

# VILLAGE OF HOMEWOOD



## MEMORANDUM

DATE OF MEETING: December 8, 2022

**To:** Planning and Zoning Commission

**From:** Valerie Berstene, Village Planner

**Through:** Angela Mesaros, Economic and Community Development Director

**Topic:** Case 22-40 Comprehensive Zoning Text and Map Amendments - CONTINUED

## APPLICATION INFORMATION

APPLICANT Village of Homewood

ACTION REQUESTED Comprehensive zoning text and map amendments

## LEGAL NOTICE

Legal notice was published in *Daily Southtown* on October 26, 2022. Notices were mailed on November 7, 2022, to 44 property owners subject to zoning changes from R-2 or R-3 districts to B-2 zoning district per the map amendment.

## DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Village of Homewood Zoning Ordinance, final draft	151	Houseal Lavigne Associates	11/18/2022
Village of Homewood Zoning Map, draft	1	Houseal Lavigne Associates	10/21/2022
Email correspondence 2022-11-17	44	Valerie Berstene	11/17/2022
Staff memo of draft revisions	2	Valerie Berstene	12/08/2022

## BACKGROUND

The current Homewood Zoning Ordinance and zoning map last underwent a comprehensive amendment in early 2002. In the 20 years since its adoption, approximately 40 amendments have been made. These amendments were in response to requests by specific property owners, and policy changes to expand to include new uses (such as legalized cannabis and craft breweries) and limit others.

In June 2021, the Village and their consultants, Houseal Lavigne Associates, kicked off the process of updating the zoning ordinance. Over 15 months community members, the consultants, staff, and elected and appointed officials worked to identify key policy direction for the ordinance revision, analyze the existing regulations and the built environment, and develop a draft document of the comprehensive text and map amendments.

The Village hosted four public meetings (July 22, 2021; September 23, 2021; January 27, 2022; June 23, 2022); a 2-part workshop to review the draft (September 22, 2022; October 5, 2022); and an open house (October 27, 2022). All meetings were held in-person and virtually via Zoom. In addition to the meetings, community members were invited to contribute to an on-line survey and an interactive map, and to submit comments via email or the physical dropbox outside of Village Hall at any time.

This public hearing before the Planning and Zoning Commission, begun on November 10, 2022 and continued to December 8, is a culmination of these on-going efforts. The draft documents reflect input from community members, appointed and elected officials and professional expertise from Staff and Houseal Lavigne.

## DISCUSSION

### TEXT AMENDMENTS

At the outset of the process, the consultant met with Staff and elected and appointed officials to identify issues in the existing ordinance to be addressed. The Initial Policy Direction memo summarized eight primary topics for policy discussion and six additional directives. Below is a list of these topics and a synopsis of how they are addressed in the new ordinance (*in italics*).

1. Better regulate event spaces and multi-use facilities  
*Proposed: Create a new use for commercial places of assembly in the use table (article 3) and definitions (Article 9)*
2. Create a review process for subletting offices  
*Proposed: Establish a zoning compliance certificate and certificate of occupancy for new uses (Article 7).*
3. Limit personal services and medical office uses in the downtown  
*Proposed: Create new use types for personal services and medical offices with specific permitting by district and corresponding definitions (Article 3, Article 9).*
4. Develop regulations for short-term rentals  
*This topic has been removed from the proposed draft ordinance for continued further review.*
5. Clarify home-based businesses and distinction from remote work/work-from-home  
*Proposed: Update definitions and use-specific standards for home-based businesses (Article 4, Article 9).*
6. Legalize existing two- and three- flats to facilitate the sale and insurance of this building stock  
*Proposed: Establish a new use to allow existing housing to continue legally (Article 3).*
7. Legalize accessory dwelling units  
*Proposed: Added this use to the use table with corresponding use-specific standards and definitions (Article 3, Article 4, Article 9).*
8. Require sustainable design in developments and preserve open space  
*Proposed: Create new impervious surface limitations in the B-districts; establish a new review process for different permit types to allow review of the environmental impacts; implement new landscaping and tree preservation, EV charging stations, and solar panel regulations (Article 2, Article 5, Article 6, Article 7).*
9. Additional Topics

- a. Comply with Religious Land Use and Institutionalized Persons Act of 2000 (*throughout*)
- b. Legalize 6' corner lot fences (*Article 5*)
- c. Legalize parking pads (*Article 5*)
- d. Create a co-working space use (*Article 3, Article 9*)
- e. Integrate the Halsted Street Corridor Landscape Plan (*Article 5*)
- f. Standardize processes for intake and review (*Article 6, Article 7*)

Overall, the proposed draft ordinance takes a new organizational structure, broken into nine articles:

Article 1: General Provisions

Article 2: Establishment of Districts

Article 3: District Standards

Article 4: Use-Specific Standards

Article 5: Development Standards

Article 6: Planned Development Standards and Procedures

Article 7: Zoning Procedures

Article 8: Nonconformities

Article 9: Definitions

The proposed format will function both in printed hard copy and with the numbering structure/format of the online municipal code host platform (Municode). The restructuring will achieve the objective of a more user-friendly and cohesive format.

