

Zoning & Development Regulations:
Recommended Changes
and Strategies

May 2018

duncan | associates

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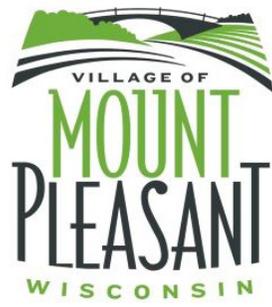
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Introduction

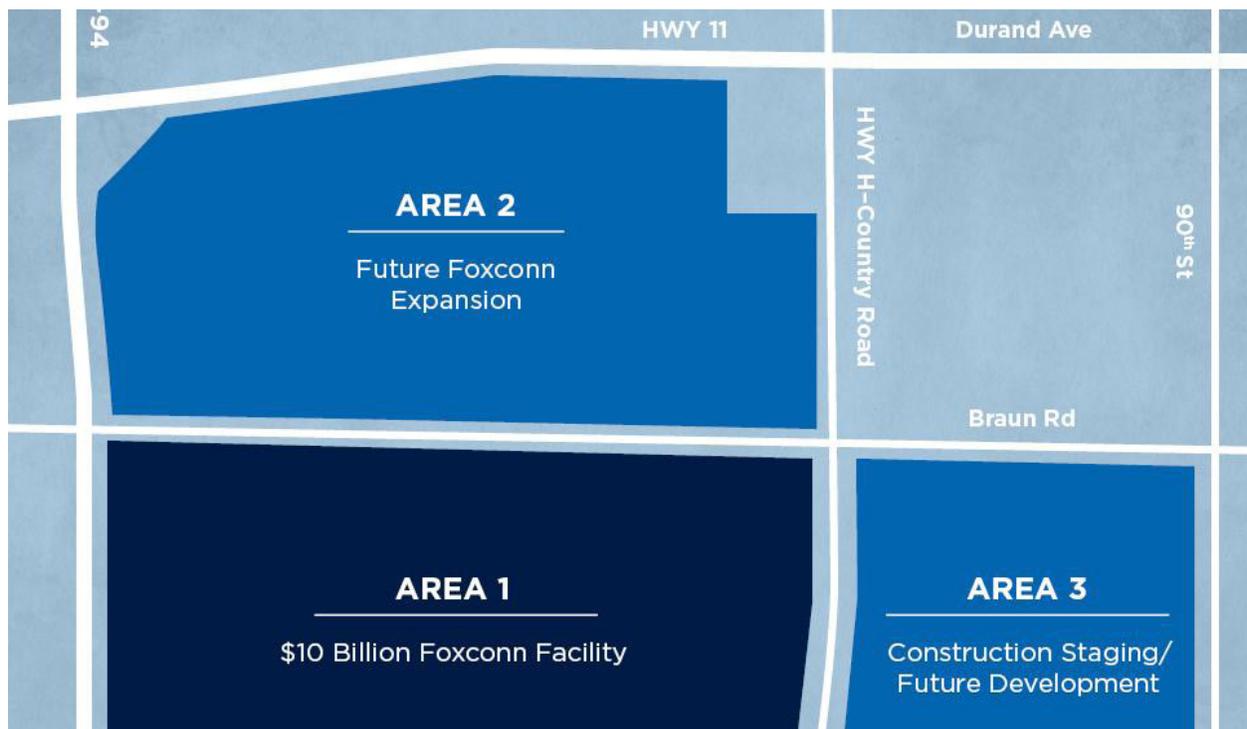
In October 2017, Foxconn Technology Group (Foxconn) announced plans to build a \$10 billion flat-panel TV plant in Mount Pleasant. The plant siting is expected to generate thousands of jobs and significant growth and development. In anticipation of these growth and development pressures, the Village of Mount Pleasant has commissioned an assessment of current zoning and development policies, as expressed in adopted plans and regulations.

This report focuses on the village's zoning and development-related regulations. It recommends several changes that should be considered by the village in its efforts to (1) accommodate investment and job creation; (2) protect existing residents and businesses from adverse land use impacts; and (3) ensure that the regulations are modern and easy to use.

The observations and recommendations presented in the report are based on:

- Review and analysis of the village's existing zoning and land development regulations;
- Discussions with village staff; and
- Knowledge of effective regulations used in other jurisdictions.

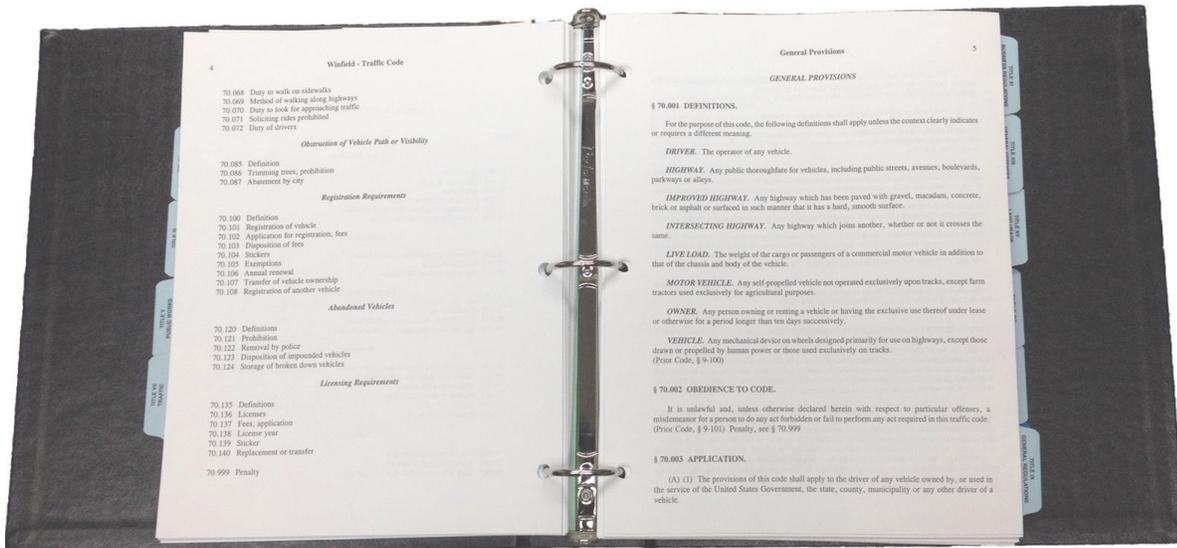
This report concludes by describing potential strategies for addressing the recommended changes and updates.



