



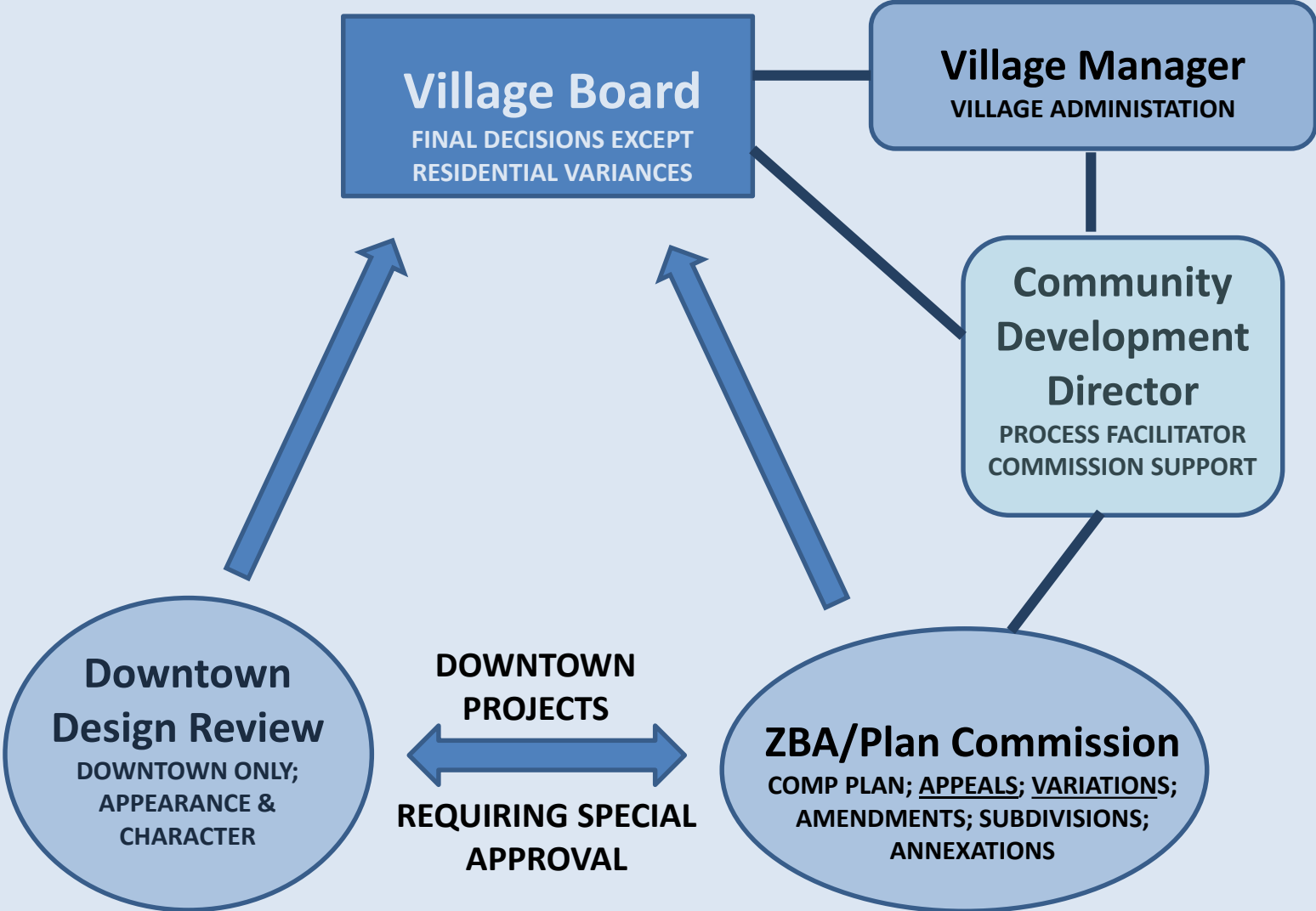
ZBA TRAINING SESSION; NOVEMBER 15, 2017
Village of Clarendon Hills Zoning Ordinance Update

