

Overview and Introduction To The

Village of Niles Zoning and Subdivision Ordinance Rewrite Project

And the

ZONING ORDINANCE REVISION TECHNICAL REVIEW REPORT

Dated January, 2014

as

Prepared by the Consultants at Camiros, Ltd.

In 2013, the Village Board agreed that the Village's zoning and subdivision ordinances need a complete overhaul and re-write. The purpose of this project is to rewrite and update the Village's zoning and subdivision ordinances. Zoning and subdivision ordinances are important because they regulate how land can be divided and 'used' in the Village, including determining where residential, commercial, and industrial land-uses will be allowed and matters such as residential density, parking requirements for businesses, and building heights and 'set-back' distances from property lines. The Village's current zoning and subdivision ordinances are over 50 years old. They are considered to be outdated and inadequate for current land-regulation purposes, especially for assisting with the Village's goal of promoting and facilitating redevelopment and rejuvenation of commercial corridors such as Milwaukee Avenue.

For budget year 2013, the Village appropriated funds to hire an outside consultant firm to assist the Community Development Department with this large and important task. In early 2013, the Community Development Department published a Request for Proposals (RFP) which asked planning and zoning consultant firms to submit proposals for assisting the Village with this project. In the summer of 2013, the Village selected the consultant firm of Camiros, Ltd to provide professional assistance with this project.

The first action which the consultants at Camiros undertook was to interview Village staff who work with the zoning and subdivision ordinances every day, to interview key stake-holders in the community such as owners of large properties, business owners, and elected officials, and to conduct a thorough and critical examination of the existing ordinances. The consultants then compiled the results of this work and their findings in a document entitled "Zoning Ordinance Rewrite Technical Review" dated January, 2014. This document is attached and is divided into two parts: A Technical Review of the Village's existing land-use regulations—including recommendations for improvements and revisions, and a preliminary outline of a suggested 'regulatory structure' to be used as a basis for the new zoning regulations.

Community Development Department staff have reviewed this document and are comfortable with both the Technical Review and Key Recommendations (Part 1) and the Outline of Regulatory Structure (Part 2). The document is scheduled to be reviewed by a joint meeting of the Plan Commission/Zoning Board of Appeals *and* the Building and Zoning Committee on Monday evening, March 10th, 2014.

Finally, please note that this document is just the beginning of the process to update and rewrite the Village's zoning and subdivision ordinances. Future open houses and public hearings will be held to both inform the community about this effort and to solicit additional community input. For additional information about his project and the timeline and process for public involvement, please contact Bruce Sylvester at 847-588-8067 or at bks@vniles.com



ZONING ORDINANCE REVISION
TECHNICAL REVIEW

camiros
January 2014

TECHNICAL REVIEW

This memorandum presents the findings of a technical review of the Village of Niles Zoning Ordinance and Subdivision Regulations performed by Camiros. The purpose of this review is three-fold. First, the review provides a more in-depth understanding of the Village's current development regulations as we move toward ordinance updates. Second, it allows for the identification of additional issues not identified during meetings and interviews with Village staff and key stakeholders. Third, it introduces concepts and regulatory approaches that set direction for substantive revisions to be included in the new Zoning Ordinance and Subdivision Regulations.

Good development regulations combine rational substantive controls with fair procedures, which, when reasonably applied, assure a pattern of development and redevelopment that protects the status quo where warranted and facilitates change where desired. The regulations must be well organized, easy to use, and have standards and procedures that regulate clearly and effectively. It must allow for predictable results and the fulfillment of Village objectives.

This memorandum is organized in two parts:

- I. Technical Review and Key Recommendations
- II. Outline of Regulatory Structure

Findings related to each are described in the remainder of this memorandum.

I. TECHNICAL REVIEW AND KEY RECOMMENDATIONS

This section of the memorandum focuses on regulatory issues and potential revisions identified during the technical review. This section is not intended to discuss every needed change, as some will be minor changes that “clean up” the ordinances and create user-friendly documents, while others are more detailed revisions that will be worked out during the drafting process. This memorandum highlights key issues and revisions that are substantive changes to current regulations, and offers conceptual approaches to resolving specific issues. Provisions will continue to evolve as each ordinance is drafted.

ORGANIZATION

The ordinances should follow a logical system of compartmentalization.

The ordinances should follow a consistent, structured pattern from beginning to end. A key way to improve the organizational structure of the Zoning Ordinance and, in turn, its ease of use, would be to employ a system of compartmentalization. This is a technique where items of information are grouped together by regulatory category and purpose.

Compartmentalization substantially reduces, if not eliminates, the need for a general provisions section (Section 4) as the regulations within that section are grouped with similar regulations in their respective sections. Bulk and yard standards should be located within district regulations. A use standards section would contain all permissions and standards for principal and temporary uses. The landscape section would contain all landscape requirements.

The following is proposed for the Zoning Ordinance structure:

- Section 1:** Title, Purpose, and Applicability
- Section 2:** Definitions
- Section 3:** Zoning Districts
- Section 4:** Residential Districts
- Section 5:** Commercial Districts
- Section 6:** Industrial Districts
- Section 7:** Special Purpose Districts
- Section 8:** Uses
- Section 9:** Development Standards
- Section 10:** Off-Street Parking and Loading
- Section 11:** Landscape
- Section 12:** Planned Unit Development
- Section 13:** Ordinance Administrators
- Section 14:** Application Procedures
- Section 15:** Zoning Application and Approval Processes
- Section 16:** Nonconformities
- Section 17:** Enforcement

The subdivision regulations would be organized as follows:

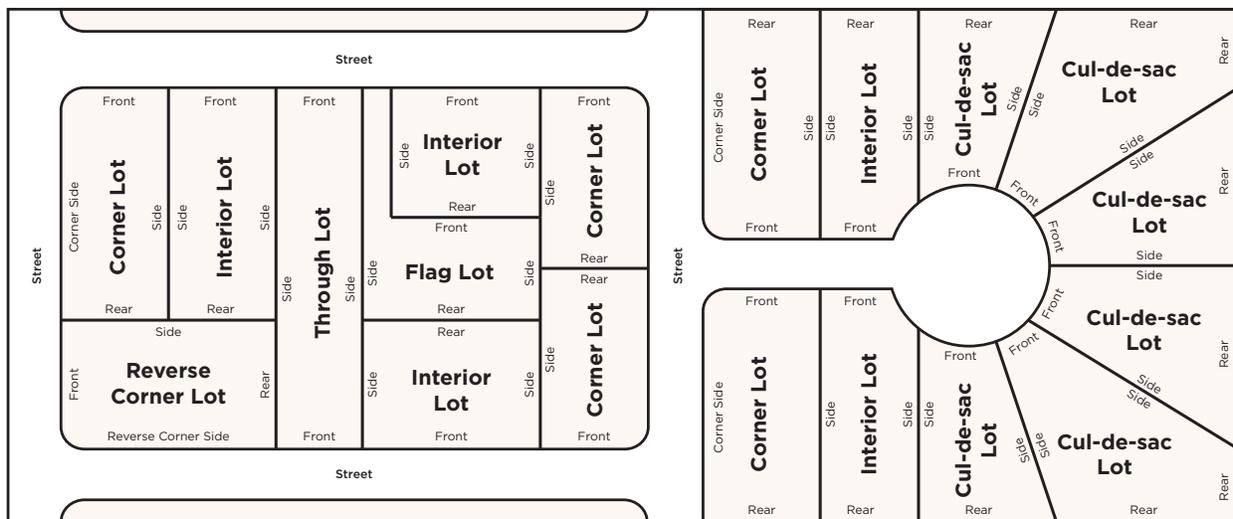
- Section 1:** Purpose
- Section 2:** Process
- Section 3:** Standards
- Section 4:** Improvements
- Section 5:** Bond and Escrow Deposit
- Section 6:** Development Agreements
- Appendix:** Required Certifications