Source: Milwaukee Business Journal

User Friendly Ordinances

- Focused articles
- Short sentences, sections
- Tables, charts
- Illustrations/graphics
- Detailed table of contents and index
- Accurate cross-references
- Web-ready and hyper-linked
- Consistency (among ordinance sections and with related ordinances)
- Plain English writing style



Organization and Format

The current zoning ordinance is codified as Chapter 90 of the village code. It includes 8 articles, which range in length from three pages to over 100 pages.

CHAPTER 90 ZONING (Existing)

- Article I. In General
- Article II. Administration and Enforcement
- Article III. Districts and Map Established
- Article IV. Districts
- Article V. Signs
- Article VI. Performance Standards
- Article VII. Supplemental Regulations
- Article VIII. Floodplain Regulations

Reorganize

As is true of most older ordinances, the way in which information is organized and presented in the current ordinance and other chapters of the village code could be improved to make them easier to navigate and use. Some important provisions are obscured by placement in overly long articles with very general titles. The zoning ordinance's "Supplemental Regulations" article, for example, contains "hidden" sections dealing with site layout, infrastructure and engineering considerations, soil characteristics, architectural control and parking. The "Districts" article is also overly broad, containing the regulations for every zoning category, as opposed to breaking the district regulations into smaller more manageable groupings where information can be more readily found by ordinance users.

Numbering conventions (Divisions, Subdivisions, Sections, etc.,) are not applied consistently throughout the ordinances. They also lack other page layout and navigational features found in more user-focused ordinances.

Include Tables and Illustrations

Many of the ordinances’ regulations and requirements could be more clearly and efficiently presented by using tables. Presenting key regulations in this way can help eliminate repetition, as well as the types of inconsistencies and internal conflicts that can occur when the same regulations are restated in multiple sections of an ordinance. Eliminating redundant provisions can also help reduce the overall length of the zoning ordinance. Section 90-872 contains extremely important information. Unfortunately, it is too massive and unwieldy to be useful in its current form.

Sample Lot and Building Regulations Table (existing single-family districts)

Regulation	ZONING		
	R100	R75	R60
Minimum Lot Area (sq. ft.)	12,000	9,000	7,200
Min. Lot Width (ft.)	100	75	60
Minimum Setbacks			
Street (ft.)	25	25	25
Interior Side (ft.)	12/8	12/8	10/8
Rear (ft.)	25	25	25
Min. Open Space (sq. ft.)	7,500	5,000	2,300
Max. Building Height (ft.)	36	30	30

In addition to greater use of tables, the zoning and subdivision regulations should also include illustrations and graphics—instead of merely text—to help convey the intent of regulatory concepts.

Update Format and Layout

Modern ordinances use distinct, variable-size typefaces for section and subsection headings, with indented or “nested” text to help indicate the hierarchical nature of ordinance sections, subsections and paragraphs. Generous white space and illustrations are used to enhance the document’s visual appearance and improve its readability. Page headers and footers serve as navigational aids for ordinance users.

Generous white space

Chapter 10 | Mixed-use Districts
Section 10.030 | Character Designations

2. **Allowed Building Types**
The following building types are permitted in -P character zones (see building type definitions in [Section 10.030.030](#)):

- a. Mixed-use buildings
- b. Commercial buildings

3. **Lot and Building Regulations**
The lot and building regulations of [Table 10-4](#) apply to all new construction and building additions in -P character zones, except that civic/institutional buildings and open space sites are subject to -F character zone regulations (see [§10.030.E](#)). General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Existing buildings are exempt from compliance with build-to zone (BTZ), ground floor ceiling height and transparency regulations.

Table 10-4: Lot and Building Regulations for -P Character Zones

Minimum Lot Area (sq. ft.)	3,500	Min. Ground Floor Ceiling Height (feet)	14
1 Minimum Lot Width (feet)	25	Minimum Transparency (%)	
2 Minimum Street Frontage (feet)	20	1 Ground floor	50
3 Minimum Open Space per Unit (sq. ft.)	100	2 Upper floors	20
Minimum Building Setbacks (feet)		3 Min. Parking Setbacks (feet) (see also §10.030.C(1))	
Street	0	Primary street	30
Abutting R district	10	Secondary street or R zoning district	10
Abutting nonresidential district	0	Nonresidential zoning district	0
Abutting alley	5	4 Street-facing Entrance Required	Yes
4 Build-to Zone (BTZ) (minimum/maximum in feet)	0/10		
Min. percent of building in primary street BTZ	80		
Min. percent of building in secondary street BTZ	30		

Figure 10-2: MX District Lot and Building Regulations (1)

