a waiver of this requirement is granted by the Village Manager.
- K. No applicant, valet parking operator, or their respective attendants shall drive or park any vehicle in a manner that violates any traffic or parking statutes, ordinances, rules or regulations.
- L. The applicant, valet parking operator, and their respective attendants shall remove all keys or key fobs from a vehicle and shall lock all vehicles when the attendant is not in the vehicle.
- M. The applicant and valet parking operator shall only employ attendants whose information was provided in the valet parking plan. No new attendant or employee may be utilized for valet parking services prior to providing the Chief of Police with the new employee's driver's license number ~~and approval following a background check.~~
- N. Every applicant and valet parking operator shall cause to be placed on the dashboard of each customer's vehicle, in a manner so as to be conspicuously visible through the windshield of the customer's vehicle, a ticket identifying the name and phone number of the valet parking operator.
- O. All valet parking attendants must, upon taking custody of a customer's vehicle, issue a numbered receipt to each customer, which receipt must (i) identify the name, address, and telephone number of the applicant, or if the applicant has retained a valet parking operator, the name, address, and telephone number of valet parking operator, (ii) state that the applicant or valet parking operator possesses liability insurance as required by this Chapter, and (iii) identify the charge for the valet parking service.
- P. Valet parking services may not be denied to any customer in any discriminatory manner or on the basis of businesses or establishments that any customer may be intending to patronize.
- Q. In the event that the applicant represents a group of businesses jointly providing valet parking services, the valet parking service shall not be offered from more than one central drop-off/exchange area.
- R. Valet parking services may only be provided in a manner consistent with the off-street parking requirements set forth in the Zoning Code.

Section 5.76.080 Indemnification of Village.

All applicants and valet parking operators shall hold harmless and indemnify the Village and all Village elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys from any and all claims that may be

asserted at any time against any of such parties arising out of or in connection with valet parking services or the permit application process required by this Chapter, including, without limitation, claims for property damage, personal injury or death.

Section 5.76.090 Enforcement and Penalties.

- A. Any valet parking operator, attendant, employee or other agent of the applicant who violates the conditions of a valet parking permit by (a) parking a vehicle in a non-designated parking area; (b) picking-up or dropping-off a customer's vehicle in a non-designated drop-off/exchange area; or (c) driving a customer's vehicle on a non-designated route between the designated drop-off/exchange area and the designated parking area(s) shall be fined per the schedule of fines for parking violations listed in the Municipal Code - Section 10.24.110 Parking violations – Owner's responsibility - - Definitions—Penalties—Pre-court payment—Final Notice. Any person who violates any other provision of this Chapter, who makes a false statement in obtaining a valet parking permit pursuant to this Chapter, or who violates any other condition of a valet parking permit granted pursuant to this Chapter, shall be fined not less than \$25.00 no more than \$750.00 for each offense.
- B. Any violation of this Chapter by any valet parking operator, attendant, employee or other agent of the applicant shall also be deemed and held to be the act of the applicant, which applicant shall be punishable in the same manner as if the violation had been committed by the applicant itself.
- C. The terms and provisions of this Chapter shall not be deemed or interpreted as superseding or preempting any agreement concerning valet parking executed and approved by the Village prior to _____, 2019, being the date of adoption of this Chapter."

SECTION THREE: PUBLICATION. The Village Clerk shall be, and is hereby, directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2019.

Introduced: April 16, 2019

Passed and Approved: June 4th, 2019

**A RESOLUTION ESTABLISHING THE FEES
FOR THE PROCESSING OF A VALET PARKING PERMIT APPLICATION
AND BANQUET PARKING PERMITS**

WHEREAS, the Village of Winnetka ("**Village**") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to Section 5.76.030 of the Winnetka Village Code ("**Village Code**"), an application for a valet parking permit shall be accompanied with valet parking permit application fee ("**Valet Parking Permit Application Fee**"); and

WHEREAS, pursuant to Section 5.76.030 of the Village Code, the Village may set fees for parking in pay-parking zonings; and

WHEREAS, the Village has determined that it would be more efficient to create a fee for banquet parking permits that may be purchased by operators and guests of banquet and reception halls ("**Banquet Parking Permit Fee**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to set the Valet Parking Permit Application Fee and Banquet Parking Permit Fee in accordance with this Resolution;

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby adopted as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: ESTABLISHMENT OF VALET PARKING PERMIT APPLICATION FEE. The following fee is hereby established to process a valet parking permit application:

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Application Fee for Valet Parking Permit	\$250.00	5.76.030

SECTION 3: ESTABLISHMENT OF BANQUET PARKING PERMIT FEE. The following fee is hereby established for the purchase of a Banquet Parking Permit:

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Banquet Parking Permit	\$3.00	5.76.030

SECTION 4: EFFECTIVE DATE. This resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this ____ day of June, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Ordinance No. MC-4-2019: Amending Liquor Code (Adoption)

Presenter: Marc Hornstein, Chief of Police and Peter Friedman, Village Attorney

Agenda Date:

06/04/2019

☒

Ordinance

☐

Resolution

☐

Bid Authorization/Award

☐

Policy Direction

☐

Informational Only

Consent:

☐

YES

☒

NO

Item History:

Ordinance No. MC-4-2019 was introduced on April 16, 2019

Executive Summary:

On April 1, 2019, Boutique Bites, LLC applied for a liquor license with the Village. Boutique Bites business model includes the retail sale and service of alcoholic beverages by banquet and reception halls. The business model also included a speciality food store and beverage shop within the premises. The current classification of liquor licenses under Village code do not encompass the business model presented by the applicant.

The Village Attorney prepared a draft proposed amendment that would update the liquor code and create a new Class Y License.

A Class Y liquor license authorizes the retail sale of alcoholic beverages by banquet and reception halls. A banquet and reception hall is defined as a facility rented out for private events, which involves the service of food prepared on-site and seating is provided at tables along the sidewalk that occupy no less than 75 percent of the street frontage of the building space occupied by the banquet and reception hall. The license shall authorize the retail sale and service of alcoholic beverages for on-premises consumption in both the banquet space and specialty food store and beverage shop portion of the banquet or reception hall; and the packaged sale of the alcoholic beverages for off-premises consumption from the portion of the banquet and reception hall used as a food store and beverage shop.

Recommendation:

Consider adoption of Ordinance No. MC-4-2019, Amending the Winnetka Village Code to create a new Class Y liquor license classification.

Attachments:

1) Ordinance No. MC-4-2019

**AN ORDINANCE AMENDING THE WINNETKA VILLAGE CODE
TO CREATE A LIQUOR LICENSE CLASSIFICATION FOR
BANQUET AND RECEPTION HALLS**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Chapter 5.09 of the Winnetka Village Code ("***Village Code***") regulates the sale of alcoholic beverages within the Village ("***Liquor Control Regulations***"); and

WHEREAS, the Liquor Control Regulations require, among other things, any establishment that desires to sell alcoholic beverages within the Village to first obtain a license from the Village; and

WHEREAS, Section 5.09.100 of the Liquor Regulations establishes various liquor license classifications that authorize the sale of alcoholic beverages by certain types of establishments, subject to conditions; and

WHEREAS, the Village does not have a liquor license classifications for banquet and reception halls; and

WHEREAS, the Village desires to amend Section 5.09.100 of the Village Code to establish a liquor license classification to authorize the retail sale and service of alcoholic beverages by banquet and reception halls ("***Proposed Amendment***"); and

WHEREAS, the Village Council has determined that adoption of the Proposed Amendment as set forth in this Ordinance is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Section as the findings of the Village Council, as if fully set forth herein.

SECTION 2: CLASSIFICATION OF LICENSES. Section 5.09.100, titled "Classification of Licenses," of Chapter 5.09, titled "Liquor Control Regulations," of Title 5, titled "Business Licenses and Regulations," of the Village Code is hereby amended to read as follows:

“Section 5.09.100 Classification of Licenses.

* * *

T. Class Y Licenses. Class Y licenses authorize the retail sale and service of alcoholic beverages by banquet and reception halls. For purposes of this Section, a banquet and reception hall is: (i) a facility rented out for private events, which involves the service of food prepared on-site and seating is provided at tables; and (ii) has a restaurant or specialty food store and beverage shop located along the sidewalk that occupies no less than 75 percent of the street frontage of the building space occupied by the banquet and reception hall. Such license shall authorize: (x) the retail sale and service of alcoholic beverages for on-premises consumption in both the banquet space and specialty food store and beverage shop portion of the banquet or reception hall; and (y) the packaged sale of alcoholic beverages for off-premises consumption from the portion of the banquet and reception hall used as a food store and beverage shop.

* * *

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2019.

Introduced: April 16, 2019

Passed and Approved: June 4th, 2019

June 4, 2019

MC-4-2019



Agenda Item Executive Summary

Title: Resolution No. R-39-2019: Approving a Class Y Liquor License for Boutique Bites (Adoption)

Presenter: Marc Hornstein, Chief of Police and Peter Friedman, Village Attorney

Agenda Date: 06/04/2019

Consent: ☐ YES ☒ NO

☐ Ordinance
☒ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

Resolution No. R-39-2019 was introduced on April 16, 2019

Executive Summary:

Boutique Bites, LLC submitted an application for liquor license and desires to open a banquet and reception hall with a specialty food store and beverage shop on the premises operating under the name "Boutique Bites" at 915 Green Bay Road. Based on the business model presented by Boutique Bites, the applicant is being considered for a newly created Class Y liquor license.

A Class Y license would authorize the retail sale and service of alcoholic beverages by banquet and reception halls. A banquet and reception hall is defined as a facility rented out for private events, which involves the service of food prepared on-site and seating is provided at tables along the sidewalk that occupy no less than 75 percent of the street frontage of the building space occupied by the banquet and reception hall. The license shall authorize the retail sale and service of alcoholic beverages for on-premises consumption in both the banquet space and specialty food store and beverage shop portion of the banquet or reception hall; and the packaged sale of the alcoholic beverages for off-premises consumption from the portion of the banquet and reception hall used as a food store and beverage shop.

If approved, Resolution No. R-39-2019 will grant the requested liquor license, subject to the following conditions: (i) completion of the liquor license application background investigation by the police department; (ii) final inspection and approval of the premises; (iii) issuance of a certificate of occupancy for the premises. The resolution will also update the appendix to Chapter 5.09 of the Village Code that sets forth all authorized licenses by classification, which is attached to the Resolution as Exhibit A.

Recommendation:

Consider adopting Resolution No. R-39-2019, Approving and Authorizing a Class Y Liquor License for Boutique Bites, LLC (915 Green Bay Road).

Attachments:

1) Resolution No. R-39-2019

RESOLUTION NO. R-39-2019

**A RESOLUTION APPROVING AND AUTHORIZING A CLASS Y
LIQUOR LICENSE FOR BOUTIQUE BITES, LLC
(915 Green Bay Road)**

WHEREAS, the Village of Winnetka (“**Village**”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, Boutique Bites, LLC (“**Applicant**”) is the proposed lessee of the property commonly known as 915 Green Bay Road in the Village (“**Property**”); and

WHEREAS, the Applicant desires to operate a banquet and reception hall with a specialty food store and beverage shop on the Property known as Boutique Bites (“**Business**”); and

WHEREAS, pursuant to Section 5.09.100 of the Winnetka Village Code, on April 1st, 2019, the Applicant submitted an application to the Village for a Class Y liquor license (“**Liquor License**”) for the Business; and

WHEREAS, the Council of the Village of Winnetka (“**Village Council**”) has determined that it is in the best interest of the Village to approve and authorize the issuance of the Liquor License to the Applicant for the Business;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL AND AUTHORIZATION OF LIQUOR LICENSE. The Village Council hereby approves and authorizes the issuance of the Liquor License to the Applicant for the Business.

SECTION 3: AMENDMENT TO AUTHORIZED LIQUOR LICENSES. Pursuant to Section 5.09.030 of the Village Code, the Village Council hereby amends the Appendix to Winnetka Village Code Chapter 5.09 to read as set forth in **Exhibit A** attached to and, by this reference, made a part of this Resolution.

SECTION 4: EFFECTIVE DATE. This Resolution will be in full force and effect from and after:

- A. Its passage and approval according to law;
- B. Approval of final inspection of the Business by the Village Chief of Police, or his designee;

- C. Completion of a criminal background check of the Applicant by the Village Chief of Police, or his designee; and
- D. Issuance of a certificate of occupancy for the Property.

ADOPTED this 4th day June, 2019, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

APPENDIX TO WINNETKA VILLAGE CODE CHAPTER 5.09

Authorized Liquor Licenses

Classification	Issued	Licensee
A	4	Kyoto Michael Little Lan's Café Aroma
A-1	10	Avli Restaurant Little Ricky's Bad Dog House, LLC (Stacked and Folded) Trifecta Grill/The 21 Club Fred's Garage, LLC Mino's, LLC Paradise Food Italia, LLC FFMM, Inc. (George Trois & Aboyer)
A-2	1	Grateful Bites Pizza Shoppe, LLC
A-3	0	
A-4	0	
A-5	0	
B	3	Grand Food Center Lakeside Foods
C	Unlimited	Issued on an event-by-event basis
D	3	Acute Angle Wines Good Grapes Albatross Wine Company, LLC
E	0	
E-1	0	
E-2	1	Good Grapes
F	1	Starbucks
P	1	Winnetka Park District
Wine Station Rider	1	Trifecta Grill/The 21 Club
<u>Y</u>	<u>1</u>	<u>Boutique Bites, LLC</u>

[Deleted language is struck through; inserted language is double underlined.]



Agenda Item Executive Summary

Title: Ordinance No. MC-5-2019: Adoption of Model Building Codes & Local Amendments (Adoption)

Presenter: David Schoon, Community Development Director, and Alan Berskowsky, Fire Chief

Agenda Date: 06/04/2019

Consent: ☐ YES ☒ NO

☒ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

5/21/2019 - Village Council reviewed Ordinance MC-5-2019 & approved introduction of ordinance. (<https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20190521.pdf>)

Executive Summary:

On June 4, 2019, the Village Council will consider adoption of Ordinance No. MC-5-2019, An Ordinance Amending "The Winnetka Code," as Amended, to Adopt the 2015 Editions of Various International Code Council Codes and National Fire Protection Association Codes and Standards". This ordinance amends the Village's various building, fire, and safety codes to make them more current.

Attached is a separate staff report further summarizing the Council's May 21 discussion of the model codes and proposed local amendments to these codes.

Recommendation:

Consider adoption of Ordinance No. MC-5-2019, adopting the identified model codes, as amended, as the Building Code of the Village of Winnetka.

Attachments:

May 30, 2019, Village Staff Report

Attachment A: Ordinance No. MC-5-2019

Attachment B: Village Staff Report and Attachment for May 21, 2019, Village Council Meeting

Attachment C: Village Attorney Memorandum: Landowner Enforcement of Municipal Code

Attachment D: Village Prosecutor Memorandum: Adoption of 2015 IPMC Inclusive of Residential Property



MEMORANDUM VILLAGE OF WINNETKA

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, COMMUNITY DEVELOPER DIRECTOR
DATE: MAY 30, 2019
SUBJECT: ORDINANCE NO. MC-5-2019 – UPDATED MODEL BUILDING CODES

INTRODUCTION & PREVIOUS COUNCIL DISCUSSION

On June 4, 2019, the Village Council will consider adoption of Ordinance No. MC-5-2019, An Ordinance Amending “The Winnetka Code,” as Amended, to Adopt the 2015 Edition of Various International Code Council Codes and National Fire Protection Association Codes and Standards” (Attachment A).

At the May 21, 2019, Village Council meeting, the Council allowed for public comment and discussed the proposed amendments. (See Attachment B for a copy of the staff report from that meeting.) After staff presented an overview of the model codes and proposed local amendments, the bulk of the Council’s discussion focused on amending the Village Code so that the International Property Maintenance Code (IPMC) would apply to all properties, residential and nonresidential, in the community. Currently it does not apply to (a) buildings or structures located within any single family zoning district; (b) residential condominium buildings or units; (c) townhouses or one- or two-family residential buildings located in any multi-family or commercial zoning districts. The concern was expressed that the Village may be drawn into disputes between neighbors through property maintenance complaints being filed on each other. Trustees also discussed the concept of establishing a hardship appeal process for those property owners that have been informed that their property is in violation of the IPMC but have financial difficulties bringing their property into compliance.

After discussing the issue, the Council adopted introduction of the Ordinance. President Rintz also asked Council members to forward any additional questions to Village staff prior to the next meeting. Since the May 21 meeting, staff did receive one set of comments from Trustee Dearborn regarding potential financial impacts to residents and/or businesses as a result of changes brought about by the adoption of the Ordinance as well as any changes that will cause a resident and/or business hardship to the extent that they will be required to make changes to existing or future facilities. Staff will be preparing a response to share with the Council at the June 4 meeting.

INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

As the Village Council continues its discussion regarding the IPMC, staff thought it may be helpful to provide some additional information regarding the property maintenance enforcement process, comments from nearby communities that have adopted the IPMC code and enforce it on residential properties, thoughts from the Village Prosecutor regarding the benefits of using the IPMC for property maintenance, an opinion from the Village Attorney regarding enforcement of property maintenance regulations, and information regarding the Village’s current appeal process and how to incorporate a financial hardship appeal.

Property Maintenance Enforcement Process.

The following is a general summary of steps involved with the Village's enforcement of non-emergency property maintenance complaints.

1. Village receives a complaint.
2. Village inspects site to confirm violation.
3. If a violation exists, Village contacts property owner, by phone/in-person and if compliance will take a lengthy amount of time with which to comply or the property owner ignores the Village's attempt to communicate, the Village will follow-up with a notice of violation letter.
4. If the owner is responsive, the Village works with an owner on compliance, as the Village's ultimate goal is compliance, not to collect a fine. As long as the owner continues to show progress towards bringing the property into compliance, the Village will continue to work with the owner. Depending upon the type of violation this can take several months.
5. If the owner is not responsive, the Village will issue a citation for the owner to appear in the Circuit Court of Cook County.
6. The Village will appear in court requesting that the court order the property owner to bring their property in compliance. If the Court concurs with the Village's request, the Court will order that the property be brought into compliance. As long as the owner continues to show they are making a good faith effort to bring the property into compliance, the court will more often than not continue the case to provide the property owner with additional time to come into compliance.

Other Communities. Staff reached out to the Community Development staff at the villages of Wilmette and Northfield regarding their respective adoptions and use of the IPMC. Northfield adopted the 2012 IPMC in 2013. They have found that it has worked well for them as they no longer need to rely on the very general language of their nuisance regulations. It has allowed them to be clearer with property owners regarding compliance issues and has helped with resolving issues through their local adjudication process. Wilmette adopted the 2006 IPMC in 2016. Moving from the use of their nuisance code, which was ambiguous, to the IPMC, which is more specific, has made it easier for them to more clearly identify and explain property maintenance issues to property owners and to work with them regarding resolving issues. They also volunteered that the adoption of the IPMC has not resulted in more violations or writing of more citations.

Village Attorney. The Village Attorney has provided the attached memorandum in response to a concern that was raised regarding the extent to which clearer codes could subject the Village to additional litigation risks when a dispute arises among neighboring property owners over the Village's code enforcement decisions.

Village Prosecutor. We also asked the Village Prosecutor to provide her thoughts regarding moving from the Village Nuisance Code to the IPMC. She has provided the attached memo summarizing her thoughts and expressing support for expanding the applicability of the IPMC to all residential properties. In summary, the IPMC provides clearer standards and less ambiguity than the general nuisance standards. This allows the Village to be clearer with a property owner in terms of the Village's expectations for compliance.

Financial Hardship Appeal. As was previously mentioned, Trustees expressed an interest establishing a hardship appeal process for those individuals that have received a notice that their property is in violation of the IPMC but who may be facing financial challenges that prevent them from coming into compliance in a timely fashion.

With a notice of violation the Village specifies a date by which the property must be brought into compliance. As previously noted, as long as the property owner is making progress towards compliance staff will work with them. If a property owner has financial difficulties, staff will refer them to other resources such as Rebuilding Together or will try to identify a family member that may be able to assist. However, when the property owner is no longer making progress, staff will give them a final compliance date, and if compliance is not met by that date, the Village will issue a citation.

Currently the Village's appeal process, which can be found in Appendix 1 at the end of this staff report, only provides a property owner with an opportunity to file an appeal *"on a claim that the true intent of this code or the rules legally adopted under this code have been incorrectly interpreted, that provisions of this code do not fully apply, or that equivalent form of construction is to be used."* (This appeal process is used not only for the IPMC but other model building codes, excluding those related to related to fire prevention and safety codes of Chapter 15.16.) The appeal must be filed within 21 days of the Building Officer's decision, and the appeal is heard by the Building and Zoning Board of Appeals, which is also the Village's Zoning Board of Appeals. The property owner can also appeal the Building and Zoning Board of Appeals decision to the Village Council.

The appeal process currently does not allow a respondent to file a financial hardship appeal. Given the interest that was expressed at the last meeting, Staff has amended the draft ordinance to include the following wording: *"An application may also be filed with the Building and Zoning Board of Appeals within twenty-one (21) days of the Building Officer's decision regarding a property maintenance violation of the requirements of Chapter 15.08 of the Village Code from which relief is sought requesting a reasonable extension of time to correct a violation based upon a showing of extreme financial hardship."*

RECOMMENDATION

Consider adoption of Ordinance MC-5-2019 adopting the identified model codes, as amended, as the Building Code of the Village of Winnetka. The amended Building Code would go into effect 60-days from the Council's adoption of the Code.

ATTACHMENTS

- Attachment A: Ordinance MC-5-2019, An Ordinance Amending "The Winnetka Code," as Amended, to Adopt the 2015 Editions of Various International Code Council Codes and National Fire Protection Association Codes and Standards.
- Attachment B: Village Staff Report and Attachment for May 21, 2019, Village Council Meeting
- Attachment C: Village Attorney Memorandum Regarding Landowner Enforcement of Municipal Code
- Attachment D: Village Prosecutor Memorandum Regarding Adoption of 2015 IPMC Inclusive of Residential Property

Appendix 1

Chapter 15.72 Appeals

(Current Process)

Section 15.72.010 Administrative Appeals.

