



Citizen Planner Training

City of Naperville

November 5, 2018

Participating Agencies



Bob Sullivan, FAICP Carrie Davis, AICP

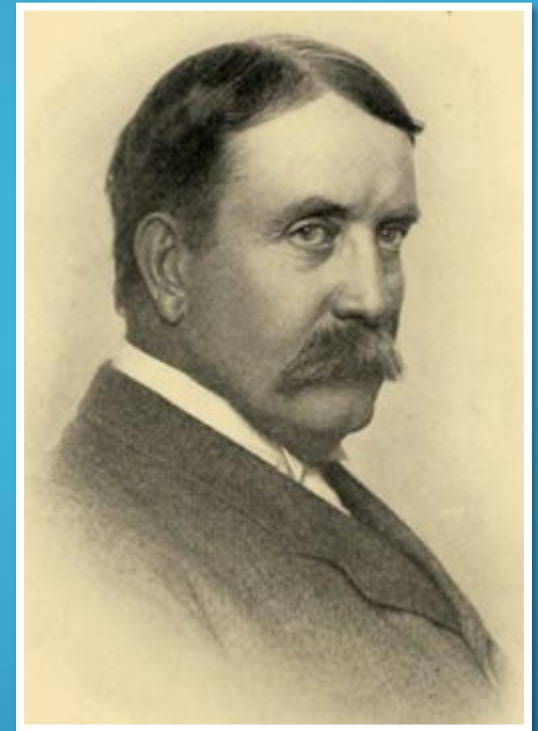
Agenda

- Welcome and Introductions
- Planning + Development 101
- Tools of the Trade
- Roles of Others in the Process
- Responsibilities of members of the PZC
- Tricks of the Trade

Make No Little Plans

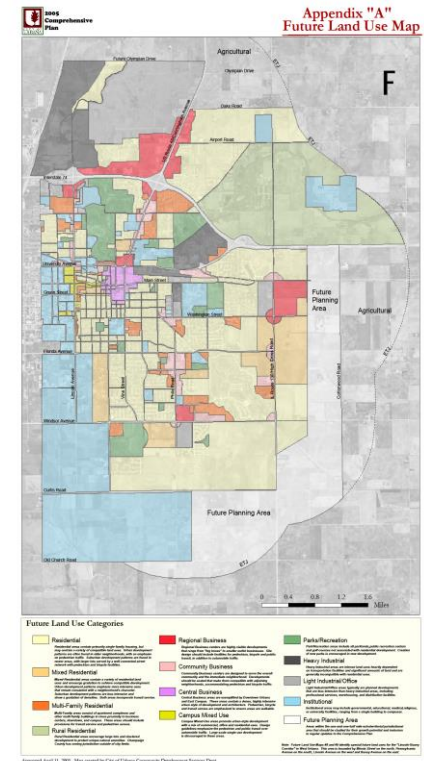
Make no little plans; they have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work.

○ Daniel Burnham



Comprehensive Plan

- The community's vision for its future
- Authority established by:
 - Municipal Code
 - Illinois Constitution
- Plan - *general future* policy
- Zoning - *specific current* regulation



Comprehensive Plan

- Typical topics:
 - Land Use
 - Transportation
 - Environment
 - Public Facilities, private utilities
 - Housing
 - Economic Development
 - Historic Preservation, urban design
 - Sustainability



Public Participation in the Plan

- Educates and informs the public
- Public ownership of the plan supports implementation



Plan Implementation

- Policy: economic, environmental well being of City
- Financial: TIF district, renewable energy grants
- Regulations: stormwater management, sign code
- Procedures: CIP, design guidelines
- Improvements: transit, pedestrian trails, bike routes
- Review and revise plan when needed



