

**Village of Forest Park
Memorandum**

TO: Zoning Board of Appeals
FROM: Courtney Kashima, AICP, Planning Consultant
SUBJECT: ZBA 2019-10 Amending Title 9, Chapter 10, Section 9-10-6E
"Authorized Variations" to permit a reduction in minimum dwelling
square footage not less than 400 square feet.

Petitioner: Village of Forest Park

DATE OF REPORT: 11 July 2019

DATE OF ZONING BOARD OF APPEALS MEETING: 15 July 2019

1. Request approval of the following: Text amendment to Section 9-10-6E which currently reads:

E. Authorized Variations:

1. Permitted Variations: Subject to the prohibitions set forth in subsection E2 of this section, and subject to the other provisions of this section, the Village Council may vary the provisions of this Code in the following cases and in no others. Nothing in this subsection shall be construed to create any right or entitlement in any applicant to a variation of any kind or magnitude:
 - a. To reduce the dimension of any required yard, setback or building spacing, including, without limitation, the yards required pursuant to this title. (Ord. O-17-97, 12-8-1997)
 - b. Reserved. (Ord. O-16-17, 6-12-2017)
 - c. To increase by not more than twenty percent (20%) the maximum allowable building coverage or lot coverage.
 - d. To vary the location and size of, and to reduce by not more than twenty five percent (25%) or one space (whichever is greater) the minimum number of, off street parking spaces or loading spaces otherwise required.
 - e. To vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity.
 - f. To increase the maximum distance that required parking is permitted to be located from the zoning lot of the use for which such parking is provided.

- g. To reduce by not more than fifty percent (50%) the amount of perimeter landscaped open space otherwise required.
- h. To increase the maximum allowable height and location of any fence.
- i. To allow the moving of a nonconforming structure to an extent or in a manner not permitted by chapter 9 of this title.
- j. To allow the otherwise prohibited restoration of a partially damaged or destroyed nonconforming structure, structure devoted to a nonconforming use, sign or fence.
- k. To vary the bulk, yard, and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized government body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard or space requirements of the district in which said zoning lot is located.

Add the following language:

E. Authorized Variations:

- 1. Permitted Variations: Subject to the prohibitions set forth in subsection E2 of this section, and subject to the other provisions of this section, the Village Council may vary the provisions of this Code in the following cases and in no others. Nothing in this subsection shall be construed to create any right or entitlement in any applicant to a variation of any kind or magnitude:
 - a. To reduce the dimension of any required yard, setback or building spacing, including, without limitation, the yards required pursuant to this title. (Ord. O-17-97, 12-8-1997)
 - b. Reserved. (Ord. O-16-17, 6-12-2017)
 - c. To increase by not more than twenty percent (20%) the maximum allowable building coverage or lot coverage.
 - d. To vary the location and size of, and to reduce by not more than twenty five percent (25%) or one space (whichever is greater) the minimum number of, off street parking spaces or loading spaces otherwise required.
 - e. To vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity.
 - f. To increase the maximum distance that required parking is permitted to be located from the zoning lot of the use for which such parking is provided.
 - g. To reduce by not more than fifty percent (50%) the amount of perimeter landscaped open space otherwise required.
 - h. To increase the maximum allowable height and location of any fence.

- i. To allow the moving of a nonconforming structure to an extent or in a manner not permitted by chapter 9 of this title.
 - j. To allow the otherwise prohibited restoration of a partially damaged or destroyed nonconforming structure, structure devoted to a nonconforming use, sign or fence.
 - k. To vary the bulk, yard, and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized government body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard or space requirements of the district in which said zoning lot is located.
- l. To reduce the minimum dwelling unit square footage from 800 to not less than 400 square feet.*

Background/Discussion

Village staff regularly reviews the Zoning Ordinance for consistency with the Comprehensive Plan, development trends, and best practices. As properties develop and redevelop in the DBD, the addition of residential dwelling units above the ground floor are permitted and are encouraged by the Comprehensive Plan. The proposed amendment provides the opportunity for accommodating innovative housing options and mixed-use development. Adding a reduction in minimum unit size as a variation allows for a case-by-case review of properties with unique circumstances as defined elsewhere in the Ordinance. This encourages property owners to reinvest in existing buildings and contribute to a vibrant downtown.