The Building and Zoning Board of Appeals created in Section 3.44.010(A) of this code shall hear and decide appeals from and may review any order, requirement, decision or determination made by any Building Officer under any of the following provisions of this title:

Sections 15.32.080(G), 15.44.080, 15.08.010, 15.44.120 and 15.44.130 and Chapter 15.54. The Building and Zoning Board of Appeals shall follow the procedures set forth in Chapter 3.44 of this code and in any rules or regulations adopted by the Board pursuant to Chapter 3.44.

(MC-5-2010, § 7, Amended 10/19/2010; MC-5-2009, Amended, 05/05/2009)

Section 15.72.020 Application for Appeal.

Any person affected by a decision of a Building Officer shall have the right to appeal that decision to the Building and Zoning Board of Appeals created by Section 3.44.010 of this code. An application for appeal shall be filed within twenty-one (21) days of the Building Officer's decision from which relief is sought and shall be based on a claim that the true intent of this code or the rules legally adopted under this code have been incorrectly interpreted, that the provisions of this code do not fully apply, or that an equivalent form of construction is to be used.

(MC-5-2009, Amended, 05/05/2009)

Section 15.72.030 Effect of Appeal.

An appeal shall stay all proceedings in furtherance of the decision or action from which the appeal is taken, unless the Building Officer from whose action or decision the appeal is taken certifies to the Board, after receiving the notice of appeal, that by reason of facts stated in the certification a stay would, in the opinion of the Director, cause imminent peril to life or property. In such event, the proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a Judge of the Circuit Court of Cook County on application of the party seeking the stay and upon notice to the Building Officer from whose decision or action the appeal is taken, and on due cause shown.

(MC-5-2009, Amended, 05/05/2009)

Section 15.72.040 Hearing and Decision on Appeal.

The Building and Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and shall give due notice to the person taking the appeal and to the Building Officer. Any party may appear at the hearing in person, by agent or by attorney. The Building and Zoning Board of Appeals shall decide the appeal within a reasonable time. The Building and Zoning Board of Appeals may vary the application of any provision of the above-listed sections of Title 15 of this code to any particular case when, in its opinion, the interpretation of the Building Officer should be modified and reversed. A decision of the Building and Zoning Board of Appeals to vary the application of any provision of the code or to modify an order of the Building Officer, shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons for such variation or modification. The Building and Zoning Board of Appeals shall in every case reach its decision to affirm, modify or reverse without unreasonable or unnecessary delay. Every final decision of the Building and Zoning Board of Appeals shall be in writing and shall indicate the vote upon the decision.

(MC-5-2009, Amended, 05/05/2009)

Section 15.72.050 Review by the Village Council.

Any decision of the Building and Zoning Board of Appeals affirming, modifying or reversing any order, requirement, decision or determination made by a Building Officer may be appealed to the Village

Council by any person who participated in the appeal before the Building and Zoning Board of Appeals. The written request for appeal shall be made in writing and shall be submitted to the Building and Zoning Board of Appeals within seven days of its decision. The Village Council shall render its decision without unreasonable or unnecessary delay within thirty (30) days of the day of such written appeal, and its decision in the matter shall be final.

(MC-5-2009, Amended, 05/05/2009; prior code § 23.37)

ORDINANCE NO. MC-5-2019

**AN ORDINANCE AMENDING "THE WINNETKA CODE," AS AMENDED,
TO ADOPT THE 2015 EDITIONS OF VARIOUS INTERNATIONAL CODE COUNCIL
CODES AND NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
CODES AND STANDARDS**

WHEREAS, the Village of Winnetka is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution and the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village has previously adopted, and has amended from time to time, the 2008/2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code, International Existing Building Code, the International Fire Code, and the International Pool and Spa Code, as published by the International Code Council, Inc., and the National Electric Code, Life Safety Code, Standards for Installation of Automatic Sprinkler Systems, Standards for the Installation of Standpipe and Hose Systems, and the National Fire Alarm and Signal Code, as published by the National Fire Protection Association ("**NFPA**") (collectively, "**Codes**"); and

WHEREAS, the Village desires to amend "The Winnetka Code," as amended ("**Village Code**"), to adopt the 2015 and 2016, as applicable, editions of the Codes (collectively, "**Updated Codes**") and remove duplicative or unnecessary provisions; and

WHEREAS, pursuant to Section 1-3-2 of the Illinois Municipal Code, 65 ILCS 5/1-3-2, three copies each of the Updated Codes have been on file in the office of the Village Clerk for more 30 days, and will remain on file for public use, examination, and inspection; and

WHEREAS, pursuant to Section 1-3-2 of the Illinois Municipal Code and the Village's home rule powers, the Village Council has determined that it will serve and be in the best interests of the Village and its residents to amend the Village Code to adopt the Updated Codes with amendments, as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the Village Board.

SECTION 2: GENERAL REQUIREMENTS FOR AUTOMATIC ALARM AND FIRE DETECTION SYSTEMS, AND SMOKE DETECTORS. Section 8.04.010, titled "General requirements for automatic alarm and fire detection systems, and smoke detectors," of Article 8, titled "Healthy and Safety," of the Village Code is hereby amended to read as follows:

“Section 8.04.010 General requirements for automatic alarm and fire detection systems, and smoke detectors.

- A. Automatic alarm and fire detection systems. All automatic alarm and fire detection systems shall be subject to the provisions of this Chapter 8.04. In addition, ~~except as provided in Section 15.16.050 (A)(2) of this code,~~ all automatic alarm and fire detection systems shall be installed in accordance with the standards set forth in NFPA Publication 72, National Fire Alarm Code, ~~2010~~ **2016** Edition, in any building used for all occupancies described in subsections ~~(A)(2)(a) through (A)(2)(h)~~ **(A)(1) through (A)(8)** of Section 15.16.050 of this code.
- B. Smoke detectors. Residential smoke detectors shall be supplied and installed in accordance with the "Illinois Smoke Detector Act," 425 ILCS 60/1, et seq., **and the International Residential Code, 2015 edition.** ~~except that an approved smoke detector shall also be installed in each sleeping room. As used in the Illinois Smoke Detector Act, the term "substantially remodeled" means the installation of new electrical wiring throughout the dwelling unit regardless of the cost of such wiring, and any work to repair, restore, renovate, remodel or increase the size of a dwelling unit if the cost of such work exceeds fifty (50) percent of the value of the existing dwelling unit. Notwithstanding any exceptions stated in the Illinois Smoke Detector Act to the contrary, the smoke detectors required for any newly constructed addition to a dwelling unit shall be permanently wired into the addition's AC power line, and if more than one detector is required to be installed in the addition, the detectors shall be wired so that the actuation of one detector will actuate all the detectors in the addition.~~
- C. Exception to fire detection system requirement. No automatic fire detection system shall be required in any room or portion of a building which is equipped with an approved installation of an automatic fire extinguishing system except where it is determined by the Fire Chief that early warning is necessary for life safety.
- D. Emergency key access requirement. The owner of any building or structure that is not a single-family or two-family dwelling and that is protected by an automatic sprinkler system and/or an automatic fire detection system shall purchase, install and maintain an emergency key access system consisting of a locked box of a type and in a location prescribed by the Fire Chief. The key box shall contain:
 - 1. Keys to locked points of ingress whether on the interior or exterior of such building or structure;
 - 2. Keys to locked mechanical equipment rooms;

Additions are bold and double-underlined; ~~deletions are struck through.~~

3. Keys to locked electrical equipment rooms;
4. Keys to elevator controls;
5. Keys to the fire alarm equipment; and
6. Keys to other areas as directed by the Fire Chief.

E. **Emergency key access to gates. Security gates restricting access to private residences shall provide, install and maintain a “Knox” emergency key access system, with either a key box or key switch, allowing first responders access to the property and residence thereon.**

SECTION 3: DEFINITIONS. Section 8.04.020, titled “Definitions,” of Article 8, titled “Healthy and Safety,” of the Village Code is hereby amended to read as follows:

“Section 8.04.020 Definitions.

For the purpose of this chapter, the following terms shall have the meaning given in this section:

- A. Alarm system. "Alarm system" means manual and automatic electronic equipment, and all components of such equipment including any telephone lines, arranged to detect activity at a premises or produce electronic, visual or audible signals to summon Police or Fire Department response. "Alarm system" includes systems commonly known as "automatic holdup alarm system," "burglar alarm system," "holdup alarm system," "manual alarm system," "fire alarm system," "medical alert alarm system" and "burglary, robbery, trespass alarm," but shall not include a proprietary system.
- B. Alarm system user. "Alarm system user" means any person on whose premises an alarm system is maintained within the Village.
- C. Digital dialer alarm. "Digital dialer alarm" means an alarm that uses a modem to connect to an alarm system receiver instead of using a direct connection through leased lines.
- D. Direct connection system. "Direct connection alarm" means an alarm system that uses an approved Village radio receiver to connect directly to an alarm receiving panel located in the Village's Public Safety ~~Building at 410 — 428 Green Bay Road~~ **Answering Point (911 Center)**. No digital dialer alarm shall be considered a direct connection alarm.
- E. False alarm. "False alarm" means the erroneous activation of an alarm system through mechanical failure, malfunction, improper installation, or the mistake of the alarm system user or the user's agents.
- F. Proprietary system. "Proprietary system" means an alarm system that communicates a signal only within the interior of the protected premises

Additions are bold and double-underlined; deletions are struck through.

only to alert persons within the premises in which the alarm system is located.”

SECTION 4: ADOPTION OF MODEL CODES BY REFERENCE. Chapter 15.08, titled “Adoption of Model Codes by Reference,” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as set forth in ***Exhibit A*** attached to and, by this reference, made a part of this Ordinance.

SECTION 5: FIRE PREVENTION AND LIFE SAFETY CODE. Chapter 15.16, titled “Fire Prevention and Life Safety Code,” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as set forth in ***Exhibit B*** attached to and, by this reference, made a part of this Ordinance.

SECTION 6: SUPPLEMENTARY STANDARDS AND REQUIREMENTS. Chapter 15.44, titled “Supplementary Standards and Requirements,” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as set forth in ***Exhibit C*** attached to and, by this reference, made a part of this Ordinance.

SECTION 7: REPEAL OF CHAPTER 8.08 OF THE VILLAGE CODE. Chapter 8.08, titled “Fire Safety Code,” of Title 8, titled “Health and Safety,” of the Village Code is hereby repealed in its entirety and reserved for future use.

SECTION 8: REPEAL OF CHAPTER 15.56 OF THE VILLAGE CODE. Chapter 15.56, titled “Private Swimming Pools and Trampolines,” of Title 15, titled “Buildings and Construction,” of the Village Code is hereby repealed in its entirety and reserved for future use.

SECTION 9: APPEALS. Section 15.72.020, titled “Application for Appeal,” of Chapter 15.72, titled “Appeals” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as follows:

Section 15.72.020 Application for Appeal.

Any person affected by a decision of a Building Officer shall have the right to appeal that decision to the Building and Zoning Board of Appeals created by Section 3.44.010 of this code. An application for appeal shall be filed within twenty-one (21) days of the Building Officer's decision from which relief is sought and shall be based on a claim that the true intent of this code or the rules legally adopted under this code have been incorrectly interpreted, that the provisions of this code do not fully apply, or that an equivalent form of construction is to be used. **An application may also be filed with the Building and Zoning Board of Appeals within twenty-one (21) days of the Building Officer's decision regarding a property maintenance violation of the requirements of Chapter 15.08 of the Village Code from which relief is sought requesting a reasonable extension of time to correct a violation based upon a showing of extreme financial hardship.**

SECTION 910: EFFECTIVE DATE. This Ordinance shall be in full force and effect 60-days from and after its passage, approval, and publication in the manner provided by law.

Additions are bold and double-underlined; deletions are struck through.

June 4, 2019

MC-5-2019

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2019.

Introduced: May 21, 2019

Passed and Approved: June 4th, 2019

June 4, 2019

Additions are bold and double-underlined; ~~deletions are struck through.~~

MC-5-2019

EXHIBIT A

CHAPTER 15.08

MODEL CODES ADOPTED BY REFERENCE

Section 15.08.010 Adoption of Model Codes by Reference.

The model codes described in the following subsections A through ~~IM~~ are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

- A. International Building Code, ~~2009~~ **2015** Edition.
- B. International Residential Code for One- and Two-Family Dwellings, ~~2009~~ **2015** Edition.
- C. International Mechanical Code, ~~2009~~ **2015** Edition.
- D. International Fuel Gas Code, ~~2009~~ **2015** Edition.
- E. Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, **2014 or current edition**
- F. National Electrical Code, ~~2008~~ **2014** Edition (**NEPA 70**)
- G. International Fire Code, ~~2009~~ **2015** Edition. (See Chapter 15.16)
- H. International Property Maintenance Code, ~~2009~~ **2015** Edition.
- I. ~~International~~ **Illinois** Energy Conservation Code, ~~2012~~ **2015 or current** Edition.
- J. International Existing Building Code, 2015 Edition.**
- K. International Swimming Pool and Spa Code, 2015 Edition.**
- L. Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or Current Edition**
- ~~M.~~ **J. Metropolitan Water Reclamation District of Greater Chicago Countywide Watershed Management Ordinance, October 2013 July 2014, as amended.**

Section 15.08.020 Amendments to the International Building Code, ~~2009~~ **2015** Edition.

A. **Exclusions.** The following provisions of the International Building Code, ~~2009~~ **2015** Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

- 1. **101.4.4 Property maintenance.** (See WVC Section 15.08.080 ~~for commercial and mixed use property maintenance provisions.~~)
- 2. 103 Department of Building Safety.**
- ~~3.~~ **105.1.1 Annual permit.**
- ~~4.~~ **105.1.2 Annual permit records.**
- ~~4.~~ **105.2.1 Building.** One-story detached accessory structures used as tool and storage shed.

Additions are bold and double-underlined; deletions are struck through.

- ~~5. 105.2.2 Building.~~ Fences not over 6.5 feet high.
- ~~6. 105.2.4 Building.~~ Retaining walls that are not over 4 feet in height as measured from the bottom of the footing to the top of the wall.
- ~~7. Building.~~ Sidewalks and driveways not more than 30 inches above adjacent grade.
- ~~5.8.~~ **105.5 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
- ~~6.9.~~ **105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)
- ~~7.10.~~ **107.2 Construction documents.** (Superseded by Section 15.32.050 of the Village Code.)
- ~~8.11.~~ **107.3.1 Approval of construction documents.** (Superseded by Section 15.32.090 and 15.32.100 of the Village Code.)
- ~~9.12.~~ **109.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)
- ~~10.13.~~ **109.4 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
- ~~11.14.~~ **109.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)
- ~~15. 907.2.1 through 907.2.9~~ Use groups.
- ~~12. Chapter 11 Accessibility.~~ (Superseded by adoption of the State of Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or Current Edition; See Village Code Sections 15.08.010 and 15.08.120.)
- ~~13.16~~ **1807.1.4 Permanent wood foundation systems.**
- ~~14.17.~~ **1809.12 Timber footings.**
- ~~15.18.~~ **Chapter 27 Electrical.** (Superseded by adoption of National Electrical Code, **2014 Edition**; see Village Code Sections 15.08.010(F) and 15.08.070.)
- ~~16.19.~~ **Chapter 29 Plumbing.** (Superseded by adoption of State of Illinois Plumbing Code, 2004 **2014 or current** Edition; see Village Code Sections 15.08.010(E) and 15.08.070.)

B. **Amendments.** The following provisions of the International Building Code, 2009 **2015** Edition, are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These regulations shall be part of the Building Code of the Village of Winnetka. As used in the International Building Code, 2009-**2015** Edition, as adopted and amended by the Village, "this code" shall mean the Building Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Building Code the Village of Winnetka shall be called the "Building Code."
2. ~~101.4.4~~ **101.4.3 Plumbing.** The provisions of the State of Illinois Plumbing Code, 2004 **2014** Edition, as adopted by reference as provided in this Chapter 15.08, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a **Additions are bold and double-underlined;** ~~deletions are struck through.~~

water or sewage system and all aspects of a medical gas system. The provisions of the State of Illinois Plumbing Code ~~2004~~2014 Edition, as adopted by reference as provided in this Chapter 15.08, shall apply to private sewage disposal systems.

Whenever a reference is made to the International Plumbing Code, such reference shall be deemed to refer to the applicable section of the Illinois Plumbing Code, as adopted by the Village of Winnetka.

3. **101.4.4 Property Maintenance.** The provisions of the International Property Maintenance Code, ~~2009~~2015 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to certain existing structures and premises, and shall regulate the equipment, light, ventilation, space heating, sanitation, life and fire safety hazards of such structures and premises; and shall define the responsibilities of owners, operators and occupants and occupancy of such existing premises and structures, as provided in Section 15.08.080 of this Chapter.
4. **102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this building code shall be permitted to continue without change, except as is specifically provided in this code, including this building code, **the International Existing Building Code**, and the International Fire Code as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
5. **103.1 Creation of enforcement agency.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building official.
6. **103.2 Appointment.** The building official shall be appointed by the Village Manager.
7. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.
8. **104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reasons make the strict letter of this building code impractical and that the modification is in compliance with the intent and purpose of this building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the Department of Community Development.
9. **105.2 Work exempt from permit.** Permits shall not be required for the following work.
 - a. **Building**
 - i. ~~a.~~ Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

Additions are bold and double-underlined; ~~deletions are struck through.~~

- ii. ~~b.~~ Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.
- iii. ~~c.~~ Prefabricated swimming pools that are accessory to a detached one- or two-family dwelling, as applicable in Section 101.2, and that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- iv. ~~d.~~ Swings and other playground equipment accessory to detached one- and two-family dwellings.
- b. Electrical: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.**
- c. Mechanical:**
 - i. Portable heating appliances.**
 - ii. Portable ventilation appliances.**
 - iii. Portable cooling units.**
 - iv. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.**
 - v. Portable evaporative coolers.**
 - vi. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.**
 - vii. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.**
- d. Plumbing:**
 - i. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.**
 - ii. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.**

Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.

10. **107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this building code, all other applicable provisions of the Village Code and the construction documents, and shall be approved prior to the start of system installation. Shop drawings shall contain all

Additions are bold and double-underlined; deletions are struck through.

information as required by the referenced installation standards in Chapter 9 of the International Building Code, ~~2009~~ **2015** Edition.

11. ~~113.21~~ **113.1** **General.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.
12. **115.2.1 Stop work order policy.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
13. ~~406.1.4.4 Separation.~~ ~~The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.~~
- ~~13.~~ **14.** **903.3.5 Water supplies.** Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1 of the International Building Code, ~~2009~~ **2015** Edition. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the State of Illinois Plumbing Code, ~~2004~~ **2014 or current** Edition. Hydrant water flow data used for the design of any sprinkler system shall be witnessed by the Fire Department and shall be no more than six (6) months old.
- ~~14.~~ **15.** **903.4.2 Alarms.** Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. An outside audio/visual device shall be provided and shall be located above the fire department connection.
- ~~15.~~ **16.** **903.4.2.1 Alarm-indicating devices.** All sprinklered buildings shall be provided with audio/visual alarm-indicating devices. The alarm-indicating devices shall be of a sufficient number and power to be seen and heard in all areas of the building.
- ~~16.~~ **17.** **903.4.2.2 Test Valves.** Fire sprinkler system inspector test valves shall be accessible at all times and shall be located no more than 6 feet above the finished floor. On multiple riser systems, each test valve shall be marked to identify which riser and area it tests.
- ~~17.~~ **18.** **903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. In multiple story buildings, floor control valves with water flow and tamper switches shall be provided for each floor.
- ~~18.~~ **19.** **903.6 Safety Factor.** Provide a minimum 10% safety factor in the fire protection system hydraulic calculation. The system demand shall be 10% minimum below the seasonal low water flow test supply.
- ~~19.~~ **20.** **903.7 Hydraulic nameplate.** By each hydraulically calculated area, on each drawing, provide a copy of the hydraulic nameplate.

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- ~~20,21.~~ **903.8 NFPA standards.** The appendices of all NFPA standards are to be considered as part of each standard and are considered a "shall" requirement and not "should" information.
- ~~21,22.~~ **903.9 Fire alarm systems.** All fire alarm systems shall be of the addressable type and shall be installed per NFPA 72, 2010 2016 Edition.
- ~~22,23.~~ **903.10 Quick response sprinklers.** All offices, assembly, and residential buildings and areas, except for one- and two- family residential buildings, shall be provided with residential and/or quick response sprinklers.
- ~~23,24.~~ **905.3.1 Building height. Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. Notwithstanding the foregoing, standpipes shall be required in all buildings that are more than two (2) stories high and/or more than two (2) stories below grade.
- ~~24,25.~~ **907.2 Where required – new buildings and structures.** An *approved* fire alarm system shall be provided in all use groups, ~~except as specified in Section 907.2.6 of this code, and except for single family detached dwellings.~~ All fire alarm control panels and annunciators shall be installed in locations approved by the Fire Department. All fire alarm panels and annunciators shall be keyed or under a protective plastic locked cover to prevent tampering.
- ~~25,26.~~ ~~907.2.11.1.4~~ **907.2.11.1 Group R-1. Sentence #4.** Smoke detectors shall be installed at the top of every stairwell used for exiting.
- ~~26,27.~~ ~~907.2.11.2.4~~ **907.2.11.2(4) Groups R-2, R-3, R-4 and I-1.** In the R-Use Groups, smoke detectors shall be installed at the top of every stairwell used for exiting.
- ~~27.~~ **1028.5 Access to a Public Way.** The exit discharge shall provide a *paved direct and unobstructed path* to a public way.
- ~~28. 1101.2 Design.~~ Buildings and facilities shall be designed and constructed to be accessible in accordance with this building code, the State of Illinois Accessibility Code, 1997 Edition and ICC A117.1.
- ~~29. 2302.1.2.1 Fire Protection.~~ Where prefabricated wood I-joists are used for floor and ceiling assemblies in finished or unfinished spaces or areas in one or two-family dwellings, these assemblies shall be separated from adjacent spaces or areas by fire-resistant material capable to resist a fire exposure equivalent to one hour or more in accordance with fire test procedures as set forth in ASTM E119, as well as in accordance with Underwriters Laboratories (UL) or Factory Mutual (FM) classification standards. Such separation shall not be required for structures that are fully equipped with an automatic sprinkler system designed and installed in accordance with NFPA 13, 2010 Edition.
- ~~30. 2603.2.1 Third Party Approval.~~ No foam plastic insulation shall be used unless it has been approved by a nationally recognized independent testing agency, such as Underwriters Laboratories or Factory Mutual.