TULSA ZONING CODE UPDATE PUBLIC REVIEW DRAFT | January 2015
page 10-6

← Navigational Headers

← Nested (hierarchical) paragraphs

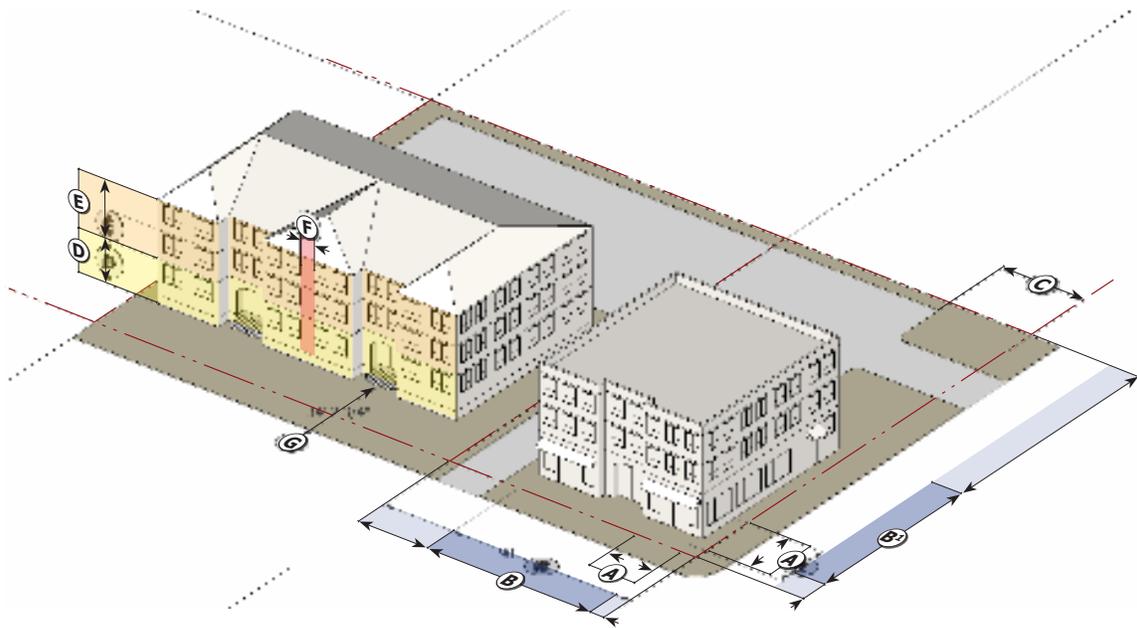
← Hyper-linked cross-references

← Tables

← Illustrations

← Footers

Enhanced page format and layout features (typical)



Sample zoning ordinance graphic illustrating requirements for building siting, parking siting, required transparency and building entrances

Districts and Uses

Mount Pleasant’s current zoning ordinance includes 24 base zoning districts, including 12 residential districts, five business/commercial districts, two industrial districts and five special purpose districts. In addition to these base zoning classifications, it includes nine overlay zoning classifications, including one--the Shoreland Overlay--which is actually a county zoning district.

Existing Zoning Districts

RESIDENTIAL (12)	INDUSTRIAL(2)
R100, Residential Single-Family	M-1, Industrial
R75, Residential Single-Family	M-E, Industrial (Existing)
R60, Residential Single-Family	SPECIAL PURPOSE (5)
R40E, Residential (Existing)	AG, Agriculture
R100D, Residential Two-Family	AUH, Agriculture Urban Holding
R75D, Residential Two-Family	RCH, Redevelopment-Conservation Holding
R60D, Residential Two-Family	W, Wetland District
RM-1, Multiple-Family	PUL, Public or Utility Lands
RM-2, Multiple-Family	OVERLAYS (9)
RM-3, Multiple-Family	OAG, Agriculture
RM-4, Multiple-Family	OEL, Extractive or Landfill Operations
R50MH, Residential Mobile Home	OCR, Commercial and Private Recreation
BUSINESS/COMMERCIAL (5)	OIP, Institutional and Public Service
B-1, Neighborhood Business	OHS, Highway Service
B-2, Community Business	OOS, Office and Special Service
B-3, General Business	OPD, Planned Development
B-4, Office	OCS, County Shoreland Overlay
B-P, Business Park	OCL, Limited Commercial Overlay

While there is no shortage of districts in the existing ordinance, there are in fact few zoning district regulations that express the village’s identify, distinguish the physical character of the many different areas of the community or define a true “sense of place.”

Add Mixed-Use Zoning Options

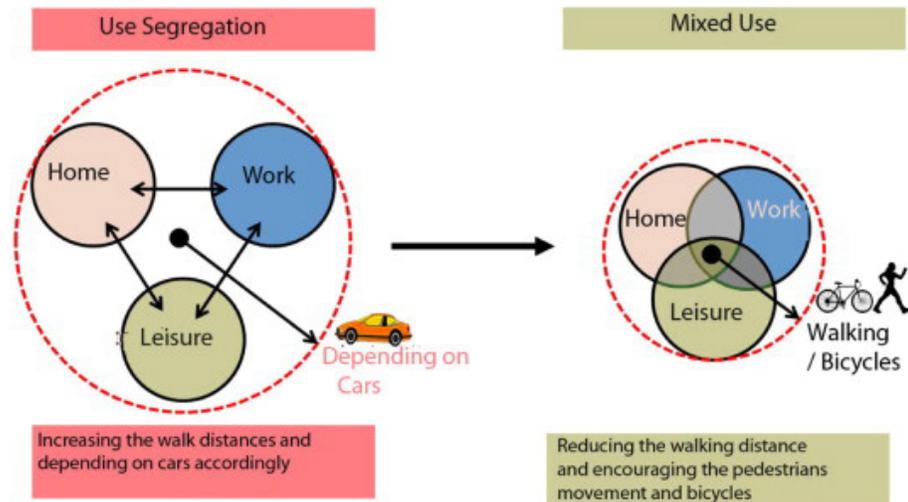
Add new Mixed-Use Districts

In contrast to single-use zoning, mixed-use districts promote for combination of land uses in a given area. Accommodating, and in some cases, requiring a mix of residential, retail, service and entertainment uses helps create walkable, connected places where people can live, work and play.

