

**City of Prospect Heights
Zoning Review Special Workshop
May 17, 2023**

I. MEETING COMMENCEMENT:

The special workshop meeting of the Plan/Zoning Board of Appeals and City Council was called to order at 6:35 pm by Mayor Patrick Ludvigsen, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL CITY COUNCIL:

Present: Mayor Ludvigsen, Alderman Cameron, Alderman Morgan-Adams, Alderman Dash
Absent: Alderman Dolick absent by prior notice & Alderman Anderson absent

III. ROLL CALL ZBA:

Present: Chairman Kempa, Commissioners DeGraf, Saewert, Simmons, Rygiel and
Mishevski

Absent: Commissioner Patel is absent

Present at the meeting: Director of Building & Development Daniel A. Peterson, City Administrator Joe Wade, Director of Public Works Mark Roscoe, Plans Examiner/Inspector Andre Hart, Code Enforcement Officer Gonsalo Sains and Recording Secretary: Jenn Myzia

Director Peterson introduces Michael Blue of Teska & Associates

Mr. Blue leads the workshop
The current Zoning Map is projected for viewing.

Agenda

1. Welcome & Introductions
2. Why Zoning Matters / Why Zoning Works
 - a. Zoning's primary function is to provide predictability for property owners and neighbors.
 - b. Zoning buffers property owners, businesses, and residents from non-compatible activities.
 - c. It is not just to limit an owner's use of land.
 - d. State statues authorize local governments to zone
 - e. Case law defines how zoning is used
 - f. Authority derived through state via the Police Power – health, safety and welfare of community
 - g. Regulations must be clear, understandable, fair and consistent
 - h. Creates an objective and predictable planning and zoning process
 - i. Balances community character, comprehensive plan and economic development
3. Why Review the Code
 - a. Zoning Ordinances become out of date. Current code includes... earth station, fallout shelter, Sanitarium, Halfway house, Lodging room
 - b. New technology (cell phones, solar / wind power, electric vehicles)
 - c. New personal habits and practices (Amazon, Work from home, ADUs, Airbnb, PODs)

- d. Statutes and Case Law Changes (signs, procedures, ADA, RLUPA, cannabis)
 - e. Best practices evolve (storm water management, BMPs, admin. Approval, neighbor notice)
 - f. Economic changes – offices *& retail are down warehouses are up.
- 4. Workshop Discussion: Zoning and Development in Prospect Heights
- 5. Summary and Next Steps
 - a. What new thing about zoning or the City Zoning Code did you learn tonight?
 - b. What surprised you from this discussion?
 - c. What is your main objective for assessing the Zoning Code?
 - d. User Input / Stakeholder / Interviews / Staff Observations
 - e. Technical Zoning Analysis: Best Practices / Process Review
 - f. Findings and Recommendations Workshop

Keys to a good code

- 1. Day to day use of zoning ordinance
 - a. Modern, user-friendly code
 - b. Align with plans & respect existing development
 - c. Technically sound code
- 2. Consider zoning part of economic development
 - a. Predictability
 - b. Value added
 - c. Communication
- 3. Best practice review zoning tools
 - a. Update vs. rewrite
 - b. Keep current form
 - c. Don't learn a new code
 - d. Have all the pieces

First, paint a picture of what you want to do, broad strokes – new or existing

Next, see where you are.

Then work from the best practices to make it applicable to the community. You don't want to create a lot of non-conformities.

Building code and Zoning are cousins but zoning is specifically about the use of a property, what is allowed on the property and the bulk of it. In example, how tall can it be, how far is the setback from the property line, what is allowed on the property such as sheds and gazebos, etc.

Does the comprehensive plan need to be reviewed and updated with the zoning code? Not necessarily. The two parts of the comprehensive plan that are relevant to zoning are the goals and objectives such as this is the kinds of town we want to be which probably hasn't changed, the other part which may have changed is taking a look at an intersection and asking what can happen here.

