



MEMORANDUM

To: Caron Bricks, AICP, Community Development Manager, Village of Roselle
From: Michael Blue, FAICP, Principal, Teska Associates, Inc.
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Date: December 16, 2022
RE: Zoning Code Update – Public Hearing Draft

Transmitted with this memorandum is a draft of the Village of Roselle Zoning Ordinance Update for consideration by the Village Board at a public hearing. The draft includes the following sections: 1) Title, Purpose, and Definitions; 2) General Provisions; 3) Zoning Districts; 4) Administration and Enforcement; 5) Off-Street Parking and Loading, 6) Landscaping and Tree Preservation; 7) Nonconforming Regulations; 8) Performance Standards; and 9) Design Guidelines. The updated sign section will be reviewed separately.

This draft reflects assessment by the consultant team (Teska Associates and Ancel Glink), input from the public and Village officials, numerous discussions with Village staff, and review by the Zoning Update Steering Committee.

In general, the “How to use this Section” included at the start of each section should be noted. Not common to codes, the intent is for this introductory text to explain the general purpose of zoning to residents and users that may not be familiar with a zoning code. Additional changes of note are described in the sections that follow.

Section 1: Title, Purpose, and Definitions

The current code’s definitions section was extensively revised in order to:

- Reflect modern uses and common names for uses not included in the current code.
- Add graphics to make definitions more understandable and concise
- Tie definitions of land use more closely to the permitted land use table.
- Remove redundancies, overly complex descriptions, inconsistencies, and words and phrases not used in the code.
- Eliminate measurements, regulations and quantifiable standards, which should not be included in definitions, but rather, should be included only in the regulatory provisions of the code.

Section 2: General Provisions

This section of the update includes regulations that are generally applicable across the Village. Much of the redrafting done here was to clarify unusual or oddly worded standards. Key changes are noted here.

1. Standards for garages were overly generous. An attached garage can be “the size of the house” per the current code. The maximum building footprint for both attached and detached garages is revised to be 800 sf (detached garage size increased slightly, from the current code’s 768 sf, to

be consistent with the new maximum size for attached garages). In addition, the section that allowed a 200 sf garage bonus has been deleted as that conflicts with lot coverage and stormwater management goals.

2. Fence regulations have been clarified and graphics added. Following discussion with the project Steering Committee, six-foot-tall privacy fences are now allowed in corner side yards; permitted to extend halfway between the property and corner side yard setback lines.
3. In keeping with current trends in transportation technology, standards for the installation of electric vehicle (EV) charging stations at commercial developments have been added. This does not require EV charging stations, it simply assigns conditions for the location, placement, etc. in if a commercial development chooses to install EV charging.
4. To clarify Village expectations for back yard sheds, the update allows for one shed, no greater than 120 square feet in floor area.
5. Telecomm standards have been modernized and brought into conformance with changes to state law in 2018 and with the adoption of the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq.
6. Accessory structures are allowed to encroach into certain yards, as is indicated through a table in the draft.
7. Temporary outdoor seating (outdoor dining) was revised to merge public and private locations into the same code section and clarify the regulations.
8. Wind and Solar Energy System regulations were added.
9. Trash enclosure requirements were clarified.
10. The Lighting section has been simplified and focuses on key standards, such as “uniformity ratio,” which prevents dark spots in parking lots.
11. Home occupations have been updated to regulate based on potential impact, which eliminates the need for a Special Use.

Section 3: Zoning Districts

Zoning district regulations have been consolidated into one section. The most significant change to that section is addition of a permitted land use table, which consolidates and simplifies determining permitted and special uses. The existing lists of Permitted and Special uses are in each district, and are quite long and overly specific. The revised use categories allow the code to be more flexible in the type of businesses that are allowed (without a future code amendment), while still giving control as to which activities should be Permitted (P) or Special Uses (S) in each district.

1. Accessory dwelling units (ADUs), sometimes referred to as granny flats, are not currently permitted in the Village; the update maintains that status. Given the many factors to consider as part of determining whether to allow ADUs in residential districts, this is an issue the Village may wish to consider in more detail following adoption of the new zoning code.
2. Tattoo parlors are now permitted in the B-2, B-4, and B-5 Business Districts. These were formerly prohibited land uses, and keeping them as such could potentially pose a future legal challenge.
3. B-3 District maximum building heights for multifamily residential, mixed-use development, and commercial buildings have been set to 75 feet based on a recent seven story development. The Comprehensive Plan’s recommended 100 ft height in the Town Center has been incorporated as a Special Use for multifamily residential and commercial buildings.