Mixed-use can come in the form of “vertical mixed-use” buildings, where different uses are found within the same building (e.g., ground-level storefronts with residential or office space on upper floors). Mixed-use can also be manifest in “horizontal mixed-use” communities where single-use buildings occupied by different land uses are integrated within a single neighborhood or development project.

There are many benefits of walkable mixed-use development patterns. They more compact and therefore less expensive to serve with required infrastructure and services. They tend to be more economically viable and resilient. Because mixed-use projects are more densely developed, they can increase property tax revenue for local governments. Finally, there is growing evidence that mixed-use environments have positive public health benefits.

The village should add new mixed-use zoning options to the existing ordinance



Source: http://www.plan4sustainabletravel.org/key_themes/mix_of_uses/

and apply such districts in locations where change in single-use development patterns is desired.

Permit Corner Stores

Although rare today, corner stores and neighborhood commercial businesses were once common fixtures in communities across the U.S. Restrictive zoning policies, which focus on segregating residential and nonresidential uses are at least partly to blame for their disappearance.

Mount Pleasant should consider zoning ordinance changes that would eliminate one of the barriers that corner stores face. Among the actions that should be considered are the following:

- Allowing corner stores in townhouse and multi-family residential zoning districts subject to certain restrictions on size, location, design, and operations (e.g., hours of operation and deliveries),
- Allowing corner stores on residential streets if they are located in existing buildings that were originally built as storefronts.
- Encouraging corner stores in mixed-use residential/commercial districts through plan policies and zoning regulations.
- Allowing corner stores at intersections in residential areas and/or limit their frontage on a block or their number in a neighborhood.

Consider Form-Based Zoning

Form-based zoning is an increasingly popular alternative to conventional zoning. In simple terms, form-based codes focus primarily on building form or physical character and secondarily on use. In contrast, conventional zoning has historically focused on almost exclusively on use. Form-based controls are intended to achieve a particular type of “place,” based on a shared vision for an area. They have proven particularly effective over the past 20 to 25 years in helping to foster and create walkable, mixed-use communities.

To the extent that conventional zoning attempts to address form or character, it does so in ineffective ways, relying on abstract concepts such as “dwelling units per acre” and “floor area ratios” that suggest specificity and precision but that produce unpredictable and often unsatisfying results. A density of 20 dwelling units per acre, for example, can result in many different building forms. FAR (floor area ratio) requirements tell us very little about the scale of a building and nothing about how it will relate to the street or to other nearby buildings.

Another way to think about the distinction is that conventional zoning regulations typically focus on *proscriptions*, provisions describing the limits of what is allowed (e.g., don’t build closer to a property line than x, taller than y or more units than z). Form-based zoning, on the other hand, is largely focused on *prescriptions*, regulations describing the types of buildings and development activities that are required (e.g., do build within this area and do include sidewalk-facing doors and windows). Perhaps more than any other factor, this distinction helps to explain how form-based zoning produces predictable results.

In response to the shortcomings of conventional zoning, local governments are applying form-based zoning controls to downtowns, corridors and special areas where change is desired and reserving conventional zoning for other areas, such as low-density residential neighborhoods. This type of ordinance—combining form-based and conventional regulations—is often referred to as a hybrid zoning code. Other cities and villages are applying form-based coding techniques jurisdiction-wide.

Address Building Placement

In contrast to the minimum building setback requirements found in many conventional zoning districts, form-based codes aimed at fostering walkable, mixed-use environments typically include provisions requiring that street-facing building walls be placed within prescribed build-to-zones. Such requirements help ensure more consistent building placement along streets and, in tandem with specified facade treatments, can help promote a more active and engaging sidewalk-level experience for pedestrians.

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4. BUILDING TYPES

Storefront

4.5 Storefront

4.5.1 DESCRIPTION & INTENT

The Storefront building type is a low-to mid-rise for use at mixed-use nodes and along mixed-use corridors throughout the city. The Storefront building is built close to the front lot line to create continuous streetscapes along sidewalks with the goal of increased walkability at the node and along corridors. Parking is located in the rear of the lot behind the building or, in some locations, small interior side yard parking lots are permitted.

The key facade elements of the Storefront building type are a high level of storefront glass on the ground floor facade and regularly spaced entrances along the street sidewalk.

C. Uses Refer to [Figure 4.3.C](#)

	MX1 (residential)	MX2 (residential)	MX3 (residential)	CX, IX	NOTES/REFERENCES
16 Primary Frontage Facade Ground Story	permitted retail, service, craftman industrial uses plus others to upper story uses	permitted retail, service, craftman industrial, commercial equipment, parks plus others to upper story uses			see 000 uses
17 Non-Primary Frontage, All Upper Stories, & Basement	any permitted use				
18 Required Occupied Building Space	minimum 30-foot depth on all full height floors of primary frontage				
19 Parking/Loading within Principal Building	permitted fully in any basement and rear of all other stories				

D. Public Way Facade, & Roof Requirements Refer to [Figure 4.5.1](#)

	MX1 (residential)	MX2 (residential)	MX3 (residential)	CX, IX	NOTES/REFERENCES
20 Minimum Primary Frontage Ground Story Transparency	65% measured between 2 ft and 10' blank wall limitations apply	70% measured between 2 ft and 10' blank wall limitations apply	60% measured between 2 ft and 10' blank wall limitations apply		see section 000 for detailed measurement requirements
21 Minimum Transparency per each Story	10% blank wall limitations apply				see section 000 for detailed measurement requirements
22 Entrance Location & Number	principal entrance required on primary frontage facade; minimum of one per 45 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way				refer to 000s for general requirements
23 Primary Frontage Entryways Configuration	recessed between 'E' and 'F' from the portion of the primary frontage facade closest to the street; maximum 'E' wide if outside the build-to-zone				see section 000 for detailed general design requirements
24 Primary Frontage Entrance & Ground Story Elevation	80% of entrances and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation				see section 000 for details
25 Primary Frontage Ground Story Vertical Facade Divisions	one shadow line per every 30' of facade width				
26 Horizontal Facade Divisions	one shadow line within 3' of the top of the ground story; buildings over 5 stories; minimum of one shadow line within 3' of any story between the 3rd and 5th story				
27 Permitted Roof Types	parapet, flat, (consider permitting pitched? see examples); tower permitted				see section 000 for roof types