Discussions about the possibility of re-zoning of areas begins. The discussion includes the possibility of re-zoning of land but not an immediate change over to the new zoning but the phasing over as residents move out of that specific area. Teska does suggest to towns that only in the most specific and particular situations do you change the map under somebody.

The discussion of the new zoning type that was added to the City Code in 2023 was discussed but the new zone designation added a use that could be added to that area only but the new zoning designation did not take away any use that was already permitted in the previous designation.

Discussion in regard items that are allowed under the first amendment but the regulation of such items, i.e. the clothing collections dumpsters, tattoo parlors, Airbnb's, etc. in which these are allowed per first amendment but does the regulations of such items make it worthwhile to have in the zoned area.

Mr. Blue addresses the crossover between zoning with finance and the licensing and/or registration of businesses for the purpose of regulation.

Director Peterson states a large portion of the community was platted, zoned and built under Cook County rules. He mentions the parking code as an example. The invention of grub hub, über eats and the like has made it where the amount of parking required by the zoning code is not necessarily accurate to the times.

The attendees are broken into groups to discuss the following questions:

1. How does the current code advance the City's Comprehensive Plan and economic development objectives?
 - a. It doesn't, it's older
 - b. Limited land / fully developed
 - c. Potential development from Elmhurst and Camp McDonald to Euclid
 - d. Time – possible eminent domain / all redevelopment
 - e. Not a lot to do = landlocked
2. What current development pressures or opportunities does the current code support OR fail to help the City address?
 - a. Driven by R1 that anything other than R1 is a challenge.
 - b. Not many vacant parcels – forces creativity
 - c. Developers to provide specific amenities i.e. sidewalks, wells, etc.
3. What do you hear most from residents / merchants / property owners about zoning and development in Prospect Heights? Good or bad.
4. What concerns do people raise at zoning hearings that you feel might be addressed by the zoning code?
 - a. EX, why can't I build an atrium larger than 200 sq. ft. but if I attach it to the main structure it can be substantially larger.
 - b. Desire to maintain semi rural appearance
5. What about the City's existing development approval procedures work well – or not?
 - a. Zoning direction is clear for staff with GO/NO GO
 - b. Staff will work with applicants
 - c. Process is simple, Plan Commission to City Council
6. Are there instances where simplified processes or administrative approvals would make the zoning process more efficient and effective?
 - a. Set parameters for simple and or small requests can have staff/administrative approval without the entire process
 - b. First class mail versus certified mail
 - c. Protecting the rights of neighbors for cases that administrative approval would be allowed.

Commissioner DeGraf, Commissioner Simmons and Chairman Kempa are assigned question one.

Alderman Dash and Commissioner Saewert are assigned question two.

Mayor Ludvigsen and Commissioner Mishevski are assigned question five.
Alderman Cameron, Alderman Morgan-Adams and Commissioner Rygiel are assigned question six.

Summary

1. What new thing about zoning or the City Zoning Code did you learn tonight?
 - a. This has given us ideas on how and why to refine the code.
 - b. To have foresight and be proactive and not just think when something comes up.
2. What surprised you from this discussion?
 - a. The two main issue items were not discussed
 1. Water
 2. Drainage
3. What is your main objective for assessing the Zoning Code?
 - a. How are items defined i.e. lot coverage
 1. Size of the main structure
 2. Accessory structures
 3. But how does the driveway pertain to lot coverage
 4. Swimming pool, sport court etc. are not counted even though they are impervious surfaces

Next Steps

1. User Input / Stakeholder interviews / Staff Observations
2. Technical Zoning Analysis: Best Practices / Process Review
3. Findings and Recommendations Workshop

IV. Adjournment 8:25 pm

Motion to Adjourn: Alderman Morgan-Adams

Second: Alderman Cameron

ROLL CALL:

AYES: Mayor Ludvigsen, Alderman Cameron, Alderman Morgan-Adams, Alderman Dash, Commissioners Saewert, Simmons, DeGraf, Mishevski, Rygiel and Chairman Kempa

NAYS:

ABSENT: Alderman Anderson, Alderman Dolick and Commissioner Patel

ABSTAIN:

Approved 10:03:0