The content of each section is described in more detail in Part II of this memorandum.

The ordinances would benefit from greater use of illustrations and matrices.

The ordinances should illustrate a variety of definitions and regulations, which will more effectively communicate information to users. Numerous regulations would benefit from illustration including, but not limited to:

- » Lot types, lot lines, and lot dimensions, including illustrations of irregular lot types such as reverse corner lots, triangle/cul-de-sac lots, and flag lots
- » Landscape, fencing, and similar requirements
- » Measurement rules, such as building height, yards, etc.
- » Parking lot design
- » Building design standards



Graphics are not limited to the examples cited above. It is anticipated that additional regulations, design concepts, and terms will require illustration when developed during the drafting process.

The ordinances would also benefit from greater use of matrices. For example, a global use matrix can summarize and more clearly present information regarding permitted and special uses in the districts. Tables can also be used to summarize requirements for other development regulations, such as permitted encroachments and parking requirements.

Maintain internal consistency in terminology and “voice.”

The integrity of land use regulation hinges on the internal consistency of the various details. Consistent terminology should be used throughout the development regulations. As a simple example, early in the revision process the decision should be made whether to use the term setback or yard when referring to the minimum required dimension. In addition, because different authors have written different components of the regulations, it has become an amalgam of different “voices,” which reflects the background of authors – attorneys, planners, engineers, etc. An overall rewrite will eliminate this type of inconsistency.

DEFINITIONS

We recommend that all definitions of the general terms of the Zoning Ordinance be located in a single section, as it is currently organized (Section 3). All existing definitions will be evaluated and updated for clarity and checked for any internal conflicts. Any key terms that are undefined will be defined. Definitions no longer needed be deleted. Finally, many definitions will be supplemented with illustrations.

USES

The modern generic use approach should be adopted to address permitted and special uses within the districts.

We propose a complete revision of how permitted and special uses within the zoning districts are controlled based upon the concept of “generic uses.” A generic use approach to the listing of uses is established by combining specific uses into a broader use category. For example, barber shops, beauty parlors, shoe repair shops, and tailors would be addressed in the use “personal services establishment,” which then can allow similar uses such as pet grooming establishments, dry cleaners, and nail salons.

Currently, Niles employs a specific use based approach. This type of approach has become disfavored in modern practice because of its required detail and inability to respond to new and emerging uses. Inherent in a specific use based approach is the requirement that every possible use desired by the community must be included in the use list or it is prohibited by virtue of exclusion. Modern practice has moved toward the generic use approach because of two main benefits. First, it eliminates the need for extensive and detailed lists, and the permitted and special use sections of the Ordinance become shorter and easier to use. Secondly, the generic use approach provides the Village with greater flexibility to review and permit those uses that may be desirable, but not specifically listed, within the broad context of the use definitions.

With the generic use approach, good use definitions are critical. Each generic use must be defined and many may include both examples of that use and specifically exclude those uses that are not part of the use definition. For example, the definition for “retail goods establishment” would specifically state that “adult bookstores” are not considered a “retail goods establishment.” This means that an “adult bookstore” must be specifically permitted within a district in order to locate there; it cannot fall under the umbrella of “retail goods establishment.” The second important element of the generic use approach is that any use that is permitted elsewhere within the Ordinance and is listed separately cannot be considered part of a generic use category. For example, if the Ordinance specifically defines “drive-through facilities,” “drive-through facilities” are not permitted unless they are allowed within that district – for example, they are not automatically part of a “restaurant” use.

Permitted and special uses should be tailored specifically to the purpose of the district.

The uses allowed in each district should be evaluated and updated. Uses must correspond to the purpose, form, and function of each district. The revision process will include a full evaluation and, where necessary, resorting of uses allowed in each district.

The Village's current use of a pyramid or cumulative use approach does not allow for such tailoring of uses, as it accumulates permitted and special uses by district. For example, all uses permitted in the B-1 District are permitted within the B-2 District, with the addition of several new uses listed specifically in the B-2 District. The pyramid approach creates a confusing structure where the ordinance user must rely on the listing of uses in other districts in order to determine what is allowed in the district of interest. We recommend the elimination of such an approach.

The listing of uses is an inefficient means of presenting use permissions

Implementing the generic use approach, as opposed to the specific use approach, would go a long way toward reducing the length of use lists for each district. Another method that makes the Ordinance more user-friendly is replacing use lists with a global use matrix that summarize use information for all districts. The proposed Section 8 (Uses) would include a global use matrix that shows permitted and special uses for all districts. As part of Section 8, definitions of all uses and any particular use standards would also be included, so that all use regulations are maintained in one place.

Certain uses require use standards to regulate impacts.

Related to the above approach, the Ordinance may need additional use standards for certain uses. Use standards are important with a generic use approach in order to ensure that the impacts are properly addressed. For example, if animal care facilities are permitted, there may be a desire for special standards to address areas of outdoor recreation to buffer nuisance impacts and ensure proper care of the animals.

A full range of temporary uses should be addressed.

The current Ordinance is not clear on what types of temporary uses are allowed. As part of the update, it is recommended that the following temporary uses should be addressed. A temporary use permit should be created to allow the Director of Community Development to approve some of these uses; a select few would be allowed by-right if they comply with standards.

- » Farmers Market
- » Garage/Yard Sale
- » Outdoor Sales and Display – Ancillary to Principal Use
- » Outdoor Storage – Ancillary to Principal Use
- » Real Estate Sales Office/Model Unit
- » Temporary Contractor's Office
- » Temporary Mobile Food Sales
- » Temporary Outdoor Entertainment
- » Temporary Outdoor Sales
- » Temporary Outdoor Storage Container
- » Temporary Storefront Gallery

DISTRICTS

To create more conformance, two specific areas of the R-1 District should be rezoned to the R-2 District.