Training Session

Agenda

- I. Relationship with Other Administrative Bodies
- II. General Application Process
- III. Text Amendment
- IV. Map Amendment
- V. Special Use
- VI. Planned Unit Development
- VII. Variation
- VIII. Director of Community Development Decisions
- IX. Appeals

Relationship with Other Administrative Bodies



General Application Process

Application Submittal

Filed with Director of Community Development

Applicant may request pre-application conference

Completeness review (__ days) – Fees must be paid

Withdrawal

Any time prior to decision, including when tabled

Must be submitted in writing

Resubmittal After Denial

One year threshold

Director of Community Development review

General Application Process

Public Notice for Hearings

Published: By Village, 15 – 30 days prior

Mailed: By Village, 15 – 30 days prior, 250’ from lot lines

Posted: By Village, 15 – 30 days prior, 1 per street frontage

Table 14-1: Required Notice			
Zoning Application	Notice Type		
	Published	Mailed	Posted On Property
Zoning Text Amendment Notice for Public Hearing	X		
Zoning Map Amendment Notice for Public Hearing	X	X	X
Special Use Notice for Public Hearing	X	X	X
Variation Notice for Public Hearing	X	X	X
Administrative Exception Notice of Decision Date		X	
Zoning Appeals Notice for Public Hearing	X		

Conduct of Public Hearing

Swear in all persons offering testimony (his/her name and address)
Written statements may be accepted prior to the hearing & entered into record

Testimony by applicant & exhibits identified & made part of the record

ZBA/PC questions directed to the applicant

Interested parties appear & submit evidence, & cross-examine witness

ZBA/PC follow-up questions & discussion

Close hearing in regard to receiving testimony & evidence

Deliberations following close

Evaluation of standards or findings of fact

ZBA/PC keeps minutes of proceedings & the vote of each member

Types of Processes

Legislative

Policy-making decisions

Balancing of standards

Text & Map Amendments

Quasi-Judicial

Application of zoning to individual situations

Make findings of fact on each standard

Special Use

Planned Unit Development

Variation

Appeals

Administrative

Director of Community Development decisions

Appeal to ZBA/PC

Site Plan Review

Administrative Rulings

Interpretations

General Application Process

Questions?

Text Amendment

Overview

To change the text, including dimensions, of the Ordinance

Proposed by Village Board, ZBA/PC, or property owner

Published notice

Process

ZBA/PC recommends approval or denial; Village Board approves or denies

60 days from receipt of complete application – ZBA/PC hold hearing

60 days from hearing close – forward recommendation

Village Board rules within 60 days of receipt of recommendation

Text Amendment

Approval Standards – not in current ordinance

Legislative Decision – Balancing of Considerations

1. Consistency with Comprehensive Plan
2. Promotes public health, safety, & welfare
3. Gain to the public, as compared to the hardship imposed upon applicant
4. Consistency of with intent & general regulations of Ordinance
5. Corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy
6. Provides a more workable way to achieve the intent & purposes of Ordinance & Plan
7. Extent to which it creates nonconformities
8. Extent to which it is consistent with the overall structure & organization of Ordinance

Text Amendment Text

Example - Townhouse Height

Increase townhouse height in R-4 to 40' from 35'

Approve or Deny – Evaluation of Standards

Consistency with Comprehensive Plan:

Gain to the public:

Consistency with Ordinance:

More workable way to achieve the intent & purposes of Ordinance & Plan:

Extent to which it creates nonconformities:

Text Amendment Text

Example - Single-Family Parking Requirement

Increase single-family parking requirement from 2/du to 3/du

Approve or Deny – Evaluation of Standards

Consistency with Plan:

Gain to the public:

Consistency with Ordinance:

Provides a more workable way to achieve the intent & purposes of Ordinance & Plan:

Extent to which it creates nonconformities:

Text Amendment Text

Example - Drive-Through Stacking Spaces

Change drive-through facility from special use to permitted use with requirement for 6 stacking spaces in Business Districts

Approve, Deny or Approve with Modifications

Evaluation of Standards

Promotes public health, safety, & welfare:

Gain to the public, versus hardship to applicant:

Provides a more workable way to achieve the intent & purposes of Ordinance & Plan:

Extent to which it creates nonconformities:

Text Amendment Use

Example - Adult Use: Retail

Make adult uses special uses in the B-3 District

Approval or Denial – Evaluation of Standards

Promotes public health, safety, & welfare:

Gain to the public, as compared to the hardship for applicant:

Consistency of with Ordinance:

Extent to which it creates nonconformities:

Extent to which it is consistent with Ordinance:

Text Amendment Use

What happens when you change use permissions?

Special becomes Permitted

Continues - any special standards eliminated & subject to district & ordinance standards

Permitted becomes Special

Continues - any changes require a special use approval

Permitted or Special Eliminated from District

Continues - subject to nonconformity provisions

Any changes (ex: increase in GFA) requires variation

Text Amendment

Questions?

Map Amendment

Overview

To change the Zoning Map

Proposed by Village Board, ZBA/PC, or property owner

Published, mailed, & posted notice

Process

ZBA/PC recommends approval or denial; Village Board approves or denies

60 days from receipt of complete application – ZBA/PC hold hearing

60 days from hearing close – forward recommendation

Village Board reviews within 60 days of receipt of recommendation

Map Amendment

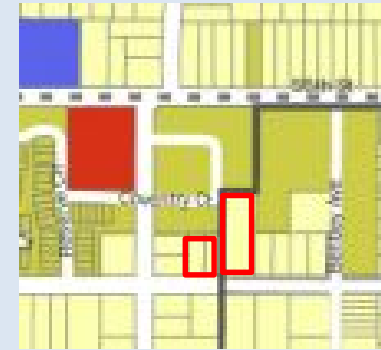
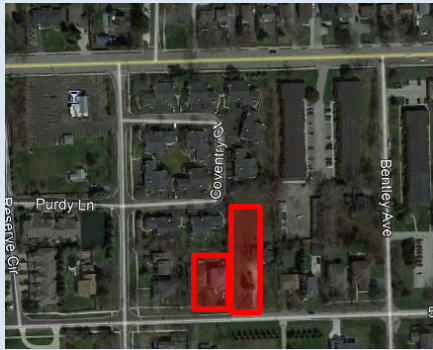
Approval Standards – not in current ordinance

Legislative Decision – Balancing of Standards

1. Consistency with Comprehensive Plan & land use plans
2. Compatible with surrounding property
3. Diminish or enhance property values
4. Promotes public health, safety, & welfare
5. Gain to the public, as compared to the hardship imposed upon applicant
6. Suitability for current zoning versus that proposed (uses)
7. Length of time property has been vacant
8. Benefit the Village as a whole, not just property owner
9. Extent to which it creates nonconformities
10. Trend of development in general area
11. Adequate public facilities available
12. Neighbor Opposition provision in current ordinance

Map Amendment

Example - Residential District; Rezone R-1 to R-3



Approve or Deny – Evaluation of Standards

Consistency with Comprehensive Plan & land use plans:

Compatible with surrounding property:

Diminish or enhance property values:

Suitability for current zoning versus that proposed (uses):

Extent to which it creates nonconformities:

Trend of development in general area:

Map Amendment

Uses and Rezoning

Important! Do not rezone for one particular use

All uses allowed in the district would be allowed

Cannot condition approval that a particular use will be established

Development and Rezoning

Important! Do not rezone for one particular development

Any development type allowed in the district would be allowed

Cannot condition approval that a particular development will be constructed

Map Amendment

Spot Zoning

Classic Definition: Singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners

Usually also in opposition to the Comprehensive Plan

Each case needs to be evaluated individually

Rezoning a single parcel, different from the rest of the area may be appropriate

Example: Rezoning only the corner lot of a block for neighborhood commercial as it has always been and is designed as retail

Key Decision: Is this rezoning “for the benefit of the owner of the property and to the detriment of other nearby property owners”?

