



MEMORANDUM

TO: Development Review Commission
Patrick Grill, AICP, Community Development Director
Jackie Reyff, AICP, Chief Planner

FROM: Kon Savoy, AICP, Principal
Benjamin R. Carlisle, AICP, Associate

DATE: June 19, 2009

SUBJECT: Zoning Ordinance Update Review

Memo Purpose:

The purpose of this memo is to list the various zoning issues that have been raised, through stakeholder interviews, recommendations from staff, and the consultant's review, which should be addressed through the Zoning Ordinance update. The issues noted below are not final recommendations but rather they are identified issues recommended for further study. This memo is only to pertain to the Zoning Ordinance update, not policy issues to be addressed through the Comprehensive Plan. In addition to the policy issues listed below, out-dated language, formatting, and inconsistencies will be corrected as part of the update.

The Development Review Commission is asked to consider the list of Zoning Ordinance issues. If the Commission feels that the identified issues are the key policy issues to be addressed through the Zoning Ordinance update, Teska Associates will prepare a detailed memo that will analyze each issue in-depth including pertinent details, treatment/status in the current Zoning Ordinance, and consultant recommendations to deal with each issue.

Issue Identification:

The following issues were raised by Staff and Stakeholder interviews:

1. Reorganize and streamline Ordinance to be more user-friendly and easier for the lay person to understand and interpret
 - a. Combine Zoning, Subdivision, and any other necessary Ordinances (sign, landscape, etc) into a Unified Development Ordinance
 - b. Remove unnecessary provisions that might be better addressed in other sections of the Village Code (i.e. sec 3.3,3.4 and 3.5, etc)
 - c. Create a more streamline and consistent review process for development
 - i. Planned Unit Developments, Special Uses, and Variations reviewed through Site Plan Review Process
 - d. Combine zoning district regulations into one chapter

- i. Current Ordinance has one centralized use list in addition to listing all permitted, special and accessory uses under each zoning district. Remove list of uses under each zoning district by utilizing the centralized use list
 - ii. Create one bulk table to summarize bulk standards for all zoning districts
- e. Elimination of unnecessary districts
 - i. L-O District?
 - ii. High Cube?

Note: The overall organization of the current Zoning Ordinance does not require a major reorganization; However, sections of the Ordinance can be streamlined to make it a more user-friendly document including strengthening existing standards through the inclusion of guidelines (design) and best-practice standards (Unified Development Ordinance, Site Plan Review, Special Use, PUD, landscape, signage). In this initial stage of the Zoning Ordinance review, we envision that the structure of the Ordinance will remain largely the same, however, particularly due to the Comprehensive Plan revision, there are geographic areas of the Village (Ontarioville/Village Center) that may benefit from additional zoning tools (form-based code, for example).

In addition, graphics will be created to better illustrate definitions, requirements, guidelines, and standards. These and other zoning tools will be explored in greater detail as the Zoning Ordinance update progresses and recommendations from the Comprehensive Plan take shape.

- 2. Allowance and promotion of green elements and technology into Ordinance
 - a. Elements such as wind turbines, solar panels, etc.
 - b. "Alternative" stormwater management (Rain gardens, Bioswales, Pervious paving)
 - c. Alternative energy and energy-efficiency
 - d. LEED and LEED Neighborhood Development requirements

Note: We will look for ways to incorporate "green" and energy efficient elements, where applicable, into the Zoning Ordinance including the allowance of appropriate wind turbines and solar panels, provision of denser and vertical development to reduce infrastructure, greater open space requirements, requiring "green" elements for Planned Unit Developments, or offering financial incentives for green elements (increased density, height, reduction in permit fees).

- 3. Create procedures to allow for appropriate administrative variances
 - a. Create a limited list of minor variations that can be granted administratively by the Zoning Administrator.
 - b. Create process for administrative review
 - i. Standards for review, appeal, etc.

Note: In order to ease an unnecessary burden on applicants and allow for a more efficient development process, we will review the creation of a list of minor variations/modifications that can be granted by the Zoning Administrator, without requiring a public hearing before the Development Review Commission. Such administrative variances will require public notification, review by a strict set of standards, and the establishment of an appeal process.

- 4. Review the lists of permitted uses to better reflect technology trends and be more comprehensive in approach
 - a. The existing use list does regulate some uses by size. For example retail sales are differentiated between those <2,000 sq/ft and those >2,000 sq/ft. However, consider condensing the existing extensive use list into an even broader, categorical use list.
 - b. Categorical use list will group and distinguish uses based upon their impact upon and compatibility with surrounding properties (size, parking, light, noise, pedestrian activity, etc).

For example, instead of listing “office uses” and “office structures”...simply list “office, general.”

Note: Consider condensing the existing extensive list of various land uses into broader use categories. Broad category use lists do not become out of date, and thus eliminates the requirement of constant amendments. The principal benefit of this approach is to regulate uses, especially by size, to ensure capability with and reduce impact upon surrounding uses.

5. Update parking regulations to ensure parking requirements are consistent with current standards and best practices

Note: We will review the parking regulations to ensure that particular land uses require adequate, but not an excessive, amount of parking.

6. Review both accessory use and structure provisions to ensure they include standards and best practices

- a. Limit total number of allowable accessory structures on a lot

Note: Amendments to accessory use and structure regulations should focus on ensuring such uses and structures are subordinate in area, extent and purpose to the principal structure or principal use served, and do not have a negative impact upon surrounding properties.