In looking at lot area and dimensional standards in the R-1 and R-2 Districts, there are two distinct geographic areas that warrant consideration of rezoning – the R-2 District residential area centered around the Milwaukee/Monroe intersection, and the R-1 District area along Albion Avenue from Newcastle to Natoma.

The R-2 area centered around Milwaukee Avenue and Monroe Street, shown on the map on the following page, evidences the greatest concentration of substandard nonconforming lots in the R-2

District, with the majority significantly less than the standard of 6,250 square feet in lot area. The area seems to have a rough boundary of Main Street to the north, Washington Street to the west, Oakton Street to the south, and Harlem Avenue to the east. The Village may want to consider the creation of a new R-2-35 District for this area, to accommodate these smaller lots and acknowledge this pattern of development (generally, standards for this subdistrict would be a 35 foot lot width and a lot area of 3,500 square feet).

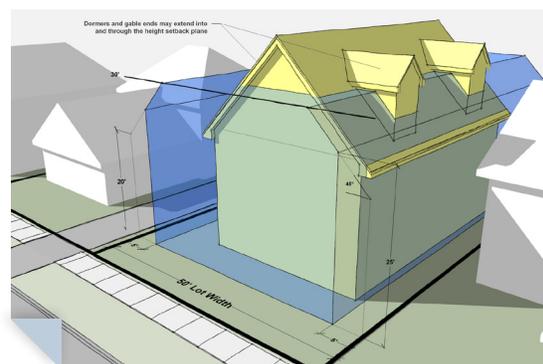
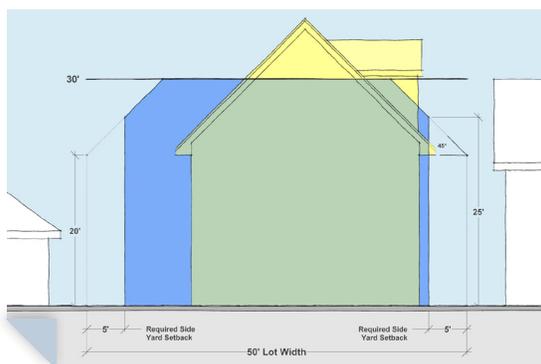
Second, there is a small cluster of R-1 District development on the southern boundary of the Village along Albion Avenue that evidences some of the narrowest lots in the Village. These lots do not conform to R-1 District lot standards, and the Village may want to consider bringing them into the R-2 or the proposed R-2-35 District.

The use of floor area ratio (FAR) and minimum building footprint (for residential development) may not be an effective tool for controlling scale and volume.

A policy item for the Village to consider in this revision is the elimination of floor area ratio (FAR) and minimum residential building footprint to control volume and scale. FAR was historically developed to control the development of high-rise structures, where controls regulated the overall height of a structure as well as maintaining light and air corridors. When applied to residential development and low-rise commercial development, many communities have found that FAR is not an effective tool as it does not limit overall building volume.

Many communities regulate overall bulk in a simplified manner, through a combination of building coverage and impervious surface limitations, building height, and yard requirements. In order to further control building volume, we would recommend that a building coverage requirement be added to the residential dimensional standards. The Village currently has an impervious surface control (“intensity of use of lot”) but not a building coverage control that would better regulate the volume of a principal structure. In addition, a maximum first floor elevation should be added, generally about two feet from grade as measured at the front of the structure; such a control should be applied only to structures constructed as of the effective date of the Ordinance so that existing structures do not become nonconforming.

Finally, in place of FAR, a three-dimensional building envelope should be considered in order to control volume – termed a “building height setback plane.” Where concerns remain about the scale of new residential development without FAR, the building height setback plane works with lot coverage, height, first floor elevation, and setback regulations to establish a 3-D building envelope that controls the overall volume of the structure based on the height of the sidewall of a structure. An example of such is provided below. It is important to note that a building height setback plane is tailored to each residential district, which would acknowledge any differences in scale between residential areas in different parts of the Village. Essentially, when a structure is constructed on a lot that is taller than the typical residence, such structure requires an increased side yard in order to facilitate greater light and air between structures. An illustration of such a control is provided below.





Simplify the minimum lot area control in the R-3 and R-4 Districts by eliminating the “per bedroom” standard.

The “per bedroom” standard in the R-3 and R-4 Districts does not necessarily directly relate to or impact issues of occupancy and density, and it typically does not allow for needed flexibility when planning future developments. In analyzing density patterns in the R-3 and R-4 Districts, a random sample of lots was taken from each district and assessor’s data collected for the lots, in order to calculate approximate square feet per dwelling unit. These calculations resulted in totals of 2,568 square feet per unit in the R-3 District and 2,226 square feet per unit in the R-4 District based on the sample. This confirms that the R-4 District is producing more residential density, but does not appear to be significantly more dense than the R-3 District. It should also be noted that the analysis produced evidence of multi-family uses in the R-3 District, even though they are not allowed in the current district standards. The Village may want consider rezoning some of these areas of multi-family to the R4 District.

The commercial districts should reflect the form and function of Niles’ commercial areas.

The distinction between the commercial districts should be further refined to meet specific development objectives. The commercial districts could be restructured to directly regulate development intensity, use mix, and/or functionality related to whether the commercial district serves the community or the larger region. The standards should also recognize that the physical character of a site varies from smaller lots occupied by small-scale commercial uses to larger sites for regional retail development. The physical attributes of these areas make their regulatory needs different.

The use of two commercial districts – the B-1 and B-2 – to address the distinct commercial areas does not further the Village’s development and redevelopment policies and goals. The main distinction in dimensional standards is FAR – 1.8 compared to 2.0. These two districts cover all of the Village’s commercial areas. Different districts are needed to meet the development needs of corridors like Golf Road, Dempster Street, Touhy Avenue, and Milwaukee Avenue, and those of regional retail development, like the redevelopment of the Golf Road/Milwaukee Avenue site. The physical attributes of these areas make their regulatory needs different.

In addition, there is concern based on the maintenance of the Village’s sales tax base regarding the mix of retail uses verses service and office uses within the commercial districts. In order to facilitate the desired use mix in different commercial areas of the Village, one option is to create a series of “use mix” districts for the main commercial districts. This is a tiered approach where the commercial use mix is established, for example, as either 100% retail commercial uses, a 20% permission for non-retail uses, and a 75% permission for non-retail uses, as applied to each individual property within the district on the basis of gross floor area of the ground floor. Office, residential, and other non-residential uses would be permitted above the ground floor.

Therefore, we propose to revise the commercial zoning district structure as follows:

- » **C1 Corridor Commercial** - The C1 District would address the conditions of corridor commercial uses, where lots are more shallow and issues such as parking are key to redevelopment. As described above, the C1 District would actually be divided into four districts. While the dimensional standards between these would be the same, the use mix allowances would vary based on the amount retail uses required. These are:
 - › **C1:** No use restriction.
 - › **C1-C:** 100% retail uses required.
 - › **C1-20:** Up to 20% of the gross floor area of the ground floor of a development could be used for non-retail uses.
 - › **C1-75:** Up to 75% of the gross floor area of the ground floor of a development could be used for non-retail uses.