Summary/Recommendation

This text amendment is proactive, Village-initiated and in concert with the Comprehensive Plan.

Should the Zoning Board of Appeals wish to recommend approval of this text amendment, a sample motion is provided herein:

Based on the information included in the staff memo and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the following text amendments:

1. Amend Section 9-7-2 to add an authorized variation to reduce the minimum dwelling unit square footage from 800 to not less than 400 square feet.

Village of Forest Park Memorandum

TO: Zoning Board of Appeals

FROM: Courtney Kashima, AICP, Planning Consultant

SUBJECT: **ZBA 2019-05: 7439 Madison St.**
Petitioner: Hook Line and Sinker LLC Art Sundry

DATE OF REPORT: 11 July 2019

DATE OF ZONING BOARD OF APPEALS MEETING: 15 July 2019

PROJECT OVERVIEW: The petitioner is seeking a variation to construct a 1-bedroom dwelling unit on the second floor of the existing building at the subject address, which is proposed to be 576 square feet.

REASON FOR ZONING REVIEW: This project requires a variation from Section 9-4C-1, "Use Regulations" of the Downtown Business District (DBD) to reduce the unit size from 800 square feet to 576 square feet.

GENERAL PROPERTY INFORMATION

Applicant's Name: Hook Line and Sinker LLC

Property Owner's Name: Art Sundry

Common Property Address: 7439 Madison St.

Common Location: The property is located on the north side of Madison St., between Burkhardt Ct and Circle Ave..

Neighboring Property Land Use(s): North – Residential R-2
South – DBD
West – DBD
East – DBD

Comprehensive Plan Designation: Commercial, Retail & Mixed Use

Existing Use of Property: 1 story commercial

Proposed Use of Property: Mixed Use

Existing Property Zoning: DBD

Previous Zoning Action on Property: None

Property Size: • 25.0 ft. wide by 175 ft. deep (4375 sq. ft.)

Permitted Lot Coverage: • No Lot Coverage Requirement

Total Lot Coverage as Existing: • n/a

Total Lot coverage Permitted: • n/a

Total Lot Coverage as Proposed: • n/a

Bulk Area Regulations for Accessory building:

Regulation	Requirement	Existing	Proposed
Rear yard setback	25' or 20% lot depth	117'	No Change
Front yard setback	Equal to established existing	Complies	No Change
Side yard setback	No minimum required	Coterminous with adjacent structures	To comply with existing regulations
Building height	2 ½ stories & 35'	n/a	To comply with existing regulations
Off-street parking	2 spaces	2 spaces	No Change

OVERVIEW:

The petitioner is the owner of the existing building and is proposing to construct one residential unit above the ground floor. At the time of writing, the proposed unit does not meet the Village’s Zoning Ordinance for minimum unit size in the DBD. The Village has initiated two text amendments to allow a process for review of units smaller than 800 square feet on a case-by-case basis through a variation process. The proposed text amendments are in consideration of current development trends and the goals of the Comprehensive Plan. The analysis included herein assumes passage of the proposed text amendments.

ANALYSIS OF SETBACK VARIATION

STANDARDS FOR VARIATIONS:

1. **General Standard:** *No variation shall be granted pursuant to this section unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this subsection.*

Carrying out the strict letter of the rear yard setback provisions would not be in keeping with the surrounding buildings and character where buildings are situated at the lot line.

2. **Unique Physical Condition:** *The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.*

The general character of the area is to build buildings to the lot line (along the alley). Providing the required setback would make this building out of character with the surrounding area.