7. Strengthen Planned Unit Development section

- a. Require review of Planned Unit Development as part of Site Plan Review
- b. Consider requiring an open space requirement
- c. Consider requiring a Public Benefit as part of a Planned Unit Development
- d. Add best-practice standards and guidelines for review

Note: Any amendments to the Planned Unit Development regulations should ensure that a PUD allows for the departure of strict application of specific zoning requirements in order to promote ingenuity, and imagination in project design that leads to quality developments. Consideration of PUDs must ensure that such development is consistent with the land use, economic development, and other objectives of the Comprehensive Plan and provides a benefit to the residents of Hanover Park.

8. Establish lighting standards

- a. Outside of maximum lighting at property lines, no other lighting standards exist in the current Ordinance

Note: Adoption of lighting standards ensures that lighting is appropriate for the use and site. Potential lighting standards can address glare onto adjacent properties, fixture design (fully shielded, full cut-off), decorative fixtures; average lighting; max and min ratios, max and minimum light levels for categories of uses (i.e. multi-family residential vs. commercial), light height, energy efficient lighting, and property line levels.

9. Establish Design Standards/Guidelines

- a. Commercial Corridors
- b. Business Park
- c. Residential

Note: Design standards/guidelines translate the community vision into objective, measurable elements of the image and intensity of development. They extend the goals for character and design identified in the comprehensive plan by establishing a consistent design vocabulary used by property owners, design

professionals, builders, government officials and other interested parties. Effective design standards do not limit imagination, innovation, or variety, but rather assist in focusing on design principals, which can result in creative solutions that will develop a quality visual appearance.

Typically, design standards/guidelines address such issues of location of parking, building location and orientation, building proportion, design consistency, material uses, lighting, landscaping, and architectural details. Distinct guidelines/standards may be created for different areas/land uses including commercial corridors, business parks, and residential.

10. Strengthen Site Plan Review section

- a. Establish procedures for Site Plan Review
 - i. Allow for Administrative Approval for permitted uses
 - ii. Require Site Plan Review for Variations, Special Uses, and PUDs
 - iii. Establish Site Plan Review Team
 1. Site Plan Review Team: planner, village engineer, public works, police, fire, etc
 2. Team will review proposal and send necessary recommendation and comments to Development Commission
- b. Add best-practice standards and guidelines for review.

Note: Strengthen site plan review to establish a set of comprehensive procedures and standards for the review of development in the Village; ensure new development is of a high design, landscaping, and material quality; and enhance the economic value of the Village.

Other Issues:

The following issues were identified to be addressed through the Zoning Code update; however, at this time might not require detailed discussion from the Commission.

1. Better clarification of front yard, rear yard, side yard, and corner side yards
2. Strengthen Special Use section
 - a. Require review of Special Uses as part of Site Plan Review
 - b. Add best-practice standards and guidelines for review
3. Review all bulk standards to ensure compatibility with desired and/or intended development
4. Amend Use and Bulk requirements to allow for desired commercial development based upon recommendation of Comprehensive Plan
5. Incorporate any necessary recommendations based upon Comprehensive Plan
 - a. Ontarioville/Village Center Form-Based Code and Design Guidelines?
 - b. Any add Elgin/O'Hare Expansion
6. Review recent court decision to confirm legality of Ordinance
 - a. Religious Land Use and Institutionalized Persons Act (RLUIPA)
 - b. Telecommunications

Analysis of Variations, Special Uses, and Planned Unit Developments:

When reviewing the Zoning Ordinance, we reviewed prior variations, special uses, and PUD approvals to determine any zoning patterns that suggest amendments to the Zoning Ordinance. In a review of variations, Special Uses, and PUD approvals from 2001-2008, the following were granted:

Table of variations, Special Uses, and Planned Unit Development from 2001-2009				
Variations*,**	Most Common Variation	Special Uses**	Most Common SP	Planned Unit Development**
34	Rear Yard Setback (8), Side Yard Setback (4) Front Yard Setback (4), Fence (3)	31	Drive-throughs (10), Cell Tower /Utility (6), Auto Service (5),	2
*Some addresses have multiple Variations				
**Some cases involved combination of Variation and Special Use or Variation and PUD				

The total number of variations for the 8-year period was 34, which accounts for an average of slightly more than 4 variations per year. This low number signifies that either the Development Review Commission does not grant many variations before them or that many of the current bulk regulations allow for the type of development driven by the market. Even though the variations are minimal, Teska will review the bulk standards to ensure that they are consistent and promote the desired and/or intended development for each district.

The total number of Special Uses for the 31-year period was 31, which accounts for an average of 4 variations per year. The purpose of a Special Use is to allow additional staff and Development Commission review to determine if a proposed use is appropriate for the zoning district and if any additional conditions should be placed upon such use to mitigate any secondary affects (light, noise, hours of operations, traffic, parking, etc). A significant major of the Special Uses were drive-throughs, cell towers/utilities and auto service, which most municipalities review through the Special Use process. The majority of current Special Uses will most likely remain, however Teska will review the current use list to ensure it maintains best practices and allows both the type of development desired by the Village while still allowing the necessary review parameters desired by the Village.