- » **C2 General Commercial** – The C2 District would address general commercial centers, including strip retail centers and larger retail centers. Like the C1 District, they would actually be divided into four districts. While the dimensional standards between these would be the same, the use mix allowances would vary based on the amount retail uses required. These are:
 - › **C2:** No use restriction.
 - › **C2-C:** 100% retail uses required.
 - › **C2-20:** Up to 20% of the gross floor area of the ground floor of a development could be used for non-retail uses.
 - › **C2-75:** Up to 75% of the gross floor area of the ground floor of a development could be used for non-retail uses.

- » **C3 Milwaukee Avenue Form-Based District** – With the concurrent Camiros study of a portion of the Milwaukee Avenue corridor underway now, it is anticipated that a new form-based district will be created to implement the vision of the plan.

- » **C4 Milwaukee Avenue Mixed-Use District** – For the remainder of the Milwaukee Avenue, the ability to foster mixed-use development is desired. Therefore, it may be necessary – if it cannot be accommodated through a C1 District – to create a special mixed-use district for Milwaukee Avenue.

- » **C5 Urban Village** – Stakeholders had concerns that current regulations encourage redevelopment of large regional centers as traditional shopping centers, rather than mixed-use urban villages or town centers. A specific district that allows for such development can be included that has clear controls on use mix, siting, and design to encourage high quality development of this type. The creation of this type of district would allow this type of development without having to go through special approvals.

The current manufacturing district is not tailored to the specific nature of industrial users.

The Village has one manufacturing district to cover all industrial and large-scale office uses. It is recommended to “split the district” to separate intensive industrial uses from research and development (R&D) uses and office parks. One way to do this is to create an M District for more traditional manufacturing uses and an OR District for office-research uses.

The current M District regulates through performance standards and limited dimensional and siting regulations. Once split into two districts, each should be refined to list permitted and special uses appropriate for the purpose of the district and create a complete set of dimensional regulations and development standards to control develop and design. It is important to note that office structures have changed from large footprint, low-rise structures to taller structures with smaller building footprints. Part of the impetus for this is a result of modern construction techniques, such as higher floor heights, open floor plans, and green construction techniques. The current height limitation of 36 feet can prohibit this type of development. While the height may work for standard industrial uses, a taller height is likely needed for a district oriented more toward R&D such as 50 feet.

Finally, we understand that certain areas of the current M District have seen the encroachment of commercial uses that are not industrial in nature, such as indoor recreation facilities. In order to preserve existing industrial areas and protect them from encroachment, an M-MU Manufacturing Mixed-Use District can be created that allows for light industrial uses but also commercial uses, such as recreational facilities. This can confine the mixing of uses to specific areas and protect key resources for industrial or research uses only.

Design standards can be added to appropriate districts to ensure the quality of new development.

In order to ensure quality new development, certain districts and uses should incorporate basic design

standards. The key to successful design standards is to accurately convey the aesthetic desires of the community, protect key physical resources from inappropriate alterations, and maintain the flexibility needed to solve difficult design issues and allow innovative new development. Good design standards result in infill development that maintains Village character and implements desired redevelopment patterns.

We recommend that the following uses and districts incorporate design standards:

- » Multi-family and townhouse developments
- » Commercial development, including mixed-use developments
- » Office/R&D campus design standards to ensure that a campus-like environment

The intent is not to control the architecture of new development but rather to address basic building design: façade articulation, fenestration, public entrance design, prohibited building materials, and similar. Standards should be written so that they are more objective in nature than subjective, for easy review and administrations. This would be an implementation of form-based coding techniques.

DEVELOPMENT STANDARDS

The accessory structure section of the existing Ordinance needs updating.

A limited number of accessory structures are controlled in Section 4. The Ordinance update should include a comprehensive list of accessory structures and include specific regulations for each in terms of size/dimension, height, placement, and other dimensional and location requirements.

Common accessory structures and uses include the following:

- | | |
|---------------------------------|------------------------------------|
| » Amateur (HAM) Radio Equipment | » Patio |
| » Arbor | » Pergola |
| » Carport | » Personal Recreational Game Court |
| » Coldframe | » Rain Barrel |
| » Compost Pile | » Refuse and Recycling Containers |
| » Deck | » Satellite Dish Antenna |
| » Farmstand | » Shed |
| » Fences | » Solar Panels (Private) |
| » Garage | » Swimming Pool |
| » Gazebo | » Trellis |
| » Greenhouse | » Vehicle Charging Station |
| » Home Occupation | » Water Features |
| » Mechanical Equipment | » Wind Turbine (Private) |

The accessory structure section is also where a number of new sustainable development techniques are regulated. Certain accessory structures are listed above, such as private solar and wind energy systems.

The Ordinance should include exterior lighting standards.

Currently, there are no clear standards for exterior lighting control. In the update, a full range of exterior lighting standards should be created. Tailored lighting standards are typically required for

certain districts, such as shopping centers versus residential districts, and for certain uses, such as gas stations, where lighting is a safety and an aesthetic issue. Special standards are also needed for recreational fields, which typically require higher intensity lighting mounted on significantly taller light poles. Many of the “best practice” standards on appropriate exterior lighting are based on information gathered and model ordinance standards created by the International Dark-Sky Association, a non-profit organization that seeks to minimize light pollution and conserve energy. These standards provide a model for exterior lighting regulations, but can be adjusted as needed so that they can be easily administered and would not require technical expertise beyond the capacity of the Village.

A permitted encroachments table would help to clarify what types of encroachments are allowed in required yards.

Attached accessory structures and architectural features should be regulated through a permitted encroachments table, where the location - in relation to the required yards - is controlled. The current Ordinance does control some common encroachments, such as decks, chimneys, eaves, and sheds, but this would be better organized as a table that includes the full range of accessory structures and architectural features.

It is important to note that there is often overlap between permitted encroachment permissions and accessory structure regulations. Therefore it is important to organize the accessory structure and permitted encroachment regulations in a coordinated manner with cross-references between the two sections.

OFF-STREET PARKING

The Village’s off-street parking requirements and facility development standards should be updated.

It is important that parking requirements address the demand for parking and the realities of existing conditions. The updated parking requirements should address the full range of off-street parking and loading elements. In order to be comprehensive, this section should address the following:

- » Permitted location of off-street spaces for all districts, including remote lots
- » Parking lot design (surfacing, curbing, marking, etc.) and minimum parking space dimension
- » Parking flexibilities
- » Required stacking spaces for drive-through facilities, including design of stacking spaces
- » Required number of off-street spaces per use
- » Bicycle parking requirements
- » Location and design of off-street loading
- » Storage of commercial and recreational vehicles

Regulations should consider both the demand for parking, and the design and appearance of parking facilities. Adjustments to parking ratio formulas to reflect local demand and conditions should be made as the rewrite process goes forward.

