

**VILLAGE OF SOUTH ELGIN  
PLANNING AND ZONING COMMISSION MEETING  
10 N Water Street  
South Elgin, Illinois 60177  
March 20, 2019 6:00pm  
AGENDA**

**\*\*\* Please note earlier start time of 6:00 pm \*\*\***

- A. Call to Order**
- B. Roll Call**
- C. Discussion**  
Planning and Zoning Commissioners Training Session as presented by the ILAPA representatives.
- D. Public Comment**
- E. Adjournment**

# **Citizen Planner Workshop**

**March 20, 2019 – South Elgin, IL**

Illinois Chapter, American Planning Association

Chaddick Institute, DePaul University

**Dan Ungerleider, AICP**

**Michael Blue, FAICP**

The workshop is supported by the Illinois Chapter of the American Planning Association and the Chaddick Institute at DePaul University.



**DEPAUL  
UNIVERSITY**

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**CHADDICK INSTITUTE FOR  
METROPOLITAN DEVELOPMENT**



## INTRODUCTION TO ZONING \*

### WHAT ZONING IS....

- ❖ Zoning is an instrument utilized by a community to control the use and development of land in such a way to promote the community welfare. Defined broadly, the purpose of a Zoning Ordinance is to protect the health, safety and welfare of the citizens. Zoning controls development density and protects the value of land and improvements throughout the community. Zoning promotes policies, such as economic development, visual character or preservation.
- ❖ The Ordinance defines and limits the powers and duties of the administrative officers and bodies and prescribes penalties for the violation of the provisions of the ordinance or of any subsequent amendment. The Ordinance also provides for the gradual elimination of structures and uses which are incompatible with the character of the districts in which they are located. A Zoning Ordinance is one of the legal devices by which the Comprehensive Plan is implemented. It must be drafted in accordance with State statutes governing the regulation of land. The purposes are accomplished by regulations and standards contained in the Ordinance which:
  - ❖ Regulate the height and bulk of buildings and structures;
  - ❖ Regulate and limit the intensity of land use and regulate and determine the area of permanent open space surrounding buildings;
  - ❖ Classify, regulate and restrict the location of trades and the location of structures designed for business, industrial, residential and other specified uses;
  - ❖ Divide the community into zoning districts of such character, number, shape and area as are best suited to carry out these purposes;
  - ❖ Prohibit structures, buildings or uses in a district incompatible with the character of the district where they are located;
  - ❖ Prevent additions, alterations or remodeling of existing buildings and structures in such a way as to avoid the restrictions and limitations lawfully imposed by the ordinance;
  - ❖ Fix standards to which buildings and structures in each district shall conform.

### *WHAT ZONING IS NOT....*

Zoning has nothing to do with the materials or manner of construction of a building, which are regulated by the Building Code, Electrical Code, Plumbing Code and Fire Prevention Code. Zoning does not regulate the design of streets, the installation of public utilities and related matters, which are regulated by the Subdivision Ordinance.

### *PLANNING AND ZONING COMMISSION*

The Municipal Code creates a Planning and Zoning Commission, which serves as the fact-finding arm of the zoning process. The Planning and Zoning Commission is authorized to take testimony under oath and determine the facts at a public hearing. Their recommendations on special uses, variations and Planned Unit Developments must be determined by the evidence in the public record. A member of the Planning and Zoning Commission may also rely on their inspection of the property and reports available, provided that such reliance is made a matter of the record at the public hearing and persons at the hearing are allowed the opportunity to respond to it. The Village Board makes the final decision on special uses, variation and PUDs.

### *ZONING'S ORIGINS*

Zoning had its origins in the 1916 ordinance of New York City. The city was divided into zones (hence the term zoning) and for each zone restrictions were established on the use, height, bulk and location of buildings. These restrictions could vary among districts, but within each district were applied uniformly. The first zoning ordinance in the State of Illinois was adopted in 1921. The United States Supreme Court upheld the validity of zoning in 1926. Ever since that date, local governments have used zoning to control the use of land, the location and bulk of buildings. There has been an evolution in zoning so that it is now used more broadly - to regulate signs and require landscaping, for example. Each state has adopted its own Zoning Enabling Act tailored to the governmental structure of the state.

*\* Note: Portions of pages 3 - 4 adapted from the Village of Wilmette Zoning Handbook.*

## THE COMPREHENSIVE PLAN

In August 2002, the State of Illinois enacted the Local Planning Technical Assistance Act, which has among its purposes encouraging local governments to engage in planning, regulatory and development approaches that promote and encourage planning, and supporting planning efforts that include one or more units of local government working together.