Figure 4.5.C: Storefront Height & Uses Requirements

Figure 4.5.D: Storefront Facade Requirements

CITY OF DES MOINES ZONING ORDINANCE DRAFT 4-17

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4. BUILDING TYPES

Storefront

4.5.2 STOREFRONT REGULATIONS

	MX1 (residential)	MX2 (residential)	MX3 (residential)	CX, IX	NOTES/REFERENCES
A. Building Siting Refer to Figure 4.3.C					
1 Multiple Principal Buildings	not permitted	permitted	permitted	permitted	see section 000 for accessory building requirements
2 Accessory Building Locations	rear yard only	rear yard only	rear yard only	rear yard only	see section 000 for accessory building requirements
3 Minimum Primary Frontage Lot Line Coverage	85%	90%	60%	60%	see section 000 for detailed requirements
4 Primary Frontage Build to Zone (ft)	0.5	0.5	0.5	0.10	minimum setback area width is required per lot
5 Non-Primary Frontage Build to Zone (ft)	0.10	0.10	0.10	0.20	minimum setback area width is required per lot
6 Minimum Interior Side Setback (ft)	0.5 abutting a district that does not permit a Storefront building				see site for variations
7 Minimum Rear Setback (ft)	5 except 0 at alley				15 except 0 at alley; see other applicable setbacks
8 Maximum Impervious Area Additional Semi-Parvouse Area	25% 10%	30% 15%	10% 10%	20% 15%	see section 000 for measurement requirements
9 Surface Parking/Loading Location Garage/Loading Entrance Facade Location	rear yard, limited side yard only; no primary street or rear facade	rear yard, side yard only; no primary street or rear facade	rear yard, side yard only; no primary street or rear facade	rear yard, side yard only; no primary street or rear facade	see section 000 for detailed parking and loading requirements
10 Permitted Driveway Access	alley if no alley exists or is planned, one driveway off each non-primary street				see section 000 for additional driveway requirements
B. Height Refer to Figure 4.3.C					
11 Minimum Overall Height	1 story	3 stories	1 story	1 story	see section 000 for measurement definitions
12 Maximum Overall Height	3 stories (45' height)	5 stories	5 stories	3 stories	see section 000 for measurement definitions; (3 stories at 45' maximum)
13 Primary Frontage Ground Story Maximum Height (ft)	15 (max)	15	15	15	see section 000 for measurement definitions; (3 stories at 45' maximum)
14 All Other Stories Minimum Height (ft)	9	9	9	9	see section 000 for measurement definitions
15 All Other Stories Maximum Height (ft)	12	12	12	12	see section 000 for measurement definitions

Figure 4.5.B: Storefront Building Siting

4-16 **DRAFT JANUARY 30, 2017**

Sample pages from Des Moines (IA) form-based code, Duncan Associates + CodaMetrics

Focus on Facades

In addition to more specific controls on building placement, form-based zoning codes including regulations focused on building facade treatments. These types of provisions can help activate the street-level of buildings, particularly when applied in combination with the types of building placement (build-to-zone) requirements described above. Typical facade treatment provisions include at least the following:

- Requirements for pedestrian building entrances from abutting public

sidewalks;

- Minimum requirements for windows (transparency) along the sidewalk-level of new buildings; and
- Provisions limiting the area of blank building walls.

Regulate Parking Location and Design

Besides focusing on buildings, form-based codes also address the location and design of parking lots. Such controls are used to help reduce negative visual and pedestrian safety impacts, while still accommodating the needs of motorists. They also typically prescribe enhanced parking area screening and landscaping requirements.

Expand Public/Civic Zoning

The existing zoning ordinance includes a specific zoning classification for public lands. According to the ordinance, the PUL (Public and Utility Lands) may only be applied to government- or utility-owned lands. The village should consider expanding this classification or creating a new district to accommodate quasi-public and civic uses, such as churches and hospitals. This change would help better align the zoning ordinance with the comprehensive plan and provide greater certainty for neighbors.

Modernize Use Classifications

The village's current zoning ordinance lists dozens of residential, business, civic/institutional and other uses that may—or may not—be allowed in one zoning district or another. These use regulations and the way in which uses are classified and defined, should be updated. In many cases, the ordinance relies on overly detailed lists of allowed uses. Instead of broadly defining “office” or “personal service” uses, for example, the current ordinance lists several specific types of allowed business types with little logic about why one is permitted and another is not permitted in some zoning districts. The same is true of eating and drinking places, commercial service uses and numerous other uses and business types.

The current ordinance's use typology could be simplified and collapsed into a logical, well-defined use classification system that includes just a few dozen broad land use *categories*. This change would eliminate an outmoded system of use regulation and allow the village to better respond to economic and technological changes over time (see also “Abandon the ‘Cascading’ Use Approach” on [page 13](#)).

Re-evaluate Conditional Uses

Due to a recent change in state law (2017 Wisconsin Act 67), the village should re-evaluate the range of conditional uses identified in the zoning ordinance and the types of supplemental use standards and approval criteria that such uses must meet. By passing 2017 Wisconsin Act 67, the legislature effectively reduced the village's discretion to deny conditional uses. The statute requires that local

governments grant a requested conditional use permit if the applicant meets all ordinance requirements and agrees to meet all conditions imposed by the governing body.