Map Amendment

Questions?

Special Use

Overview

To approve a use designated as special within a zoning district

Proposed by property owner – only for land under owner's control

Published, mailed, & posted notice

Process

ZBA/PC recommends approval or denial; Village Board approves or denies

Site plan review typical – approved by Director of Community Development; forwarded to ZBA/PC as part of review

60 days from receipt of complete application – ZBA/PC hold hearing

60 days from hearing close – forward recommendation

Village Board reviews within 60 days of receipt of recommendation

Special Use

Approval Standards

Quasi-Judicial Decision – Findings of Fact

The special use:

1. Will not endanger the public health, safety, or welfare.
2. Will not be injurious to the use of other property within the immediate vicinity, nor will it impact property values
3. Will not impeded the normal & orderly development of surrounding property
4. Ingress and egress is designed to minimize traffic congestion
5. Conforms to the Zoning Ordinance in all other respects
6. In the specific location proposed is consistent with the spirit & intent of Ordinance, Comprehensive Plan, & adopted land use policies.

Special Use

Example - Financial Institution

Allow financial institution with drive-through in B-2

no other financial institutions in immediate area; a convenience for residents in and around the downtown

Approve or Deny – Finding of Fact

Will not endanger public health, safety, or welfare:

Will not be injurious to the use of other property:

Will not impeded the normal & orderly development:

Ingress and egress is designed to minimize traffic congestion:

Conforms to the Zoning Ordinance:

Specific location proposed is appropriate:

Special Use

Example - Car Wash

Allow car wash in B-2

- *small interior lot, residential abutting to rear,*

Approve or Deny – Findings of Fact

Will not endanger public health, safety, or welfare

Will not be injurious to the use of other property:

Will not impeded the normal & orderly development:

Ingress and egress is designed to minimize traffic congestion:

Conforms to the Zoning Ordinance:

Specific location proposed is appropriate:

Special Use

Site Plan Review

SPR begins the process – forwarded as part of application

Director approves it, but ZBA/PC can ask for additional modifications as part of approval conditions

Additional Considerations

Must meet all district & Ordinance standards – cannot approve variation as part of special use

Can condition final approval of special use to final approval of a variation/exception

Use Restrictions: Within C-2, C-3, & C-4, ground floor uses on corner lots are limited to retail; this extends for 250' along lot lines along each intersecting street & applies to ground floor space where 50% or more of the space's frontage is located within this 250'

Questions?

Planned Unit Development (PUD)

Overview

Distinct category of special use

Proposed by property owner(s)

Published, mailed, & posted notice

Process

Pre-application process with Director of Community Development

Concept plan with ZBA/PC

Preliminary Plan (valid 2 years)

- ZBA/PC recommends approval or denial; Village Board approves or denies

- 60 days from receipt of complete application – ZBA/PC hold hearing

- 60 days from hearing close – forward recommendation

- Village Board reviews within 60 days of receipt of recommendation

Final Plan (valid 2 years)

- Director of Community Development reviews for conformance within 30 days of receipt

- Village Board reviews within 60 days of receipt of recommendation

Planned Unit Development (PUD)

Approval Standards for Preliminary Plan

Quasi-Judicial Decision – Findings of Fact

First, need Findings of Fact on Special Use Approval Standards

1. Will not endanger the public health, safety, or welfare.
2. Will not be injurious to the use of other property within the immediate vicinity, nor will it impact property values
3. Will not impeded the normal & orderly development of surrounding property
4. Ingress and egress is designed to minimize traffic congestion
5. Conforms to the Zoning Ordinance in all other respects
6. In the specific location proposed is consistent with the spirit & intent of Ordinance, Comprehensive Plan, & adopted land use policies.