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28. Section 3001.2 Referenced standards. Except as otherwise provided for in the code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A90.1, ASME B20.1, and ALI ALCTV, the provisions of the Illinois Elevator Safety and Regulation Act, 225 ILCS 312/1 et seq. and Part 1000, Chapter II, Title 41 of the Illinois Administrative Code, entitled "Illinois Elevator Safety Rules," are hereby adopted into this Code by this reference.
29. Section 3001.3 Accessibility. Passenger elevators required to be accessible or to serve as part of an accessible means of egress shall comply with Sections 1009.4 and the Illinois Accessibility Code (71 Ill. Adm. Code 400), current edition.
30. 3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are installed in any building, other than a one- or two-family dwelling, shall provide not fewer than one elevator for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in an open horizontal position, plus two (2) attendants and their equipment. The elevator car shall be identified by the international symbol for emergency medical services (Star of Life). The symbol shall not be less than 3 inches in height and shall be placed inside on both sides of the hoistway door frame.
31. Section 3004.4 Personnel and material hoist. Add after last sentence: All miscellaneous hoisting and elevating equipment shall be subjected to tests and inspections as required by the Community Development Director to ensure safe operation.
32. Section 3005.1 Access. Add the following sentence. The approved means is not to be used as a passage way through the space to other areas of the building.
33. Section 3005.4 Machine rooms, control rooms, machinery spaces, and control spaces. Delete Exception #2.
34. 3009.1 Prohibited Operation. The operation of all equipment governed by the provisions of this chapter and hereafter installed, relocated or altered shall be unlawful by persons other than the installer until such equipment has been inspected and tested as herein required and a final certificate of compliance has been issued by the AHJ.
35. 3009.2 Posting Certificates of Compliance: The owner or lessee shall post the current-issued certificate of compliance in a conspicuous place inside the conveyance. A copy of the current issued certificate is acceptable. Please refer to Illinois Elevator Safety Act.
- ~~36.~~ 3306.9.1 Barriers. Prior to commencing any work under a permit that includes the authorization of demolition, excavation, construction of a new structure and/or construction of an addition to an existing structure, the applicant shall erect a fence to enclose the site in a location and manner approved by the building official. The fence shall be no less than six (6) feet in height and shall be located at least 18 inches from any public sidewalk. The fence shall be permanently secured in the ground and shall remain in place until the building

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official approves its removal. When there are no construction personnel at the site, any gate or opening in the fence shall be closed and secured with a lock.

Section 15.08.030 Amendments to the International Residential Code for One- and Two-Family Dwellings, 2009 2015 Edition

A. Exclusions. The following provisions of the International Residential Code for One- and Two-Family Dwellings, 2009 2015 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **R105.5 Expiration.** (Superseded by Section 15.32.190 of this code.)
2. **R105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)
3. **R106.2 Site plan.** (Superseded by section 15.32.050 of the Village Code.)
4. **R106.3.1 Approval of construction documents.** (Superseded by Sections 15.32.090 and 15.32.100 of the Village Code.)
5. **R108.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)
6. **R108.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)
7. **R108.6 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
8. **R109.1.6 Final inspection.** (Superseded by Section 15.32.160 of the Village Code.)
9. **R110.4 Temporary occupancy.** (Superseded by Section ~~15.36.010~~ 15.36.070 of the Village Code.)

10. R112 Board of Appeals. (Superseded by WVC Chapter 3.44)

~~10. 310.4 Bars, grills, covers and screens.~~

~~11. 313.2 One- and two-family dwellings automatic fire system.~~

11. R321.2 Platform lifts.

~~12. 402.1 Wood foundations.~~

~~13. 404.2 Wood foundation walls.~~

~~14. 1001.11 Fireplace clearance.~~

14. Part IV – Energy Conservation. (Superseded by Section 15.08.090 of the Village Code).

15. Part VII - Plumbing. Chapters 26 through 32. 25 through 33. (Superseded by Section 15.08.060 of the Village Code.)

16. Part VIII - Electrical. Chapters 33 through 42. 34 through 42. (Superseded by Section 15.08.070 of the Village Code.)

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June 4, 2019

MC-5-2019

B. **Amendments.** The following provisions of the International Residential Code for One- and Two- Family Dwellings, 2009 2015 Edition, are amended for adoption by the Village **and shall read as follows:**

1. **R101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the International Residential Code for One- and Two- Family Dwellings, 2009 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka shall be called the "Dwelling Code."
- ~~2. **101.2 Scope.** The provisions of this Dwelling Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings, of attached single family dwellings (townhouses) that are not more than three stories in height and that have a separate means of egress, and of their accessory structures.~~
- ~~2.3.~~ **R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this Dwelling Code shall be permitted to continue without change, except as is specifically provided in this code, including this Dwelling Code and the International Fire Code, 2009 2015 Edition, as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- ~~3.4.~~ **R103.1 Creation of enforcement agency.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code and the Director of Community Development shall be known as the building official.
- ~~4.5.~~ **R103.2 Appointment.** The building official shall be appointed by the Village Manager.
- ~~5.6.~~ **R103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.
- ~~6.7.~~ **R105.2 Work exempt from permit.** Permits shall not be required for the following work. Exemptions from the permit requirements of this Dwelling Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the Village.
 - a. Buildings:
 - i. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - ii. Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.
 - iii. Prefabricated swimming pools that are accessory to a detached one- or two-family dwelling, as applicable in Section 101.2, and that are less than 24 inches (610 mm)

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deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

b. Electrical:

- i. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

c. Mechanical:

- i. Portable heating appliances.
- ii. Portable ventilation appliances.
- iii. Portable cooling units.
- iv. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- v. Portable evaporative coolers.
- vi. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- vii. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

d. Plumbing:

- i. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- ii. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

7.8-R112.1 General. The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

8.9-R114.1 Notice to owner; stop work orders. The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.

9.10-R115.1 Prefabricated construction. A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. No element of any prefabricated assembly shall be concealed prior to inspection and approval by the building official. All elements of any prefabricated assembly shall be readily accessible for inspection at the permit site. Prefabricated assemblies shall be inspected at the building site by the building official as required by this code.

10. Section R202 – DEFINITIONS. Add the following definition: ENGINEERED STRUCTURAL COMPONENTS. A prefabricated structural element designed to

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carry structural loads in the form of a joist, beam, girder, header, wall panel and/or stud, used in the construction of a dwelling unit, formed primarily by a system of repetitive wood or cold-formed steel framing members. Examples of wood components are; structural composite lumber, glue laminated beams, truss-type open-web or perforated floor joists, I-joists, end-jointed lumber (without HRA adhesive), structural insulated panels, and wood structural panels.

11. Table R301.2(1) Climatic and Geographic Design Criteria. Insert under each category:

<u>Ground snow load</u>	<u>30 lbs./sq. ft.</u>
<u>Wind Speed</u>	<u>90 miles per hour</u>
<u>Wind Design Topographical effects</u>	<u>0</u>
<u>Special Wind Region</u>	<u>N/A</u>
<u>Wind-borne debris zone</u>	<u>N/A</u>
<u>Seismic Design Category</u>	<u>B</u>
<u>Weathering</u>	<u>Severe</u>
<u>Frost Line Depth</u>	<u>42 below grade</u>
<u>Termite</u>	<u>Moderate to heavy</u>
<u>Winter Design Temperature for Heating Facilities</u>	<u>68 degrees Fahrenheit to -10 degrees Fahrenheit w/50% humidity</u>
<u>Ice Barrier Underlayment Required</u>	<u>Yes</u>
<u>Flood Hazards</u>	<u>N/A</u>
<u>Air Freezing Index</u>	<u>1500</u>
<u>Mean Annual Temperature</u>	<u>50 degrees Fahrenheit</u>

12.11.309.5 Separation Required. 302.6.1 Dwelling-garage fire separation. Where attached private garages do not have an automatic sprinkler system, the garage shall be separated from the residence and its attic area by not less than ½-inch (12.7 mm) 5/8-inch gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch firecode (15.9 mm) (Type C or X) gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than ½-inch (12.7 mm) 5/8-inch gypsum board or equivalent. The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

13. R302.12. Draftstopping. In combustible construction where there is usable space both above and below the concealed space of a floor/ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,000 square feet (or 500 square feet for non-sprinklered dwelling units). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.

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2. Floor framing is constructed of truss-type open-web or perforated members.
- ~~12. 310.4.1 Bars, grills, covers and screens on window wells.~~ All window wells, whether to be used as emergency escape or rescue openings or not, shall be fitted with bars, grills, covers, screens, railings or similar devices. All shall be operable from the side of the egress without the use of a key, tool or special knowledge.
14. R310.6 Alterations or remodels of existing basements. An emergency escape and rescue opening is required when existing basements undergo alterations, remodeling that exceed 33% of the net basement floor area, or when new sleeping rooms are created.
15. R313.2 One- and two-family dwelling automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception:

1. An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system.
 2. An automatic residential fire sprinkler system shall not be required for new buildings when all of the following conditions are met:
 - a. When solid dimensional lumber is used to construct the floor/roof/wall-framing systems (i.e. 2"x members), the framing system shall be protected by at least one layer of 5/8-inch gypsum wall board on all ceilings and walls.
 - b. When engineered structural components such as I-joists, glue laminated lumber and open-web floor and roof trusses, to construct any portion of a floor/roof/wall-framing system or assembly, the entire framing system shall be protected by at least one layer of 5/8-inch firecode (Type C or X) gypsum wall board. See definition of 'Engineered Structural Components' in Chapter 2, Section R202 as amended.
 - c. Floor framing constructed of combustible truss-type open-web perforated members shall have draftstops installed so the area of concealed space shall not exceed 500 sq. ft., per Section R302.12 – Draftstopping, as amended by this code.
 - d. Solid wood core doors not less than 1-3/8 inches in thickness or 20-minute rated doors shall be used for doors to bedrooms, dens, studies, offices with closets, mechanical rooms, laundry rooms, and basements.
16. R314.1 General. Smoke alarms shall comply with NFPA 72, Illinois Fire Safety (425 ILCS 60/) Smoke Detector Act, and Section R314. A smoke alarm/detector shall be installed at the top of all interior staircases within a dwelling unit. A smoke alarm/detector shall be installed at the top of a common interior staircase or stairwell when the stair serves two-dwelling or more units.
17. R315.1 General. Carbon monoxide alarms shall comply with Illinois Public Safety (430 ILCS 135/) Carbon Monoxide Alarm Detector Act, and Section R315.

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~~13. **316.6 Specific approval.** Foam plastic insulation not meeting the requirements of Sections R316.3 through R316.5 may be specifically approved on the basis of one of the following approved tests: NFPA 286 with the acceptance criteria of Section R320.9.4, FM4880, UL 723, UL 1040 or UL 1715, or fire tests related to actual end-use configurations. Any foam plastic insulation must be approved by an independent testing agency, either Underwriters Laboratories or Factory Mutual. The specific approval shall be based on the actual end-use configuration and shall be performed on the finished foam plastic assembly in the maximum thickness intended for use. Assemblies tested shall include seams, joints, and other typical details used in the installation of the assembly and shall be tested in the manner intended for use.~~

18. R320.2 Access roads. One or two family dwelling homes with access roads greater than 150 feet (measured from the street access point to the front door of the home) hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus and must comply with the following:

- 1. The access road must be at least 12 feet wide for emergency vehicle access.**
- 2. If a gate is installed or going to be installed, it must provide clearance of 12 feet horizontally and 11 feet vertically.**
- 3. If the gate is secured, a Knox gate and key switch must be installed.**
- 4. The access road shall be engineered to support the superimposed load of a typical emergency response vehicle, unless other provisions are made and approved by the Fire Chief.**

19. R321.1 Elevators and platform lifts. The design, construction, installation, alteration, repair and maintenance of limited-use and limited-application elevators, private residence elevators, private residence inclined elevators, and their components shall conform to ASME A17.1/CSA B44 - Part 5, ASME A17.3, and ASME A18.1.

~~20. 14. **404.1.1.1** **404.1.2.1** Masonry foundation walls.~~ Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with the applicable provisions of Sections R606, R607 and R608. In buildings assigned to Seismic Design Categories ~~D0, D1 and D2~~ **B**, concreted masonry and clay masonry foundation walls shall also comply with Section R404.1.1, but with not less than two (#2) Number Five (#5) reinforcement bars placed at the top and bottom of any concrete trench, belle, grade beam or formed foundation wall. Rubble stone masonry foundation walls shall be prohibited constructed in accordance with Sections R404.1.8 and R606.2.2. ~~Rubble stone masonry walls shall not be used in Seismic Design Categories D0, D1 and D2.~~

~~15. **N1101.2 Compliance.** Compliance shall be demonstrated by meeting the requirements of the most recent edition of the *International Energy Conservation Code*. Climate zones from Figure R301.1 or Table R301.1 of the most recent edition of the *International Energy Conservation Code* shall be used in determining the applicable requirements from this chapter.~~

Additions are bold and double-underlined; deletions are struck through.

- ~~16. **2501.2 Application.** In addition to the general administration requirements of Chapter 1 of the Dwelling Code, the administrative provisions of this Chapter 2501 of the Dwelling Code shall also apply to the plumbing requirements of the State of Illinois Plumbing Code, 2004 Edition.~~
- ~~17. **2501.3 Authority.** These rules are promulgated pursuant to authority granted by Section 35 of the Illinois Plumbing License Act (225 ILCS 320/35).~~
- ~~18. **2501.4 Applicability.** These rules govern the design and installation of new plumbing or plumbing systems and the alteration of existing plumbing systems. They apply to all new construction and any remodeling or renovation that alters, renovates or replaces existing plumbing or plumbing systems. These rules do not apply to existing buildings unless the plumbing or plumbing system is being altered, the building use is being changed or the existing plumbing creates a health or safety hazard.~~
- ~~a. If an existing building is changed from one use to another or from one classification to another, as provided in Appendix A, Table B of the Illinois State Plumbing Code, 2004 Edition, it shall be treated as a new building and shall comply with the requirements of this Part for its new use or occupancy.~~
- ~~b. Regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this part.~~
- ~~19. **Part VIII — Electrical.** The provisions of the National Electrical Code, 2008 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.~~

21. Appendices Adopted by Reference:

- a. **Appendix A: Sizing & Capacities of Gas Piping**
- b. **Appendix B: Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances And Appliances Listed For Use With Type B Vents.**
- c. **Appendix C: Exit Terminals of Mechanical Draft and Direct-vent Venting Systems.**
- d. **Appendix F: Radon Control Methods**
- e. **Appendix J: Existing Buildings and Structures**
- f. **Appendix O: Automatic Vehicular Gates**
- g. **Appendix U: Solar Ready Provisions**

Section 15.08.040 Amendments to the International Mechanical Code, 2009 2015 Edition.

A. **Exclusions.** The following provisions of the 2009 2015 International Mechanical Code are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.4 Inspections.** (Superseded by Section 15.32.160 of the Village Code.)

Additions are bold and double-underlined; deletions are struck through.

2. **106.4.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
3. **106.5.1 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **106.5.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)
5. **106.5.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)

6. Section 109 Means of Appeal. (Superseded by WVC Chapter 3.44)

B. **Amendments.** The following provisions of the 2009 International Mechanical Code are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These provisions shall be known as the Mechanical Code of the Village of Winnetka. As used in the International Mechanical Code, ~~2009~~ **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Mechanical Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Mechanical Code of the Village of Winnetka shall be called the "Mechanical Code."
2. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.
3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.
4. **108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
5. **109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.
6. **301.11 Plumbing connections.** Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with the State of Illinois Plumbing Code, ~~2004~~ **2014 or current** edition.
7. **Chapter 15 Referenced Standards.**
 - a. SIPC-2014, State of Illinois Plumbing Code ~~2004~~ **2014** Edition.
 - b. NEC-2014, National Electrical Code ~~2008~~ **2014** Edition.

Section 15.08.050 Amendments to the International Fuel Gas Code, ~~2009~~ **2015 Edition.**

A. **Exclusions.** The following provisions of the International Fuel Gas Code, ~~2009~~ **2015** Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. ~~106.4.3~~ **106.5.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
2. ~~106.5.2~~ **106.6.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)

Additions are bold and double-underlined; deletions are struck through.

3. ~~106.5.3~~ **106.6.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)

4. **109 Means of Appeal.** (Superseded by WVC Chapter 3.44)

4. ~~403.6 Plastic pipe, tubing and fittings.~~

5. ~~403.11 Plastic pipe, joints and fittings.~~

B. **Amendments.** The following provisions of the International Fuel Gas Code, 2009 **2015** Edition, are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These provisions shall be known as the Fuel Gas Code of the Village of Winnetka. As used in the International Fuel Gas Code, 2009 **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Fuel Gas Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Fuel Gas Code of the Village of Winnetka shall be called the "Fuel Gas Code."

2. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.

3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

4. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

5. **108.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.**

~~6.5-~~**108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.

~~7.6-~~**109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

~~8.7-~~**624.1.1 Installation requirements.** The requirements for water heaters relative to sizing, relief valves, drain pans and scald protection shall be in accordance with the State of Illinois Plumbing Code, 2004 Edition **2014 or current edition.**

~~9.8-~~**Chapter 7 8 Referenced Standards.**

a. SIPC-2014, State of Illinois Plumbing Code 2004 **2014** Edition – Section 624.1.1

b. NEC-2014, National Electrical Code 2008 **2014** Edition

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Section 15.08.060 Amendments to the Illinois Plumbing Code

- A. **Exclusions.** The following provisions of the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, 2014 or current edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. None

~~1. Table A, "Approved Materials for Building Sewers" is amended by deleting the following items:~~

- ~~a. 2) Asbestos Cement Pipe.~~
- ~~b. 5) Concrete Pipe~~
- ~~c. 8) Vitrified Clay Pipe~~
- ~~d. 9) Solder~~

~~2. Table A, "Approved Materials for Water Service Pipe" is amended by deleting the following items:~~

- ~~a. 1) ABS Pipe~~
- ~~b. 4) CPVC Pipe~~

~~3. Table A, "Approved Materials for Water Distribution Pipe" is amended by deleting the following Items 2, 7 and 8:~~

- ~~a. 2) CPVC Pipe~~
- ~~b. 7) Poly Butylene Pipe~~
- ~~c. 8) PVC Pipe~~

- B. **Amendments.** The following provisions of the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, 2014 or current edition, are amended, deleted, or modified for adoption by the Village as follows:

1. **Section 890.110, General Regulations—Applicability** is amended by adding the following subsection (c):

890.110 (c) General Regulations. Plumbing and drainage systems in all buildings, public and private, shall be installed in accordance with the provisions of this ordinance by a licensed plumber in accordance with the provisions of the State of Illinois Plumbing License Law. If a plumbing contractor is found to be using unlicensed plumbers, the contractor's plumbing permit will be revoked for the work on which the plumbing contractor was working may be revoked by the Village of Winnetka.

2. **Section 890.120 Definitions** is amended by adding the following definition:

"Plumbing Code." The Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, as adopted and amended by the Village, shall be known as the Plumbing Code of the Village of Winnetka. As used in the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, as adopted and amended by the Village, the terms "Part" or "this code" shall mean the Plumbing Code of the Village of Winnetka. As used in the ordinances and codes

Additions are bold and double-underlined; deletions are struck through.

published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Plumbing Code of the Village of Winnetka shall be called the "Plumbing Code."

3. Section 890, Appendix A, Table A, "Approved Materials for Building Sewers" is amended by replacing with the following approved materials:

a. Cast iron, bell and spigot with compression joints

b. Polyvinyl Chloride (PVC), SDR 26

c. Polyvinyl Chloride (PVC) Pipe

Note: Ductile iron pipe ASTM A377 shall be installed for all new sanitary and storm sewer services that penetrate the foundation wall through a sleeve to a point that the piping is being supported on approved load bearing soil or compacted fill

4. Section 890, Appendix A, Table A, "Approved Materials for Water Service Pipe" is amended by replacing with the following approved materials:

a. Copper/Copper Tubing – Type K only – ASTM B 88-2009

b. Ductile Iron, Class 55 or greater

5. Section 890.1190 "Water Supply Control Valves and Meter" is amended by revising note a) to read as follows:

a. A full port shut off valve shall be located near the curb or property line and immediately inside the building, on the inlet and outlet side of the water meter. The inlet side valve shall be a mechanical connection.

C. **Additions.** The Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, is further amended for adoption by the Village by adding the following provisions:

~~1. **Potable Water.** Type L copper piping shall be used for potable water.~~

~~2. **Couplings.** Heavy duty 4 band couplings must be used with no hub soil pipe.~~

~~3. **Plumbing Walls.** Plumbing walls where stacks are located must be built with not less than 2 x 6 framing.~~

~~4. **Primer.** Purple primer must be used on all PVC piping.~~

~~5. **Testing.** Gas tests are required if any existing gas lines have been moved.~~

~~6. **Water Service.** For all new construction, including additions and substantial remodeling a minimum 1 inch copper water service is required.~~

~~7. **Existing Conditions.** All nonconforming plumbing installations or materials discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.~~

18. WaterSense Devices. Subject to other provisions of the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code, 77 Ill. Admin. Code 892 *et seq.*, all new plumbing fixtures and irrigation controllers installed on properties after September 1, 2015, being the effective date of this ordinance, connected to the Village water supply system shall bear the WaterSense label (as

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designated by the United States Environmental Protection Agency WaterSense Program), when such labeled fixtures are available.