### **Standards for Text Amendment**

In making their recommendations on the text amendment, the Planning and Zoning Commission shall review the proposed amendment, any oral and written comments received at the public hearing, and the standards set forth below. No single standard is controlling.

1. Is the proposed text amendment consistent with the stated goals in the Comprehensive Plan?

The proposed text amendment is consistent with the goals of the Comprehensive Plan, in particular, those related to bolstering downtown as a destination with a transition zone to the surrounding residential neighborhoods; establishing guidelines for downtown mixed-use development; and assuring a diversity of quality homes for residents, including seniors.

2. Does the proposed text amendment address a particular issue or concern for the Village of Homewood?

The proposed text amendment addresses many identified issues, as outlined in this report above, and thoroughly documented in memos from the consultant throughout the process.

3. Will the proposed text amendment impose an unreasonable hardship on existing uses?

The proposed text amendment will not impose an unreasonable hardship on existing uses. The proposed text establishes rules for the transition to the new code and reasonable continuance of existing non-conforming uses.

4. Have major land uses conditions or circumstances changed since the original zoning ordinance text was established?

Land use conditions and circumstances have changed in the 20 years since the last comprehensive amendment. The use of the internet and cell phones have changed how we work, shop, and interact. All sectors, from industry to housing, have been subject to new or increased pressures. The proposed text amendments respond to these changes, anticipated trends, and current best practices in land use planning.

5. Is the requested change compatible with the existing uses and development patterns of the community?

The proposed changes are compatible with the existing uses and patterns of development. Many revised uses in the new text are in response to existing uses, demands, and patterns. Some proposed changes, such as bulk and mass requirements, reflect existing development patterns more closely than the existing text. New regulations, such as landscaping requirements, will establish new development patterns slowly as they are phased in with private redevelopment over time.

6. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the village as a whole?

The proposed changes are in the best interest of the public health, safety and welfare.

#### MAP AMENDMENTS

The primary change to the proposed zoning map is within the business districts. The existing B-1 Central Business District will be concentrated around the few central blocks of downtown and renamed B-1 Downtown Core. This area will be primarily focused on retail and restaurant uses to activate the downtown and develop a vibrant destination. The rest of the existing B-1 Central Business District will be renamed B-2 Downtown Transition. This is consistent with the boundaries of the Village's 2005 Downtown Master Plan. Several shopping center areas currently zoned B-2 will be rezoned to B-3. These are Southgate, Northgate, and several properties along 183<sup>rd</sup> Street, including Walt's and Cherry Creek Plaza.

#### **Standards for Map Amendment**

In making their recommendations on the map amendment, the Planning and Zoning Commission shall review the proposed amendment, any oral and written comments received at the public hearing, and the standards set forth below. No single standard is controlling.

1. Does the current zoning or the proposed zoning more closely conform to the stated goals in the comprehensive plan?

The proposed zoning more closely conforms to the stated goals of the comprehensive plan by establishing a downtown core as a shopping/dining destination, establishing a transition zone around the downtown core.

2. Have major land uses, conditions or circumstances changed since the original zoning was established?

Land use conditions and circumstances have changed in the 20 years since the last comprehensive amendment. The use of the internet and cell phones have changed how we work, shop, and interact. All sectors, from industry to housing, have been subject to new or increased pressures. The proposed text amendments respond to these changes, anticipated trends, and current best practices in land use planning.

3. Do sites exist for the proposed use in existing districts permitting such use?

Not applicable; the requested amendment is for a comprehensive update to the zoning map, not for a single particular use.

4. Is the requested change compatible with the existing uses, development patterns and zoning of nearby properties?

The proposed changes take into consideration existing uses, development patterns and adjacent zoning.

5. Does the present development of the area comply with existing ordinances?

Not applicable; the requested amendment is for a comprehensive update to the zoning map, not for a single particular use or location.

6. Does the existing zoning impose an unreasonable hardship or can a reasonable economic benefit be realized from uses permitted by the existing zoning?

The proposed map amendments are proposed with economic benefit to business owners and the public in mind.