The statute authorizes the imposition of additional requirements or conditions by decision-making bodies if they are based on “substantial evidence.” However, as long as the applicant agrees to comply with those conditions, there appears to be no discretion left for officials to exercise in deciding whether to grant the requested conditional use permit.

This is an issue that will likely be the subject of much discussion and hand-wringing throughout the state, as municipalities reckon with how to deal with this new state law. In the meantime, the village should re-evaluate the types of uses requiring conditional use approval and update and clearly identify the standard conditions of approval attached to all conditional uses.

As part of the re-evaluation, the village should seek to identify uses that could be converted from conditional uses to permitted uses, with appropriate use-specific standards that achieve the protections currently imposed through conditional use approval. Conversely, there are likely some conditional uses that should be reclassified as prohibited use types.

USE CATEGORY Use Subcategory (See Chapter 24.08 or Ctrl + click on term for definition)	DISTRICTS															
	RL-15	RL-9	RL-6	R-2	R-4	R-8	CO	C1	C2	M1	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED
RESIDENTIAL																
Household Living																
- Detached House	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	-
- Semi-detached House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-
- Two-unit House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-
- Attached House	-	-	-	-	P	P	-	C	-	-	-	-	-	-	-	-
- Multi-unit Building	-	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-
- Mixed-use Building, Vertical	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Group Living (except as indicated below)																
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	-	C/C
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	-	C/C
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	C/C
PUBLIC & CIVIC																
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/P
Day Care																
- Up to 6 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C
- More than 6 children or adults	-	-	-	-	-	-	C	P	P	C	-	-	C	-	C	C
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Fraternity, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/P
Library/Cultural Exhibit	-	C	C	C	C	C	C	P	P	P	-	-	C	C	C	C
Park/Recreation/Open Space (except as indicated below)																
- Community or Recreation Center	-	C	C	C	C	C	C	P	-	-	-	C	C	C	C	C
- General Recreation Park/Playground	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C
- Golf Course (min. 5,000 yards)	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C
- Swimming Pool	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C
- Tennis Court	C	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C
Religious Assembly	C	C	C	C	C	C	-	C	C	-	-	-	-	-	-	C
Safety Services	C	C	C	C	C	C	C	C	C	C	C	-	-	P	C	C
School	-	C	C	C	C	C	-	C	-	-	-	C	C	-	C	C

Sample Use Table (Wauwatosa, WI)

Abandon the “Cascading” Use Approach

Each zoning district in the current ordinance includes a list of uses permitted by right and by conditional approval. The first item in these lists is usually a reference to uses allowed in another district. In this way, uses “cascade” through the ordinance and accumulate district by district. This approach, although not uncommon in older ordinances, is confusing and unwieldy.

Besides being outdated, the cascading use approach can result in substantive issues by allowing uses in higher intensity districts that are not appropriate in such districts. Conversely, the approach may result in some uses being prohibited or subject to added scrutiny when they might be more appropriately allowed as of right.

A more sensible and modern approach would be to include one or more use tables in the ordinance showing which uses are allowed in which zoning districts. This type of table or matrix format would be easier to use and administer than the narrative “laundry list” approach used in the current ordinance. It would also help ensure that future use-related amendments to the zoning ordinance could be made in a careful, systematic way.

Allow Broader Range of Housing Types

The existing residential zoning districts are primarily differentiated on the basis of allowed building types, lot sizes and density restrictions. The result is a limited range of housing choice. The single-family districts, for example, permit only detached houses on relatively large lots. Minimum lot area requirements in these districts range from approximately one-eighth to one-quarter of an acre.

The two-family districts allow two (attached) dwelling units to be placed on a single lot, while retaining the same minimum lot size requirements as the single-family districts.

The ordinance accommodates townhouses and multi-dwelling buildings only in the RM zoning classifications. These RM districts include regulations that in some cases hinder the provision of higher-density housing. The maximum unit count, maximum density, minimum open space and maximum height restrictions, in particular, work to unnecessarily restrict the ability of developers to provide market rate units that will serve a broad range of incomes, ages and household sizes. This is an issue that may prevent low- to moderate-income employees from finding attractive housing options within the village.

An update to the zoning ordinance would offer an opportunity to identify, evaluate and remove unnecessary barriers to providing real housing options in the village. Such barriers can come in the form of inflexible density and lot size restrictions, excessive off-street parking requirements and other zoning regulations that directly or indirectly affect the cost of housing.

[Existing regulations] work to unnecessarily restrict the ability of developers to provide market rate housing units that will serve a broad range of incomes, ages and household sizes.

The village should consider amending the ordinance to:

- Add one or more smaller lot residential zoning classifications;
- Eliminate minimum dwelling size requirements;
- Allow accessory dwelling units in some or all zoning districts;
- Eliminate or greatly relax existing multi-family density limits and instead focus on building scale and design-based regulations as the chief control on mixed-use and multi-unit residential buildings;
- Address a broader range of senior housing options;
- Rezone high-traffic corridors to accommodate higher density housing.

These recommendations for providing additional housing options via zoning should not be interpreted as a call to include them in all districts, but rather as a recommendation to identify an expanded range of options in some districts or in some areas of the village.

Ease up on Height Restrictions

With the exception of the M-1 and RM-4 districts, building heights throughout the village are limited to between 30 and 40 feet. While these limits are no doubt appropriate in many areas of the village, they may be overly restrictive in other areas—along the expressway and major road corridors for example. Maximum height limits for different character areas of the village should be re-evaluated as part of the ongoing process of updating land use plans and development policies.