Facility development standards for parking areas should be updated and enhanced.

Parking regulations should consider the design and appearance of parking areas. Some of these are already addressed in the Ordinance but these can further be enhanced to create attractive and safe parking areas, including the following:

- » The current parking lot dimensions distinguish between short-term and long-term parking, which is really a distinction between retail versus industrial and residential per current Ordinance definitions. It is recommended that this be eliminated and a single minimum dimension, such as nine feet by 18 feet, be used instead. Those existing lots with smaller stall sizes would be allowed to maintain their smaller size.

- » Parking lots of a significant size should include pedestrian walkways and connections through vehicle parking areas to ensure safe pedestrian circulation through parking lots.
- » The Village should permit the construction of parking lots with pervious paving, such as pervious pavers, “grass-crete,” “gravel-crete,” and other paving materials that allow for water percolation.
- » The Ordinance should encourage cross-access easements for developments to share parking areas.

Parking requirements should reflect local demand and conditions.

Parking requirements should be summarized within a matrix that establishes requirements for off-street parking for each use within the districts. This allows for tailoring of parking requirements to the nature and physical make-up of each use. When the use structure is determined in the Ordinance, the listing of parking requirements by use should sync with those within the districts.

Special development types, such as strip retail centers and shopping centers, are better served by specialized parking requirements that calculate the required parking based on the floor area of the development as a whole, rather than as a collection of individual uses. Because uses turnover frequently, parking calculations for these developments can move between conformance and nonconformance. A single calculation based on gross floor area would better allow these developments to manage parking and maintain and attract new tenants.

A shared parking flexibility can be included in the Ordinance to better address multi-tenant developments.

While the current Ordinance allows for a collective parking requirement, a shared parking regulation can also be included in the Ordinance based on a formula that calculates how much parking is actually needed by the uses when developed collectively, based on their intensity of use during the hours of the day. Mixed-use developments, multi-use office parks, and similar types of development, as well as property owners that establish cross-access easements, would be eligible for this type of shared parking. (Retail centers as described above would not be eligible for this flexibility.)

The following table provides an example. The minimum required number of spaces for each use is calculated according to Ordinance requirements. The required number of spaces for each use is then applied to the percentages for each time, according to the appropriate land use category, to determine the number of required spaces. This is done for each time category. Finally, the numbers are summed for all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces, which, due to the percentages, is a less than would be required by simply summing the requirements at 100%.

SHARED PARKING CALCULATION						
LAND USE	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	55%	85%	100%	65%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	65%	90%	100%	65%	80%
Amusement Facility	0%	70%	100%	5%	70%	100%
Office	5%	100%	5%	0%	60%	10%
Industrial	5%	100%	5%	0%	60%	10%

Uses that require significant parking could be given the option to land-bank portions of the parking lot.

Land banking is a parking alternative for users that require a large amount of parking, for example, retail centers. With land banking, when the site is large enough to accommodate all required parking, only a certain percentage is required to be constructed during initial development. The remainder of the parking area is kept as green space, reducing the amount of impervious surface on the site and improving the appearance of the area with additional landscape. If the demand increases such that the Village sees a need to expand parking facilities, that land area (or a portion of it) is called in and paved for parking spaces.

Certain areas of the Village may benefit from a fee-in-lieu provision.

With a fee-in-lieu requirement, in those areas where the requirement would be applied, developers that could not provide the required number of parking spaces would be able to pay an in-lieu-of fee for each space they could not provide. That fee would be used by the Village to build a parking facility to accommodate parking in the area. Fee-in-lieu requirements should be targeted to specific areas where there is a difficulty accommodating required parking and where there is the ability for the Village to construct parking. A fee-in-lieu requirement also requires that the collected fee be set aside strictly for the construction of parking; those monies cannot be used for any other purpose. Based on further analysis during drafting, those areas where such a provision could be applied would be identified.

On-street parking spaces can be counted toward off-street required parking.

In certain districts, the Village may want to allow on-street parking spaces located along the front or corner side lot line to be counted toward required off-street parking spaces for commercial uses. This provides some flexibility in the application of the required parking and takes advantage of the parking already available, especially for small-scale commercial developments located within neighborhoods or along corridors.

The Ordinance should require bike parking for new developments.

Similar to vehicle parking requirements, new development should be required to provide bike parking. Generally, those required to provide bike parking would include multi-family dwellings, commercial uses, office uses and parks, and institutional uses. The required number of spaces should specify how many short-term and long-term bicycle spaces are needed, and include design and siting requirements.

When accommodating bike parking spaces on-site proves difficult, the Ordinance should allow flexibility by allowing bike racks to be placed in the public right-of-way where space is available. The property owner would need to make suitable arrangements with the Village to allow bike racks in the public right-of-way.

LANDSCAPE

Current landscape requirements should be revised for clarity and practicality.

The contribution of landscape to the visual quality of the built environment cannot be overemphasized. In addition to its aesthetic benefits, green space provides environmental benefits. The current landscape section contains a full set of landscape requirements, which, as the district structure and the associated dimensional requirements are evaluated and revised, will be revised as well to ensure the proper levels of beautification and screening without creating situations that require variances.

The Ordinance should be organized around the following landscape requirements for:

- » Landscape plan requirements

- » Selection and installation requirements
- » Design criteria
- » Interior of parking lots plantings
- » Perimeter of parking lots plantings
- » Parkway tree plantings
- » Buffer yard and screening between incompatible zoning districts/uses

Of these requirements, those for buffer yards would be new the Ordinance and should be tailored to districts and/or uses to avoid onerous requirements or the creation of nonconformities.

Landscape requirements should contain requirements to bring existing developed sites into conformance.

Landscape should be required when modification of parking lots and significant building expansions are requested. When building additions or expansions are undertaken, the percentage of landscape required can be linked proportionally to the additional building area. Existing parking lots can be required to comply with landscape requirements when a certain number of parking spaces are added to the lot or if the lot is reconstructed.

PLANNED UNIT DEVELOPMENTS

The PUD process should be a multi-step approval process.

While a PUD is a special use, the approval process is not simply that of a special use. Because of the complex nature of the application, there are additional steps that require review and approval and offer opportunities for public input. An outline of a revised process is provided below.