Working with the Public

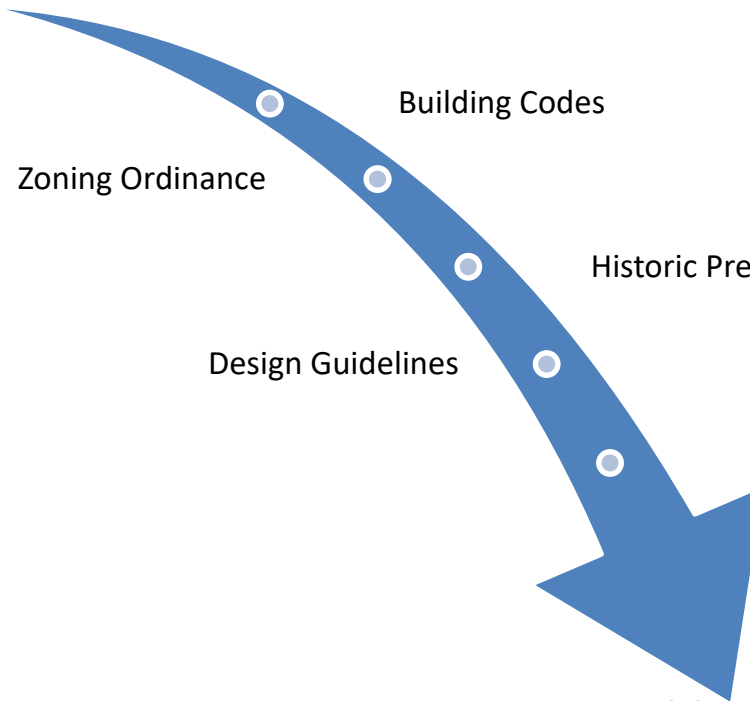
- Encourage applicant to meet informally with neighborhood
- Use additional means to publicize meeting
 - City website, consider use of social media
 - Posting in public gathering places (library, train station, park building)
- Provide copies of material for public
 - Before meeting (website, at City Hall)
 - At meeting
- Public hearings
 - Create atmosphere that welcomes public participation
 - Arrange agenda so simple, non-controversial cases are first

Working with the Public

- Schedule meeting at convenient time for public
- Hold meeting in accessible location, with enough seats
- Provide microphones so all can hear
- Use large screens so all can see
- Ensure temperature in room can be adjusted if needed

Foundations of Zoning and Development Regulations

Public health, safety and
welfare: light and air



Zoning Ordinance

Building Codes

Design Guidelines

Historic Preservation

Regulations about
signs, noise, lights,
landscaping,
stormwater

Sustainability Requirements

Regulating Development

- Police Power – health, safety, welfare
- Community character & economic development
- Clear structure
- Objective codes applied consistently
- Predictable, fair, timely process



Regulating Development

- Regulatory Tools
 - Building Code
 - Sign Code
 - Subdivision Ordinance
 - Tree Preservation
 - Zoning Ordinance
- Advisory Tools
 - Comprehensive Plan
 - Citywide Building Design Guidelines
 - Downtown 2030
 - Downtown Design Standards, Streetscape Standards
 - Environmental Sustainability Plan
 - Historic Building Design Manual
 - Stormwater Management Plan
 - Toolkit for Successful Redevelopment



Your Community's Regulations

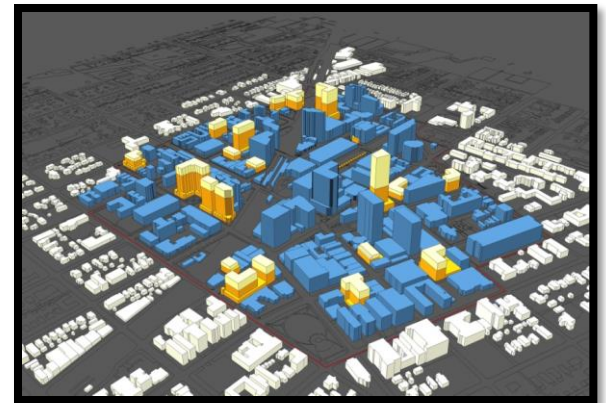
- Each community is different
- No right answer
- Legal limitations