Local governments that have adopted plans in accordance with the new guidelines may be eligible for additional preferences in funding under State economic development, transportation, planning, natural resource and agricultural programs.

While local governments are not required to adhere to the planning process outlined in the Local Planning Technical Assistance Act, the required elements do reflect elements that should be considered in preparing any good plan. Particularly with respect to housing, transportation and economic development, local governments are encouraged to look beyond their own borders when making planning decisions.

Depending on the unique situation of each community, other possible sections of the plan include the following: sub area plans including commercial corridors, tree preservation, community design, historic preservation, natural hazards (such as flooding or tornados) and human services.

As important as the topics in the plan is the process used to develop the plan; public participation is critical. It encourages community ownership and buy-in. Public support aids in implementation of the plan. After the Plan is discussed by the public and adopted by the elected officials, the existing Zoning Ordinance should be reviewed for consistency with the Plan.

Sometimes minor amendments to the Zoning Ordinance are sufficient. In other cases, the Zoning Ordinance must be substantially redrafted so that the policies of the Plan can be implemented by the provisions of the Zoning Ordinance.

In addition to implementing the goals expressed by the Plan, if there is litigation regarding the community's land use decisions, the community's actions are more likely to be sustained by the judicial system when the court sees a consistency between the Zoning Ordinance and the Plan.

## PLANNING TOPICS

### **Issues and opportunities**

- Understand the context so that goals, objectives and policies are realistic
- Communicate the community's expectations to residents and developers

### **Land use**

- Means to evaluate unanticipated land use events and explore alternative growth scenarios
- Allows consideration of the ability of the community to support development
- Legal basis for zoning

### **Transportation**

- Ensures circulation system infrastructure is provided in advance of growth or redevelopment
- Encourages consideration of alternative forms of transportation
- Consider opportunities for transportation linkages between communities

### **Community facilities**

- Evaluate the cost and revenue implications of future land use alternatives
- Allows municipal services to be considered in a coordinated way

### **Telecommunications**

- Ensures that telecommunications infrastructure is available throughout the community
- Technology keeps the community competitive in attracting economic growth

### **Housing**

- Represents a substantial percentage of a community's land use mix
- Residential neighborhoods help to establish community character
- Types of housing available in a community determines who can live there

### **Economic development**

- Structured look at the opportunities to create jobs, shopping and services
- Commercial tax base provides financial support for municipal services

### **Natural resources**

- Community is more than just buildings
- Open space adds to the quality of life
- Recognizes that not all land is suitable for development

## STANDARDS OF REVIEW

### **ZONING AMENDMENTS**

The Planning and Zoning Commission makes findings and recommendations to the elected officials based upon the evidence presented at a public hearing. The following questions will assist in reaching a decision on proposed amendments:

*How would the use and enjoyment of adjacent properties be affected by the proposed amendment?*

*How would the future orderly development of adjacent properties be affected by the proposed amendment?*

*Are there sites for the proposed use in other districts that permit the use?*

*Does the present development of the subject property and the surrounding area comply with existing zoning?*

*Will the change deter the use of nearby properties under the existing zoning?*

*Are utilities and essential public services to the subject property adequate to accommodate the uses permitted under its present zoning classification?*

*Do the physical properties of the land make it more suitable for the existing zoning or the proposed zoning?*

*Is there adequate ingress to and egress from the subject property?*

*How will traffic conditions in the immediate vicinity of the subject property be affected by the proposal?*

*Have conditions changed since the zoning was established?*

*Has there been a change in circumstances upon which the current zoning was based?*

*How long has the subject property been vacant, abandoned or underutilized?*

*Will the proposed change encourage desirable development, redevelopment, preservation or conservation?*

*Is the proposed change consistent with the best interests of the community?*

*Has the petitioner demonstrated how the change advances the desired future of the community?*

*Will the proposed change cause an adverse environmental impact?*

*Will the change increase the demand for schools, parks or other public facilities?*

*Will the proposed change conflict with planned public improvements?*

## STANDARDS OF REVIEW FOR SPECIAL USES

No special use shall be recommended by the Planning and Zoning Commission to the Village Board unless evidence is presented that:

The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community.

*Example: The proposed buildings will be located in an existing office park with strict design controls. The Comprehensive Plan calls for additional well-paying jobs in the Village and the uses in the buildings will help meet that goal.*

*Example: There is a need for independent living for seniors in the Village. The two-story building is compatible with the surrounding area and the landscaped berm along the rear lot line will buffer the few houses located near the site.*

The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.

