



Agenda Item Executive Summary

TITLE: Ordinance No. MC-05-2023: Village Code Update - Lakefront Regulations (Introduction)

PRESENTER: Peter Friedman

AGENDA DATE: March 7, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

At its January 10 and 31, 2023 Study Sessions, the Village Council directed the Village Attorney and staff to prepare an ordinance amending certain provisions of the Village Code related to lakefront regulations. In providing this direction, the Council recognized that it was important to prepare amendments now to establish more clearly the nature and extent of the Village's permit requirements for construction of structures in and adjacent to Lake Michigan. At the same time, it was recognized that this first set of amendments was intended to be narrow and in place for a relatively short period of time while the Village undertakes a more comprehensive study and analysis of possible additional lakefront and steep slope regulations that the Village may want to adopt.

EXECUTIVE SUMMARY:

The draft Ordinance provides a more detailed permit process for lakefront properties than currently exists in the Village Code.

Generally, under the draft amendments a Village permit would be required for any construction in or adjacent to Lake Michigan that also requires a permit from IDNR, IEPA, MWRD, or the Army Corps ("Permitting Agencies"). No Village permit could be issued unless all other permits have been received. The application process requires the applicant to provide the Village with the permit applications submitted to the Permitting Agencies and to consult with the Village during the permit process.

Under the amendments, the Village Engineer would have 14 days after the Permitting Agencies have issued their permits to issue or deny the Village permit. Village Engineer permit decisions would be appealable directly to the Village Council .

The specific criteria for the Village Engineer's permit decisions are explicitly provided and deliberately limited and narrow. Under the amendments, the Village Engineer (or on appeal, the Village Council) would be required to issue a permit if the applicant satisfies these seven specific criteria:

- (1) Receipt of all permits from Permitting Agencies
- (2) Height no greater than minimally necessary
- (3) Compliance with all applicable Village codes

- (4) Project scope no more than minimally necessary
- (5) No public safety hazard
- (6) No interference with public safety operations or personnel
- (7) Alteration of existing site lines no greater than minimally necessary

The amendments further provide for Village inspections of permitted lakefront structures both during and after construction. The Village Engineer is also specifically authorized to retain a coastal engineer to provide expert assistance as part of the permit and inspection processes. Applicants will be required to reimburse the Village for the costs incurred by the Village in utilizing a coastal engineer or other third-party consultant.

RECOMMENDATION:

Consider adopting Ordinance MC-05-2023, An Ordinance Amending Various Sections of the Winnetka Village Code Relating To Lakefront Construction.

ATTACHMENTS:

1. Ordinance No. MC-05-2023 - Amending Village Code - Lakefront Regulations