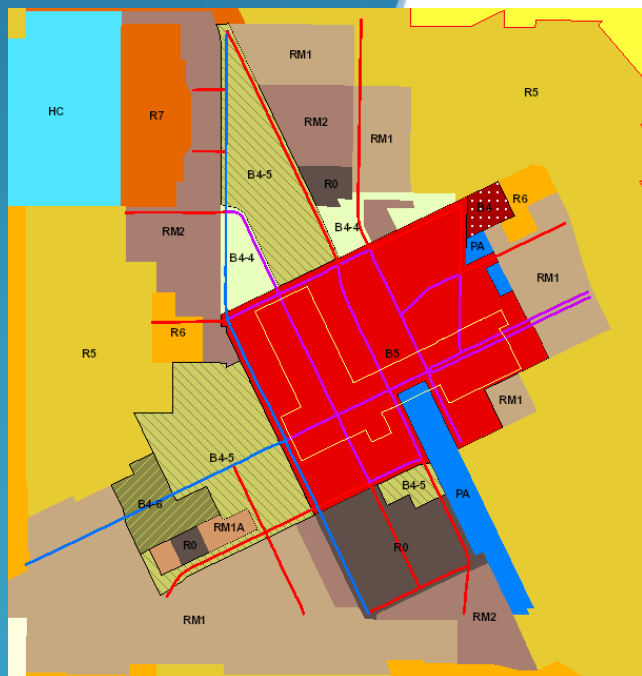
Questions & Discussion

Zoning Ordinance

- Protect residents from others' actions, not intended to limit owner's use
- State statutes *authorize* local governments to zone; case law *limits* how zoning is used
- Tool to implement Plan – regulates:
 - Use of land
 - Amount of open space on lot
 - Land coverage on lot
 - Setbacks of buildings
 - Bulk of buildings



Zoning Districts



- Estate
- Single Family
- Multiple Family
- Mobile Home Park
- Agriculture
- Shopping
- Commercial
- Downtown Core
- Office and institutional
- Business Park
- Transitional Use
- College/University
- Health services
- Planned Business Center
- Office
- Research and Development
- Industrial

Keeping the Zoning Ordinance Current



- Text Amendment
- Map Amendment (rezoning)
- Often revise parts of zoning text and the map after new Comp Plan adopted

Types of Zoning Approval



- Permitted Uses (no hearing)
- Variance
- Conditional Use
- Planned Unit Development

Conditions

- Must be rational nexus to proposal
- Listed in approving ordinance

Planned Unit Development (PUD)

- Benefits to developer
 - Permits flexibility in design
 - Allows construction to be phased
 - Includes variances, if in public interest
- Benefits to the City
 - Access to valued amenities
 - Provide open space, recreational areas
 - Preserve natural features, environmental resources
- Procedure
 - Pre-application meeting with staff
 - Preliminary plat – hearing with PZC
 - Action on plat by City Council
 - Final plat reviewed by staff or by PZC
 - City Council approves or denies final plat

Planned Unit Development

Items Reviewed by PZC

- Density, bulk, uses
- Architectural design, parking
- Lighting, signs
- Landscaping, open space
- Utilities, drainage
- Streets, sidewalks, street lights
- Consistency with Comprehensive Plan
- Benefits provided to the City



Annexation

- Two goals:
 - Expand a municipality's boundaries (extend services, community growth)
 - Address potential impacts of adjacent properties outside of municipal boundaries
 - Zoning and development of properties within 1.5 miles of existing municipal boundary and not within another municipality
- Key impact: annexed property under zoning control of annexing municipality
- Process may be voluntarily initiated by property owner(s); municipality can negotiate terms in annexation agreement
- Municipality can require annexation as condition for providing utilities
- Forcible annexation authorized in state law
 - Requirements: less than 60 acres, surrounded by municipalities (generally)

Annexation Considerations

- Evaluate both revenues and expenses from area to be annexed
 - Suburban or rural area?
 - Commercial or residential?
- Consider whether a community of interest exists with area to be annexed
 - How will it contribute to existing municipality?
 - What connections exist: schools, civic groups, etc.?

Subdivision Regulations

- Regulates land division into lots for sale, lease or transfer
- Process to confirm plat meets ordinance standards
- Procedure to create and record subdivisions
- Operates with zoning and building codes, other regulations
- Controls lot location, boundaries, size, shape
- Requirements for access, safety and health
- Affects the look and function of a community

Subdivision Regulations

- Public Improvement Standards
 - Roads
 - Street lighting
 - Sidewalks
 - Bike paths
 - Utilities
 - Drainage
 - Land dedication for schools and parks
 - Performance guarantees



Building Code and Sign Code

- Building code addressed by staff
- Signs reviewed by staff or PZC (time, place, manner)
- Sign content and the Constitution
- Signs necessary for commerce
- Signs contribute to community character and visual appeal