7. What is the extent of the diminishment of property values, if any, resulting from the current zoning?

It is not anticipated that the zoning map amendments will have a deleterious effect on any property values.

8. How long has the property been vacant as compared to development occurring in the vicinity?

Not applicable.

9. Is the property physically suitable for the zoned uses or for the proposed use?

Not applicable.

10. Does the proposed use satisfy a public need?

Not applicable.

11. Will the proposed change conflict with existing or planned public improvements or adversely impact schools, parks or other public facilities?

The proposed changes are in the best interest of public improvements, schools, parks, and other public facilities.

12. In the vicinity, will the environment or traffic patterns be adversely affected?

Not applicable.

13. To what extent will the proposed change diminish property values of the surrounding properties?

It is not anticipated that the zoning map amendments will have a deleterious effect on any property values.

14. Will the proposed change deter the use of properties in the area or contribute to redevelopment?

The intent of the proposed zoning map amendments is to partner compatible uses and development patterns to benefit property and business owners, residents and visitors, and the Village.

15. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the village as a whole?

The proposed changes are in the best interest of the public health, safety and welfare.

## FINDINGS OF FACT

Staff has prepared the draft findings of fact in accordance with the standards set forth in Municode Section 44-82 of the Zoning Ordinance. The findings of fact, as proposed or as amended, may be entered into the record.

1. The applicant, the Village of Homewood, requests a comprehensive amendment to the zoning text and zoning map.
2. Municode Section 44-80 of the current Zoning Ordinance authorizes that zoning text and map may be amended, from time to time, with a public hearing at the Planning and Zoning Commission and in accordance with state statutes.
3. The proposed amendments are in alignment with the Village's 1999 Comprehensive Plan.
4. The current zoning ordinance was comprehensively adopted in 2002. Changes in land use patterns, the economy, and market conditions necessitate revisions to the zoning ordinance, from time to time.
5. In light of the time since the Comprehensive Plan was updated, the Village undertook efforts to engage the community to participate in the update process. The Village held seven public meetings; advertised for the meetings; posted all materials on a dedicated page of the Village website; and spread news of the update through local newsletters, publications, and community events.

## RECOMMENDED CONDITIONS OF APPROVAL

Below are a list of Staff's recommendations to the Planning and Zoning Commission for conditions of approval of the zoning text amendment. These conditions are small adjustments to further refine and clarify the text since receiving the November 18, 2022 final draft. The Planning and Zoning Commission may revise or add to the list of conditions. All conditions of approval will be forwarded to the Village Board with the recommendation and incorporated into the document before it takes effect.

1. Revise *Salon and Spa Establishments* to be a permitted use in the B-4 district.
2. Revise *Salon and Spa Establishments* to be disallowed on the ground floor in the B-1 Downtown Core District.
3. Correct reference to *Mobile Home Park* in the use table to *Manufactured Homes*.
4. Revise parking requirement for Manufactured Homes from 2 per dwelling unit to 1.5 per dwelling unit.
5. Remove Section 44-05-11.B.1 Determination of Façade Tier, which is in conflict with the overall construction of the building material requirements.
6. Revise 44-09-01. C to read "Gender. Terms used in this Code, regardless of the gender specifically used, shall be deemed to include any other gender."
7. Revise the definition of *Limousine* to insert "Taxicabs and" at the beginning of the second sentence before "personal vehicles."
8. Replace the definition for *Manufactured Home* in its entirety with "Manufactured Home, or mobile home means a movable or portable dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide for complete independent living facilities, including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components, for repeated towing. All manufactured homes shall be in compliance with 210 ILCS 115/ Mobile Home Park Act and 430 ILCS 115/Illinois Manufactured Housing and Mobile Homes Act."
9. Replace definition for *Manufactured Home Park* in its entirety with "Manufactured Home Park, or mobile home park, means a parcel, lot, or tract of land which has been planned and improved for the placement of manufactured homes for residential use, and which is in compliance with 210 ILCS 115/ Mobile Home Park Act and 430 ILCS 115/Illinois Manufactured Housing and Mobile Homes Act."
10. Correct the definition of *Medical Office* from "dental and mental laboratories" to "dental and medical laboratories."

**RECOMMENDED PLANNING & ZONING COMMISSION ACTION**

If the Commission finds that the request meets the standards for a text amendment, the Planning and Zoning Commission may consider the following motion:

Recommend approval of the proposed amendment for a comprehensive update to the Village of Homewood zoning ordinance, subject to the stated conditions; and

Recommend approval of the proposed amendment for a comprehensive update to the Village of Homewood zoning map; and

Incorporate the findings of fact into the record.