District	Maximum Height (feet)
R-100	36
R-75	30
R-60	30
R-50MH	30
R-40E	30
R-100D	30
R-75D	30
R-60D	30
RM-1	30
RM-2	35
RM-3	35
RM-4	60
B-1	30
B-2	40
B-3	40
B-4	40
BP	40
M-1	60
M-E	30

Administration and Procedures

Update Nonconforming “Use” Provisions

The “legal nonconformity” provisions found in Sec. 90-101 of the current ordinance should be updated and revised. Changes should be made to ensure that the nonconformity regulations are in conformance with another key aspect of previously referenced *Act 67*, namely the prohibition on (1) treating abutting nonconforming lots as merged and (2) requiring variances for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure.

The village may also wish to amend the ordinance to:

1. Provide clearer guidance on determining the existence of a legal nonconforming situation (as opposed to a violation);
2. More clearly define the actions that result in a determination that a nonconforming structure has been abandoned; and
3. Allow replacement of nonconforming structures that are damaged or destroyed by acts of God or other incidents beyond the reasonable control of the owner.

Reorganize and Streamline Processes

All development/permit review and approval procedures should be consolidated into a single article of the zoning ordinance. Grouping the various review and approval processes, including required notice and appeal procedures, would make it easier to find information in the document. Also, by using principles of parallel construction (i.e., structuring similar ordinance sections in a sequential, consistent manner), required procedural steps will be clearer and more consistent.

Add a Written Interpretation Procedure

A formal zoning ordinance interpretation procedure should be added to the ordinance. Because no ordinance can anticipate or address every possible circumstance, there should be a procedure in place to request and secure a written interpretation upon request (and payment of fees).

A formal procedure will result in a record of interpretation requests, which will help ensure predictable and consistent application of the regulations. The record of interpretations can also be consulted when preparing periodic ordinance updates. We recommend consideration of a procedure giving the community development director authority to issue formal written interpretations, with any appeals of the director’s decisions going to the zoning board of appeals.

Clarify Thresholds and Procedures for Site Plan Review

The ordinance's existing site plan and design review procedures (Sec. 90-1005 ("Approval of building, site and operational plans") and Sec. 90-1006 ("Architectural control"), respectively, should be scrapped and rewritten to provide much greater clarity regarding what types of building and development activities are subject to review and what the procedures are for such reviews. The criteria, which are now quite vague and sometimes subjective, should also be updated. We recommend consideration of different review processes for different types and scales of activities, ranging from staff-level reviews of relative minor matters to plan commission or even village board approval of major projects.

General Regulations

Right-Size Parking Requirements

The zoning ordinance’s minimum off-street parking requirements are relatively high for many use types, requiring more vehicle parking than many modern ordinances. Excessive off-street parking requirements for nonresidential development can lead to the over-development of parking infrastructure, which can in turn inhibit reuse of older buildings and stymie infill and redevelopment efforts. Excessive residential parking requirements that do not take unit type or size into account can result in an increase in the cost of housing and thereby contribute to a lack of affordability.

Minimum Parking Ratios

Use/Building Type	Existing Village Requirement	“Typical” Modern Requirement
Multi-unit residential	2.0 / dwelling unit	1.0–2.0 / dwelling unit
Retail	6.67 / 1,000 sq. ft. (psf)	2.5–4.0 / 1,000 sq. ft. (gfa)
Restaurants	10 / 1,000 sq. ft. (pfa)	5.0–8.0 / 1,000 sq. ft. (gfa)
Offices	3.33 / 1,000 sq. ft. (pfa)	2.5–3.0 / 1,000 sq. ft. (gfa)

pfa = primary floor area | gfa = gross floor area

Reducing minimum parking requirements can help reduce the amount of hard-surface area on a site, which means less stormwater runoff and decreased flooding risks. Lowering the amount of area that is required to be paved can also reduce urban heat island effect caused by the sun’s heating of large paved areas. Reducing the amount of land area devoted to surface parking lots can also reap community appearance benefits.

The village’s existing minimum parking ratios should be re-evaluated and, where appropriate, existing requirements should be reduced (or even eliminated).

As mentioned above, “right-sized” minimum parking ratios can help to address infill and redevelopment challenges and reduce the cost of development.

Other parking changes that should be considered:

- Requiring (or incentivizing) provision of bicycle parking for some use types;
- Promoting greater use of shared parking and allowing greater flexibility for meeting parking and transportation access demands (e.g., giving credit for abutting on-street parking spaces, nearby public parking spaces, and other amenities that provide transportation/access options for village residents and workers;
- Expressly allowing the use of pervious paving materials and bioretention areas within parking lots;
- Updating parking lot geometrics and design standards, including interior parking lot landscaping and exterior screening and buffers; and
- Addressing parking (and charging stations) for electric vehicles.

Make Sign Regulations Content-Neutral

The village should consider strategic amendments to the existing sign regulations to address legal vulnerabilities related to the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*. The *Gilbert* case clarified the very limited instance when municipalities may impose content-based restrictions on signage.

Update Telecommunications Regulations

The village should update the provisions of Chapter 86 to ensure they comply with relevant provisions of the *Middle Class Tax Relief and Job Creation Act of 2012* ("Spectrum Act") and the U.S. Supreme Court's decision in *T-Mobile South, LLC v. City of Roswell*. Both affect the village's ability to regulate wireless telecommunications facilities, particularly co-location and small cell technologies.

Update Landscaping and Site Design Regulations

The village's current zoning ordinance includes very few landscaping and screening requirements. The new zoning ordinance should include reasonable and more predictable/objective requirements for tree planting and parking lot landscaping. It should also include visual screening requirements for dumpsters and outdoor service areas, particularly those that are visible from residential areas and public rights-of-way .

Any new landscaping provisions should expressly allow the use of landscape areas as bioretention areas for stormwater runoff.