Questions & Discussion



Other Jurisdictions

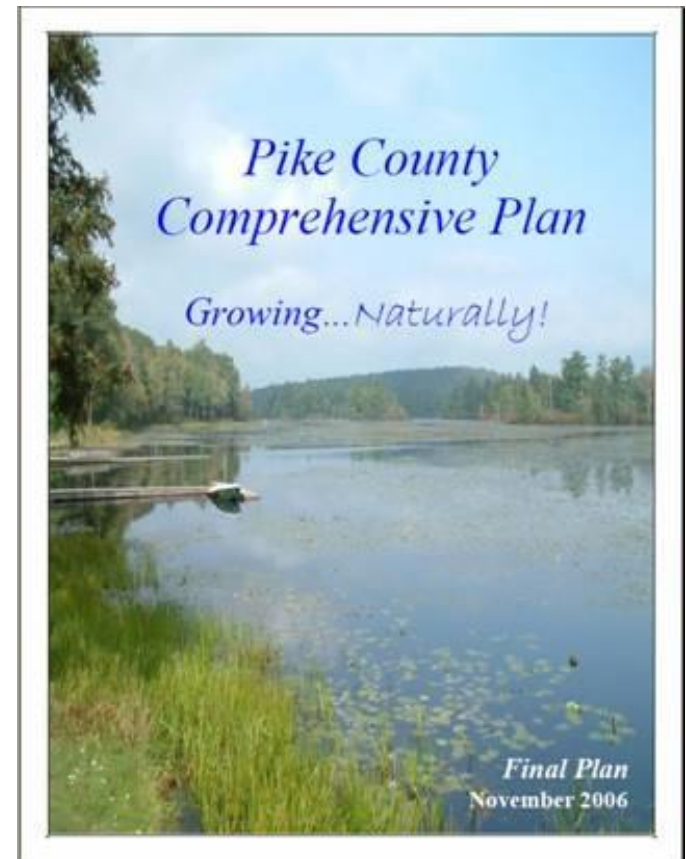
- School Districts: 203, 204
- Naperville Park District, Naperville Public Library
- Adjoining municipalities
- Townships: Naperville, Lisle, Winfield, Milton, DuPage, Wheatland
- DuPage and Will Counties and Forest Preserve Districts
- State Agencies: IDOT, IEPA, DCEO
- Federal Agencies: FHWA, FEMA, EPA

Other Boards and Commissions

- Downtown Advisory Commission
- Historic Preservation Commission
- Riverwalk Commission
- Transportation Advisory Board

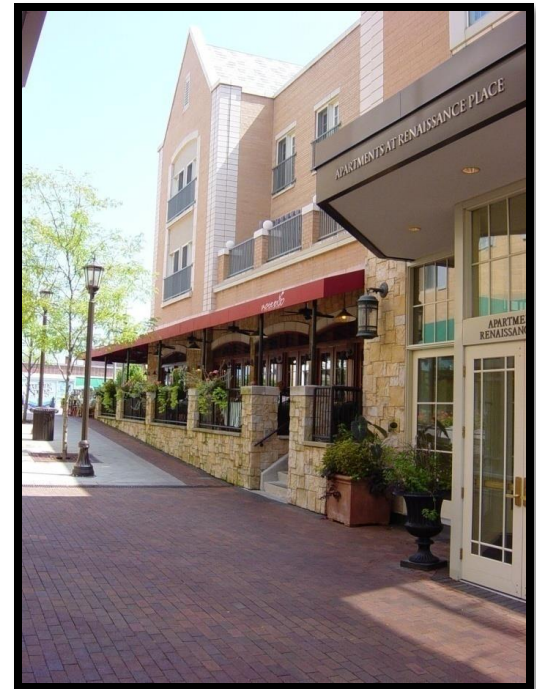
Role of Planning and Zoning Commission

- Prepare plans for future of community
- Preserve property values
- Focus on community vision and character
- Keep informed on local issues via City newsletter, local media
- Current tools and techniques: APA publications, training, state conference
- Visit developments after occupancy



Role of Elected Officials

- Non-land use responsibilities
- Final authority on many land use matters
- Policy direction to PZC
- Appoint PZC members



Working with the Elected Officials

- Clarify reasons for decision differing from commission decision
- Dialogue about common vision for community
- Consider if comp plan needs updating
- Recommend any needed zoning amendments
- Provide insight from cases about current issues in community
- Suggest solutions for potential future problems

Role of the Planner

- Educates citizens about purpose and process of planning
- Guides applicant and public regarding codes and hearings
- Fair and consistent with both supporters and objectors
- *Explains* the request; applicant *advocates* for request