4. Current code regulates that “eating and drinking establishments shall not include entertainment/dancing” in the B-2 District. This regulation has been removed; there are other options for regulating this activity (e.g. a liquor license) available to the Village.
5. Bulk standards are intended to remain as currently set to avoid creating nonconformities.
6. FAR standards have been removed from the update since they were found to be redundant with other bulk standards that accomplish the same objectives (mainly setback and lot coverage). Layering FAR into the mix makes site and building design unnecessarily complex in the Village.
7. R-3 and R-4 uses have been clarified based on discussions with Village staff. The current code has a mix of residential uses in these districts, and this is reflected in how they are currently mapped. Given how several residential types are located throughout these districts, unwinding them with map amendments would be unwieldy. So, these districts have been drafted to accommodate multiple use types with specific bulk standards – new tables show bulk standards for that range of residence types.
8. General references within the district standards to “transitional landscaping” are to be maintained, but mostly relocated to a landscape section.
9. Business Districts numbering begins with B-2, as B-1 is eliminated. We recommend not renumbering the districts just for the sake of having a B-1. This creates a great deal of concern with property owners, and would require resources from the Village for public notice and meeting management.
10. B-5 minimum lot area is reduced from 3 acres to 1 acre, reflecting existing conditions
11. ORI (office, research and industrial districts) have been consolidated from 3 subdistricts to a single district, as there is little distinction between them. Draft bulk standards for the ORI district reflect the least restrictive standard of the 3 ORI subdistricts to minimize nonconformities.
12. Standards related to landscaping and transitional yards in the current ORI districts are maintained.
13. ORI building height is increased to 50 feet. This recommendation reflects the recent emphasis in industrial development that focuses on logistics uses and desire by users for greater interior floor height, corresponding to exterior building heights that are between 45 and 50 feet.
14. Currently there is no minimum lot size or width for the manufacturing district in the Code. Those have been set at 40,000 square feet and 100 feet respectively, based on smaller lots currently along Garden Ave.

Section 4: Administration and Enforcement

Zoning responsibilities of the Zoning Administrator, Planning and Zoning Commission and the Board of Trustees are spelled out in this section. In addition, procedures for the various zoning entitlements are detailed. Key aspects are noted below.

1. The update reflects Village policy direction to consolidate the Planning and Zoning Commission (PZC) and the Zoning Board of Appeals (ZBA). In the updated Section 4, the unique provisions of the former ZBA are incorporated into the new PZC. The PZC is established with the method of appointment and staggered terms. The Village will need to amend Code Chapter 15, Secs. 51-1, 15-2, and 15-3 to formally dissolve the ZBA and incorporate its powers into the PZC. This is an approach seen more and more commonly in communities. This change is logical for Roselle as the code update will reduce the number of zoning variations needed, even as the joint body likely will meet more regularly because of consolidating caseloads. A single commission meeting

more regularly will provide the group with a more structured process, better familiarity with the code and zoning process, and support more consistent outcomes for residents and other applicants.

2. The update allows for administrative variations (by the Zoning Administrator) for minor requests which are typically approved for applicants with demonstrated hardship (as defined with standards in section 4-4-C). Administrative variations are limited to five percent of the underlying standard.
3. Notice for public hearings will now require first class mailing by the applicant, a sign on the site, and a newspaper notice. Only the last of these is required by law, the other two are best practices for informing the public about a hearing.
4. Secondary findings for Special Uses have been removed from the current code. This is an unusual approach for SUPs. Such two tiered findings requirements like these are confusing for the public hearing body and are recommended to be removed.
5. The threshold for considering a PUD is reduced from five acres to one acre. This is in keeping with the now primarily built out nature of the Village and facilitates thoughtful development of infill sites.
6. In the PUD section, standards for each development type have been removed. They are onerous, constraining, and duplicative and the same results can be achieved through the normal planned development process. The Village's extensive site plan requirements can guard against many of the issues those standards seemed targeted toward.
7. The option to submit a final PUD plan (without a preliminary plan submission) has been added to streamline the process for projects that are well market tested and ready to go directly to final engineering.
8. A requirement has been added that construction of an approved PUD begin within one year. This provision keeps developments moving ahead, and ensures that the approved project and any conditions remain relevant. An extension may be granted by the Village Board.
9. The PUD section specifies that minor changes may be made (as can occur due to limitations on material available, required field changes, or other factors) with the approval of the Zoning Administrator. This is a common regulation and is established in the code as minor changes be no more than 5 percent of any restriction in the approval.
10. The update adds a Certificate of Zoning Compliance to the Village's process. This is a common tool that helps to ensure new uses and construction are in keeping with Village zoning and do not "slip through the cracks."