29. Inspections.

a. **Inspections Required.** All plumbing work ~~shall be done by licensed plumbers or sewer contractors and~~ shall be subject to the inspection and approval of the Director of Community Development, ~~or the plumbing inspector under the supervision of the Director of Community Development,~~ **or any other designee of the Director of Community Development.** The plumbing contractor shall be on site when the rough plumbing inspection is conducted **by the Village.**

~~— b. Testing by Plumbing Inspector. All plumbing work shall be tested by the plumbing inspector, in accordance with this code, while all pipes are uncovered in every part. A water test shall be applied to the drainage system in its entirety, or in sections, as completed. A water pressure test for plumbing work shall be applied by closing the lower end of the vertical pipes and filling the pipes to the highest opening above the roof with water. Special provision shall be made to include all joints and connections to the finished line or face of floors or side walls, so that all vents or revents, including lead work, may be tested with the main stacks. The house drain inside any building shall be tested by closing up the drain at the point where it leaves the building, using the clean out wye provided for, and filling the pipes inside the building with water to a height of at least two feet above the highest point of the drainage system.~~

~~— c. Water Supply for Testing. Licensed plumbers will be allowed to leave the water turned into pipes for forty eight (48) hours after completing any work for the purpose of testing the same, at the end of which time they shall immediately cut off the supply, unless otherwise instructed by the Director of the Water and Electric Department. Plumbers are prohibited from turning water on from any service pipe for any other purpose, except on the order of or permission from the Water and Electric Department.~~

~~— d. Additional Inspections. All plumbing work shall be subject to such further inspections and tests as shall be required by the rules and regulations of the Water and Electric Department of the Village. (Prior code § 23.49)~~

3 40. Overhead sewers and other protective measures below ground level. All new buildings constructed after December 31, 1970 with served by a public or private sewer system and all building additions or remodeling consisting of the addition of plumbing fixtures in basements, floors, rooms or occupancy areas below grade and served by a public or private sewer system shall have overhead plumbing with ejector pumps shall have overhead plumbing installed for all new connections to the sanitary sewer facilities.

Section 15.08.070 Amendments to the National Electric Code, 2008 2014 Edition

A. **Exclusions.** The following provisions of the National Electric Code, 2008 2014 Edition, **National Fire Protection Association Publication 70,** are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. Article 230 II. – Overhead Service Conductors

2. Article 320 Armored Cable: Type AC

Additions are bold and double-underlined; deletions are struck through.

~~3.1.~~——Article 322 Flat Cable Assemblies: Type FC.

~~4.2.~~——Article 324 Flat Conductor Cable: Type FCC.

~~5.3.~~——Article 334 Nonmetallic-sheathed Cable: Types NM, NMC and NMS.

~~6.4.~~——Article 338 Service-Entrance Cable: Types SE and USE.

~~7.5.~~——Article 340 Underground Feeder and Branch-Circuit Cable: Type UF.

~~8.6.~~——Article 362 Electrical Nonmetallic Tubing: Type ENT.

9. Article 378 Nonmetallic Wireways.

10. Article 382 Nonmetallic Extensions.

11. Article 388 Surface Nonmetallic Raceways.

~~12.7.~~Article 394 Concealed Knob and Tube Wiring.

~~13.8.~~Article 396 Messenger Supported Wiring.

14. Article 398 Open Wiring on Insulators.

~~15.9.~~ Article 547 Agricultural Buildings.

~~16.10.~~ Article 550 Mobile Homes, Manufactured Homes, and Mobile Home Parks.

~~17.11.~~ Article 551 Recreational Vehicles and Recreational Vehicle Parks.

~~18.12.~~ Article 553 Floating Buildings.

~~19.13.~~ **Annex H Administration and Enforcement** is amended by deleting the following sections:

- a. **80.2 Definitions.** Chief Electrical Inspector.
- b. **80.15 Electrical Board.** Delete subsections (A) (B) (C) (D) (E) (F) and (H).
- c. **80.19(D) Annual Permits.**
- d. **80.19(F)(3) Inspections.**
- e. **80.19(F)(4) Approvals.**
- ~~f. **230. II Overhead Service-drop conductors.**~~
- ~~g. **320 Armored Cable: Type AC.** Delete entire Article.~~

B. **Amendments.** The following provisions of the National Electric Code, 2008 2014 Edition, are amended for adoption by the Village and shall read as follows:

1. **90.0 Title.** These provisions shall be known as the Electric Code of the Village of Winnetka. As used in the National Electric Code, 2008 2014 Edition, as adopted and amended by the Village, "this code" shall mean the Electric Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Electric Code of the Village of Winnetka shall be called the "Electric Code."

Additions are bold and double-underlined; deletions are struck through.

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2. ~~200.11~~ **200.12 Use and Identification of Grounded Conductors, Outlets, Switches and Receptacles.** All garage outlets shall be located not less than forty-two (42) inches above the finished floor.

Switches and receptacles in bathrooms shall **not** be located in a minimum of thirty (30) inches from the inside edge of a tub or shower measured horizontally at the floor line, **unless GFCI protected**. Lighting fixtures above, or within two feet of the inside of the tub edge, must have GFCI protection.

Grounded conductors shall be at least the same size as the ungrounded conductors of the same circuit.

3. ~~210.52 (E)(3)(a) Balconies, Decks, and Porches.~~ Receptacle outlet is required at all balconies, decks, and porches that are accessible from inside of a dwelling, regardless of the size of the balcony, deck, or porch.

4. ~~Section 210.52(G) Basements and Garages.~~ For a one-family dwelling, at least one receptacle outlet, in addition to any provided for laundry equipment, shall be installed in each basement and in each attached garage, and in each detached garage with electric power. See 210.8 (A) and (A) (5). Where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion shall have a receptacle outlet installed in accordance with the section.

~~A minimum of one (1) switched lighting fixture shall be installed in the immediate area of the top stair tread of all staircases leading to basement areas. A minimum of one (1) switched lighting fixture shall be installed in the area of the lower most stair tread of all staircases that lead to the basement areas.~~

5. ~~210.52(I) Other Outlets.~~ Other outlets not covered in 220.3(B) (1) through (10) shall be computed based on 180-volt-amperes.

~~In dwelling occupancies dishwashers and disposals shall have separate disconnecting means under the sink cabinet.~~

~~A separate circuit shall be provided for all heating and air conditioning units.~~

~~Receptacle outlets adjacent to kitchen sinks may be located a maximum of three (3) feet from the edge of the sink bowl.~~

- ~~3.6.~~ **230.1 (A) Services, Scope – Overhead or Exposed Wiring.** No overhead or exposed wiring on the exterior of buildings shall be installed except for main service conduits and wiring runs of four feet or less to freestanding cooling units and connections to underground wiring. In all such cases, rigid metal conduit shall be used, except that, where flexible connections are required, liquid tight or flexible metal conduit with a green equipment ground wire may be used.

4. **230.2 (F) Alterations to Special Occupancies. When alterations to existing buildings are made resulting in a change in the number of occupant spaces (or tenant spaces), the following changes shall be made to their services:**

a. When existing buildings with additional services are altered from multiple occupancies and combined into one occupant space all other services shall be removed and reduced to one service.

Additions are bold and double-underlined; deletions are struck through.

- b. When subdividing existing single occupant spaces into multiple occupants, each occupant space shall be provided with its own electrical service. Circuits that originally crossed over into adjacent occupancy spaces shall be removed in their entirety, within the new space.
5. 230.11 Service for new Single-family dwellings. All new single-family detached dwellings shall have a minimum 200-amp single phase service with the main disconnect located at the meter and at the main distribution panel.
- a. All service conductors shall be installed underground.
- b. System design drawings shall be submitted for all services greater than 200 amps at the time of permit application.
- c. Half-size breakers are not approved for use in new construction. In existing residential dwelling units half-size breakers are limited to manufacturer's specifications. Half-size breakers shall not be permitted in existing commercial or industrial units.
6. 230.43 Wiring Methods for 1000 Volts, Nominal, or Less. Service entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring methods used and shall be limited to the following methods:
- a. Rigid metal conduit (RMC)
- b. Intermediate metal conduit (IMC)
- c. Rigid nonmetallic conduit (RNC)
7. ~~230. VI Service Equipment Disconnecting Means. All new single family detached dwellings shall have a minimum 200 amp single phase service with the main disconnect located at the meter.~~
- ~~7.8.~~ 230.70 (A) (1) Readily Accessible Location. The service disconnecting means shall be installed in accordance with 230.70 (A) (1), (2) and (3). The location of outside meters for single family dwellings must be **The service disconnecting means shall be installed at a readily accessible location on the exterior of all building or structure as determined prior to installation by the Water and Electric Department. Larger electrical services (over 1,000-amps, 3 Ph) can locate the service disconnecting means on the interior within the main distribution panel or switchgear.**
8. 250.64 (A) Aluminum or Copper-Clad Aluminum Conductors. The grounding electrode conductor shall be copper. The use of aluminum or copper clad aluminum for the purpose of grounding is prohibited.
9. ~~300.1(D) Underground Wiring. All underground wiring in buildings, including wiring in sub grade floors, shall be installed in rigid metal conduit. Rigid nonmetallic conduit may be used underground outside of buildings.~~

All interior wiring not required to be flexible and all basement wiring shall be installed in intermediate metal or rigid metal conduit or electrical metallic tubing.

Additions are bold and double-underlined; deletions are struck through.

~~9.10.310.14~~ **Aluminum Conductor Material.** No aluminum or copper-clad aluminum wire shall be used, ~~except as approved for service to an electrical meter.~~

~~10.11.~~ **408.31 Busbars.** Copper bus shall be used in switchboard, panel boards and meter socket enclosures ~~containing more than four sockets.~~

~~11.12.~~ **410.16(C)(6) Luminaries (Fixtures) in Clothes Closets.** In dwelling units, all closets that are at least twenty-three (23) inches deep and all utility rooms and pantries, shall be illuminated.

12. 445.18(A) Disconnection Signage. When stationary generators are provided and installed remotely from the exterior main means of electrical service disconnect, signage identifying the presence of a generator shall be permanently placed immediately next to the building's main means of electrical service disconnect, meter and switch gear, reading as follows: "WARNING! THIS ELECTRICAL SERVICE IS EQUIPPED WITH AN AUTOMATIC BACKUP GENERATOR. REMOVING THE METER OR DISCONNECTING THE SERVICE MAY CAUSE THE GENERATOR TO START WITHOUT NOTICE. GENERATOR LOCATION INDICATES BELOW [] NORTH, [] SOUTH, [] EAST, [] WEST, DO NOT REMOVE THIS DECAL (Electrical contractor's name and phone number)", or similar wording (or color) as approved by the Fire Code Official. Size must have a red or orange border and a minimum size is 4" x 6".

~~13. 680.3 Swimming Pools, Fountains and Similar Installations, Other Articles.~~ Except as modified by this article, wiring and equipment in or adjacent to pools and fountains shall comply with other applicable provisions of this Code, including those provisions identified in Table 680.3. All controls, pumps or lights for a swimming pool, sauna, hot tub or hydro-massage bathtub shall not be used without GFCI protection. All underwater lights shall be twelve (12) volts.

13. 720.12 Low Voltage Wiring. Add new section: Low voltage wiring for residential furnace or HVAC equipment and remote water meter wiring shall be installed in conduit in areas made inaccessible by building construction or where subject to damage.

14. Annex H Administration and Enforcement, Section 80.15 Electrical Board, Subsection (G) Appeals, is amended to provide:

(G) Appeals - Review of Decisions. Any person, firm, or corporation may register an appeal with the Building and Zoning Board of Appeals for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, the Building and Zoning Board of Appeals shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Electrical Inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.

15. Annex H, Administration and Enforcement, Section 80.27, Inspector's Qualifications, Subsection B(3) and (D) are amended to provide:

Additions are bold and double-underlined; deletions are struck through.

80.27(B)(3) Experience. Be well versed in the National Electric Code 2008 2014 Edition and the amendments hereto.

80.27(D) Revocation and Suspension. The Director of Community Development or the Village Manager shall have the authority to revoke or suspend an inspector's authority to conduct inspections.

C. **Additions.** The National Electric Code, 2008 2014 Edition, is further amended for adoption by the Village by adding the following provisions:

1. **Nonconforming Installations.** All nonconforming electrical installations or matters discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.
2. **Removal of Abandoned Materials.** All abandoned wiring, conductors, conduit systems, raceways, junction boxes, electrical devices, electrical materials, equipment, and the like, shall be completely removed prior to a final electrical inspection.
3. ~~**Circuit Wiring.** Circuits wired with AWG #14 wire, shall be limited to eight (8) outlets or receptacles for general lighting connected to a single circuit. Circuits wired with AWG #12 wire, shall be limited to ten (10) outlets or receptacles for general lighting connected to a single circuit.~~
4. ~~**Wire Size.** Minimum wire size requirements for any installation other than residential shall be AWG #12. Devices and receptacles shall be twenty (20) amp rated.~~
5. ~~**Conductor Installation.** Conductors shall not be installed in any raceway, until wall finishes are applied or mechanical work has been completed with the consent of the electrical inspector.~~
6. ~~**Minimum Box Size.** Minimum sizes for boxes for general lighting outlets shall be 1½ inches deep and 3¾ inches in diameter. Minimum size boxes for switch and receptacles shall be 1½ inches deep and 4 inches square.~~
7. ~~**Box Installations.** Back to back box installations shall not be permitted in any case.~~
- 3.8. **Light Switches.** Stairways, hallways, passageways, corridors, garages, rooms or other areas with more than one (1) entry shall have a sighting outlet switched from all exits and entries.
- 4.9. **Materials and Equipment.** New materials and/or equipment must be used on all installations.
- 5.10. **Final Inspections.** For final inspection purposes, all light fixtures shall have at least one (1) bulb or lamp in each fixture.
- 6.11. **Remodeling.** Existing buildings or structures that either are scheduled for remodeling and/or additions or have been vacated and made available to new tenants shall, prior to occupancy, be required to remove existing electrical equipment and materials that will not be used or that are determined not to conform to the currently adopted code requirements of the Village of Winnetka. Existing wiring, materials and equipment shall be in good condition, without actual or potential hazards or in an unsafe condition. Hazardous or unsafe conditions include, but are not limited to the following: open boxes, unstable raceways, frayed wiring, dried out/flaking insulation on conductors, Additions are bold and double-underlined; deletions are struck through.

improper connections, burned or defective contacts, overloaded circuits, insufficient number of circuit breakers/fuses, defective main breaker/bus bar, non-listed or labeled fixtures or devices or other similar unsafe conditions, and shall be replaced, removed or repaired as provided for by the provisions of the code. Unusable electrical systems and devices in good condition, which will provide safe electric service, may remain in place.

7.12. Smoke Detectors Alarms. In addition to other Village requirements pertaining to smoke alarms ~~detectors~~, the following is required:

a. ~~— A dedicated circuit shall be provided, which shall be permanently wired into a dwelling unit's electric service;~~

a.b. Any circuit dedicated to a smoke alarm system shall have a ~~A "lockout" device~~ shall be installed on the system's circuit protection device to maintain power to the equipment;

b.e. ~~A separate raceway shall be provided for the system's circuit and detector's control wiring, thereby eliminating the interference of circuit conductors and raceways, which may be installed for other equipment or outlets.~~

c.d. ~~Attics and/or closets that contain mechanical equipment, i.e. heating, ventilating, or cooling equipment, shall contain an approved smoke detector.~~

~~e. An automatic fan shutdown device shall be installed in ceiling house fans and attic fans. This shall interconnect the smoke detector system and de-energize the power to the fan thereby discontinuing the induced air flow from one room to another.~~

8.13. Installation of Electric Services. The Water and Electric Department shall install underground services for all new and modified electrical services. ~~The cost of these services will be determined by that department and must be paid prior to installation.~~ **The charge for such service(s) will be in accordance with rates, fees and charges established from time to time by resolution of the Village Council. The cost of these services must be paid prior to installation.** No overhead electrical services shall be installed. Meter pedestals must be installed so that the center of the meter is **forty (40) to** forty-eight (48) inches high, as measured from the adjacent finished grade. Electrical services shall be installed to the most proximate point of the primary structure. All other electrical work shall be performed by a licensed electrician.

9.14. Inspections. All **permitted** electrical work shall be subject to the inspection and approval of the Director of Community Development, or the electrical inspector under the supervision of the Director.

Section 15.08.080 Amendments to the International Property Maintenance Code, 2009 2015 Edition

A. **Exclusions.** The following provisions of the International Property Maintenance Code, 2009 **2015** Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.3 Right of entry.** (Superseded by WVC Section 15.04.070)

Additions are bold and double-underlined; ~~deletions are struck through.~~

2. 111 Means of Appeal (Superseded by WVC Chapter 3.44)

2. 111.2 Membership of board. (Superseded by WVC Chapter 3.44)

3. 111.2.1 Alternate members. (Superseded by WVC Chapter 3.44)

4. 111.2.2 Chairman. (Superseded by WVC Chapter 3.44)

5. 111.2.3 Disqualification of member. (Superseded by WVC Chapter 3.44)

6. 111.2.4 Secretary. (Superseded by WVC Chapter 3.44)

7. 111.2.5 Compensation of members. (Superseded by WVC Chapter 3.44)

8. 111.3 Notice of meeting. (Superseded by WVC Chapter 15.72)

9. 111.4 Open hearing. (Superseded by WVC Chapter 15.72)

10. 111.4.1 Procedure. (Superseded by WVC Chapter 15.72)

11. 111.5 Postponed hearing. (Superseded by WVC Chapter 15.72)

12. 111.6 Board decision. (Superseded by WVC Chapter 15.72).

13. 111.6.1 Records and copies. (Superseded by WVC Chapter 15.72)

14. 111.6.2 Administration. (Superseded by WVC Chapter 15.72)

15. 111.7 Court review. (Superseded by WVC Chapter 15.72).

16. 111.8 Stays of enforcement. (Superseded by WVC Chapter 15.72)

317. 112.1 Authority (Superseded by WVC Section 15.04.100)

418. 112.2 Issuance (Superseded by WVC Section 15.04.100)

519. 112.3 Emergencies (Superseded by WVC Section 15.04.100)

620 Section 303 Swimming Pools, Spas and Hot Tubs. (Superseded by Sections 15.08.110 and 15.44.140 of the Village Code)

7.21. Section 308.3.1 Garbage facilities.

8.22. Section 308.2 309.2 Owner.

9.23. Section 403.3 Cooking facilities.

10.24. Section 602.3 Heat supply. Retain text; delete Exception 1 only.

11.25. Sections 702 through 704

B. **Amendments.** The following provisions of the 2009 2015 Edition of the International Property Maintenance Code are amended for adoption by the Village and shall ~~provide~~ **read** as follows:

1. **101.1 Title.** These regulations shall be part of the Property Maintenance Code of the Village of Winnetka. As used in the International Property Maintenance Code, 2009 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Property Maintenance Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall

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mean the Winnetka Village Code, and the Property Maintenance Code of the Village of Winnetka shall be called the "Property Maintenance Code."

2. ~~101.2 Scope.~~ Subject to the exceptions stated below, the provisions of this Property Maintenance Code shall apply to all existing residential, commercial and mixed use structures and premises, as defined in this code, and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Exceptions.

1. ~~The provisions of this Property Maintenance Code shall not apply to any buildings or structures located within any of the single family residential zoning districts established pursuant to Chapter 17.08 of the Village Code.~~
2. ~~The provisions of this Property Maintenance Code shall not apply to any residential condominium buildings or residential condominium units, regardless of where they are located.~~
3. ~~The provisions of this Property Maintenance Code shall not apply to any residential condominiums or residential common areas in buildings that have a mixture of residential condominiums and other uses, regardless of where such buildings are located.~~
4. ~~The provisions of this Property Maintenance Code shall not apply to any owner-occupied townhouses or one or two family residential buildings located in any of the multi-family or commercial zoning districts established pursuant to Chapter 17.08 of the Village Code.~~

23. **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of the commercial and mixed use structures and premises to which this code applies. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Title 15 of the Village Code and all other applicable building codes adopted by the Village.

34. **102.1 General.** ~~The provisions of this code shall apply to all matters affecting or relating to commercial and mixed use structures and premises, as set forth in Section 101.~~ Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions

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of this code shall apply. Where, in a specific case, different sections of this code or the Village Code specify different requirements, the most restrictive shall govern.

45. **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Titles 15 and 16 of the Village Code, including the procedures and provisions of the model codes adopted by reference pursuant to Chapter 15.08 of the Village Code, and all other applicable sections of the Village Code.
56. **102.8 Requirements not covered by code.** Requirements that are necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or that are necessary for the public safety, health and general welfare, but that are not specifically covered by this code, shall be determined by the code official.
67. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is responsible for property maintenance inspection and administration and the executive official in charge thereof, also known as the Director of Community Development, shall be known as the code official.
78. **103.2 Appointment.** The code official shall be appointed by the Village Manager.
89. **103.3 Deputies.** Subject to the approval of the Village Manager and to the provisions of Chapter 2.44 of the Village Code, the code official shall have the authority to appoint one or more deputy code officials, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.
940. **103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established as provided in Section 15.32.020 of the Village Code.
1044. **104.2 Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Such inspections may take place only if a complaint respecting said premises has been received by the code official and such complaint, in the opinion of said code official, provides reasonable grounds for belief that a violation exists. All reports of such inspections shall be in writing and shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. Nothing in this section shall be construed as prohibiting or otherwise

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limiting inspections made by the Winnetka Fire Department as part of its regular Fire and Life Safety Code inspection program.