Working with the Planner

- Review several past cases to ensure process fair to all
- Suggest changes to hearing procedure when needed
- Hold workshop for training on technical issues
- Suggest informal meeting with related City committees

Staff Report

- Facts of case
- Background data
- Comprehensive Plan objectives
- Zoning requirements
- Standards of review
- Recommendation from staff
- Provide commission adequate time to read it



Roles of Other Key Actors

- City Attorney
 - Provides guidance on hearing procedure
 - Might or might not attend hearing
 - Clarifies zoning provisions for Commission
- Public
 - Listen
 - Ask questions, provide testimony
 - Be courteous to all

Developer's Role

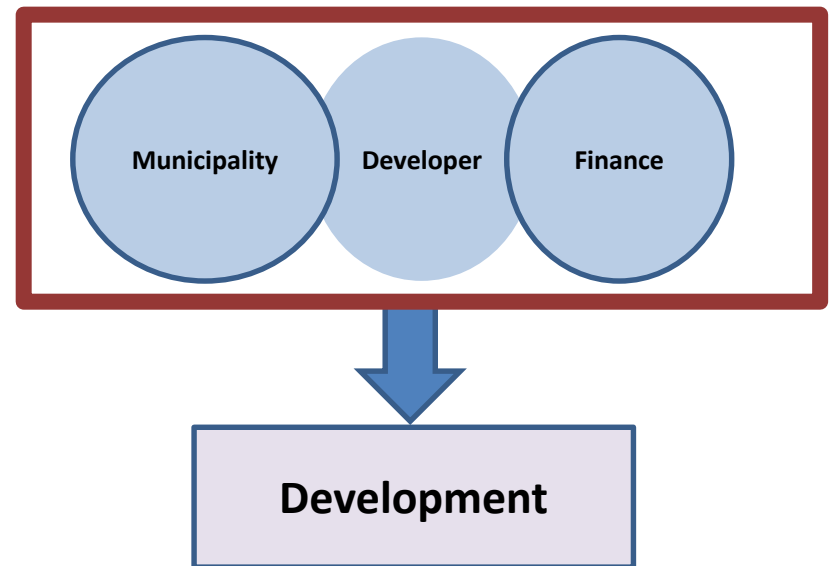
- Help to implement (build) the community's plan.
- Focus on certain types of development forms (a developer is not always in a position to provide all land uses).
- Provide the municipality complete, current, accurate information about the project (especially if seeking local funds or zoning relief).
- Work with the municipality to answer questions and resolve conflicts throughout the development process.
- Conform to requirements of approval.



Developer's Perspective

- Can spend “6 figures” to be told no.
- Must meet the bottom line - there can be no vision nor any development without profit.
- Need to talk to the municipality early to understand the process - not all do.
- Towns have lots of rules, which change from town to town.
- Not all towns can explain the rules they have or why they have them.
- Financing is an essential element of the process – just as important as zoning approval.

Development Stakeholders



Questions & Discussion

Responsibilities of members of Planning and Zoning Commission

Be prepared

- Understand Comp Plan and Zoning Ordinance
- Read packet
- Visit site
- Understand proposal
- Contact staff with questions (before hearing if possible)

Play active part

- Attend; alert staff if will be absent
- Arrive on time
- Listen to staff, applicant, public, other commissioners
- Ask questions
- Consider project's relation to Plan

Responsibilities of members of Planning and Zoning Commission

- Hearing Procedures
 - Generally follow Robert's Rules to give structure to hearing
 - Avoid esoteric details of parliamentary procedure
 - Consider conditions to mitigate impacts raised by public
 - Avoid debates-ask public questions but make comments later
 - Obtain all information needed to make decision
 - Continue hearing if necessary to obtain information

Responsibilities of members of Planning and Zoning Commission

- Professionally perform duties
 - Be consistent, fair and impartial
 - Make all comments on the record
 - Not necessary to repeat comments by other commissioners
 - Avoid jargon - use terms understandable to public
 - Be patient, courteous and respectful
 - Remain calm; model appropriate behavior for all

Responsibilities of members of Planning and Zoning Commission

- Vote based on standards
 - Explain how vote relates to standards of review
 - Give appropriate weight to staff recommendations (if any)
 - Recognize audience may not represent all views in City
 - Discuss with the other members only during the hearing
 - Keep an open mind
 - Do not exceed authority granted by Code or Statute