- » **Pre-Application Meeting with Staff.** Prior to the formal filing of an application for a PUD, the applicant meets with Village staff to discuss the proposed development. The purpose of the pre-application meeting is to make advice and assistance available to the applicant before preparation of the preliminary plan.
- » **Optional Concept Plan.** Before submitting a formal application for a PUD, the applicant should be provided the option to present a concept plan before the Planning and Zoning Board for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. Any opinions or advice provided at the meeting are not binding with respect to any official action on the subsequent formal application.
- » **Preliminary Plan.** Following the concept plan, the detailed preliminary plan is submitted, where the Planning and Zoning Board would hold a formal public hearing on PUD application and special use permit. The Board's recommendation would be forwarded to the Village Board for approval or denial.
- » **Final Plan.** Because all issues and concerns with the PUD should be resolved during the preliminary plan and the public hearing that takes place as part of that approval, the final plan approval is intended to be a technical confirmation of the approved preliminary plan. If there are numerous changes between the approved preliminary plan and the final plan, then the plan requires resubmittal as a new application. Typically the Director of Community Development reviews the final plan for conformance with the approved preliminary plan, which is then forwarded on to the Village Board for approval or denial.

There are opportunities to make Planned Unit Development (PUD) a more effective mechanism for leveraging high quality development.

The intent of a PUD is to encourage flexibility in the use and development of land and design of structures by a more creative approach than might otherwise be accomplished under the strict application of the ordinance. In exchange for flexibility offered under the PUD process, the process should be structured so that the Village gains high-quality amenities, open space, building design, and/or other benefits to the community.

The Village's ability to negotiate for the flexibilities offered through the process are not clearly defined. In exchange for flexibility offered under the PUD process, the Village should gain high-quality amenities and/or other benefits to the community. The existing Ordinance does not clearly define the types of amenities that would be considered in exchange for the flexibility available through the PUD process. Therefore, the PUD process should be updated to include a menu of public benefits and amenities that can be provided in exchange for exceptions to district requirements. Examples of some of the design characteristics and amenities that can be considered in determining whether an exception should be granted include the following. During drafting, this list will be further refined so that there is a full menu of public benefits and amenities.

- » Use of sustainable design and architecture, such as green roofs, white roofs and other energy efficient design concepts, new building technologies, and approval of buildings as Leadership in Energy and Environmental Design (LEED) or LEED-equivalent structures.
- » Enhanced design characteristics including, but not limited to, mixed-use development and transit-oriented development.
- » Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
- » Preservation of natural areas and site design that is sensitive to environmental features.
- » Additional open space and recreational amenities such as recreational open space and playgrounds, including athletic fields, dog parks, and natural water features and conservation areas,
- » Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, provision of bicycle paths, installation of gutters and sewers, and traffic control devices to improve traffic flow.
- » Senior housing set-aside.
- » Affordable housing set-aside.
- » Provision of public car and/or bike share facilities.

As part of such revision, the PUD regulations should clearly state that both dimensional standards and use permissions can be modified as part of the PUD.

Special dimensional standards should be eliminated.

In the "Standards" section of the current PUD provisions, there are a series of required setback standards – space between buildings, peripheral yards, and building height setbacks. Because the PUD is intended to be a unique development, which typically departs from district regulations, it is unclear as to why special setback standards are included. It is recommend to eliminate these standards.

A series of administrative, minor, and major changes for approved PUD should be included to allow for more flexibility.

Currently, all changes to a PUD require Village Board approval and must be defined as “minor changes.” However, over the course of time, different levels of changes may be needed to an approved PUD for a variety of reasons. A more flexible change process may be warranted. One alternative is to create three levels of approval – administrative by the Director of Community Development, minor by the Planning and Zoning Board, and major by the Village Board. One proposal for these three levels of changes is provided below:

Administrative Changes – Director of Community Development

- › Alterations required by engineering or other physical site circumstances not foreseen at the time that the final development plan was approved
- › Changes to building design, architectural features and interior planning
- › Changes to accessory structures, whether attached or detached
- › Changes to the landscape plan that do not result in a reduction in the net amount of plant material or violate the landscape requirements of this Ordinance

Minor Changes – Planning and Zoning Board

- › Any minor extension, alteration or modification of existing structures that does not violate any PUD approval conditions or applicable district regulations
- › Changes to the landscape plan that results in a reduction in the net amount of plant material or in the visual impact of the approved landscape plan
- › Where major changes are defined by a threshold (feet, percentage increase/decrease, etc.), any changes below that threshold are considered a minor change

Major Changes – Village Board

- › A change in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use
- › An increase in building height
- › An increase in building coverage by more than 5%
- › A change in the orientation of any building by more than 10%
- › A decrease in open space
- › A change in excess of five feet in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls
- › A change or relocation of streets
- › An alteration, whether an increase or decrease, in the amount of any land use in any stage of the development by more than 10%
- › A reduction in the number of parking spaces or an increase of more than ten spaces

ADMINISTRATION

A reorganization of the administrative section of the Ordinance would make the various processes easier for applicants to follow.

Currently, all administrative responsibilities and procedures are found in Section 11. In order to make the various applications and their respective processes and requirements more user-friendly, the following reorganization is proposed.

Section 13: Ordinance Administrators

Section 13 will list the powers and duties of all boards and officials involved in Ordinance administration. By listing all boards and officials for all applications, the process is clarified (i.e., the user can easily reference who recommends and who approves). The following boards and officials will be included:

- › Village Board
- › Planning and Zoning Board
- › Director of Community Development

The Plan Commission and Zoning Board of Appeals have recently been merged, however the current Ordinance does not specifically describe the powers and responsibilities of this new body. This will be clarified. In addition, the administrative body is named the “Plan Commission and Zoning Board of Appeals,” which is a cumbersome name. It is recommended to change the name to the “Planning and Zoning Board,” and is referenced as such in this report.

Section 14: Zoning Application Procedures

This section will contain the rules for processing the various zoning applications within the Ordinance. These administrative procedures will be consistent with Illinois statute and case law and organized in the following three sections:

- › Application
- › Notice
- › Public Hearing

Section 15: Zoning Application Approval Processes

All zoning applications and approvals will be found in this section. We anticipate that the following applications would be included:

- › Amendments (Text and Map)
- › Special Use
- › Variation
- › Site Plan Review
- › Temporary Use Permit
- › Zoning Interpretation
- › Zoning Appeals

To the degree possible, the following structure will be used for each application:

- › Purpose
- › Applicability
- › Authority
- › Procedure
- › Findings of Fact/Approval Standards

A completeness review should be included as part of the filing of applications provision.

It is recommended that a completeness requirement be added to the Ordinance in order to avoid the submittal and processing of incomplete applications. An example of such a requirement is as follows:

The Director of Community Development will determine whether a submitted application is complete. The Director of Community Development will notify the applicant as to whether or

not the application is complete within 15 days of receipt, and will not process the application until any deficiencies are remedied. Once the Director of Community Development determines that the application is complete, the application will be scheduled for consideration.

This would allow interested members of the public to review the complete application prior to the hearing and would help to eliminate postponements on the basis of incomplete submittals. It should be noted that payment of fees should be considered part of completeness review.

Findings of fact or approval standards for the different applications should be updated.