Require Connectivity

"Connectivity" refers to the connectedness of a (complete) street network, providing more ways for motorized and non-motorized travelers to get from point A to point B. Connectivity requirements promote easier and safer accessibility by non-motorized travel and reduce vehicle traffic on major roads by allowing traffic to be dispersed throughout the street network. A street network that is not well connected can limit people's ability to travel in the most direct path, increase travel distances, require larger intersections to move vehicular traffic and add to congestion on major streets.

The existing subdivision regulations do relatively little to support connectivity. To better promote connectivity the regulations should require rather than encourage street extensions to the property perimeter (with exceptions authorized in specific circumstances).

The existing maximum cul-de-sac length standard of 800 feet (Sec. 74-192) is high in an urban or suburban context, where modern practice would be to limit the length of dead-end streets to 400 to 600 feet, depending on lot size. The current maximum block length standard of 1,500 feet may be reasonable for rural or large-lot suburban contexts, but is very high for more urban settings. The village should consider revising existing regulations to better promote connectivity. These updated requirements should include sliding scale block length, block

perimeter and dead-end street length standards and reasonable requirements for street connections and temporary street stubs. Finally, the regulations should be amended to provide greater certainty regarding developer obligations to address supplemental non-motorized transportation and emergency vehicle access connections when variances are granted to allow longer blocks or cul-de-sacs.

Clarify Sidewalk Requirements

It is difficult to determine what the village's requirements are for the installation of sidewalks as part of new development and redevelopment activities. These requirements should be more clearly identified in village ordinances.

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Code Update Approaches

As the village considers moving forward with code amendments that would address some or all of the issues identified in this report, there are two primary options to consider:

1. Strategic, issue-specific amendments, or
2. A comprehensive overhaul of the zoning and development regulations.

Although a comprehensive overhaul would seem to be in order, the 18- to 21-month schedule typical for such an effort means that the village would lack needed tools to address growth and development associated with construction and start-up of the Foxconn facility. Consequently, we recommend that the village continue its efforts to address significant vulnerabilities and high-priority changes through strategic amendments to existing regulations, while also working to carry-out a more comprehensive update of the existing regulations.

Strategic Amendments

The village is already at work on strategic amendments to the existing code, and this work should continue. The focus of these amendments should continue to be on the highest-priority changes, such as those addressing inconsistencies with state and federal law (e.g., conditional uses and sign regulations, as identified on [page 11](#) and [page 18](#)).

Other issues that should be considered high-priority changes include the addition of new housing types and options (see [page 13](#)) and an update of design regulations and site plan review procedures ([page 18](#) and [page 16](#)).

Other issues raised in this report will be more difficult to address as piecemeal amendments to the existing code. For that reason, an effort to prepare an overall modernization and update of the entire code should be initiated in the near future and run concurrently with efforts to “plug existing holes.”

Comprehensive Code Update

This section outlines a typical consultant-led process for a comprehensive code update. This basic template can be modified in several ways to address local considerations and resources.

Task 1: Mobilization and Reconnaissance

- Conduct/continue review of comprehensive plan, zoning ordinance, subdivision ordinance and other relevant documents.
- Meet with staff to discuss the project scope, work plan, schedule and logistics. Continue discussion of substantive issues to be addressed as part of the project.
- Conduct field surveys and other research to gain a better understanding of built patterns and community character.

- Prepare public involvement plan describing proposed approach to engaging stakeholders and the general public in the rewrite project. Provide materials for project website.
- Conduct ordinance user listening sessions to gain insight into local issues and concerns.
- Prepare and submit monthly progress reports to village's project administrator.

Task 2: Code Organization and Format

Determine how to reorganize and reformat the development code to create a more logically organized and sequenced document. Prepare an annotated outline that addresses at least the following issues:

- The general types and number of zones;
- Proposed overlay and special purpose zones
- The overall organization and numbering system
- Style of graphic illustrations, tables and charts;
- Page layout; and
- Identify approach to dealing with substantive issues, as identified in this report and as further brought to light in Task 1.

Task 3: Initial Draft Regulations

- Prepare preliminary (internal) review draft of new development regulations.
- Break overall document into smaller functionally related "modules" for easier review.
- Include changes and new provisions identified in Task 1, as well as general editing and technical changes.
- Identify substantive amendments to existing regulations through footnotes, editor's notes and conventional legislative formatting techniques.
- Prepare preliminary (internal) review draft of revised zoning map, as necessary to reflect any proposed changes.
- Following delivery of each module, attend meetings with staff technical team and project advisory group to discuss drafts and receive feedback.

Task 4: Public Review Draft Regulations

- Prepare public review draft of the new code that consolidates the modules prepared in Task 3 and reflects the comments and direction received from the staff technical team and project advisory group during Task 3.
- Prepare public review draft of revised zoning map and accompanying data and analysis, reflecting the comments and direction received from the staff technical team and project advisory group during Task 3.
- Conduct multiple public review workshops, open houses, focused (small

group) review sessions or other activities to present the draft code (and zoning map) and solicit comments and recommendations for further changes and refinements.

Task 5: Hearing Draft Regulations

- Prepare public hearing draft of the new zoning and development code and solicit comments and recommendations for further changes and refinements.
- Prepare public hearing draft of revised zoning map.

Task 6: Adoption Process

- Attend work sessions and public hearings and assist with final adoption of new regulations and zoning map.
- Prepare and deliver final versions of zoning and development code and zoning map incorporating any changes directed during adoption process.
- Provide documents in paper copy and digital format, including Internet-ready, hyper-linked version of new code.

Code Update Timeline (Typical)

A comprehensive code update project can typically be completed in 18 to 21 months. The following timeline illustrates that the bulk of the actual code preparation work occurs in the first 12 to 15 months, with the remainder of the schedule devoted to the public hearing and adoption process.