3. **Not Self-Created:** *The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title, for which no compensation was paid.*

The surrounding character of buildings built to the lot line was established many years ago. The project as proposed conforms to the surrounding character.

4. **Denied Substantial Rights:** *The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.*

The applicant states that the project is not feasible without the setback variation. Carrying out the strict letter of the rear yard setback provisions would not be in keeping with the surrounding character and buildings.

5. **Special Privilege:** *The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the granting of an authorized variation.*

Granting a rear yard setback variation would not be a special privilege given that most of the surrounding buildings are built to the lot line.

6. **Title And Plan Purposes:** *The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.*

As mentioned, surrounding buildings are typically built to the lot line. The official comprehensive plan designates this area as "Downtown Business District" which is compatible with building to the lot line.

7. **Essential Character Of Area:** *The variation would not result in a use or development on the subject property that:*
- a. *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements permitted in the vicinity; or*
 - b. *Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
 - c. *Would substantially increase congestion in the public streets due to traffic or parking; or*
 - d. *Would unduly increase the danger of flood or fire; or*
 - e. *Would unduly tax public utilities and facilities in the area; or*
 - f. *Would endanger the public health or safety.*

The requested variation would not adversely impact the character of the surrounding neighborhood as described above.

8. **No Other Remedy:** *There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.*

Strict compliance with the rear yard setback would make the project not feasible and would be incompatible with the surrounding character of the neighborhood.

STAFF REVIEW AND RECOMMENDATION:

Staff recommends approval of the requested relief. If the Zoning Board of Appeals wishes to support the request, the following sample motion is provided:

Based on the submitted petition and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the variation associated with ZBA 2018-03 to reduce the rear yard setback from 25 feet to 11 feet, subject to the following conditions:

1. ***The site shall be constructed in substantial compliance with the "Project Documents" identified in this report and available in the Department of Community Development.***
2. ***A Demolition Plan shall be added to the project documents, and the plan shall specify appropriate rat abatement procedures will be implemented prior to proceeding with demolition and remain in force during construction.***
3. ***Executed temporary construction easements with each property owner to the east and west must be submitted to the Director of Public Health and Safety prior to the issuance of any permits.***
4. ***All construction shall comply with the Building Code of the Village of Forest Park, with final plans subject to review and approval by the Village Engineer and Director of Public Health and Safety.***
5. ***No building permits and no Certificate of Occupancy for the Subject Property shall be issued by the Department of Public Health and Safety to the Owner unless all debts owed to the Village of Forest Park by the Owner have been paid in full prior to the issuance of such permits or certificate.***
6. ***The variation shall expire one (1) year after its passage and approval unless a permit has been issued and construction has commenced within that time period.***
7. ***Any violation of the above conditions will result in a violation of the Municipal code of the Village of Forest Park and the owner may be subject to fines for each day said violation exists.***

Village of Forest Park Memorandum

TO: Zoning Board of Appeals

FROM: Courtney Kashima, AICP, Planning Consultant

SUBJECT: ZBA 2019-06: Text Amendment to the DBD Amending Title 9, Chapter 4, Article C "Downtown Business District" Section(s) 9-4C-1 and 9-4C-2 making restaurants a permitted use in the DBD

Petitioner: Village of Forest Park

DATE OF REPORT: 11 July 2019

DATE OF ZONING BOARD OF APPEALS MEETING: 15 July 2019

1. Request approval of the following: strike "Restaurants" as a conditional use from Section 9-4C-2:

9-4C-2: CONDITIONAL USE REGULATIONS:

The following conditional uses may also be permitted by the Village Council in accordance with the procedures specified in this title. Application for conditional use is to be made to the Zoning Board of Appeals, and after public notice and hearing on the petition according to law, the Board shall refer the petition with such recommendations as it may make to the Village Council for its action, all in accordance with the procedure specified in chapter 10 of this title.