1142. **106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 107 of this code and Section 15.04.090 of the Village Code.
1243. **106.3 Prosecution of violation.** Any person who violates a provision of this code shall be subject to the enforcement proceedings, as provided in Chapter 15.04 of the Village Code. Any action taken against a property owner by the authority having jurisdiction on such premises shall also be charged against the real estate upon which the structure is located, and shall be a lien against such real estate.
1344. **106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.
1445. **107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in accordance with Section 15.04.090 of the Village Code and in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.
1546. **107.2 Form.** All notices required under Section 107.1 shall comply with Section 15.04.090 of the Village Code.
1647. **110.2 Notices and orders.** All notices and orders shall comply with Section 107 of this code and with Section 15.04.090 of the Village Code.
1748. **111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building and Zoning Board of Appeals as provided in Chapter 15.72 of the Village Code.
1849. **112.4 Fines; Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fee of not less than \$250 nor more than \$750.

1920. **SECTION 202 GENERAL DEFINITIONS**

HABITABLE SPACE; HABITABLE ROOM. A room or other space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets,

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halls, storage or utility spaces, and similar areas are not considered habitable spaces.

2021. **302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of ~~six (6)~~ **eight (8)** inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. All noxious weeds, as defined in Section 8.20.030 (B) of the Village Code, are prohibited and shall be removed or destroyed as provided in said Section 8.20.030 (B).

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. The cost of such removal shall be a lien against the property, to the extent permitted by law. Such lien shall be recorded against the property as provided in Chapter 8.2 of the Village Code.

2122. **304.1.1 Unsafe Conditions.** The following conditions shall be determined to be unsafe and shall be repaired or replaced to comply with the *International Building Code* **or the International Existing Building Code**, as adopted and amended pursuant to Chapter 15.08 of the Village Code, and with all other applicable provisions of the Village Code. [Paragraphs 1 through 13 of Section 304.1.1 and Exceptions 1 and 2 to Section 304.1.1 are not amended.]

- 2223 **304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

2324. **304.3 Premises identification.** **See Chapter 15.44.010(C) – Supplementary Standards and Requirements for reference to Display of Street Numbers.** Buildings shall have ~~approved~~ address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

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2425. **304.13.2 Openable windows.** Every window that can be opened, including every window required for ventilation or for emergency ingress and egress, shall be easily openable and capable of being held in position by window hardware.
2526. **304.14 Insect screens.** Ventilation of commercial food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. [The Exception to Section 304.14 is not amended.]
2627. **305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
2728. **305.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* **or the International Existing Building Code**, as adopted and amended pursuant to Chapter 15.08 of the Village Code or with any other applicable provision of the Village Code, as required for existing buildings: [Paragraphs 1 through 6 of Section 305.1.1 and Exceptions 1 and 2 of Section 305.1.1 are not amended.]
2829. **305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Decayed wood and other defective surface conditions shall be corrected.
2930. **SECTION 308 REFUSE, RUBBISH AND GARBAGE**
3031. **308.1 Accumulation of refuse, rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse, rubbish and garbage.
3132. **308.2 Disposal of refuse and rubbish.** Every occupant of a structure shall dispose of all refuse and rubbish in a clean and sanitary manner by placing such rubbish in approved containers that comply with Chapter 8.16 of the Village Code.
3233. **308.2.1 Refuse and rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for refuse, and the owner of the premises shall be responsible for the removal of refuse in accordance with Chapter 8.16 of the Village Code.
3334. **308.3 Disposal of garbage and refuse.** Every occupant of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such

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garbage or refuse in an approved disposal facility or garbage container that complies with Chapter 8.16 of the Village Code.

3435. **308.3.2 Containers.** The operator of every establishment that produces garbage or refuse shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
3536. **309.3 Single occupant.** The occupant of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
3637. **404.3 Minimum ceiling heights.** Exceptions 1 and 2 are deleted.
3738. **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or a water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
3839. **502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Illinois Plumbing Code as adopted and amended pursuant to Chapter 15.08 of the Village Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises that the premises are open to the public.
3940. **503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 300 feet from the employees' regular working area. Employee facilities shall either be separate facilities or combined employee and public facilities.
4041. **505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Village of Winnetka Municipal Water Utility in accordance with Chapter 13.04 of the Village Code. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code, ~~2004~~ 2014 Edition.
4142. **506.1 General.** All plumbing fixtures shall be properly connected to the Village of Winnetka sanitary sewer system in accordance with Chapter 15.24 of the Village Code.
4243. **507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance.

Additions are bold and double-underlined; deletions are struck through.

4344. **602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st through May 31st to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms and toilet rooms.

Exceptions: Exceptions 1 and 2 are deleted.

4445. **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1st through May 31st to maintain a temperature of not less than 68°F (20°C) during the period the spaces are occupied. The provisions of this section shall not apply to processing, storage and operation areas that require cooling or special temperature conditions, or to areas in which persons are primarily engaged in vigorous physical activities. [Exceptions 1 and 2 to Section 602.4 are not amended.]

4546. **603.1 Mechanical equipment and appliances.** The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the International Mechanical Code, ~~2003~~ **2015** Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

4647. **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. Such electrical system shall be properly connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code.

4748. **604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code, ~~2002~~ **2014** Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

4849. **701.1 Scope.** The minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, shall be governed by ~~the provisions of this chapter, and~~ applicable provisions of the Village Code, including the International Fire Code, ~~2003~~ **2015** Edition, and NFPA 101 Life Safety Code, ~~2002~~ **2015** Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 – **Fire Prevention and Safety Codes** of the Village Code **and Chapter 8.04 –**

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Security and Fire Detection Systems of the Village Code, as said chapters are adopted and amended by the Village of Winnetka. In the event of a conflict between these codes, the most restrictive code shall apply.

50. ~~702.1 General.~~ A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code.
51. ~~702.2 Aisles.~~ The required width of aisles in accordance with the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code, shall be unobstructed.
52. ~~702.3 Locked doors.~~ All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code.
53. ~~704.1 General.~~ All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Publication 72, National Fire Alarm Code, 1996 Edition, NFPA Publication 13, Standards for the Installation of Automatic Sprinkler Systems, 1999 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.
54. ~~704.2 Smoke alarms.~~ Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:
1. ~~On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~
 2. ~~In each room used for sleeping purposes.~~
 3. ~~In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple station smoke alarms~~

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~~shall be installed in other groups in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Publication 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.~~

C. **Additions.** The International Property Maintenance Code, 2003 **2015** Edition, is further amended for adoption by the Village by adding the following provisions:

1. 202 General Definitions:
 - a. **REFUSE.** All system waste, as defined in Section 8.16.010 of the Village Code, as well as ashes, manure and yard waste.
 - b. **VILLAGE CODE.** The Winnetka Village Code, as published by the Village of Winnetka, including all amendments thereto.
2. **308.3.3 Grease Disposal.** All food service establishments and all retail food stores shall dispose of grease as provided in Section 8.12.010 of the Village Code.
3. **309.6 Food Services and Retail Food Stores.** All food service establishments and all retail food stores shall comply with the pest control provisions of Section 8.12.200 of the Village Code.

Section 15.08.090 Amendments to ~~International~~ Illinois Energy Conservation Code, 2012 2015 Edition.

A. **Exclusions.** The following provisions of the ~~International Energy Conservation Code, 2012 Edition~~ are excluded from adoption by the Village. **Illinois Energy Conservation Code (71 Ill. Admin. Code 600), as promulgated by the Illinois Capital Development Board, including the 2015 International Energy Conservation Code, and any subsequent amendments adopted by the Capital Development Board thereto, is hereby adopted in its entirety, save and except such portions as are hereinafter excluded or amended.**

Where a range of sections is **are** listed, the exclusion includes all sections and subsections within the specified range.

1. **104.3 Final inspection.** (Superseded by Section 15.32.160 of the Village Code.)
2. **107.1 Fees.** (Superseded by Section 15.32.020 of the Village Code.)
3. **107.3 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **107.5 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)

B. **Amendments.** The following provisions of the ~~International~~ **Illinois** Energy Conservation Code, 2012-**2015** Edition, are amended for adoption by the Village **and shall read as follows:**

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1. **101.1 Title.** These regulations shall be part of the Building Code of the Village of Winnetka and shall be known as the Energy Conservation Code of the Village of Winnetka. As used in the ~~International~~ Illinois Energy Conservation Code, 2012 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Energy Conservation Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Energy Conservation Code of the Village of Winnetka shall be called the "Energy Conservation Code."
2. **108.2 Stop Work Order - Issuance.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
3. **109.1 Board of Appeals – General.** The Building and Zoning Board of Appeals created by Chapter 3.44 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code."

Section 15.08.100 Amendments to the International Existing Building Code, 2015 Edition.

A. Exclusions. The following provisions of the International Existing Building Code, 2015 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. 104.2.1 Preliminary meeting.
2. 104.10.1 Flood hazard areas.
3. 105.1.1 Annual permit.
4. 105.1.2 Annual permit records.
5. 105.5 Expiration. (Superseded by Section 15.32.190 of the Village Code.)
6. 105.7 Placement of permit. (Superseded by Section 15.32.180 of the Village Code.)
7. 106.2 Construction documents. (Superseded by Section 15.32.050 of the Village Code.)
8. 106.3.1 Approval of construction documents. (Superseded by Section 15.32.090 and 15.32.100 of the Village Code.)
9. 108.2 Schedule of permit fees. (Superseded by Section 15.32.020 of the Village Code.)
10. 108.4 Work commencing before permit issuance. (Superseded by Section 15.32.010 of the Village Code.)
11. 108.6 Refunds. (Superseded by Section 15.32.030 of the Village Code.)
12. 112 Board of Appeals. (Superseded by WVC Chapter 3.44)
13. Section 607 Electrical (Superseded by Section 15.08.070 of the Village Code.)
14. Section 609 Plumbing. (Superseded by Section 15.08.060 of the Village Code.)

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15. Section 705 Accessibility (Superseded by adoption of the State of Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or current Edition; See Village Code Sections 15.08.010 and 15.08.120.)

16. 1501.6.4 Barriers. (See IBC Section 3306.9.1, as amended)

B. Amendments. The following provisions of the International Existing Building Code, 2015 Edition, are amended for adoption by the Village and shall read as follows:

1. 101.1 Title. These regulations shall be part of the Building Code of the Village of Winnetka. As used in the International Existing Building Code, 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Building Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Building Code the Village of Winnetka shall be called the "Building Code."

2. 101.6 Appendices. Adopted as part of this code are:

- a. Appendix B – Supplementary Accessibility Requirements for Existing Buildings
- b. Appendix C – Guidelines for Wind Retrofit of Existing Buildings.
- c. Resource A – Information on Fire Resistance of Archaic Materials and Assemblies.

3. 103.1 Creation of enforcement agency. The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building official.

4. 103.3 Deputies. Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

5. 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reasons make the strict letter of this building code impractical and that the modification is in compliance with the intent and purpose of this building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the Department of Community Development.

6. 105.2 Work exempt from permit. Permits shall not be required for the following work.

a. Building

- i. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

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- ii. Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.
 - iii. Prefabricated swimming pools that are accessory to a detached one- or two-family dwelling, as applicable in Section 101.2, and that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
 - iv. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- b. Electrical:
- i. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- c. Mechanical:
- i. Portable heating appliances.
 - ii. Portable ventilation appliances.
 - iii. Portable cooling units.
 - iv. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 - v. Portable evaporative coolers.
 - vi. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
 - vii. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- d. Plumbing:
- i. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 - ii. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
7. Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.
8. 112.1 General. The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application

Additions are bold and double-underlined; deletions are struck through.

and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

9. 115.2.1 Stop work order policy. The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
10. 410.8.2 Elevators. Altered elements of existing elevators shall comply with the current provisions of the state of Illinois safety codes and standards for elevators and conveyances.
11. 410.8.3 Platform lifts. Platform (wheelchair) lifts complying with the current provisions of the state of Illinois safety codes and standards for elevators and conveyances shall be permitted as a component of an accessible route.
12. 702.6 Materials and methods. All new work shall comply with materials and methods requirements in the International Building Code, the International Residential Code, the Illinois Energy Conservation Code, the International Mechanical Code, the International Fuel Gas Code and the State of Illinois Plumbing Code, as amended and adopted by the Village, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component or system in the building.
13. 708.1 Minimum requirements. Level 1 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the International Energy Conservation Code, as amended by the Illinois Energy Conservation Code.
14. 1010.1 Increased Demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements, or to increased water supply requirements in accordance with the current edition of the State of Illinois plumbing code, the new occupancy shall comply with the intent of the respective provisions of the current edition of the State of Illinois plumbing code.
15. 1010.2 Food-Handling Occupancies. If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the current edition of the State of Illinois Food Code.
16. 1010.3 Interceptor Required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required by the current edition of the State of Illinois Plumbing Code.
17. 1012.2.1 Fire Sprinkler System. Where a change in occupancy classification occurs, that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code, and in conformance with Section 15.16.050.

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18. 1501.2 Storage and placement. Storage and placement of construction equipment and materials shall be in conformance with Section 3306.9.1 of the International Building Code, as amended and adopted by the Village.

Section 15.08.110 Adoption of the International Swimming Pool and Spa Code.

Adoption of code by reference. The provisions of Chapters 1, 2, 3, 7, 8, 9, and 10 of the International Swimming Pool and Spa Code, 2015 edition, published by the International Code Council, Inc., are hereby adopted by this reference, subject only to the additions, deletions and modifications specifically set forth within this Code.

A. Exclusions. The following provisions of the International Swimming Pool and Spa Code, 2015 edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. 104.7 Department records.
2. 105.5 Expiration. (Superseded by Section 15.32.190 of the Village Code.)
3. 105.6 Fees (Superseded by Section 15.32.020 of the Village Code.)
4. 105.6.3 Fee refunds. (Superseded by Section 15.32.030 of the Village Code.)
5. Section 108 Means of Appeals. (Superseded by WVC Chapter 3.44)

B. Amendments. The following provisions of the International Swimming Pool and Spa Code, 2015 edition are amended for adoption by the Village and shall read as follows:

6. 101.1 Title. Insert "the Village of Winnetka, Cook County, Illinois" for "[name of jurisdiction]".
7. 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of residential swimming pools and residential spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.
8. 102.7.2 Illinois Plumbing Code. Whenever a reference is made to the International Plumbing Code, such reference shall be deemed to refer to the applicable section of the Illinois Plumbing code, as adopted by the Village of Winnetka.
9. 103.1 Creation of enforcement agency. The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building code official.
10. 107.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor. If the notice of violation is not complied with, the Code Official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction

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made pursuant thereto. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and may be a lien upon such real estate.

11. 107.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.
12. Section 202 Definitions. Add: "Private swimming pool" means a man-made rigid or semi-rigid receptacle for water having a depth at any point greater than eighteen (18) inches, used or intended to be used for swimming, wading or bathing and constructed, installed or maintained in or above the ground, and which is used exclusively by the owner or occupant of the lot or premises in the Village on which it is located, his or her family and his or her guests.
13. 302.1 Electrical. Electrical requirements for residential swimming pools and residential spas shall be in accordance with the National Electrical Code - NEPA 70, 2014 edition, and as applicable in accordance with Section 102.7.
14. 302.2 Water service and drainage. Piping and fittings used for water service, makeup and drainage piping for residential swimming pools and spas shall comply with the State of Illinois Plumbing Code, 2014 or current edition. Fittings shall be approved for installation with the piping installed.
15. 305.1 General. The provisions of this section shall apply to the design of barriers for residential swimming pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such vessels. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.
16. 305.2.1 (5). A fence on an adjoining property or building or existing wall complying with the requirements in this section may be used as part of the enclosure, with the approval of the Community Development Director, if the resultant enclosure is sufficient to make the pool inaccessible to small children. If at any time said existing fence or wall being used as part of the enclosure is removed, the enclosure of the pool shall immediately be made to meet the requirements of the section at the pool owner's expense.

Section 15.08.120 Amendments to the State of Illinois Accessibility Code, 2018 or current edition.

Adoption of code by reference. The provisions of the Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or current edition, is hereby adopted by this reference as the Accessibility Code of the Village of Winnetka, subject only to the additions, deletions and modifications specifically set forth within this Code.

Additions are bold and double-underlined; deletions are struck through.

A. Exclusions. The following provisions of the Illinois Accessibility Code, 2018 or current edition, are excluded from adoption by the Village:

1. None.

B. Amendments. The following provisions of the Illinois Accessibility Code, 2018 or current edition, are amended from adoption by the Village:

1. None.

EXHIBIT B

CHAPTER 15.16

FIRE PREVENTION AND LIFE SAFETY CODE

Section 15.16.010 Adoption of codes by reference.

A. **Adoption of codes by reference.** The model codes described in the following subsections 1 through 7 are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

1. International Fire Code, 2009 2015 Edition, including the following:

2. Appendices:

- a. Appendix B: Fire-Flow Requirements for Buildings
- b. Appendix C: Fire Hydrant Locations and Distribution
- c. Appendix D: Fire Apparatus Access Roads
- d. Appendix I: Fire Protection Systems - Noncompliant Conditions

3.2. National Fire Protection Association (NFPA) 101 Life Safety Code, 2009 2015 Edition.

4.3. Standards for the Installation of Automatic Sprinkler Systems, National Fire Protection Association (NFPA) Publication 13, 2010 2016 Edition.

5. Standards for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, National Fire Protection Association (NFPA) Publication 13R, 2016 Edition.

6. Standards for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, National Fire Protection Association (NFPA) Publication 13D, 2016 Edition.

7.4. Standards for the Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 2016 Edition.

8.5. National Fire Alarm Code and Signal Code, National Fire Protection Association (NFPA) Publication 72, 2012 2016 Edition.

B. **Rules of construction.** In the event any provision of the codes adopted by reference in this chapter conflict with state law, with any other ordinance of the Village, or with any other provision of this code, the provision requiring the highest standard for protection of life or property, as determined by the Fire Chief, shall prevail.

Section 15.16.020 Amendments to the International Fire Code, 2009 2015 Edition.

A. **Exclusions.** The following provisions of the International Fire Code, 2009 2015 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

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1. ~~108.1 Board of appeals established.~~ **Section 108 Board of Appeals (Superseded by WVC Chapter 3.44)**

2. **3404.2.13.1.4 Tanks abandoned in place.**

B. **Amendments.** The following provisions of the International Fire Code, ~~2009~~ **2015** Edition are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These regulations shall be known as the Fire Code of the Village of Winnetka. As used in the International Fire Code, ~~2009~~ **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Fire Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Fire Code of the Village of Winnetka shall be called the "Fire Code."

2. **105.3.1 Expiration.**

10. An operational permit shall remain in effect until reissued, renewed, or revoked, or for such a period of time as specified in the permit.

11. The length of time during which any construction permit issued for work under the Fire Code remains in effect shall be determined pursuant to Sections **15.32.190** of the Village Code.

3. **111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with Section 1.08.010 of the Village Code.**

4. **112.1 Authority to disconnect service utilities. The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified as soon as practical thereafter.**

5. **Section 202 General Definitions, Food Truck and Mobile Food Vendor: A vendor with a self-contained food service operation, located in a readily movable motorized wheeled vehicle, towed vehicle or food cart, used to store, prepare, display and/or serve food intended for individual portion service.**

6.3-307.4.3 Outdoor fires; outdoor fireplaces, outdoor pizza ovens and fire pits.

- a. Outdoor fires in general. All outdoor fires, recreational or otherwise, shall be subject to the following requirements:
 - i. All outdoor fires shall be under continuous competent supervision.
 - ii. No outdoor fire, including but not limited to, fires in outdoor fireplaces, outdoor pizza ovens, fire pits and similar devices, shall be used in such a manner or location that it causes any building fire alarm to activate or that it otherwise creates a hazardous or objectionable condition.

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- iii. All outdoor pizza ovens must be equipped with a chimney with a spark arrestor installed in good working condition.
- b. Outdoor fireplaces, outdoor pizza ovens and fire pits. All portable outdoor fireplaces, outdoor pizza ovens, fire pits and similar devices, and all such devices that are permanently installed, shall be located and operated at least fifteen (15) feet from any building. Notwithstanding the foregoing, the operation of a permanent outdoor fireplace, outdoor pizza oven, fire pit or similar device that was lawfully installed before July 17, 2012, shall be permitted, provided that such operation complies with the above Section 307.4.3.a.
- c. Authority to extinguish. The code official is authorized to order the extinguishment of any outdoor fire that is not in compliance with this code or that otherwise creates a hazardous or objectionable condition.

C. **Additions.** The International Fire Code, 2009 2015 Edition, is further amended by adding the following new provisions:

1. Section 319 FOOD TRUCK AND MOBILE FOOD VENDOR PREVENTION CODE Add the following subsections and paragraphs:

a. 319.1 General safety. The following requirements shall apply:

- i. Obtain proper permits from the Village.**
- ii. A 10# ABC Fire extinguisher is required for all food trucks.**
- iii. Workers must be knowledgeable in operations of fire protection systems, utility shut-offs, emergency procedures and access to fire/police.**
- iv. A K-Type extinguisher is required for any grease cooking operation.**
- v. Food truck to provide a 10 foot clearance from all buildings, other vehicles and combustible materials. Variations require approval of a Fire Department Official.**
- vi. All exhaust from the truck or generator shall be directed away from and a minimum of 10 feet from any intake, opening or means of egress.**
- vii. A fire department access road must be maintained.**
- viii. The use of a tent or canopy will require a separate permit.**

b. 319.2 Generator safety. The following requirements shall apply:

- i. All fuel tanks are to be filled to proper capacity for continuous service prior to the start of the event.**
- ii. Generators shall be shut-down and cooled prior to refueling.**
- iii. All electrical appliances and generators shall comply with the Electrical Code (NEPA70 - 2014).**
- iv. Generators attached to the vehicles shall be enclosed in a vented housing and away from public access.**
- v. Cords in the walkways or exit paths must be covered to prevent trips/falls.**
- vi. Generators shall be properly grounded.**

c. 319.3 LPG Gas safety. The following requirements shall apply:

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- i. All gas shut-offs shall be readily accessible.
- ii. LPG tanks shall be stored in the upright position and secured to prevent from falling over.
- iii. All LPG tanks shall be inspected for leaks prior to use.
- iv. No LPG tank is permitted to be stored in the vehicle during operations.
- v. Tanks stored outside the vehicle should be 10 feet from any building, combustible materials or any other vehicle.
- vi. Keep LPG tanks out of direct sunlight and from general public access.
- vi. All LPG lines and fittings must be listed for LPG use.

d. 319.4 Wood/charcoal cooking. The following requirements shall apply:

- i. Wood/charcoal shall be stored not less than 3 feet from cooking area.
- ii. Fuel should not be stored near food supply, combustible materials, ignition sources or chemicals.
- iii. Ashes must be placed into a closed metal container a minimum of 3 feet from the cooking area.
- iv. Ashes should not be disposed of in public waste containers.