Items not subject to review by PZC

Some items reviewed by staff

- Building code issues
- Property maintenance issues
- Private security (Police)

Some items reviewed by elected officials

- Financing (TIF Districts, incentives)

Some items not reviewed by City

- Interior design
- Internal business operations
- Rents, sale prices and unit mix
- Business competition (free market)

Responsibilities of the Chair

- Efficient, effective meeting
 - Quality decisions by Commission depend on strong leadership by Chair
 - Ensures all interested parties have input
 - Focuses discussion on the topic
 - Expedites action
 - Votes



Taking Testimony

- Fair hearing so all views heard
 - Ensure that all have the right to speak
 - Weigh relevance of testimony to standards of review
 - Consider all the testimony in voting
 - Number of people for or against the application is not criteria for decision



Typical Hearing Procedure

- Chair states nature of the case
- Chair explains decision is based on standards of review
- Chair describes rules: no clapping, cheering, booing, bullying
- Staff presents their report
- Petitioner presents proposal
- Public asks questions and provides testimony

Typical Hearing Procedure

- Chair can reframe any question so relevant to discussion
- Commission members ask questions
- Commission members deliberate about the case
- Chair briefly restates nature of matter
- Commission members vote, based on standards
- Recommend closing hearing *after* vote, not before

Ex Parte Contacts

- Contact between Commissioners and others (applicant, members of public) outside public hearings
- Includes in person contact, phone calls, written materials provided by applicant or interested party
- Avoid it as could invalidate ultimate determination
- Suggest the interested party attend the hearing or send comments to staff
- At the site: avoid contact with public if at all possible
- Must disclose any ex parte contact at the hearing

Questions & Discussion

Findings of Fact

- Basis to ensure fair decisions
- Consistency with the Plan
- Evidence must show standards are met
- Refer to standards when voting

Setting a precedent

- Proposal considered on its merits
- Record clear reason for decision



Findings of Fact

The “LaSalle Factors”

- Illinois Supreme Court case: La Salle National Bank of Chicago v Cook County (1957)
- Zoning is constitutional
- Zoning cannot be arbitrary, capricious
- Health, morals, safety, or general welfare of the public



Findings of Fact

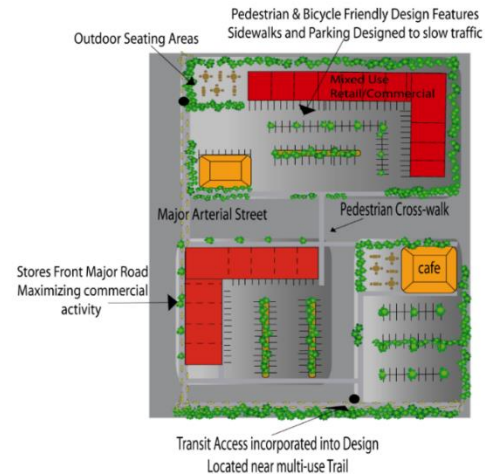
The “LaSalle Factors”

- Existing uses and zoning of nearby property
- Suitability of property for zoned purpose
- Length of time property has been vacant
- Extent property values diminished
- Decrease in owner’s property values promotes public health, safety and welfare
- Gain to public versus hardship to owner



Conditional Uses

- Uses with unique characteristics
- Cannot be properly classified in any particular districts
- Consider the impact of the use upon adjacent land
- Consider the public need for the particular use in the particular location.



Conditional Use Standards

Any recommendation by the Planning and Zoning Commission shall be predicated on evidence and findings that:

- The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.
- The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