Section 5: Off-Street Parking and Loading

Revision to this section includes clarifying and modernizing language related to existing sections, such as dissimilar use, shared parking, stacking, and accessible parking. In addition, new sections have been added to incorporate best practices for: visitor parking, cross access, land banking parking, and bicycle parking. Other changes include:

1. In some cases, the amount of parking provided will not meet the code requirement – the update requires that this legal nonconformity be eliminated in a case where the building is destroyed or damaged by more than 50% of its value. Properties in the B-3 District are exempted from this provision due to the unique nature of the Town Center.

2. Requirements for parking pads in residential districts have been added. These can be an issue in regard to aesthetics, traffic safety, and stormwater management. The draft includes graphics to clarify the limitations.
 - a. The R-2, R-3, and R-4 Districts allow a one-car parking pad in front of the principal structure, under certain conditions.
 - b. In all R districts, a one-car parking pad can be located either behind the principal structure or in the interior side yard, no closer than two (2) feet from the property line.
3. The Recreational Vehicle section from the Village Code has been moved into this section to be easier for residents to find.
4. Penalties for violations have been updated to be consistent with the Village's statutory authority.
5. Parking ratios in the current code are generally not consistent with what is best practice in other codes and common practices. Uses listed have been tied back to the permitted use table for ease of application, and the parking standards have been modernized applying models we use for parking.
6. Standards regulating parking commercial vehicles in residential areas have been added.
7. A "reuse" rule has been applied for parking in Town Center so if a business permanently closes, it can be replaced with a use having a higher parking demand (like a restaurant) without providing additional parking.
8. The loading section has been revised and simplified – we are seeing communities move away from the very detailed loading dock breakdown as the complexity does not add value.
9. Approvals have been shifted to staff (administrative) for use for determining parking, shared parking, converting land banked parking, and allowing curb stops where appropriate. This is more effective and efficient, and does not require policy consideration by a board or commission.
10. There is nothing in the code that would otherwise prevent installing more parking than is required. A section that would seem to encourage it has been removed.

Section 6: Landscaping and Tree Preservation

This section of the update addresses a range of landscaping requirements, primarily: general standards for screening business operations, parking lot landscaping, landscaping for transitions between dissimilar land uses, the process for preparing landscape plans, recommended best management practices for native plantings, and tree preservation. Key elements of the update are described here:

1. The current code notes that several aspects of landscaping design are to be approved by Village Board. This is not the type of policy decision that requires the Board's time and direction (unless the landscape plan is part of a SUP or PUD) and is recommended to be (and shown in the draft) as an administrative function. Likewise, approval of an alternative planting plan also is recommended in the draft to be an administrative function.
2. Additional standards for interior parking lots have been added to increase aesthetic appeal. For example, now required are one tree per parking island, an island at the end of every row, and islands breaking up long stretches of parking areas.
3. A tree preservation and replacement section has been added.

Section 7: Nonconforming Regulations

Regulations related to nonconformities do not come into play very often, but can be of significance to property owners when they do. This section of the update builds on existing standards to establish standards and procedure for nonconforming uses of land, structures, and lots.

Section 8: Performance Standards

Performance standards set limits to potential adverse impacts from business operations. As with almost every code, the current Roselle zoning ordinance includes a complex set of calculations and enforcement procedures. In many cases these are ambiguous and difficult to enforce; most communities do not have the equipment or expertise to apply the standards. New performance standards in the update are built from a model based on State and Federal regulations and include those by general reference, allowing for consistency in enforcement.

Section 9: Design Guidelines

Draft Design Guidelines in the update include guidance for new development in the Town Center (defined by a map), other business districts, and industrial districts. The guidelines for Business and Industrial Districts are less detailed and more broadly applicable than those in the Town Center Overlay, which reflect the direction set in the Comprehensive Plan.

As for applying the guidelines, the Applicability section describes a process in which the Planning and Zoning Commission reviews ground-up new construction, special uses, and other zoning entitlements for consistency with the Design Guidelines. Individual exterior building elements requiring a building permit will be reviewed by staff; applicants can appeal to the Commission if they choose.