Animal boarding, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Animal daycare, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Animal grooming, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Automobile oriented uses and facilities, including car washes and drive-in and drive-through facilities, where services and/or products are provided directly to customers/clients in motor vehicles, except within fifty feet (50') of the Madison Street right-of-way.

Bed and breakfast inns and hotels.

Brewpub restaurant, as authorized by title 3, chapter 3 of this Code.

Mortuaries.

Publicly owned parks and playgrounds.

Restaurants:

Tutorial centers. (Ord. O-71-09, 12-14-2009; amd. Ord. O-29-11, 9-26-2011; Ord. O-18-12, 5-14-2012; Ord. O-24-14, 9-8-2014)

And amend Section 9-4C-1 "Use Regulations" to read:

9-4C-1: USE REGULATIONS: 🌐 📄

In the DBD district, no building or land shall be used and no building shall be hereafter erected, converted, enlarged or structurally altered, except for one or more of the following uses. The following named uses shall be deemed to include those uses or buildings in general keeping with, and appropriate to, the uses hereinafter specified:

Accessory buildings and uses customarily incident to the following uses, including a sign or bulletin board relating only to services, articles and products offered within the building, subject to the B-1 and B-2 sign regulations.

Antique store.

Art gallery.

Artist studio.

Bakery.

Collectibles store.

Dance studio, not greater than two thousand five hundred (2,500) square feet.

Dry cleaner, no cleaning on premises.

Dwelling unit above ground floor retail, provided that no such dwelling unit may be less than eight hundred (800) square feet.

Financial institution.

Fitness center, not greater than two thousand five hundred (2,500) square feet.

Florist.

Government office, not exceeding two thousand five hundred (2,500) square feet.

Home occupation.

Interior designer.

Locksmith.

Music instruction, incidental to retail music stores, or not greater than two thousand five hundred (2,500) square feet.

Personal grooming services, provided that no such business is located within five hundred feet (500')

of another business providing personal grooming services in conformance with subsection 9-4C-5C of this article, except that the five hundred foot (500') separation shall not be required if personal grooming services are conducted in addition to a permitted retail store, Downtown Business District (DBD), in compliance with all of the following requirements:

- A. The personal grooming services and the retail store must be under the same property and business ownership;
- B. The combined space for the retail store and the area used for personal grooming services shall not be greater than three thousand seven hundred fifty (3,750) square feet;
- C. A minimum of one thousand six hundred (1,600) square feet of contiguous space shall be used solely for retail sales;
- D. No part of the area used for personal grooming services may be located within sixty feet (60') of the Madison Street right-of-way.

Postal, mailing and small office services shops not greater than two thousand five hundred (2,500) square feet, that provide copying, mailing, printing or other similar services.

Professional uses as such term is defined in section 9-1-5 of this title, anywhere east of Des Plaines Avenue except on the first floor (grade level) within fifty feet (50') of the Madison Street right-of-way.

Professional uses as such term is defined in section 9-1-5 of this title, anywhere west of Des Plaines Avenue.

Public or semipublic parking structure not exceeding fifty feet (50') in height with street level retail no less than sixty percent (60%) of the linear front lot line footage.

Realtor.

"Retail store, Downtown Business District (DBD)", including such stores with classes associated with the primary use as defined in section 9-1-5 of this title.

Restaurant

Self-defense studio, not greater than two thousand five hundred (2,500) square feet.

Shared office space.

Shoe repair.

Tailor.

"Temporary parking lot", as defined and regulated by title 3 of this Code.

Wine merchant. (Ord. O-71-09, 12-14-2009; amd. Ord. O-19-10, 5-10-2010; Ord. O-33-13, 12-16-2013; Ord. O-04-15, 1-26-2015; Ord. O-06-17, 2-27-2017; Ord. O-15-17, 6-12-2017)

OVERVIEW:

Restaurants have been a conditional use in the Downtown Business District (DBD) since this district was created in 2009. To date there have been well over 20 hearings before the ZBA requesting conditional use approval for a restaurant. All cases were unanimously approved by the ZBA and the Village Council. Originally intended to provide controls over traffic and parking, the conditional use designation has become a vestigial barrier to economic development in the downtown. Due to statutory public notice periods petitioners often have to delay activities related to opening a new business by 60-90 days. This amendment will allow the downtown to remain competitive and vibrant. When proposed in the past, this amendment has been wholeheartedly supported by the Forest Park Chamber of Commerce.

