

VILLAGE OF HOMEWOOD



BOARD AGENDA MEMORANDUM

DATE OF MEETING: January 10, 2023

To: Village President and Board of Trustees

Through: Napoleon Haney, Village Manager

From: Angela Mesaros, Director of Economic and Community Development

Topic: Comprehensive Zoning Text and Map Amendments

PURPOSE

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 and limit others.

In July 2021, the Village Board adopted an updated Municipal Code. At that time, it was noted that the zoning ordinance would be fully reviewed separately. This is the culmination of that review. The Village engaged the consulting firm of Houseal Lavigne & Associates to perform a comprehensive update of the Village's zoning code.

The scope of work for the zoning code update includes the following:

- Modernize the zoning code to improve and simplify outdated processes and procedures associated with the code.
- Update to enhance the usability and understanding of the code with visual representations, charts, tables, matrices, sketches, etc.
- Update terminology and definitions that are obsolete or add new clarifying definitions.
- Identify and update any uses that are missing, unclear, or need to be improved.
- Add or remove permitted and special uses that are outdated.
- Amend permitted and special use lists.
- Review the current zoning districts' purposes and boundaries for legitimacy.
- Identify and remove inconsistencies with best practices and trends.
- Ensure compliance with federal, state, and local legislation.

At the outset of the process, the zoning consultant met with Village staff and elected/appointed officials to identify preliminary issues in the existing ordinance to be addressed. Eight primary topics for policy discussion and six additional directives were identified. Below is a list of the topics and a synopsis of how they have been addressed in the new ordinance (*in italics*):

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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 professional and medical office uses in the downtown.
Proposed: Create new use types for personal services and offices with specific permitting by district and corresponding definitions (Article 3, Article 9).
4. Consider regulations for short-term rentals.
This topic has been removed from the proposed ordinance for continued further review. The Planning & Zoning Commission has requested Village Board and legal direction on this topic for future consideration.
5. Clarify home-based businesses and distinguish them from remote work/work-from-home.
Proposed: Update definitions and use-specific standards for home-based businesses (Article 4, Article 9).
6. Allow existing two- and three-flats to facilitate the sale and insurance of this building stock.
Proposed: Establish a new use category of "existing" housing to continue legally (Article 3).
7. Allow accessory dwelling units (ADU) with use-specific standards.
Proposed: Added to the use table with corresponding use-specific standards and definitions (Article 3, Article 4, Article 9).
8. Require sustainable design in developments and open space preservation.
Proposed: Create new impervious surface limitations in the business districts; allow community gardens, establish a review process for environmental impacts; implement new landscaping and tree preservation, electric vehicle charging stations, and solar panel regulations (Article 2, Article 5, Article 6, Article 7).
9. Additional Topics:
 - a. Compliance with the Religious Land Use and Institutionalized Persons Act of 2000 (*throughout*)
 - b. Allow six-foot fences on corner lots with use-specific standards including a setback and landscaping (*Article 5*)
 - c. Allow parking pads for residences with one-car garages and narrow lots (*Article 5*)
 - d. Create a use category for co-working spaces (*Article 3, Article 9*)
 - e. Integrate the Halsted Street Corridor Landscape Plan into the other commercial districts (*Article 5*)
 - f. Standardize intake and review processes for zoning applications (*Article 6, Article 7*)

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The proposed ordinance has 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

This new format functions both in printed hard copy and is integrated with the numbering structure/format of the online municipal code host platform (Municode). The restructuring achieves the objective of a more user-friendly and cohesive format.

The primary change to the zoning map is within the business districts. The existing B-1 Central Business District will be modified to concentrate in a smaller area within the few central blocks of downtown and has been renamed to “B-1 Downtown Core”. This area will primarily focus on retail and restaurant uses to activate the downtown and create a vibrant destination.

The remaining areas currently in the 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 as B-2 will be rezoned to B-3. These areas include Southgate (Dixie Highway south of 187th Street), Northgate (Dixie Highway at 175th Street), and properties along 183rd Street between the viaduct and the Governors Highway, including Walt’s and the Cherry Creek Plaza shopping center.

PROCESS

In May 2021, the Village engaged the planning firm, Houseal Lavigne Associates, to assist in the comprehensive update to the zoning ordinance and zoning map. In June 2021, the Village and consultant began the public review process. Over 15 months, community members, consultants, Village staff, and elected and appointed officials worked to identify key policy directions, analyze the existing regulations and the built environment, and develop a document of 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 public workshop to review the draft zoning ordinance (September 22, 2022; October 5, 2022); and a public 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 online survey and an interactive online map, and to submit comments via email or the

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physical drop box outside of Village Hall at any time. A full report detailing the process and notice made to the public is attached.

These efforts culminated with a public hearing before the Planning and Zoning Commission, begun on November 10, 2022 and continued to December 8, 2022. All seven commission members were present and voted unanimously to recommend approval of both the proposed comprehensive update to the Village of Homewood zoning ordinance, and the update to the zoning map.

The recommendation was subject to several conditions of approval that included revisions to the allowable locations of *Salon and Spa Establishments*, references to, definition, and parking for *Manufactured Homes*, and inclusive gender terminology. The revisions have been incorporated into the final draft that is now before the Village Board for adoption.

OUTCOME

The Planning and Zoning Commission reviewed the application, heard public testimony, and considered the applicant's response to the standards. The following Findings of Fact 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. Municipal Code 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 the news of the update through local newsletters, publications, and community events.

FINANCIAL IMPACT

- **Funding Source:** N/A
- **Budgeted Amount:** N/A
- **Cost:** N/A

LEGAL REVIEW

Completed

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RECOMMENDED BOARD ACTION

Pass an ordinance adopting a comprehensive amendment to the Village of Homewood Zoning Ordinance; and, pass an ordinance adopting a comprehensive amendment to the Village of Homewood Zoning Map.

ATTACHMENT(S)

- Report detailing public process and notifications
- Ordinance adopting a comprehensive amendment to the Homewood Zoning Ordinance
- Ordinance adopting a comprehensive amendment to the Homewood Zoning Map