2. 505.3 Premise identification - rear and side access. See Chapter 15.44.010(C) – Supplementary Standards and Requirements for reference to Display of Street Numbers. ~~In addition to the premises identification in Section 505.1, all buildings except for one- and two-family dwellings shall have their address posted on any rear and/or side door. The signage shall include the address, the name of the street and business name or building name. The sign shall be installed at a height of approximately five feet (5') above the standing surface. The sign shall be installed immediately to the side of the door so it is visible with the door in the open or closed position. All other installation locations shall be approved by the Fire Chief or his designee.~~
3. ~~607.5 Elevator size.~~ ~~Elevator installations in any building other than a one- or two-family dwelling shall include at least one elevator that is designed to accommodate an ambulance stretcher in a horizontal position, plus two (2) attendants.~~
3. 806.1.4 Storage and display of Christmas trees. Christmas trees stored or displayed for sale shall be outside of buildings at a distance of at least ten (10) feet from any building or structure, except that such trees may be stored closer to a blank masonry wall with the permission of the owner of such wall. No Christmas trees may be stored or displayed within thirty-five (35) feet of any gasoline pump. Trees remaining on hand after December 25th of any year shall be removed from the premises not later than December 31st of the same year.
4. 905.3.1 Applicability of Standpipe and Hose System Regulations. A standpipe and hose system, installed in accordance with the standards set forth in Standard for the Installation of Standpipe and Hose Systems, NFPA Publication 14, 2015 Edition, shall be installed in all buildings, other than one- and two-family dwellings, that are more than two stories in height, regardless of the height of any such buildings measured in linear terms, such as feet or meters.

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5. 5601.3 Storage and sale of explosives. No person shall have, store, sell, transport or give away to any user or consumer any gunpowder, dynamite, blasting powder, nitroglycerine, rocket fuel or any other explosive of like nature, within the limits of the Village, except that this regulation shall not prohibit the storage of loaded shells for small arms nor the hand loading of small arms ammunition for private personal use (but not for resale), or use by law-enforcing agencies.
6. 5601.4 Use of explosives. No person shall use or discharge any gunpowder, dynamite, blasting powder, nitroglycerine, rocket fuel or other explosive of like nature, within the limits of the Village, excepting for blasting operations in accordance with the terms and conditions of a permit to be issued by the fire code official in his or her reasonable discretion.
7. Section 5610 Possession and sales of fireworks prohibited.
- a. Possession and Sale Prohibited. No person shall possess, sell, offer for sale, loan or give away, to any retail dealer, consumer or user in the Village, any article or substance of an explosive nature designed or intended to be used as fireworks, including but not limited to any toy pistol, toy gun, toy cannon, blank cartridge, firecracker, sparkler, rocket, torpedo squib or colored fire, except in accordance with a permit for a supervised public display issued by the Village Manager pursuant to rules and regulations adopted by the Council.
- b. Use. No person shall use, give away, offer for sale, sell, fire, discharge or set off within the limits of the Village any article, or any substance of any explosive nature, including without limitation blank cartridges, firecrackers, sparklers and colored fire designed or intended to be used as fireworks except in accordance with a permit for supervised public display issued by the Village Manager pursuant to rules and regulations adopted by the Council. Sky lanterns are prohibited to be used within the Village. Storage of fireworks for permitted public display shall be in accordance with the 2015 International Fire Code, and shall be limited to a period of not more than fifteen (15) days prior to date of use.
- c. Violations and penalties. Any person who violates this section shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00).
8. 6109.15 LP-gas cylinder exchange for resale. Add: paragraph 5. The outside storage of LPG containers pending their use, sale or resale, including containers stored outside as part of a cylinder exchange program, shall not exceed a combined total of 120 gallons (twenty-four 25-pound cylinders) water capacity.

Section 15.16.030 Amendments to the NFPA 101 Life Safety Code, 2009 2015 Edition.

A. **Amendments.** The following provisions of the NFPA 101 Life Safety Code, 2009 2015 Edition are amended for adoption by the Village and shall read as follows:

1. **1.1.1 Title.** The NFPA 101 Life Safety Code, 2009 2015 Edition, shall be known as the Life Safety Code of the Village of Winnetka.

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2. **1.3 Application.**

1.3.5 Restoration of damaged buildings. Whenever any existing building is damaged by fire or other cause to the extent that the cost of restoration to its condition immediately prior to the occurrence shall exceed fifty (50) percent of the cost of the restoration of the entire building new or whenever alterations or additions are made to any existing building which are equivalent to more than fifty (50) percent of the value of such building, the construction or alteration shall include all changes necessary to bring the building into conformity with the Life Safety Code. Costs determined under this paragraph shall be determined in the same manner such costs are determined for nonconforming buildings under Chapter 17.64 of this code.

- 3. 7.2.1.4.2.1 Exit Doors.** Exit doors shall be installed to swing with exit travel, regardless of the number of persons served, in any building used for an occupancy described in subsection A of Section 15.16.080 of this chapter, except where the Fire Chief has determined that compliance is unreasonably difficult to accomplish and that non-compliance does not pose a life safety hazard.

Section 15.16.040 Amendments to the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, ~~2010~~ 2016 Edition.

A. **Amendments.** The following provisions of the Standard for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, ~~2010~~ 2016 Edition are amended for adoption by the Village.

1. **Title.** The Standard for the Installation of Standpipe and Hose Systems, ~~2010~~ 2016 Edition, also known as NFPA Publication 14, shall be known as Standpipe and Hose System Regulations of the Village of Winnetka.
2. ~~**Applicability of Standpipe and Hose System Regulations.** A standpipe and hose system, installed in accordance with the standards set forth in Standard for the Installation of Standpipe and Hose Systems, NFPA Publication 14, 2010 Edition, shall be installed in all buildings, other than one and two family dwellings, that are more than two stories in height, regardless of the height of any such buildings measured in linear terms, such as feet or meters.~~

Section 15.16.050 Fire Sprinkler Requirements.

A. **Applicability.** Except as provided in Section 15.16.050 (B) of this code, automatic fire sprinkler systems, installed in accordance with the standards set forth in NFPA Publication 13, Standard for the Installation of Sprinkler Systems, ~~2010~~ 2016 Edition, or alternate similar fire suppression systems as approved by the Fire Chief or his designee, shall be installed in all buildings used for the following occupancies:

1. Assembly occupancy used for gathering together six or more persons;
2. Any occupancy where there is an activity involving the use of flammable liquids or gases or where flammable or combustible finishes are applied;
3. Mercantile occupancy;

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4. Institutional occupancy;
5. Multifamily residential occupancy;
6. Educational occupancy;
7. Business occupancy; or
8. Storage occupancy.

B. **Exceptions.** The requirements of Section 15.16.050.A of this code shall not apply to any building that has same use or occupancy as the use or occupancy that was in existence in the building prior to the effective date of the amendment of this Section being February 15, 1977.

C. **Fee rebate.** Any building owner, other than a unit of government, who files, during the period beginning January 1, 2016 and ending December 31, 2021, with the Village the permit applications and other submittals necessary to install an automatic fire sprinkler system may obtain a rebate of the Village's applicable plan review fees, water service tap fee, water meter fee, street replacement fees, and right-of-way excavation fee, as those fees may be amended from time to time by the Village Council. Eligible building owners may apply for these fee rebates after the Village Fire Chief or his designee approves the automatic fire sprinkler system installed within the building.

D. **Deferred installation of water service.** If the installation of a new automatic fire sprinkler system within a building, other than a building owned by a unit of government, requires installation of a new water service line connecting the building to a Village water main, the owner of the building may defer installation of the new water service line subject to, and contingent upon, all of the following conditions:

1. Before installation of the automatic fire sprinkler system, the building owner must execute and deliver to the Village an agreement in a form provided by the Village and providing, among other things, that the building owner must: (a) construct and install the new water service line in accordance with all applicable Village ordinances and other applicable laws within five (5) years after the effective date of the agreement, (b) acknowledge that the Village may revoke and refuse to issue any certificate of occupancy for the building if the building owner fails to comply with any of the provisions of the agreement, and (c) authorize the Village to record the agreement with the Cook County Recorder of Deeds against the property on which the building is located.
2. A certificate of occupancy will not be issued for the building unless and until the building owner installs the automatic fire sprinkler system within the building in accordance with the requirements of Section 15.16.050.A of this code and all plans and other submittals filed with, and approved by, the Village, and this certificate of occupancy shall be subject to completion of the necessary water service line in accordance with the requirements of the agreement described in Section 15.16.050.D.1 of this code.
3. At all times before completion of the new water service line and its approval by the Village in accordance with all applicable Village ordinances and other

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applicable law, the building must be equipped with a fire alarm system that complies with all Village ordinances and other laws applicable to a building that is not equipped with a fire sprinkler system.

E. **Permitted temporary occupancies.** A building owner of a building subject to Section 15.16.050 .B of this code, may apply to the Village Fire Chief for a temporary certificate of occupancy for a ninety (90)-day use or occupancy of the building that differs from the use or occupancy that was in existence in the building on February 15, 1977. The Village Fire Chief or his designee may issue such a temporary certificate of occupancy without requiring the owner to install a new automatic fire sprinkler system, subject to, and contingent upon, the following conditions:

1. Before commencement of the temporary use or occupancy, the building owner must execute and deliver to the Village an agreement in a form provided by the Village and providing, among other things, that the building owner must: (a) cease the temporary use or occupancy no later than ninety (90) days after the day it commences; and (b) acknowledge that the Village may revoke and refuse to issue any certificate of occupancy for the building if the building owner fails to comply with any of the provisions of the agreement.
2. Not more than one (1) temporary certificate occupancy may be approved pursuant to this Section 15.16.050.E of this code for the same building in any three hundred sixty-five (365)-day period.
3. If a temporary use or occupancy approved pursuant to this Section 15.16.050.E does not cease within ninety (90) days after it commences: (a) the building owner will be subject to a fine in the amount of \$250.00 for each day that the temporary use or occupancy continues after the expiration of the temporary certificate of occupancy, (b) the Village Fire Chief or his designee may cause the building to be vacated, (c) Section 15.16.050.B of this code will no longer apply to the building, and (d) the Village will not issue any certificate of occupancy for any future use or occupancy of the building unless and until the building owner installs an automatic fire sprinkler system within the building that complies with the requirements of Section 15.16.050.A of this code.
4. No decision by the Village Fire Chief or his designee pursuant to this Section 15.16.050.E may be appealed pursuant to Section 15.16.090 of this code.

F. **Terms.** The terms used in this section shall have the same meanings as those terms have in the Fire Prevention Code and the Life Safety Code adopted by this chapter.

Additions are bold and double-underlined; deletions are struck through.

EXHIBIT C

CHAPTER 15.44

SUPPLEMENTARY STANDARDS AND REQUIREMENTS

Section 15.44.010 Numbering buildings.

A. Base Lines.

1. All lots or buildings located on north and south streets in the Village or on streets running in a northerly and southerly direction shall be numbered northerly from a line running east and west one thousand (1,000) feet south of and parallel with the south section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with the number one and increasing towards the north or northerly.
2. All lots or buildings located on east and west streets in the Village or on streets running in an easterly and westerly direction shall be numbered westerly from a line running north and south two thousand (2,000) feet east of and parallel with the east section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with the number one, and increasing toward the west or westerly.

B. Assignment of Numbers.

1. Numbers shall be assigned to lots and buildings as set forth in the Street Numbering Atlas on file in the office of the Director of Public Works. Such atlas is referred to and adopted and made a part of this section as fully as if set forth in full herein. The even numbers shall be assigned to the southerly and westerly sides of streets, and odd numbers to the northerly and easterly sides of streets.
2. The Director of Community Development shall assign to each lot or building its proper number and shall notify the owner or occupant.

C. Display of Street Numbers. ~~Numbers assigned shall be displayed on the street side of each building by the owner or occupancy within thirty (30) days after notice from the Director of Community Development. The figures of building numbers shall be not less than four (4) inches in height, shall be of such character as to be distinctly and easily read and shall be placed in a conspicuous place on the street side of the premises to which they are assigned.~~

- 1. Assigned numbers for new and existing buildings shall be provided with approved address identification. The address identification shall be legible and places in a position that is visible from the street or road fronting the property and displayed by the owner or occupant within thirty (30) days after notice from the Director of Community Development. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches high with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building cannot be viewed from the**

Additions are bold and double-underlined; deletions are struck through.

public way, a monument, pole or other sign or means shall be used to identify the structure.

2. In addition to the premise's identification, all buildings except for one- and two-family dwellings shall have their address posted on any rear and/or side door. The signage shall include the address, the name of the street and business name or building name. The sign shall be installed at a height of approximately five (5) feet above the standing surface. The sign shall be installed immediately to the side of the door, so it is visible with the door in the open or closed position. All other installation locations shall be approved by the Fire Chief or his designee.

3. Address identification shall be maintained.

Section 15.44.020 Moving buildings.

- A. Permit. No building shall be moved on or across any public street, alley or other public place within the Village by any person except upon a permit issued by the Village through the Director of Public Works.
- B. Application for Permit. Application for such permit, ~~on forms provided by~~ in a form acceptable to the Village, shall describe the building to be moved, where located, the place to which it is to be moved, the route to be taken, the time probably required for such moving and each other information as the Director of Public Works deems necessary.
- C. Standards for Issuance of Permit. Upon consideration of the application and such inspection as the Director of Public Works may deem necessary, and upon receipt of all required fees and deposits, the Director of Public Works shall issue the permit; provided that, the Director determines that the applicant has complied with all other provisions of this section, and that:
 1. The proposed move will not be detrimental to the public safety or welfare;
 2. The proposed move will not damage private, Village or public utility property without the consent of the owner; and
 3. The work proposed to be done is in accordance with this code, and that the necessary permits under this code have been issued.
- D. Fees and Deposits. ~~Prior to the issuance of a permit to move a building, the applicant shall pay to the Village a fee for the occupancy of the street(s) through which the building is proposed to be moved. The fee shall be determined by the Director of Public Works by applying a daily rate to the estimated number of days required to move the building. In addition to the fee and the right-of-way restoration deposit required by Section 12.04.120 of this code, prior to the issuance of a permit to move a building, the applicant shall also make a deposit to the Village, in an amount determined by the Director of Public Works as sufficient to reimburse the Village and any public utility company for the cost of removing and replacing all overhead wires, cables and appurtenances, and for the making of necessary repairs to such overhead wires, cables and appurtenances, and to reimburse the Village for any damage that might occur to any public structure in any street,~~

Additions are bold and double-underlined; ~~deletions are struck through.~~

~~alley or public place over which the building may be moved.~~ **The applicant shall pay a non-refundable application processing fee of \$250.00 at the time the moving of a building application request is filed. Upon completion of moving the building, the Director of Public Works shall prepare a detailed account of all services provided for the moving of the building and shall set the final user fee using the rates, fees and charges established as provided in this Chapter, plus a ten percent (10%) non-refundable administrative fee. The Village shall provide the authorized and responsible person identified in the application request with a copy of the detailed account of services and an invoice for the expenses. The balance of the expenses shall become due and payable immediately upon its receipt.**

1. Use of Village Personnel. The rates charged for the use of Village personnel shall be fixed from time to time by resolution of the Village Council.

2. Use of Village Equipment. The rates charged for the use of Village equipment shall be fixed from time to time by resolution of the Village Council.

3. Use of Village Rights-of-Way. The rates charged for the use of Village rights-of-way property shall be at the rates set forth in this section, based on the extent of interference with or disruption of the normal use and operation of the Village right-of-way.

a. For the total closure of any public street or right-of-way for any block or part of a block, the cost shall be fifty dollars (\$50.00) per hour.

b. For the partial closure or obstruction of any public street or right-of-way within any block, the cost shall be twenty-five dollars (\$25.00) per hour.

4. Use of Village Supplies and Materials. The cost of materials to repair overhead wires, cables and appurtenances as well as costs of materials to repair any damage that might occur to any Village street, alley or public place over which the building may be moved.

E. Appeal. In the event the Director of Public Works denies a request to issue a permit to move a building, the Director's decision shall be subject to review by the Village Council, upon the written request of the applicant. If the Village Council finds the application to be in compliance with the requirements of this section, it shall adopt a resolution directing the issuance of such permit.

F. Liability Insurance. No permit to move a building shall be issued unless the applicant has first obtained liability insurance in a form and amount acceptable to the Director of Public Works and Village Attorney, which insurance shall indemnify the Village against any loss, costs or damages resulting from any injury to any of the workers or employees of the person engaged in the moving of the building, and indemnifying the Village against any loss, costs or damages resulting from any injury suffered by any other person or damage to any property resulting from the moving of the building.

G. Occupation of Streets. No building moved shall be permitted to stand or remain in the intersection of any street, or of any street and public alley, or upon any railroad crossing at any time during the course of its removal.

Additions are bold and double-underlined; ~~deletions are struck through.~~

- H. Lights. From dusk until sunrise on each night while a building being moved remains on the public streets or alleys of the Village, the person to whom such permit is issued shall maintain at the center and each end of such building adequate warning lights.
- I. Care of Pavements. It is unlawful for any person moving a building to drive stakes in any pavement, public alley or at any railroad or railway crossing.
- J. Supervision of Work. If the terms of the permit are not fully complied with, the Director of Public Works shall have the authority to stop such work and to direct and supervise the completion of such work in accordance with the terms of the permit or to take such action as may be necessary in any emergency which may arise. Such actions shall be at the applicant's expense and the deposit required may be applied toward payment of such expenses.”

Section 15.44.030 Awnings and Rigid Canopies

- A. Permit Required. No person shall install, erect, construct or replace an awning or rigid canopy (other than one attached to a single-family dwelling or a building or structure accessory to such single-family dwelling) without first obtaining a permit from the Director pursuant to this chapter and Section 12.24.010 of this code, and also obtains a certificate of appropriateness of design from the Design Review Board, as provided in this title. The fee for such permit shall be set from time to time by resolution of the Village Council.
- B. Application for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.

Section 15.44.040 Impermeable Surfaces

- A. Permit Required. No person shall construct any impermeable surface, as defined in Section 17.04.030 of this code, without first obtaining a permit from the Director.
- B. Application for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.

Section 15.44.050 Freestanding heating or cooling devices and stationary generators

- A. Definitions. For the purpose of this section the term "freestanding heating or cooling device" means any device designed to collect, store or produce heat or cooling, including solar heating or water heating devices, heat pumps and air conditioning units not enclosed within a building or accessory building, but does not include a portable window air conditioner. **Also, for the purpose of this chapter, a “stationary generator” shall be defined as a piece of permanent equipment that produces auxiliary, standby or backup electrical power to a whole building/structure or a portion thereof.** A

Additions are bold and double-underlined; ~~deletions are struck through.~~

"freestanding heating or cooling device" and a "stationary generator" are each is deemed to be a "building" as that term is used in the Zoning Ordinance.

- B. Permit Required. No person shall install or replace any freestanding heating or cooling device or any stationary generator within the Village without first obtaining a permit from the Director.
- C. Applications for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.
- D. Standard for Permits. Any application for a permit to install or replace one or more air conditioners or freestanding cooling devices having a total capacity of eight tons or more or to install a stationary generator shall be made on a printed form provided by the Director. The application shall include plans detailing that the equipment for which the permit is sought will be screened on all four sides by a solid fence or wall at least the height of the equipment being screened, in order to reduce transmission of noise to adjacent parcels. be signed by the owner and shall be accompanied by technical submissions prepared and signed by a qualified professional, so as to establish either:

1. ~~That the manufacturer's sound power ratings for such air conditioner(s) or cooling device(s), when converted to decibels (dB), do not exceed the standards of the Illinois Pollution Control Board, as set forth in the Illinois Administrative Code, Title 35, Subtitle H, Chapter I, Sections 901.102(a) and (b) as amended; or~~
2. ~~That the air conditioner(s) or cooling device(s) will be placed in such a location and equipped with such sound attenuation devices that the operation of the air conditioner will not exceed the noise emission standards of the Illinois Pollution Control Board. All measurements of sound pressure levels shall be made at the property line of the receiving land.~~

~~For purposes of this subsection D the term "Class A land" in the noise emission standards of the Illinois Pollution Control Board means land lawfully used for residential purposes, regardless of its zoning classification.~~

~~The Director may request any additional information he or she deems necessary to establish that the proposed air conditioner meets the foregoing standards. The applicant shall bear all costs incurred by the Village in determining whether the air conditioner or cooling device complies or will comply with the noise emission standards.~~

- E. Temporary Permits: Weather Emergency. At any time from December 1st through March 31st, or in the event of a weather emergency, the Director may issue a temporary permit, which shall expire no later than the first day of May immediately following its issuance, to allow for the installation of a combined heating and cooling device or generator otherwise subject to the permit standards of subsection D of this section; provided that, the combined heating and cooling device or the generator is being installed to replace a combined heating and cooling unit of equal or lesser size or a generator that has failed and cannot be repaired; and provided further that, as soon as weather conditions permit, the owner of the property on which the combined heating and cooling device or generator is being installed proceeds to provide a solid fence or wall as required in

Additions are bold and double-underlined; deletions are struck through.