SUMMARY/RECOMMENDATION:

These text amendments are proactive, Village-initiated, and in concert with the Comprehensive Plan and the work of the Chamber of Commerce Economic Development Committee.

Should the Zoning Board of Appeals wish to recommend approval of these text amendments, a sample motion is provided herein:

Based on the information included in the staff memo and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the following text amendments:

- 1. Amendment to Section 9-4C-2 "Conditional Uses" to remove the word "Restaurant".*
- 2. Amendment to Section 9-4C-1 "Use Regulations" to add the word "Restaurant".*

**Village of Forest Park
Memorandum**

TO: Zoning Board of Appeals

FROM: Courtney Kashima, AICP, Planning Consultant

SUBJECT: ZBA 2019-07: Amending Title 9, Chapter 9, Section 4 "Non-Conforming Buildings and Structures" permitting additions that increase building area under specific conditions

Petitioner: Village of Forest Park

DATE OF REPORT: 11 July 2019

DATE OF ZONING BOARD OF APPEALS MEETING: 15 July 2019

1. Request approval of the following: Removal of 9-9-4C(1)(D) as written

9-9-4: NONCONFORMING BUILDINGS AND STRUCTURES:  

This section regulates buildings and structures existing on October 12, 2010, that do not conform to the yard, height, lot coverage, or other dimensional or bulk provisions of this title.

A. Ordinary Repairs And Maintenance: Normal maintenance and incidental repairs, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any legal, nonconforming building or structure. No repairs or nonstructural alterations shall be made that will create any new nonconformity or increase the degree of any previously existing nonconformity.

B. Structural Alterations: Structural alterations, other than additions and enlargements, may be performed on a legal, nonconforming building or structure, only in the following situations:

1. When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of an official charged with protecting the public safety;
2. When the alterations will not create any new nonconformity or increase the degree of any existing nonconformity; or
3. When the alteration will result in the elimination of the nonconformity.

C. Structural Additions And Enlargements: A building or structure, which is nonconforming with respect to its bulk shall not be enlarged or added onto except as follows:

1. Zoning Administrator Authorization:

a. Accessory Garages To Single-Family Uses: The zoning administrator or his designee is authorized to approve an application to allow a maximum of one existing accessory garage structure on a lot which is legally nonconforming due only to lot coverage and/or side or rear yard requirements, to be replaced in kind or smaller, when greater compliance cannot reasonably be achieved, provided that no part of the new garage, including any eaves, extends beyond the property line, and further provided that, in the opinion of the zoning administrator, the garage cannot be resized and/or repositioned on the lot to better conform or comply with one or more requirements of this title. The approval granted by this section does not change the status of the new structure from its legal nonconforming status.

b. Additions Or Enlargements To Single-Family Or Two-Family Uses: In any zoning district, the zoning administrator or his designee may authorize an addition or enlargement to a single-family or two-family principal structure (excluding coach homes), or for any structure being legally converted to a single-family or two-family principal structure, in the following instances if the current automobile parking satisfies or can be modified to satisfy the requirements of chapter 8 of this title:

(1) If the addition or enlargement complies with all other regulations of this title and does not increase the number of dwelling units. (Example: An addition to a nonconforming structure that is located on that part of the structure that is conforming, if it otherwise complies with all other zoning standards.)