Planned Unit Development (PUD)

Approval Standards for Preliminary Plan

Quasi-Judicial Decision – Findings of Fact

Second, need Findings of Fact on PUD Approval Standards

(current Ordinance contains 3-1/2 pages of specific standards)

1. Conforms to intent of the Comprehensive Plan
2. Provides common open space to higher degree than conventional development
3. Site landscaping and perimeter buffer exceeds conventional development
4. Conforms to Subdivision Ordinance, except for specific departures
5. Is compatible with surrounding uses, development & character
6. Promotes pedestrian circulation

Planned Unit Development (PUD)

Exceptions; development standards

PUD is a negotiation between the property owner & Village

Village can modify base district regulations

Property owner must offer public benefits/amenities

Preservation of unique aspects of site (environmental, cultural, historic)

Open space/recreation

Public space (plazas, gardens, malls)

Green building & adaptive reuse

Public car and/or bike share, public transit

Senior or affordable housing

Stormwater management

Planned Unit Development (PUD)

Final Plan Approval

PUD becomes the “zoning” for the site

Three levels of modifications – set by thresholds:

1. Administrative modification: Director of Community Development
2. Minor modification: ZBA/PC
3. Major modification: Village Board

Planned Unit Development (PUD)

Questions?

Variation

Overview

To allow for relief from an Ordinance standard; relief for nonconformities

Use variations are prohibited

Proposed by property owner – only for land under their control

Published, mailed, & posted notice

Process

ZBA/PC approves or denies

60 days from receipt of complete application – ZBA/PC hold hearing

60 days from hearing close – ZBA/PC makes decision

Variation

Approval Standards

Quasi-Judicial Decision – Findings of Fact (customary)

1. Strict application of Ordinance will result in undue hardship unless relief requested is granted.
2. Particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience.
3. Plight of the owner is due to unique circumstances inherent to the subject property & not from the personal situation of the owner, & has not been created by any person presently having an interest in the property.
4. Will not diminish the value of adjacent property.

Variation

Example - Interior Side Yard in Residential District

Reduce interior side yard in R-1 from 6' to 4'

** existing lot of record that does not meet lot area & width (nonconforming lot), meets other dimensional standards*

Approve or Deny – Findings of Fact

Undue hardship unless relief granted:

Particular physical surroundings, shape or topographical conditions impose a hardship:

Plight is due to unique circumstances inherent to property & not created by any person presently having an interest:

Will not diminish property values of adjacent property:

ZBA/PC may grant a lesser variance (ex: 5') or may place conditions (ex: limit encroachments)

Variation

Questions?

Director of Community Development Decisions

Decisions

Development Review (property owner)

Facilitate Processes (property owner)

Zoning Interpretations (Village Board, ZBA/PC, property owner)

Temporary Use Permit (property owner)

ZBA/PC Interaction

Appeals of these decisions

Processes for amendment, special use, variations, planned developments,

Appeals

Overview

Appeal of Director decision

Initiated by property owner or affected party

Must be filed within 30 days of date decision was rendered

Process

ZBA/PC upholds or overturns

60 days from receipt of complete application – ZBA/PC hold hearing

30 days from hearing close – ZBA/PC makes decision

Questions?

Thank You!