Each of the applications, in particular amendments, variations, and special uses, should have a set of approval standards or findings of fact. Current standards for each application should be updated for consistency with Illinois case law and clarified.

The Village may want to remove the limitations on variation applications.

Because the purpose of a variation is to respond to a hardship that runs with the land, many communities do not place limits upon the types of variations that can be applied for. Niles' Ordinance currently limits the types of variations that can be granted. This can have two negative effects. The first is that variations that exceed the permitted thresholds can emerge, as variations are based on unique conditions and can be impossible to predict, and this places the Village in the position of having to deny a legitimate variation application. Second, by establishing thresholds, it can become common practice that, so long as the variation application meets the threshold, it is automatically approved. We would recommend that these limitations be removed.

Some flexibility in the variation process can be included through an administrative variation procedure.

The Village can reduce the number of cases required to be reviewed by the Planning and Zoning Board and introduce some flexibility in the variation application by defining and establishing a procedure for administrative variations, with certain applications reviewed and approved by the Director of Community Development. The purpose would be to provide a streamlined approval procedure for minor modifications of select standards, without requiring a public hearing. Examples of the types of variations that could be approved as an administrative variation are the following:

- » A 10% variation on any dimensional standard within the Ordinance
- » Reduction of required off-street parking spaces by no more than 10% of the required amount
- » A variation for bicycle parking requirements

It is important to note that an administrative variation procedure has a number of checks and balances built into it. First, the Director of Community Development is given the ability to decide that an application – even if it is clearly an administrative variation category – is by its nature a major variation, and therefore must be scheduled before the Planning and Zoning Board. Second, if the Director of Community Development denies an administrative variation, then the applicant can appeal that decision to Planning and Zoning Board. An additional safety is added whereby if any noticed property owner objects to the application in writing, prior to the date the decision is rendered, the application will be automatically transferred to the Planning and Zoning Board as a major variation.

An administrative variation must be properly noticed. Some communities that have instituted the administrative variation have reduced notice requirements to create a more expedited review and to save the applicant costs in terms of mailed notice. In most communities that implement an administrative variation, mailed notice is sent to adjacent landowners, rather than usual the 250 feet from subject property lines. Once the sign is posted and the notice sent, the Director of Community Development can act on the application after 30 days.

Finally, like a major variation, an administrative variation may be granted only where there are special circumstances applicable to the subject property – an undue hardship stemming from

unique circumstances. As in all variation cases, a personal hardship does not justify a variation, nor does a hardship that has been intentionally created. The same findings of fact are applicable. The administrative variation is only intended to streamline the process for minor modifications, lessening the burden on both the Planning and Zoning Board and the applicant.

A site plan review process should be incorporated into the process.

A site plan review process could help to ensure that the new development meets the intent of land development regulations, Comprehensive Plan policies, and the character of Niles. This would be a way to address how new development fits into both the larger context of the Village and the micro-level of the site specifically. There are three key issues related to instituting a site plan review process. These are:

What developments are subject to administrative site plan review?

Many communities require all developments, except for single-family and two-family dwellings, to receive site plan approval. In addition, a number of communities require all special uses to receive site plan approval as part of the approval. It is our recommendation that, at a minimum, all new construction of multi-family, townhouse, and non-residential developments, including mixed-use, be subject to site plan review.

What are the standards for site plan review?

A typical list of criteria used for evaluating site plans include the following categories: site design (the location, arrangement, size, design and general site compatibility of buildings, lighting and signs), landscaping, screening and open space (proper buffering, sustainable design techniques, drainage, and preservation of existing natural resources), and circulation systems and off-street parking (adequate and safe access to the site for motor vehicles, pedestrians and bicyclists, traffic movements, and design off-street parking lots or garages to minimize adverse impacts).

Who will review applications?

A Site Plan Review Committee can be created and comprised of key Village staff. This can also be refined so that small-scale developments are reviewed by the Site Plan Review Committee of internal staff, while large-scale developments are also reviewed by the Planning and Zoning Board. The Ordinance will describe specific thresholds for small-scale versus large-scale development.

NONCONFORMITIES

Nonconformity regulations should be updated to specifically address the variety of potential nonconforming situations.

In any ordinance update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when new or revised districts are tailored to existing conditions or remapping of districts is undertaken, however, some properties and uses will remain nonconforming. Therefore, the nonconformities section should be rewritten for clarity and include provisions for nonconforming uses, structures, site characteristics, and lots. The updated provisions should clearly spell out what types of changes and/or alterations are permissible. The following are the types of nonconformities to be addressed:

- » **Nonconforming use.** A nonconforming use is the existing, legal use of a structure or land that is not allowed within the district, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.

- » **Nonconforming structure.** A nonconforming structure is an existing, legal structure that does not conform to the standards of the district where it is located, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.
- » **Nonconforming site characteristic.** A nonconforming site characteristic is an existing, legal site characteristic, such as landscape, fences or walls, lighting, or parking, that does not comply with the standards of this Ordinance, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming. This would be a new category of nonconformity for the Village.
- » **Nonconforming lot.** A nonconforming lot is an existing lot of record that does not comply with the lot dimension standards of this Ordinance, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.

The current Ordinance has select amortization and discontinuance reduction provisions for nonconforming structures and nonconforming uses. Based on the current age of the Ordinance, these have expired and therefore should be removed.

Nonconforming lot provisions should address both standalone and contiguous nonconforming lots.

The Ordinance should allow the construction of a single-family home on any nonconforming lot within a residential district without a variation. In addition, if two or more lots of record have contiguous frontage in common ownership and one or more of the lots does not meet the requirements for lot dimensions as established by this Ordinance, the lots involved should be considered a single zoning lot for the purposes of this Ordinance. No division of the lot should be permitted that creates a nonconforming lot and/or renders the remaining lot(s) nonconforming.

Flexibilities should be added to the nonconforming structure regulations for additions and enlargements.

The current provisions only allow additions or enlargements for nonconforming structures if the action creates full conformity. This can be made more flexible with the addition of two provisions:

- » Nonconforming structure regulations should be clarified so that users understand that only the dimensional element of the structure that is nonconforming is not permitted to be expanded. For example, if a structure is nonconforming in terms of overall height, but seeks to build an addition that is not in violation of the district height limit, that addition can be built so long as it conforms to all other regulations without any special approvals.
- » The Ordinance should allow the nonconforming walls of existing nonconforming single-family and two-family dwellings that are nonconforming in terms of the side or rear wall to be extended. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the Village's housing stock, and is a way to reward property owners who continue to invest in their homes, particularly older homes. Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate the Ordinance. This by-right permission would only allow the extension of the wall within the interior side or rear yard and does not allow for the violation of any other district regulation.

New regulations for nonconforming site characteristics should be added.