(2) If such structure is nonconforming due only to an encroachment into a required side yard area and the addition or enlargement along said nonconforming setback satisfy all of the following criteria:

(A) It does not increase the number of dwelling units; and

(B) The addition or enlargement does not further encroach into the nonconforming side yard; and

(C) The addition or enlargement does not require any other variation or relief pursuant to this title; and

~~(D) The addition or enlargement does not increase the building area as defined in chapter 1 of this title; and~~

(E) The addition or enlargement is one foot (1') or more from the side lot line; and

(F) The addition or enlargement is greater than five feet (5') from any other principal structure.

2. Amend Section 9-9-4C(1)(D) to include the following:

9-9-4: NONCONFORMING BUILDINGS AND STRUCTURES:  

This section regulates buildings and structures existing on October 12, 2010, that do not conform to the yard, height, lot coverage, or other dimensional or bulk provisions of this title.

A. Ordinary Repairs And Maintenance: Normal maintenance and incidental repairs, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any legal, nonconforming building or structure. No repairs or nonstructural alterations shall be made that will create any new nonconformity or increase the degree of any previously existing nonconformity.

B. Structural Alterations: Structural alterations, other than additions and enlargements, may be performed on a legal, nonconforming building or structure, only in the following situations:

1. When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of an official charged with protecting the public safety;
2. When the alterations will not create any new nonconformity or increase the degree of any existing nonconformity; or
3. When the alteration will result in the elimination of the nonconformity.

C. Structural Additions And Enlargements: A building or structure, which is nonconforming with respect to its bulk shall not be enlarged or added onto except as follows:

1. Zoning Administrator Authorization:

a. **Accessory Garages To Single-Family Uses:** The zoning administrator or his designee is authorized to approve an application to allow a maximum of one existing accessory garage structure on a lot which is legally nonconforming due only to lot coverage and/or side or rear yard requirements, to be replaced in kind or smaller, when greater compliance cannot reasonably be achieved, provided that no part of the new garage, including any eaves, extends beyond the property line, and further provided that, in the opinion of the zoning administrator, the garage cannot be resized and/or repositioned on the lot to better conform or comply with one or more requirements of this title. The approval granted by this section does not change the status of the new structure from its legal nonconforming status.

b. **Additions Or Enlargements To Single-Family Or Two-Family Uses:** In any zoning district, the zoning administrator or his designee may authorize an addition or enlargement to a single-family or two-family principal structure (excluding coach homes), or for any structure being legally converted to a single-family or two-family principal structure, in the following instances if the current automobile parking satisfies or can be modified to satisfy the requirements of chapter 8 of this title:

(1) If the addition or enlargement complies with all other regulations of this title and does not increase the number of dwelling units. (Example: An addition to a nonconforming structure that is located on that part of the structure that is conforming, if it otherwise complies with all other zoning standards.)

(2) If such structure is nonconforming due only to an encroachment into a required side yard area and the addition or enlargement along said nonconforming setback satisfy all of the following criteria:

(A) It does not increase the number of dwelling units; and

(B) The addition or enlargement does not further encroach into the nonconforming side yard; and

(C) The addition or enlargement does not require any other variation or relief pursuant to this title;

and

(D) The addition or enlargement does not specifically impact light and air rights of adjacent properties; and

(E) The addition or enlargement is one foot (1') or more from the side lot line; and

(F) The addition or enlargement is greater than five feet (5') from any other principal structure.

Background/Discussion

Village staff regularly reviews the Zoning Ordinance for consistency with the Comprehensive Plan, development trends, and best practices. The Village has a high number of nonconforming structures particularly in the residential neighborhoods. Some regulations, while well-intentioned, have proved to be a barrier to reinvestment in the Village's housing stock particularly as property owners seek to renovate homes for contemporary lifestyles. The current regulation has impeded renovation and reinvestment in the Village's housing stock. The proposed amendment will not have any undue impact on bulk standards intended to protect the overall character of the residential neighborhoods. Striking the confusing and restrictive language and reinforcing review of light and air provisions provide appropriate protections for neighbors.