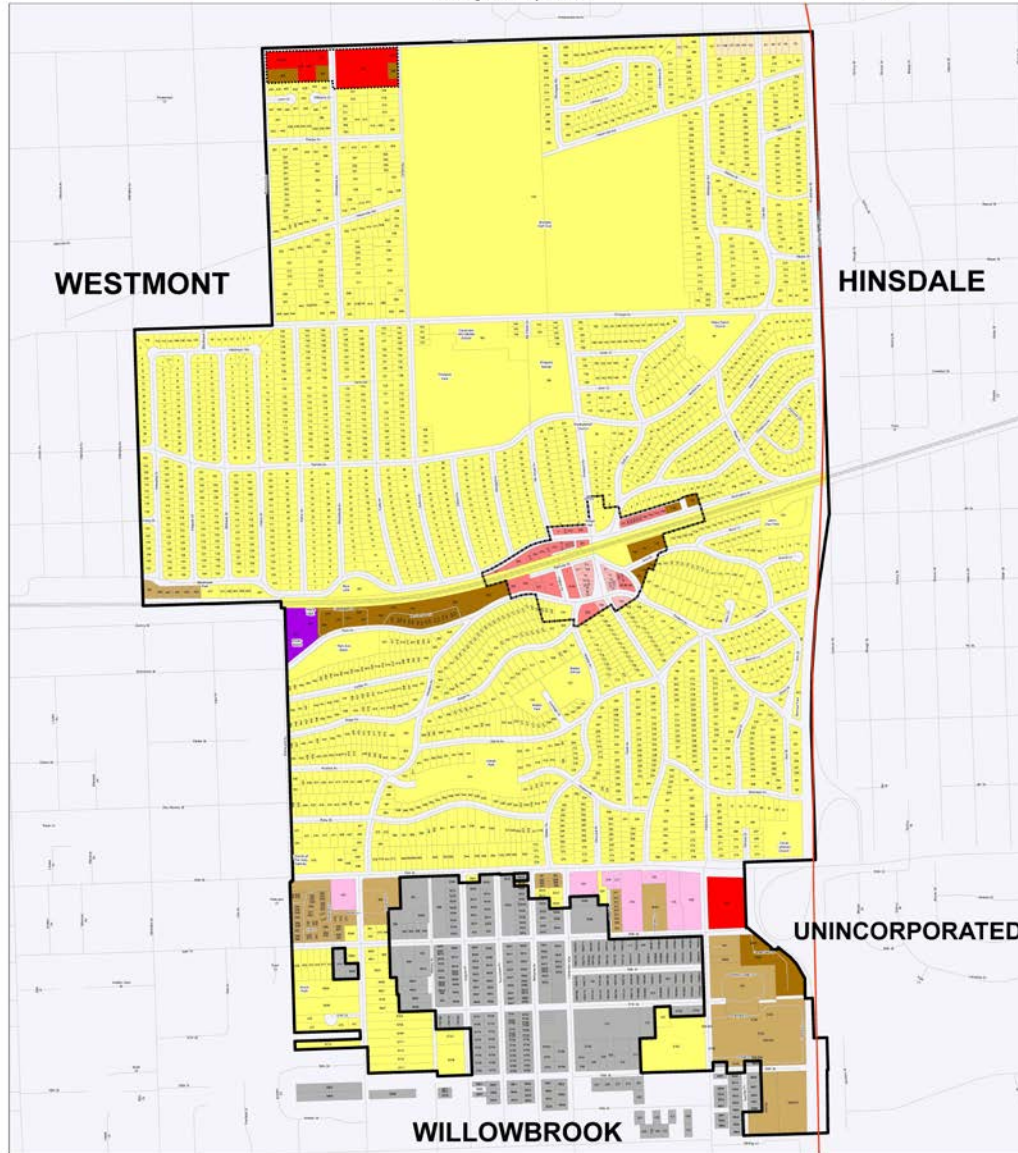


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Zoning Map

DuPage County, Illinois



Legend

- Zoning**
- R-1 Single Family Residential
 - R-1A Residential and Limited Offices
 - R-3 Medium Density Multi-Family Residential
 - R-4 High Density Multi-Family Residential
 - B-1 Retail Business District
 - B-2 General Business District
 - B-3 Highway Business District
 - O/R Office-Research District
 - I Industrial
 - Unincorporated
 - Municipality Border
 - Overlaid Overlay District
 - Open TIF District
 - Local Road
 - Railroad



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State of Illinois, January 12, 2011. Copyright 2014
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