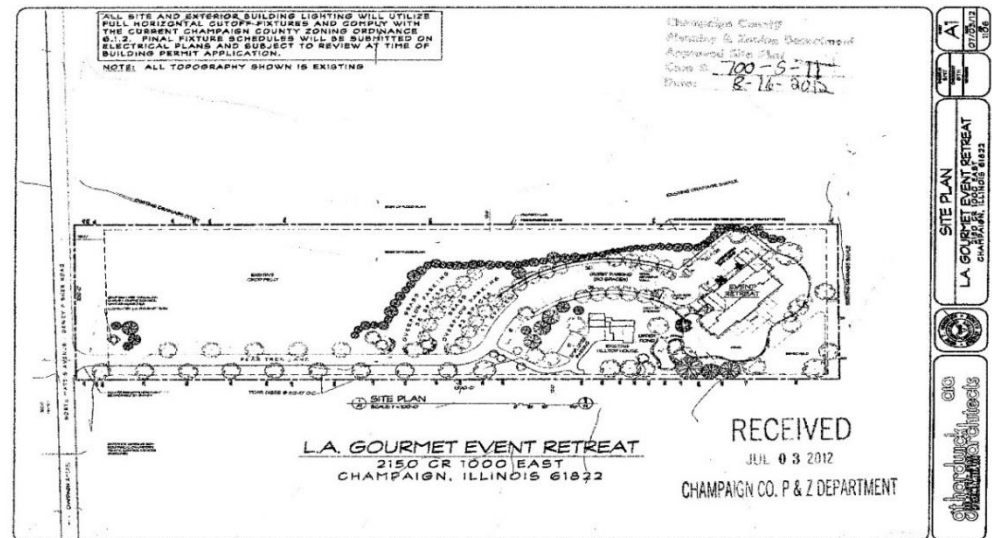
Conditional Use Standards

Any recommendation by the Planning and Zoning Commission shall be predicated on evidence and findings that:

- The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.
- The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

Variances

- Conditions peculiar to the property
- Literal enforcement of the regulations would result in unnecessary and undue hardship
- Use Variance prohibited



Variance Standards

- Any recommendation by the Planning and Zoning Commission shall be predicated on evidence and finding that:
- The variance is in harmony with the general purpose and intent of the zoning ordinance and the adopted comprehensive master plan
- Strict enforcement would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district
- The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Questions & Discussion

Ethics

- Intent: serve public interest without opportunity for personal gain
- State Statute 5ILCS 430/1-1 et seq.
- Applies to elected and appointed officers and employees
- Limits specified gifts and certain political activities
- Municipal Code Title 1, Chapter 13 (file disclosure form, abstain)
- For questions, check with staff or City Attorney

Ethics

APA Ethical Principles in Planning

- Continuously and faithfully serve the public interest
- Recognize the rights of citizens to participate in planning decisions
- Give citizens full, clear and accurate information on planning issues
- Clarify community goals, objectives and policies
- Pay attention to the long range consequences of present actions
- Strive to achieve high standards of integrity and proficiency
- Exercise fair, honest and independent judgement in their role
- Only participate in a matter when adequately prepared
- Judgment requires conscientious balancing based on facts of the situation

Conflicts of Interest

Examples:

- Have a business or financial relationship with an applicant as a client or customer
- Have a financial interest in the property or business partner with applicant or own the property

Appearance of Impropriety

- No conflict of interest exists but it may impair ability to exercise independent judgment
- A relationship between applicant and Commissioner such that a reasonable person may believe a conflict exists

Conflicts – recuse or disclose

- Recuse when an actual conflict of interest exists, complete city disclosure form, do not participate in the hearing and leave the room
- Disclose on the record the relationship when there may be an appearance of impropriety

When is it not a conflict of interest?

- Voting on general laws which affect all citizens
- Request from organization in which you are a member
- Commissioner related by blood or marriage to applicant, but has no financial connection

Reasons for Open Meetings Act

- Public access to information
- Understand decision making process
- Strengthen transparency
- Hold government accountable



Open Meetings Act

- Gathering of a majority of quorum to discuss public business
 - Meetings
 - Phone calls
 - Audio conferences
 - Video conferences
 - Email
 - Instant messaging



Open Meetings Act

All commission meetings are public meetings

- When commission hears testimony on a specific case, it is a public *hearing*
- When commission meeting is informal workshop, it is a public *meeting*



Resources



- Staff, local library
- APA website, magazine, books, podcasts
- APA state and national conferences and webinars
- APA's The Commissioner newsletter
- Mainstream media and newspapers
- Planning Commissioner's Journal (plannersweb.com)

Resources

- American Planning Association
 - www.planning.org
 - www.ilapa.org
- Websites & Listserves
 - www.planetizen.com
 - www.plannersnetwork.org
- Other Organizations
 - <https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/pages/default.aspx>
 - www.strongtowns.org
 - www.landmarks.org
 - www.preservation.org
 - <http://petepointnerplanning.blogspot.com/>

Questions & Discussion



Thank you for attending and
for serving your community

■ Bob Sullivan, FAICP ■ Carrie Davis, AICP