Summary/Recommendation

These text amendments are proactive, Village-initiated and in concert with the Comprehensive Plan.

Should the Zoning Board of Appeals wish to recommend approval of these text amendments, a sample motion is provided herein:

Based on the information included in the staff memo and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the following text amendments:

1. Amend Section of 9-9-4C(1)(D) to remove the following wording "The addition or enlargement does not increase the building area as defined in chapter 1 of this title;"
2. Amendment to Section 9-9-4C(1)(D) to include the following: **"The addition or enlargement does not specifically impact light and air rights of adjacent properties; and"**

**Village of Forest Park
Memorandum**

TO: Zoning Board of Appeals

FROM: Courtney Kashima, AICP, Planning Consultant

SUBJECT: ZBA 2019-08: Amending Title 9, Chapter 3, Article C "R-3 High Density Residential District" Section 9-3C-1 "Use Regulations" to allow multi-family and single family dwellings as permitted uses in the District.

Petitioner: Village of Forest Park

DATE OF REPORT: 11 July 2019

DATE OF ZONING BOARD OF APPEALS MEETING: 15 July 2019

1. Request approval of the following: Text amendment to Section 9-3C-1 which currently reads:

**ARTICLE C. R-3 HIGH DENSITY RESIDENTIAL
DISTRICT** 🗎 📄

9-3C-1: USE REGULATIONS:

9-3C-2: CONDITIONAL USE REGULATIONS:

9-3C-3: LOT AREA REQUIREMENTS:

9-3C-4: ADDITIONAL REGULATIONS:

9-3C-1: USE REGULATIONS: 🗎 📄

In the R-3 district, no building or land shall be used and no building shall be hereafter erected, enlarged, converted or structurally altered except for one or more of the following uses:

Accessory buildings and uses when located on the same lot and not involving the conduct of a business, including private garages, but if such building is not attached to the main building it shall be located not less than sixty feet (60') from the front line and not less than three feet (3') from the rear line and side lines of the lot.

Cemetery.

Church.

Farming, truck and flower gardening, and plant nursery, and excluding the raising of livestock and poultry.

Home occupations, as defined in section 9-1-5 of this title.

Public elementary or high school; private school for students, the majority of whom are not more than eighteen (18) years of age.

Publicly owned parks and playgrounds.

Rowhouse dwellings and townhouses.

Temporary buildings and uses for construction purposes for a period not to exceed one year.

Two-family dwelling. (Ord. O-13-98, 4-27-1998; amd. 2004 Code)

2. Amend Section 9-3C-1 to include the following permitted uses:

- Single Family dwellings
- Multi-family dwellings

Background/Discussion

Village staff regularly reviews the Zoning Ordinance for consistency with the Comprehensive Plan, development trends, and best practices. The Village has a high number of nonconforming structures particularly in the residential neighborhoods. Some regulations, while well-intentioned, have proved to be a barrier to investment in the residential areas of the Village by limiting diversity in the housing stock, increasing costs and time for property owners, and exacerbating the number of nonconforming residential structures. The R-3 High Density Residential District does not currently allow single-family dwellings or dwellings more intense than townhomes/rowhomes and duplexes. Amending the permitted uses to allow the full range of residential types in the Village's highest density district will alleviate many nonconforming uses and encourage investment. The Zoning Ordinance's bulk standards will remain and will inform the intensity of use to protect and preserve the Village's existing character.

Summary/Recommendation

These text amendments are proactive, Village-initiated and in concert with the Comprehensive Plan.