Rather than render a structure nonconforming because of a site characteristic related to the building, flexibility should be built into the Ordinance by creating a separate nonconformity category for elements such as landscape, fences or walls, lighting, and parking. The regulations would allow normal maintenance and incidental repair to a nonconforming site element, but prohibit repairs or reconstruction that would create any new nonconformity or increase the degree of the previously existing nonconformity. The regulation would also spell out when nonconforming site elements must be brought into conformance when a new principal structure is constructed on a site, an existing principal structure is increased in floor area by a certain amount, an existing parking lot is fully reconstructed or an existing parking is expanded, or in specific circumstances, such as when 50% or more of the length of a nonconforming fence is reconstructed.

SIGN CODE

While this Zoning Ordinance update does not include a revision of the more recently adopted sign code, as district standards are evaluated and revised, certain adjustments to the sign regulations may be necessary.

SUBDIVISION REGULATIONS

A basic reorganization of the subdivision regulations would clarify the process to the user.

Subdivision regulations are included in two separate documents – Chapter 90 of the Village Code and the guideline document named “Subdivision Application Instructions.” These two documents together provide both the process and requirements for subdivision. Therefore we propose to merge these document and reorganize the complete Chapter 90 as follows:

Section 1: Purpose

Section 2: Process

Section 3: Standards

Section 4: Improvements

Section 5: Bond and Escrow Deposit

Section 6: Development Agreements

Appendix: Required Certifications

Development agreements may be required as part of approval, and therefore should be referenced within the regulations.

The applicant may be required to submit a development agreement as part of the application. This should be described within the subdivision regulations, including when it is required and a general guide to the agreement. The development agreement will spell out the responsibilities of the developer and the Village in terms of public and private improvements and any special controls over the proposed use.

The regulations should cross-reference other relevant sections of the Village Code.

The revision include references other applicable sections of the Village Code that must be required to be met by a subdivision. For example, the following sections of the Village Code all reference or include provisions that are relevant to design of a subdivision:

CHAPTER	TITLE	SECTION	TITLE
18	Building and Building Regulations	XI	Grades
		XVI	Vacant Lots
50	Floods	II	Flood Damage Prevention
86	Streets, Sidewalks and Other Public Places	I	In General
		II	Excavations
		III	Driveways
		V	Sidewalk and Curbing Construction
102	Utilities	II	Sewer Use
		III	Water

II. OUTLINE OF REGULATORY STRUCTURE

ZONING ORDINANCE

The content of each section for the proposed new Zoning Ordinance structure is described below. These descriptions do not include proposed key revisions; they only outline general organizational content. Proposed revisions are described in Part I of this memorandum.

Section 1: Title, Purpose, and Applicability

This Section introduces the Zoning Ordinance. It will include the overall purpose and intent, its application to land and buildings within Niles, and the transition rules upon adoption of the new Ordinance.

Section 2: Definitions

As stated earlier, all definitions of general terms will be located within this Section.

Section 3: Zoning Districts

This Section is standard ordinance language that introduces the zoning districts and the Official Zoning Map.

Section 4: Residential Districts

Section 5: Commercial Districts

Section 6: Industrial Districts

Section 7: Special Purpose Districts

These Sections will provide the dimensional regulations for each district in table format, as well as any design standards. The districts have been grouped under broad categories of land use. Changes to district structure are described in Part I of this memorandum.

Section 8: Uses

A global use matrix that lists all permitted and special uses for the districts, as well as permitted temporary uses, will be found here. This Section will also include any use standards for principle and temporary uses. Finally, the Section will conclude with a complete compilation of all use definitions (i.e., all uses found in the global use matrix).

Section 9: Development Standards

This Section will cover the variety of site improvements on the lot other than the principal structure. It would be divided into the following sections:

- » General Provisions: Standards such as number of structures on a lot, special dimensional exceptions, view obstruction, etc.
- » Accessory structures and uses
- » Permitted encroachments
- » Environmental performance standards (noise, vibration, odor, pollution, etc.)

Section 10: Off-Street Parking and Loading

Parking standards would include the following:

- » Location and design of off-street parking
- » Required number of off-street parking spaces
- » Parking flexibilities
- » Commercial and recreational vehicle storage

- » Location and design of off-street loading
- » Required number of off-street loading spaces
- » Location and design of bicycle spaces
- » Required number of bicycle spaces

Section 11: Landscape

New landscape requirements would be organized as follows:

- » Landscape plan requirements
- » Selection and installation requirements
- » Design criteria
- » Interior of parking lots plantings
- » Perimeter of parking lots plantings
- » Parkway tree plantings
- » Buffer yard and screening requirements

Section 12: Planned Unit Development

The following structure for the Planned Unit Development (PUD) Section is proposed:

- » Purpose
- » Authorization
- » General Standards
- » Public Amenities and Benefits
- » Procedure: Pre-Application, Concept Plan, Preliminary Plat, Final Plat
- » Changes to Approved PUD

Section 13: Ordinance Administrators

Section 13 will list the powers and duties of all boards and officials involved in Ordinance administration.

- » Village Board
- » Planning and Zoning Board
- » Director of Community Development

Section 14: Zoning Application Procedures

This Section will contain the rules for processing the various zoning applications within the Ordinance. These administrative procedures will be consistent with Illinois law and grouped into the following three sections:

- » Application
- » Notice
- » Public Hearing

Section 15: Zoning Application Approval Processes

All zoning applications and approvals will be found in this Section. We anticipate the following applications:

- » Amendments (Text and Map)
- » Special Use
- » Variation
- » Site Plan Review

- » Temporary Use Permit
- » Zoning Interpretation
- » Zoning Appeals

Section 16: Nonconformities

This Section will clearly define what a nonconformity is, and explain what changes and/or alterations that are permissible for each type. The specific provisions will be categorized as four types of nonconformities:

- » Nonconforming uses
- » Nonconforming structures
- » Nonconforming site characteristics
- » Nonconforming lots of record

Section 17: Enforcement

The enforcement provisions will align with those allowed the Village by state statute.

SUBDIVISION REGULATIONS

The content of each section for the proposed new subdivision regulation structure in Chapter 90 is described below. These descriptions do not include proposed key revisions; they only outline general organizational content. Proposed revisions are described in Part I of this memorandum.

Section 1: Purpose

This Section describes the general purpose of the subdivision regulations.

Section 2: Process

The process, as described in the “Subdivision Application Instructions,” would be included here.

Section 3: Standards

Section 3 would clarify the general standards all subdivisions must comply with, such as installing required improvements and compliance with the Zoning Ordinance.

Section 4: Improvements

All improvements, such as street lights, street signs, roads, utilities, etc., would be described here, either in detail or by cross-reference.

Section 5: Bond and Escrow Deposit

The current Sections 90-8 and 90-9 would be consolidated in Section 5.

Section 6: Development Agreements

General requirements for development agreements would be included here.

Appendix: Required Certifications

The required certifications shown in the “Subdivision Application Instructions” would be included as an appendix.