*Example: The proposed restaurant will be located in an area that has adequate utilities and roadway capacity. The area has not experienced storm water complaints.*

*Example: Concerns were expressed about the noise impact caused by a bar with outdoor seating and live music, but the few remaining homes left on the street have recently been acquired and demolished*

The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

*Example: Since adequate parking is provided on-site, those attending programs at the facility do not have to circle the block looking for on street parking which is scarce in the area. The lighting in the parking lot will be correctly aimed and shielded from the nearby residential properties.*

*Example: All surrounding properties on this commercial corridor are already fully developed with retail buildings and this proposal is for an additional retail building.*

The proposed structure or use complies with such other standards and criteria as are established for the particular special use in this ordinance.

*Example: The proposed drive thru for the restaurant will not operate before 6 AM or after 10 PM according to the requirements in the Zoning Ordinance.*

*Example: The Village requires that the proposed industrial park provide a left turn lane into the site and sufficient turning radius for truck traffic. The applicant has agreed with both conditions.*

## STANDARDS OF REVIEW FOR VARIATIONS

The Planning and Zoning Commission shall not recommend granting a variation unless findings of fact are made based upon evidence as presented that:

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

*Example: The minor impervious surface variation is for the proposed drive through bank, which is a commercial use in a commercially zoned area. The bank is proposed to be located on a small infill lot, which has been undeveloped for many years. Customers today choose to do their banking at a bank that provides the convenience of a facility with a drive through and will not patronize banks lacking a drive through.*

The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

*Example: The irregularly shaped lot precludes the construction of a one car garage in a conforming location. Nearly all houses in the zoning district have garages which are necessary due to winters in the Midwest.*

*Example: The proposed addition continues the non-conforming wall a few feet due to the substantially increased cost of construction and maintenance to move the wall to a conforming location. The variation allows the former summer cottage to have a kitchen layout that is functional for current lifestyles.*

The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.

*Example: The previous owner constructed the building thirty years ago. The current owner is requesting a side yard variation to permit a one story addition with an existing powder room that will be enlarged to a full bathroom and a new family room. The variation is to extend the wall of the new bathroom along the same plane as the existing non-conforming powder room wall. The wall for the family room will be built in a conforming side yard location.*

The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

*The proposed addition will add a partial second story to the small, older house. The addition requires a small side yard variation, but is less than the maximum allowed height, lot coverage and floor area ratio. The improvement will enhance the neighborhood.*

*Example: The very small lot width variation to allow one additional interior lot in the proposed subdivision will not burden public facilities or harm the public welfare as there is substantial excess sewer capacity in that area.*

The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

*Example: The subject site is the only property in the area that has a small pond in the front of the site that does not permit construction in a conforming location. While the new house will have a slightly non-conforming rear yard setback, it will still be located at a substantial distance from the house to the rear. Both side yard setbacks will be conforming, so the new house will not impair an adequate supply of light and air to the three adjacent properties.*

*Example: The deep eaves on the proposed addition to the petitioner's Craftsman-style bungalow extend the existing eaves on the existing house which are too close to the property line by a few inches. The very minor encroachment will not impact fire suppression.*

The proposed variation will not alter the essential character of the locality.

*Example: A small front yard variation is required to rebuild the front stoop, in the same location with the same dimension, to provide access into the house. Several other houses on the street have similar non-conforming front stoops.*

The proposed variation is in harmony with the spirit and intent of this chapter.

*Example: There is a large stand of mature, healthy oak trees on the side of the lot, which should not be removed for construction. The proposed location of the addition requires a variation to preserve the trees. The code encourages tree preservation.*

# VILLAGE OF SOUTH ELGIN

*Village President*  
Steven Ward

*Village Clerk*  
Margo Gray

*Village Administrator*  
Steven J. Super

10 N. Water St. · South Elgin, Illinois 60177  
Community Development Department  
847-741-3894 · Fax: 847-741-3959

*Village Trustees*

Jennifer Barconi  
Lisa Guess  
Michael Kolodziej  
Gregory J. Lieser  
Scott Richmond  
John Sweet

## MEETING NOTICE

Date: March 12, 2019

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RE: THE FOLLOWING MEETING NOTICE IS SENT TO YOUR  
ATTENTION PURSUANT TO ILLINOIS OPEN MEETING ACT  
REQUIREMENTS

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The regular meeting of the South Elgin Planning & Zoning Commission will be held on Wednesday, March 20, 2019 at 6:00 P.M. at the Village Hall 2<sup>nd</sup> floor, 10 N. Water Street, South Elgin, IL 60177.

If you have any questions, please contact Lauren Blayney, Planner, for the Village of South Elgin at 847-741-3894.