Should the Zoning Board of Appeals wish to recommend approval of these text amendments, a sample motion is provided herein:

Based on the information included in the staff memo and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the following text amendments:

1. Amend Section 9-3C-1 to include the following permitted uses:

- Single Family dwellings
- Multi-family dwellings

**Village of Forest Park
Memorandum**

TO: Zoning Board of Appeals

FROM: Courtney Kashima, AICP, Planning Consultant

SUBJECT: ZBA 2019-09 Amending Title 9, Chapter 7 "Site Plans" Section 9-7-2 "Applicability and Authority" to include "Mixed Use Development" as a trigger for Plan Commission site plan approval

Petitioner: Village of Forest Park

DATE OF REPORT: 11 July 2019

DATE OF ZONING BOARD OF APPEALS MEETING: 15 July 2019

-
1. Request approval of the following: Text amendment to Section 9-7-2 which currently reads:

9-7-2: APPLICABILITY AND AUTHORITY:  

A. Site plan approval shall be required for any nonresidential and multi-family development, prior to the issuance of a building permit for the following development situations:

1. Any new principal structures;
2. An existing principal structure is proposed to be expanded more than twenty five percent (25%) of the gross area of the existing structure; (Ord. O-44-02, 8-12-2002)
3. Any new or modified building and/or site improvements for a zoning lot which has previously received site plan approval under this chapter. Reapproval of the plan is required for components of the plan which depart from the approved site plan. The extent of required documentation of any proposed changes to be incorporated in the submittal for reapproval shall be determined by the director of public health and safety; (Ord. O-44-02, 8-12-2002; amd. Ord. O-24-05, 6-13-2005)
4. Any new or modified off street parking or loading area improvements;

5. A site plan shall not be required solely because of a change in the use except where such change of use results in increased off street parking requirements that cannot currently be met on the site;
6. In accordance with section 9-2-4 of this title, no building or structure which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty percent (50%) of its value, shall be restored except in conformity with the regulations of the district in which it is located.

To add the following:

9-7-2: APPLICABILITY AND AUTHORITY:

A. Site plan approval shall be required for any nonresidential and multi-family development, prior to the issuance of a building permit for the following development situations:

1. Any new principal structures;
2. An existing principal structure is proposed to be expanded more than twenty five percent (25%) of the gross area of the existing structure; (Ord. O-44-02, 8-12-2002)
3. Any new or modified building and/or site improvements for a zoning lot which has previously received site plan approval under this chapter. Reapproval of the plan is required for components of the plan which depart from the approved site plan. The extent of required documentation of any proposed changes to be incorporated in the submittal for reapproval shall be determined by the director of public health and safety; (Ord. O-44-02, 8-12-2002; amd. Ord. O-24-05, 6-13-2005)
4. Any new or modified off street parking or loading area improvements;
5. A site plan shall not be required solely because of a change in the use except where such change of use results in increased off street parking requirements that cannot currently be met on the site;
6. In accordance with section 9-2-4 of this title, no building or structure which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty percent (50%) of its value, shall be restored except in conformity with the regulations of the district in which it is located.
7. *Addition of a residential dwelling unit to an existing commercial structure (where allowed) involving the addition of all or part of an additional vertical story.*

Background/Discussion

Village staff regularly reviews the Zoning Ordinance for consistency with the Comprehensive Plan, development trends, and best practices. As properties develop and redevelop in the DBD, the addition of residential dwelling units above the ground floor are permitted and are encouraged by the Comprehensive Plan. The proposed amendment provides the opportunity for review of any such proposed development and balances it with a process that is least impactful in terms of cost and delay. The intent is to encourage mixed-use development in the DBD while allowing for a thorough review of any proposed development which is consistent with other instances triggering site plan review. The Zoning Ordinance's bulk standards will remain and will inform the intensity of use to protect and preserve the Village's existing character.

Summary/Recommendation

These text amendments are proactive, Village-initiated and in concert with the Comprehensive Plan.

Should the Zoning Board of Appeals wish to recommend approval of these text amendments, a sample motion is provided herein:

Based on the information included in the staff memo and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the following text amendments:

1. Amend Section 9-7-2 to require Site Plan Approval in the following circumstances:
 - *Addition of a residential dwelling unit to an existing commercial structure (where allowed) involving the addition of all or part of an additional vertical story.*