~~such documentation and to install such sound attenuation devices as may be necessary to bring the combined heating and cooling device into compliance with the permit standards of subsection D of this section. For purposes of this subsection, a weather emergency shall exist: (1) on any day when the National Weather Service forecast for the following twenty-four (24) hours for the Chicago metropolitan area includes a forecast that the temperature will be thirty-two (32) degrees Fahrenheit or below; or (2) on any day preceding a holiday or a weekend when such a forecast indicates that the temperature will be thirty-two (32) degrees Fahrenheit or below during the holiday or weekend.~~

Section 15.44.060 Fences.

- A. Permit Required. No person shall install, erect, construct or replace any fence or wall within the Village without first obtaining a permit from the Director.
- B. Application for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.

Section 15.44.070 Disposition of approved construction documents.

Approved construction documents for all new structures or additions to existing structures, except for one and two-family dwellings and their accessory structures, shall remain on file permanently in the Department after completion and compliance of the permit work. The Director may dispose of or return approved construction documents for one and two-family dwellings six months after completion and compliance of the permit work.

Section 15.44.080 ~~Alternative materials and equipment.~~ (Repealed)

~~The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed in this chapter; provided that, such alternative has been approved. An alternative material or method of construction shall be approved by the Director upon the submission of evidence that performance of the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability and safety. Such evidence may consist of certification by an agency of the federal government, or of adequate reports and test data from a recognized impartial testing laboratory, or of proven and authoritative service records.~~

Section 15.44.090 ~~Fire limits.~~ (Repealed)

- ~~A. Establishment; Boundaries. There is established an area designated as the "fire limits," which shall coincide with and include all of the real estate included in any Commercial, Industrial, and Multifamily Residential zoning districts established by the Zoning Ordinance, except those parcels of real estate located in any Multifamily Residential District but used only for one or two family occupancy.~~
- ~~B. Damaged Structures Within Fire Limits. Any structure of frame construction within the fire limits which has been damaged by fire or other cause, to an extent greater than fifty (50) percent of its value shall not be repaired or replaced, except by a structure of other than frame construction. A frame structure which has been damaged by fire or other cause to an extent not greater than fifty (50) percent of its value may be repaired; provided, there is no~~

Additions are bold and double-underlined; ~~deletions are struck through.~~

~~increase in the size of such structure over its original dimensions; and provided further that, combustible roof coverings shall not be used.~~

- ~~C. Projections Beyond Exterior Walls. Roof decks, eaves, permanent awnings or similar permanent projections which extend beyond the exterior wall of any structure within the fire limits, and beyond the exterior wall of any multifamily structure located anywhere in the Village, shall be constructed of noncombustible materials.~~

Section 15.44.100 Roof materials.

All structures other than one and two-family dwellings shall have no less than a Class A or Class B roof covering, as classified in accordance with standards of the American Society for Testing and Materials (ASTM). All one or two-family dwellings shall have no less than a Class C roof covering as classified in accordance with the standards of the ASTM. Permits shall be required for the installation and replacement of roofing materials. All roofing contractors shall be licensed by the state.

Section 15.44.110 (Repealed.)

Section 15.44.120 Private garages. (Repealed)

- ~~A. Any private garage located within ten (10) feet of any one and two-family residence shall have all walls and ceilings of one-hour fire resistance.~~
- ~~B. Any private garage located in any basement or beneath any habitable room of a one or two-family dwelling shall be separated from all adjacent interior spaces by fire partitions and complete floor/ceiling assemblies which are not less than a one-hour fire-resistant rating. All wall openings between private garages and adjacent interior spaces shall be provided with complete assemblies of a minimum one-hour fire-resistant rating and all sills of openings shall be raised not less than six inches above the garage floor, or a minimum six-inch gas curb may be provided. All basement entrances shall be at least six inches above the garage floor or completely surrounded with a gas curb.~~
- ~~C. A private garage one story in height attached to a one or two-family dwelling shall be of a minimum one-hour fire-resistant construction and all wall openings shall be provided with complete assemblies of a minimum one-hour fire-resistant rate. All sills of openings shall be raised not less than six inches above the garage floor, or a minimum six-inch gas curb may be provided. All basement entrances shall be at least six inches above the garage floor or completely surrounded with a gas curb.~~
- ~~D. A private garage connected to a residence by a concealed space or breezeway ten (10) feet or less in length shall be completely separated from the concealed space or breezeway and residence with a minimum one-hour fire-resistant wall which extends through any attic area, including the roof structure, and all wall openings shall be provided with complete assemblies of a minimum one-hour fire-resistant rating.~~

Section 15.44.130 Boiler and furnace rooms. (Repealed)

~~Boilers or furnaces in all structures shall be separated from adjacent interior areas of the structures by walls, and floor and ceiling assemblies, having a minimum one-hour fire-resistant rating. A pneumatic self-closing device shall be installed on all doors. All wall openings shall have a minimum one-hour fire-resistant rating.~~

Additions are bold and double-underlined; deletions are struck through.

Section 15.44.140 Safe and sanitary conditions.

It shall be the duty of every owner or occupant of a structure to maintain it in good repair, structural soundness, and safe and sanitary conditions so as to not pose a threat to the public health, safety or welfare. **It shall also be the duty of every owner or occupant of a swimming pool or spa as defined in Section 15.08.110 to maintain and operate it in such a manner as to be clean and sanitary at all times.**

Section 15.44.150 Private trampolines.

- A. Permit Required. No person shall erect or install or cause to be erected or installed a private trampoline that is either in the ground or permanently anchored to the ground on any premises within the Village without a permit from the Director of Community Development. A written application for such permit shall be filed with the Director and shall be accompanied by plans and specifications sufficiently detailed to enable determination of compliance with the requirements of this chapter.**
- B. Enclosures required. Every owner, purchaser under contract, lessee, tenant or licensee of a lot or premises upon which a private trampoline is situated shall maintain at all times on such lot or premises a fence or other structure completely surrounding such trampoline. The fence shall be at least four feet high, with no horizontal gaps or apertures larger than four inches. Such fence shall be no less than ten (10) feet away from any edge of the trampoline.**
- C. Gates or doors. All gates or doors opening through a fence or enclosure maintained in accordance with this section shall be equipped with self-closing and self-closing latching devices placed at the top of such gates or doors and made inaccessible to small children. Such devices shall be so designed as to be capable of keeping such doors or gates securely closed at all times when not in actual use; provided, however, that the door of any dwelling forming a part of the enclosure need not be so equipped. (Ord. MC-192-97 § 22, 1997; prior code § 29.04)**
- D. Enforcement. The Director of Community Development shall enforce this chapter. For this purpose the Director of Community Development and any inspectors appointed by that Director are authorized to enter any private premises within the Village to inspect any private trampoline at any reasonable hour. (Ord. MC-192-97 § 23, 1997; prior code § 29.06)**

Additions are bold and double-underlined; deletions are struck through.



MEMORANDUM VILLAGE OF WINNETKA

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, COMMUNITY DEVELOPER DIRECTOR
ALAN BERKOWSKY, FIRE CHIEF
DATE: MAY 16, 2019
SUBJECT: ORDINANCE NO. MC-5-2019 – UPDATED MODEL BUILDING CODES

INTRODUCTION

On May 21, 2019, the Village Council will consider introduction of Ordinance No. MC-5-2019 (Attachment B). This ordinance amends the Village's various building, fire, and safety codes to make them more current (each is listed on page 3 of this staff report). Municipalities generally do not have resources to develop their own codes, and typically rely on the expertise of national code agencies such as the *International Code Council* (ICC) and *National Fire Protection Association* (NFPA) to evaluate, update and publish various codes in order to remain current with advances in building performance and safety standards, construction techniques and materials. The Village's current building, fire, and safety codes are based on model codes published in 2008-09, and are adopted "as published", together with amendments to meet each community's unique needs or circumstances. These individual model codes will be addressed later, but for ease of reference, this memo refers to them collectively as the Village's "Building Code".

Updating the Building Code is necessary for a few reasons. The model codes that serve as the foundation for the Village's building code are updated on a three-year cycle. This triennial cycle allows for new construction methods and technologies to be incorporated into the codes. A common practice of municipalities is to adopt the model codes on an every other three-year cycle (i.e., approximately every six years). Updating the Building Code not only provides incremental improvement to safeguards for the health, safety and welfare of building occupants, but also allows building owners and contractors to take advantage of advancement in construction materials and methods.

Another reason to update the Building Code is because outdated codes can affect property insurance rates. The Insurance Services Office, Inc. (ISO) uses the Village's current edition of the Building Codes to determine property insurance rates. Outdated codes cause a reduction in points for both the Community Development and Fire Department evaluation process. Insurance rates include flood insurance rates, and the Village is currently going through the Community Rating Survey, which determines flood insurance rates. An up-to-date Building Code is evidence that building and construction in the Village incorporates the latest methods and materials, and thus it provides the greatest protection for life and property.

Ordinance MC-5-2019 includes the adoption and amendment of eight individual model codes published by the International Code Council, seven model codes and publications published by the National Fire Protection Association, as well as plumbing, energy conservation and accessibility codes adopted by the State of Illinois. We should note that the proposed Ordinance adopts more current editions of the model building codes. In the future, Village staff will also be presenting to the Village Council other proposed amendments to Village specific building and development code regulations.

MODEL CODES - CURRENT AND PROPOSED

Each model code consists of a set of regulations that intended to promote consistent, quality construction while at the same time enhancing the safety of building occupants and the general public. Model codes address the design, installation, maintenance, alteration and inspection of various systems, including building, plumbing, mechanical, electrical, and fire prevention. The model codes also address accessibility for persons with disabilities and energy conservation.

Much of building construction in the United States is regulated through a series of model codes published by the *International Code Council* (ICC). In addition to the ICC Codes, another source of model codes used throughout the county is the *National Fire Protection Association* (NFPA) which publishes codes used by most communities, including the National Electrical Code (NEC).

APPLICABLE STATE CODES

Certain states including Illinois promulgate their own codes that regulate construction activity on a statewide basis. Codes which apply to construction throughout the State include the *Illinois Plumbing Code*, the *Illinois Accessibility Code*, and the *Illinois Energy Conservation Code*. The Village is required to adhere to these State Codes, and as such may only adopt amendments which make them more restrictive.

State Code amendments occur on a different cycle from the model code agencies discussed previously. For example, in 2018 the State adopted amendments to the *2018 Illinois Accessibility Code* to make State requirements more closely aligned with national accessibility requirements, as well as to make certain amendments which are more restrictive than national standards.

The 2015 *Illinois Energy Conservation Code* that is currently in effect is currently in review for a possible update, and it is anticipated that it will be updated to new 2018 standards in the coming months. The *Illinois Energy Conservation Code* was first adopted in 2009 to mandate energy conservation standards in communities statewide. This State code is based upon the International Energy Conservation Code with amendments adopted by the State.

The table on the next page compares the current model codes adopted by the Village with the proposed model codes.

CURRENT ADOPTED MODEL CODES COMPARED TO PROPOSED MODEL CODES

MODEL CODE	CURRENT EDITION	PROPOSED EDITION
INTERNATIONAL CODE COUNCIL CODES		
International Building Code (IBC) (Regulates construction on all buildings except for one and two family dwellings and townhouses not more than three stories)	2009	2015
International Residential Code (IRC) (Regulates construction on detached one and two family dwellings and townhouses not more than three stories)	2009	2015
International Mechanical Code (IMC) Regulates the design, installation and maintenance of mechanical systems)	2009	2015
International Fuel Gas Code (IFGC) (Regulates fuel gas distribution piping systems and gas fired appliances)	2009	2015
International Property Maintenance Code (IPMC) (Regulates property maintenance of buildings and structures. Winnetka amendments so that it <u>only applies</u> to commercial properties and residential rental units.)	2009	2015
International Existing Building Code (IEBC) (Regulates repairs, alterations, and additions to all buildings except for one and two family dwellings and townhouses not more than three stories. – Previously part of IBC)	-----	2015
International Swimming Pool and Spa Code (ISPS) (Regulates swimming pools and spas for single family homes)	-----	2015
International Fire Code (IFC) (Regulates conditions hazardous to life and property due to fire, explosion, hazardous material storage and building occupancy)	2009	2015
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES & STANDARDS		
National Electrical Code (NEC), NFPA 70 (Regulates electrical installations in all buildings)	2008	2014
Life Safety Code, NFPA 101 (Regulates building occupancies, means of egress and fire protection)	2010	2015
Automatic Sprinkler Systems, NFPA Publication 13 (Regulates installation of automatic sprinkler systems in low rise residential occupancies)	2010	2016
Sprinkler Systems in Low-Rise Residential Occupancies, NFPA Publication 13R (Regulates installation of automatic sprinkler systems Low-Rises)	-----	2016
Sprinkler Systems in One- & Two Family Dwellings, NFPA Publication 13D (Regulates installation of automatic sprinkler systems in one- & two- family dwellings)	-----	2016
Standpipe and Hose Systems, NFPA Publication 14 (Regulates installation of standpipes)	2010	2016
National Fire Alarm and Signaling Code, NFPA 72 (Regulates fire alarms and signals)	-----	2016
STATE OF ILLINOIS BUILDING RELATED CODES		
Illinois Energy Conservation Code (IECC) (Regulates the design of energy efficient residential & commercial buildings)	2012	2015 or current edition
Illinois State Plumbing Code (IPC) (Regulates plumbing installations in all buildings)	2014	2014 or current edition
Illinois Accessibility Code, 71 Ill. Admin Code 400 et seq., (IAC) (Regulates construction of building & site improvements for persons with disabilities)	(a)	2018 or current edition

As mentioned one of the ways that model codes achieve protecting the public health, safety and welfare is that they provide uniformity of requirements for the construction industry. Along those same lines the uniformity is achieved due to the fact that neighboring municipalities also have adopted the ICC Codes. Following is a list of neighboring municipalities and the edition of the model building codes under which they currently operate.

CURRENT MODEL CODES ADOPTED BY NEIGHBORING COMMUNITIES & WINNETKA

MODEL CODE	GLENCOE	GLENVIEW ⁽²⁾	HIGHLAND PARK	KENILWORTH ⁽¹⁾	LAKE FOREST	NORTHBROOK ⁽²⁾	NORTHFIELD	WILMETTE	WINNETKA
INTERNATIONAL CODE COUNCIL CODES									
International Building Code (IBC)	2015	2012	2009	2015	2018	2012	2006	2006	2009
International Residential Code (IRC)	2015	2012	2009	2015	2018	2012	2006	2006	2009
International Mechanical Code (IMC)	2015	2012	2009	2015	2018	2012	2006	2006	2009
International Fuel Gas Code (IFGC)	2015	2012	2009	2015	2018	2012			2009
International Property Maintenance Code (IPMC)	2015	2012	2009	2012		2012	2012	2006	2009 ⁽³⁾
International Existing Building Code (IEBC)		2012							–
International Swimming Pool and Spa Code (ISPSA)						2012			–
International Fire Code (IFC)	2015	2012	2009	2015	2018	2012	2009	2006	2009
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES & STANDARDS									
National Electrical Code (NEC), NFPA 70	2014	2011	2005	2014	2017	2011	2008	2005	2008
Life Safety Code, NFPA 101	2015			2015	2018	2000	2006	2006	2010
Automatic Sprinkler Systems, NFPA Publication 13		2013	2010		2016	2010	X		2010
Sprinkler Systems in Low-Rise Residential Occupancies, NFPA Publication 13R			2010		2016	2010			–
Sprinkler Systems in One- & Two Family Dwellings, NFPA Publication 13D		2013	2010		2016	2010			–
Standpipe and Hose Systems, NFPA Publication 14						2010			2010
National Fire Alarm and Signaling Code, NFPA 72	X	2013	2010		2016	2010			–

(1) This month Kenilworth adopted these editions of the model codes.

(2) Based upon recent conversations, Glenview & Northbrook are studying adopting 2018 ICC codes.

(3) The IPMC does not apply to all residential buildings in Winnetka. In the other communities that have adopted the IPMC, it does.

X – Municipal code references compliance with publication, but does not state specific edition.

LOCAL AMENDMENTS

As mentioned previously, one of the factors that turns a model code into a local building code are the amendments made to it. Amendments allow for a model code to address any number of issues that might be unique to a municipality. Attached is Ordinance MC-5-2019, draft ordinance amending the following chapters of the Municipal Code:

- Chapter 8.04 Security and Fire Detection Systems
- Chapter 15.08 Model Codes Adopted by Reference
- Chapter 15.16 Fire Prevention and Life Safety Codes
- Chapter 15.44 Supplementary Standards and Requirements

The attached documents **track changes from the current language in the Village Code to what staff currently proposes.**

In addition to amending the above chapters, Staff also recommends deleting the following chapters in their entirety, as either the language from those chapters has been relocated elsewhere for clarity, or the language has been deleted due to subject matter (i.e. swimming pools) being addressed in newly published model codes:

- **Chapter 8.08 Fire Safety Code**
(Updates to model fire prevention codes as well as relocation of items to Chapter 15.15 Fire Prevention and Life Safety Codes, allows us to eliminate this Chapter).
- **Chapter 15.56 Private Swimming Pools & Trampolines**
(Adoption of the International Swimming Pool and Spa Code, as well as the relocation of trampoline regulations to Chapter 15.44, allows us to eliminate this Chapter).

In addition to the Ordinance accompanying this agenda there is a second attachment (Attachment A) that highlights changes between current adopted model codes and the proposed model codes. The document also highlights the more significant changes included in proposed local amendments.

Ordinance MC-5-2019 shows that local amendments can take several forms. One form of amendment consists of “Exclusions” to model codes. At the beginning of each model code section in Ordinance MC-5-2019, “Section A” there are a number of exclusions to the code. In many of the exclusions there is a statement in parenthesis stating that the section is “Superseded by Section ... of the Village Code” as those sections of the model codes are either covered by Village regulations or another model code to be adopted by the Village.

To provide a summary of the amendments to the model codes they have been grouped into three general categories – (1) administrative, (2) different codes adopted, and (3) technical and policy.

Administrative Amendments These amendments include changes to the administrative sections of the ICC model codes. These sections identify such items as title of the code (e.g. Building Code of the Village of Winnetka), the enforcement agency (e.g. Department of Community Development), the party responsible for appointing the building office (e.g. Village Manager), and the process for appeals (e.g. Building and Zoning Board of Appeals, which the Zoning Board of Appeals also serves as).

We would also include in this group those amendments that reorganize the Building Code. Some of those are noted above with Chapter 8.08 and Chapter 15.56.

Different Codes Adopted Amendments. The International Code Council model code series includes model codes that the Village does not use. For instance, the ICC publishes a model electrical code of its own, the *International Electrical Code*; however, the Village and surrounding communities instead use the *National Electrical Code* published by the National Fire Protection Association. Several amendments included in MC-5-2019 include changes to reflect such choices. Similarly, the International Code Council publishes model codes including the *International Plumbing Code* and the *International Private Sewage Disposal Code*. The Village does not adopt such codes as it must instead follow the State of Illinois Plumbing Code.

Technical and Policy Amendments. The technical and policy amendments are additions and deletions to the model codes to address Winnetka related concerns. As we have reviewed the codes, we have identified local amendments that are no longer needed as the model codes now address them. Other amendments have been proposed to more clearly reflect local practices and policies. Attachment B provides a summary of new local amendments or revisions to existing local amendments to the Building Code.

RECOMMENDATION

Consider introduction of Ordinance MC-5-2019 adopting the identified model codes, as amended, as the Building Code of the Village of Winnetka.

ATTACHMENTS

Attachment A: Summary of Model Codes and Proposed Technical and Policy Amendments

Attachment B: Ordinance MC-5-2019, An Ordinance Amending “The Winnetka Code,” as Amended, to Adopt the 2015 Editions of Various International Code Council Codes and National Fire Protection Association Codes and Standards.

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

MODEL CODE	CURRENT EDITION	PROPOSED EDITION
INTERNATIONAL CODE COUNCIL CODES		
International Building Code (IBC) (Regulates construction on all buildings except for one and two family dwellings and townhouses not more than three stories)	2009	2015
International Residential Code (IRC) (Regulates construction on detached one and two family dwellings and townhouses not more than three stories)	2009	2015
International Mechanical Code (IMC) Regulates the design, installation and maintenance of mechanical systems)	2009	2015
International Fuel Gas Code (IFGC) (Regulates fuel gas distribution piping systems and gas fired appliances)	2009	2015
International Property Maintenance Code (IPMC) (Regulates property maintenance of buildings and structures. Winnetka amendments so that it only applies to commercial properties and residential rental units.)	2009	2015
International Existing Building Code (IEBC) (Regulates repairs, alterations, and additions to all buildings except for one and two family dwellings and townhouses not more than three stories. – Previously part of IBC)	-----	2015
International Swimming Pool and Spa Code (ISPSC) (Regulates swimming pools and spas for single family homes)	-----	2015
International Fire Code (IFC) (Regulates conditions hazardous to life and property due to fire, explosion, hazardous material storage and building occupancy)	2009	2015
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES & STANDARDS		
National Electrical Code (NEC), NFPA 70 (Regulates electrical installations in all buildings)	2008	2014
Life Safety Code, NFPA 101 (Regulates building occupancies, means of egress and fire protection)	2010	2015
Automatic Sprinkler Systems, NFPA Publication 13 (Regulates installation of automatic sprinkler systems in low rise residential occupancies)	2010	2016
Sprinkler Systems in Low-Rise Residential Occupancies, NFPA Publication 13R (Regulates installation of automatic sprinkler systems Low-Rises)	-----	2016
Sprinkler Systems in One- & Two Family Dwellings, NFPA Publication 13D (Regulates installation of automatic sprinkler systems in one- & two- family dwellings)	-----	2016
Standpipe and Hose Systems, NFPA Publication 14 (Regulates installation of standpipes)	2010	2016
National Fire Alarm and Signaling Code, NFPA 72 (Regulates fire alarms and signals)	-----	2016
STATE OF ILLINOIS BUILDING RELATED CODES		
Illinois Energy Conservation Code (IECC) (Regulates the design of energy efficient residential & commercial buildings)	2012	2015 or current edition
Illinois State Plumbing Code (IPC) (Regulates plumbing installations in all buildings)	2014	2014 or current edition
Illinois Accessibility Code, 71 Ill. Admin Code 400 et seq., (IAC) (Regulates construction of building & site improvements for persons with disabilities)	(a)	2018 or current edition

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

The 2015 Codes represent an update to our existing codes by incorporating life safety provisions that have been added since the adoption of the 2009 ICC code series. Many of the discrepancies in the older codes have been corrected in the new proposed codes.

CHAPTER 15.08 – MODEL CODES ADOPTED BY REFERENCE

15.08.020 Amendments to the International Building Code (IBC), 2015 Edition

The 2015 International Building Code applies to new and altered commercial and multi-family buildings. Model codes published by the International Code Council provide standards for all types of commercial and multi-family buildings, including shopping malls, hospitals, industrial uses, so a large number of code amendments, while important in other communities. The following summary identifies some of changes which may impact new buildings, or alterations of existing commercial and multiple family buildings in Winnetka.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Commercial elevators and conveying systems now define compliance with the IBC referenced standards and the Illinois Elevator Safety and Regulations Act, promulgated by the Office of the Illinois State Fire Marshal (OSFM).
2. Provisions regulating building height and area limitations have been extensively revised with no change in technical application in order to provide an increased degree of user-friendliness and technical consistency. (Section 503, Tables 504.3 & 504.4)
3. Provisions addressing the minimum required number of means of egress and their arrangement for rooms and spaces as well as stories have been reformatted and relocated. The means of egress requirements for rooms and spaces, along with those for stories, have been consolidated in Chapter 10. (Section 1006 and 1007)

Highlights of New More Significant Local Amendments

- A. Establishes consistency with the existing language in the International Residential Code regarding work exempt from requiring a permit.
- B. Elevator sections of this code now references State of Illinois requirements (Section 3001.2 – Referenced standards and Section 3001.3 Accessibility).
- C. Establishes minimum elevator car sizes to accommodate ambulance stretcher. (Section 3002.4 – Elevator car to accommodate ambulance stretcher).

15.08.030 Amendments to the International Residential Code for One- and Two-Family Dwellings (IRC), 2015 Edition

The 2015 International Residential Code applies to One and Two-Dwelling unit residences, which makes this code the most significant piece of Village governance and enforcement.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. A section has been added that specifically addresses deck construction, which will provide inspectors with specific guidelines for deck construction. (Section R507)

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

2. Amendments to glazing standards adjacent to doors, stairs, and ramps, which require use of tempered safety glass in certain locations where risks of falls are greater. (Section R308)
3. Amendments to stairway dimensional requirements and stair risers (Section R311)
4. Amendments to wall bracing requirements, to improve structural stability and resistance to wind loads (Section R602)
5. Requirements have been added to provide specific guidance for installation of photovoltaic shingles and roof-top mounted photovoltaic systems, including but not limited to provisions of setbacks and clearances from roof edge and valleys to accommodate fire personnel in the event of fire. (Sections R905 and 907)
6. Amendments to mechanical equipment exhaust openings (Section 1602)

Highlights of New More Significant Local Amendments

- A. Establishes a definition of engineered structural components for use in this code. (Section R202 – Definitions) Wood structural components such as wood I-Joists, glue laminated beams and other similar engineered wood products are defined for the purposes of identifying those products which differ from standard dimensional lumber. Due to their construction, such engineered wood products are required to be installed with fire resistant covering such as drywall.
- B. As with the 2009 IRC, the 2015 IRC requires new one- and two-family dwellings to install automatic fire sprinkler systems. With the adoption of the 2009 IRC, the Village excluded the residential fire sprinkler requirement and instead established some alternative minimum standards when not installing automatic sprinklers. With the adoption of the 2015 IRC, the Village staff recommends the automatic residential fire sprinklers be required for all new one- and two-dwelling units. However, the Village is providing an option for those who choose not to install sprinklers. These options include more robust building materials and assemblies that would slow the spread of fire. (Sections R313.2, R302.6.1, R302.12).
- C. The IRC has been amended to require the addition of an emergency escape and rescue opening, such as a below-grade window well when an existing basement undergoes alterations, remodeling that exceeds 33% of the net basement floor area, or when new sleeping rooms are created. (Section R310.6 – Alterations or remodels of existing basements.)
- D. The IRC has been amended to address situations where there is limited access to residential homes with substantial setbacks that are protected with perimeter driveway gates. In such instances, if the fire engine is unable to gain proximal access to the home and has to operate from the street, it requires a more complex hose lay and process. By having closer access to the home, firefighters can use pre-connected hose lays for a quicker attack. It also allows the ambulance to have better access to the patient. (R320.2 Access roads).
- E. Certain appendices of the IRC are being adopted, most of which are used to provide guidance with compliance certain code requirements such as sizing of gas piping, ventilation of appliances, and control of radon.
- F. In addition, to the adoption of Appendices above, the adoption of Appendix U (“Solar Ready Provisions”) will require new homes to be equipped with spare conduit runs between the attic and electrical panel to accommodate future solar energy systems if the homeowner desires such a system in the future.

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

15.08.040 Amendments to the International Mechanical Code, 2015 Edition

The 2015 International Mechanical Code has been updated to include additional safety features.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. ASHREA/ACCA/ANSI Standard 180 is now specified for inspection and maintenance of an HVAC system. (Section 102.3)
2. Basic requirements of ASHRAE 62.2 have been introduced related to mechanical ventilation for Group R-2, R-3 and R-4 buildings three stories or less in height. (Section 403.3)
3. For enclosed parking garages, the ventilation system must operate continuously or must be automatically controlled for intermittent operation utilizing both carbon monoxide and nitrogen dioxide detectors. The option to detect vehicle operation or occupant presence has been deleted. (Section 404.1)
4. Mechanical exhaust cannot create a public nuisance. The adjective “public” was added to “nuisance” to make this requirement more enforceable. The new exception correlates with Section 505.1, exception 1. (Section 501.3)

Highlights of New More Significant Local Amendments

- A. No new significant local amendments.

15.08.050 Amendments to the International Fuel Gas Code, 2015 Edition

The 2015 International Fuel Gas Code has been updated to include additional safety features.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. A change has been made to clarify that the prescriptive combustion air provisions of Section 304 do not apply to appliances having power burners. (Section 304.1)
2. For corrugated stainless-steel tubing (CSST) systems, text has been added to address the allowable length of the bonding jumper wire and the methods of making the bonding connections. (Section 321.1.1)
3. Where portable gas appliances are used outdoors, such as gas grills and patio heaters, the options for connecting to the gas distribution system are practically limited to gas hoses designed for the purpose. Such hoses must comply with ANSI Z21.54. (Section 411.1)
4. New text recognizes the use of dryer exhaust duct power ventilators (DEDPVs) for installations that exceed the allowable exhaust duct length for clothes dryers. (Section 614.5)

Highlights of New More Significant Local Amendments

- A. No new significant local amendments.

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

15.08.060 Amendments to the Illinois Plumbing Code, 2014 or Current Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The Village has been enforcing the 2014 Illinois Plumbing Code since its adoption by the State.

Highlights of New More Significant Local Amendments

- A. The code is amended to reflect the Village's current policy regarding materials for building sewers and water service pipes (Section 890, Appendix A).
- B. Language regarding when it is required to install overhead sewers was clarified. (Amendment 3 - last amendment in this section.)

15.08.070 Amendments to the National Electric Code, 2014 Edition

The 2014 National Electrical Code – NFPA 70 includes significant changes from previous editions, especially for residential dwellings.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The use of arc-fault circuit interrupter (AFCI) protection has been expanded to other locations within a residential dwelling or unit (Article 310.12(A)).
2. The use of ground-fault circuit interrupter (GFCI) protection has been expanded to other locations within a residential dwelling or unit, such as laundry receptacles and dishwashers (Articles 210.8(A)(10) and 210.8(D)).
3. Outlet(s) for an electric vehicle (EV) charging station must be on a separate branch circuit with no other outlets (Articles 625.44(A) & (B)).

Highlights of New More Significant Local Amendments

- A. Language was added to make it clear than one multiple commercial tenant spaces are combined into a single occupancy space, that the new space can only be served by one electrical service. Also, when a single occupant space is divided into multiple occupant spaces, each occupant space shall be provided with its own electrical service. (Section 230.2 (F) Alterations to Special Occupancies).
- B. The Village's current practice regarding the electric service for new single-family dwellings has been referenced in this section (Section 230.11 – Service for new single-family dwellings and Section 230.43 – Wiring Methods for 100 Volts, Nominal or Less).
- C. The Village's current practice of requiring an external service disconnect for all building or structures has been more clearly codified, but provides an exception for electrical services over 1,000-amps, 3 phase (Section 230.70 (A)(1) - Readily Accessible Location).

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

15.08.080 Amendments to the International Property Maintenance Code (IPMC), 2015 Edition

As drafted by the International Code Council, the model International Property Maintenance Code (IPMC) applies to all residential and nonresidential buildings and properties. When the Village adopted the 2009 IPMC in 2012, the IPMC was adopted to apply to all residential, commercial and mixed use structures and premises **except**: (a) buildings or structures located within any single family zoning district; (b) residential condominium buildings or units; (c) townhouses or one- or two-family residential buildings located in any multi-family or commercial zoning districts. Of the comparable communities listed in the staff report that have adopted the IPMC, the Village of Winnetka is the only community that has such exceptions. In all other communities, the IPMC applies to all residential and nonresidential buildings and properties.

Since the Village's adoption of the IPMC in 2012, the Village has had to deal with property maintenance issues with properties exempted from these code requirements. Staff has done our best using the Village's nuisance regulations, which language is broad and vague, to deal with property maintenance issues. If the IPMC would have applied in these situations, we would have had clearer standards to use to work with property owners regarding structural and safety concerns with their building and property. In the draft Ordinance, staff proposes that the IPMC apply to all residential and nonresidential properties to provide staff with adequate means to address property maintenance issues.

When the IPMC was adopted in 2012, language was included that only allows the Village to conduct an inspection of a property if a complaint has been received. Staff cannot on its own initiate a property maintenance code compliance inspection. As drafted, the proposed Ordinance continues to require a third party complaint.

We should also note that with the adoption of the IPMC in 2019, the Village **eliminated** the following IPMC exterior structure standard: "Peeling, flaking and chipped paint shall be eliminated and surfaces repainted" (Section 304.2). (Note: Of the comparable communities having adopted the IPMC, only Winnetka and Kenilworth have eliminated this standard. And although Lake Forest has not adopted the IPMC, its local property maintenance code classifies "extensive peeling paint" as a public nuisance.) At the time of adoption, Council members expressed concerns regarding enforcing such provisions. Given this previous concern, the proposed Ordinance continues to eliminate this standard.

Highlights of New More Significant Local Amendments

- A. The IPMC has been amended so that it applies to all residential and nonresidential properties.
- B. The IPMC has been amended to be consistent with the Village's tall grass standard found elsewhere in the Village Code. That is grass cannot be taller than 8 inches. (Section 302.4 Weeds)
- C. The fire safety chapter has been amended to reference those Village Code regulations adopted in Chapter 15.16 – Fire Prevention and Safety Codes and Chapter 8.04 – Security and Fire Detections Systems.

15.08.090 Amendments to the Illinois Energy Conservation Code, 2015 or Current Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. This State-wide code has been in effect for a couple of years now.

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

Highlights of New More Significant Local Amendments

- A. No new local amendments are proposed.

15.08.100 Amendments to the International Existing Building Code, 2015 Edition.

Building code requirements unique to existing buildings have historically been addressed as a separate chapter of the International Building Code (Chapter 34). With the 2015 IBC code, Chapter 34 has been omitted, in favor of publishing a separate model code, the “2015 Existing Building Code”. The 2015 Existing Building Code provides designers making alterations, remodeling, and maintenance of existing buildings with alternate paths for compliance. The Village will be adopting it to assist with the review of plans and inspections for existing buildings.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The previous Fire Sprinkler System amended requirement has been relocated to Section 1012.2.1. Where a change in occupancy classification occurs, an automation fire sprinkler system shall be provided in accordance with IBC Chapter 9 and in conformance with MC Section 15.16.050.
2. Under the Prescriptive Compliance Method or Level 1 Alterations, requirements for limits on window openings, similar to those for new construction, are required for replacement windows. Window openings more than 72 inches above the exterior grade and less than 36 inches above the finished floor are required to have control devices that limit the opening so that a four-inch sphere will not pass. (Sections 406.2 and 702.4)
3. Requirement to install fire alarm and detection system with any Level 3 alteration. (Section 904.2)

Highlights of New More Significant Local Amendments

- A. The bulk of the amendments listed in this section relate to adopting local regulations regarding the processing of building permits or references other model or state codes for compliance.

15.08.110 Amendments to the International Swimming Pool and Spa Code, 2015 Edition

The International Swimming Pool and Spa Code is relatively new model. Swimming pool regulations previously were part of an appendix of the International Residential Code (IRC), 2009 Edition, which the Village had not adopted, but had informally used when reviewing swimming pools. The 2015 IRC no longer includes this appendix, as a separate model code has been created for the regulation of swimming pools and spas. This will be the first time the Village adopts this code. This code will only apply to private residential pools. Public pools will continue to be regulated by the state.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable.

Highlights of New More Significant Local Amendments

- A. The bulk of the amendments listed in this section relate to adopting local regulations regarding the processing of building permits or references other model or state codes for compliance.

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

- B. The Code requires a barrier at least 48 inches high around a swimming pool. The code has been amended to allow a fence on an adjoining property or building or existing wall to comply with this requirement. If the existing fence or wall is ever removed, the property owner will need to immediately install a code-compliant enclosure. (Section 305.2.1 (5))

15.08.120 Illinois Accessibility Code, 71 Ill. Admin. Code 400, 2018 or Current Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

- 1. Not applicable. The Village must adhere to state requirements. Last year the State adopted a new accessibility code.

Highlights of New More Significant Local Amendments

- A. No local amendments are proposed.
-

Chapter 15.16 – Fire Prevention and Life Safety Code

This chapter has been amended to adopt various appendices of the International Fire Code (IFC), 2015 edition, as well as additional standards published by the National Fire Protection Association (NFPA) to use as guidance when installing fire suppression and warning systems in compliance with IFC and the NFPA Life Safety Code, 2015 edition.

15.16.020 Amendments to the International Fire Code (IFC), 2015 Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

- 1. Adoption of the 2015 IFC will allow the Fire Rescue Department to keep current with changes in the newer technology and processes including: mobile food preparation vehicle requirements, Lockdown plans for schools, carbon monoxide detection requirements, solar photovoltaic power system requirements, outdoor assembly event requirements, and on-demand mobile fueling operations.

Highlights of New More Significant Local Amendments

- A. The IFC has been amended to provide some direction on fire and life safety issues for food trucks and mobile food vendors. These regulations were designed by the National Fire Protection Agency (NFPA) but have not been adopted by the model code as of this 2015 version. (Section 319 – Food Truck and Mobile Food Vendor Prevention Code)
- B. Also a number of new amendments to this chapter are the results of relocating current code requirements to this chapter from Chapter 8.08 – Fire Safety Code (e.g. storage and display of Christmas tree (Section 806.1.4), storage and sales of explosives – Section 5601.3) and possession

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
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and sales of fireworks prohibited (Section 5610)). Chapter 8.08 is being deleted due to redundancies.

15.16.030 Amendments to the NFPA 101 Life Safety Code, 2015 Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. None

Highlights of New More Significant Local Amendments

- A. None are proposed.

15.16.040 Amendments to the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2016 Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. None

Highlights of New More Significant Local Amendments

- A. None are proposed.

Chapter 08.04 – Security and Fire Detection Systems

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable as this chapter does not contain model codes.

Highlights of New More Significant Local Amendments

- A. The Fire Department is requesting that any new security gates that restrict access to a property install a Fire Department Key Box allowing first responders access to the property. (Section 8.04.010.D)
-

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

Chapter 08.08 – Fire Safety Code

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable as this chapter does not contain model codes.

Highlights of New More Significant Local Amendments

- A. This chapter is being deleted as certain requirements have been relocated to other chapters of the municipal code and other requirements of this chapter have been incorporated into the model codes, therefore, local amendments are no longer necessary.

Chapter 15.44 - Supplementary Standards and Requirements

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable as this Chapter does not contain model codes.

Highlights of New More Significant Local Amendments

- A. The display of street numbers on buildings has been centralized in this chapter of the Village Code.
- B. The fees and deposits for moving a building across a public street, alley or public place have more clearly been defined.
- C. The Village had established standards for air conditioners or freestanding cooling devices with a capacity of eight tons or more to regulate noise. The standard required the owner to submit a technical study showing that the equipment with any sound attenuation devices did not exceed the noise standards established by the Illinois Pollution Board. What staff discovered was that each study was recommending the installation of a solid wall or fence at least the height of the equipment in order to reduce transmission of noise to adjacent parcels. For some time now, the Village's practice has been not to require the technical study but the installation of a solid wall or fence the height of the equipment. In addition, this requirement has also been applied to stationary back-up generators. The chapter has been amended to reflect this policy. (Section 15.44.050 – Freestanding heating or cooling devices and stationary generators)
- D. The model building codes allow for alternative materials and equipment; therefore, Section 15.44.080 – Alternative materials and equipment, has been deleted.
- E. This chapter references an antiquated "fire limits" standard that no longer is applicable and the section has been deleted. (Section 15.44.090 – Fire limits)
- F. Private trampoline regulations have been relocated to this chapter from Chapter 15.56 – Private Swimming Pools and Trampolines

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

Chapter 15.56 – Private Swimming Pools and Trampolines

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The swimming pool regulations currently incorporated within Chapter 15.56 of the Village are being replaced with the adoption of the 2015 International Swimming Pool and Spa Code discussed earlier.

Highlights of New More Significant Local Amendments

- A. With the adoption of the International Swimming Pool and Spa Code, the private swimming pool regulations are being deleted with the exception of maintenance requirements which are being relocated to Section 15.44.140 of Chapter 15.55 Supplemental Regulations.
- B. The private trampoline regulations are being relocated to Section 15.44.150 – Private trampolines, in Chapter 15.44 – Supplemental Regulations, which allows us to delete Chapter 15.56.

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Memorandum

Date: May 30, 2019

To: David Schoon, Community Development Director

From: Peter Friedman, Village Attorney

Re: *Landowner Enforcement of Municipal Code*

On May 21, 2019, the Village Council introduced Ordinance No. MC-5-2019, which would amend various Village building, fire, and life safety codes to make them more current. During the Council's deliberations, concern was raised about the extent to which more comprehensive property maintenance codes could subject the Village to additional litigation risks when a dispute arises among neighboring property owners over the Village's code enforcement decisions.

Section 11-13-15 of the Illinois Zoning Enabling Act, 65 ILCS 5/11-13-15, empowers private landowners under certain circumstances to bring suit to prevent the unlawful use of land. The key provision in Section 11-13-15 states as follows:

In case any building or structure,
including fixtures, is constructed . . .
in violation of an ordinance or ordinances
adopted under Division 13, 31 or
31.1 of the Illinois Municipal Code, or of
any ordinance or other regulation made
under the authority conferred thereby, . . .
any owner or tenant of real property,
within 1200 feet in any direction of
the property on which the building or
structure in question is located who
shows that his property or person will
be substantially affected by the alleged
violation, in addition to other remedies,
may institute any appropriate action or
proceeding . . . to restrain, correct, or
abate the violation.

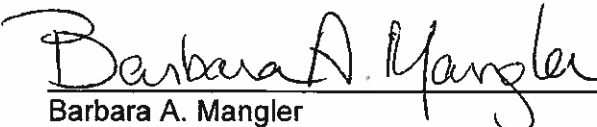
The purpose of this section is to afford relief to private landowners where municipal officials choose not to enforce local zoning and building codes in a manner that the landowner believes fails to protect the landowner's interests. *Dunlap v. Village of Schaumburg*, 394 Ill.App.3d 629, 915 N.E.2d 890, 898 (1st Dist. 2009).

Significantly, however, it is well-settled that Section 11-13-15 does not provide a private right of action against a municipality, but rather only empowers private landowners to bring suit against private violators. *Id.* In fact, Section 11-13-15 was amended in 2018 to explicitly provide that “[e]xcept in relation to municipality[sic]-owned property, this Section does not authorize any suit against a municipality or its officials for any act relating to the administration, enforcement, or implementation of this Division or any ordinance, resolution, or other regulation adopted pursuant to this Division.”

Accordingly, the enactment of more comprehensive or explicitly written property maintenance and other related codes would not increase the risk that the Village would be subject to additional litigation exposure for its various enforcement decisions related to the new code provisions.

Memorandum

TO: David Schoon
Director of Community Development

FROM: 
Barbara A. Mangler
Village Prosecutor

DATE: May 30, 2019

Adoption of the International Property Maintenance Code (IPMC)
2015 Edition, inclusive of Residential property

In following up our recent conversation regarding to the Village of Winnetka's adoption of the 2015 edition of the IPMC and the inclusivity of residential properties in the Village, I want to again express my support. The IPMC is very useful in allowing the Village to be more specific as to the problem issues of a property. An inspector can list, for the property owner, the issues which are in violation and need to be brought into compliance with the standards set forth in the IPMC. Should the property owner fail to remediate and citation(s) are written, the Court can be shown specifically what has or has not been brought into compliance with the IPMC.

Currently, residential properties that are in disrepair, are cited under the Village Code's nuisance language. This type of language in communities without the IPMC, is utilized as a "catch all" since the language is usually much broader and lends itself to more interpretation. With clear standards there is not the degree of interpretation of a property owner's efforts.

Since the maintenance on buildings, structures and property is paramount to public health and safety, the clearer the Village can be as to what the acceptable standard is the less ambiguity and confusion exists.