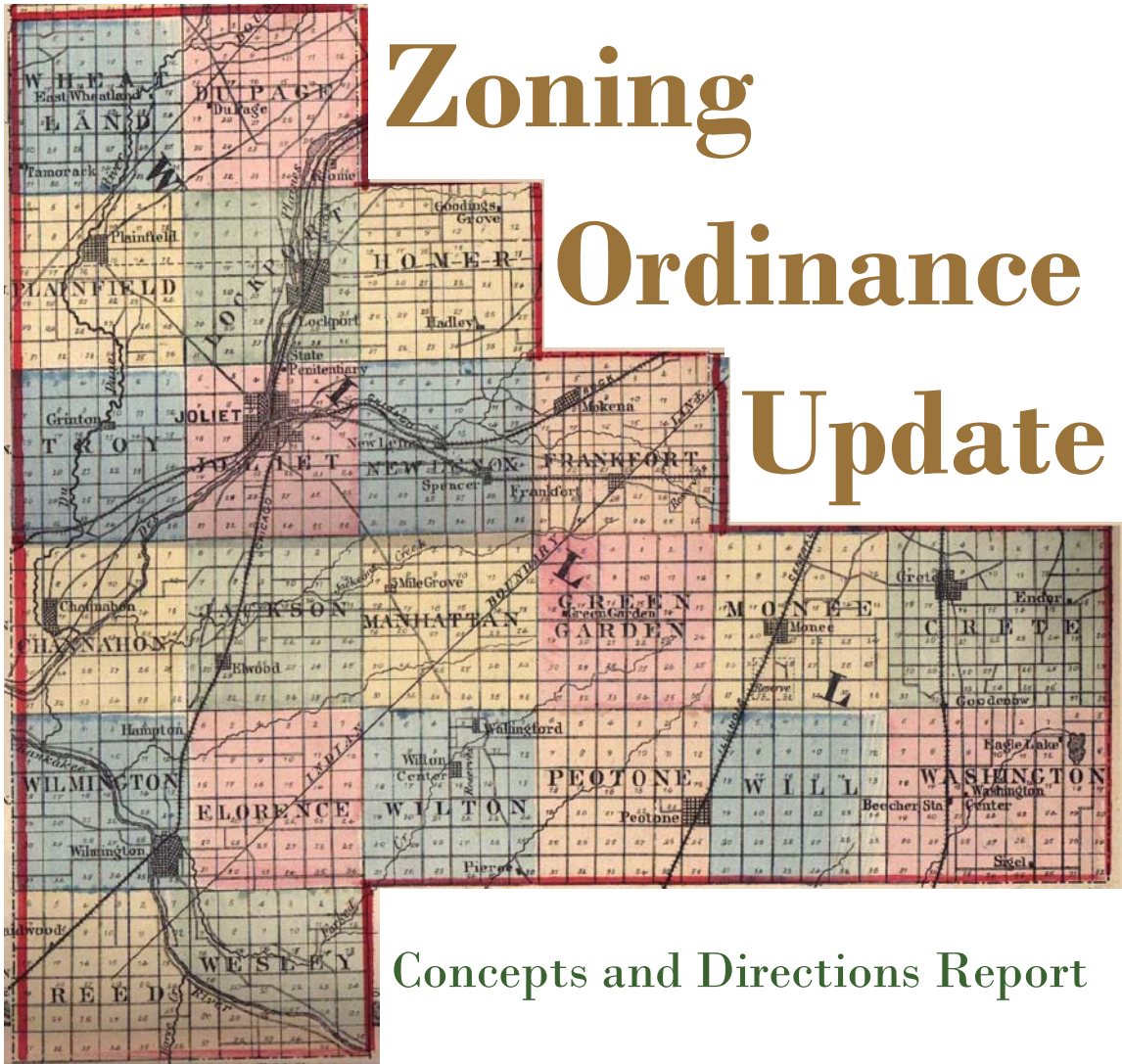


# Will County

## Zoning

## Ordinance

## Update



### Concepts and Directions Report

Draft: 05.12.2011

**duncan** | associates

 **Primera**

**LAKOTA**  
THE LAKOTA GROUP, INC.

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## INTRODUCTION

### The Project

Will County has embarked on a project that may lead to a comprehensive update of the zoning ordinance, strategic amendments to the building ordinance and modification of the methods used to administer both ordinances. Both the zoning and building ordinance initiatives are intended to help implement the draft *Will County Long Term Energy Efficiency and Conservation Plan* by promoting energy efficiency and sustainable development practices. The zoning ordinance update also has the broader focus of helping to ensure that the county's land use regulations promote attainment of the Will County *Land Resource Management Plan's* objectives and consistency with the Chicago Metropolitan Agency for Planning's *Go To 2040* regional plan.

### This Report<sup>1</sup>

This report focuses on the zoning ordinance portion of the overall project. It is intended to form the conceptual framework for the new ordinance. It sets forth a series of “big ideas” for new approaches to several zoning related issues, as well as observations about technical issues related to the substance, format and organization of the ordinance. The concepts presented in the report represent the consultant team's recommended road map for preparing the new zoning ordinance.

### Basis of Recommendations

The recommendations and observations included in this report are based on:

- staff and consultant analysis of the county's existing zoning regulations;
- analysis of (Will County and other) plans and policy documents related to land development issues;
- informal field surveys of development patterns that exist throughout the county;
- comments and input from key stakeholder groups; and
- our team's knowledge of zoning and development regulations practices in other jurisdictions.

### The Need for Change

The county's current zoning ordinance was adopted July 20, 1978. Although it has been the subject of frequent amendments over the years—nearly 50 in just the past decade—the current ordinance still retains many elements of its 1970s framework. As a consequence, many of Will County's existing zoning regulations have their origins in times that were far different than today.

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<sup>1</sup> Possible revisions to the Will County's building ordinance are addressed in a separate companion report.

## Introduction

Since the time of adoption in 1978, ordinance revisions have primarily involved minor or strategic changes with a single-issue focus. This piecemeal approach to amendments over the course of more than three decades has contributed to an occasionally awkward organizational structure and a document that is sometimes difficult for professionals and the public alike to interpret and use.

The decision to overhaul the existing zoning ordinance stems from county leaders' recognition that the existing ordinance has not always kept pace with modern development trends or emerging best practices. The ordinance update will serve to reinforce the county's leadership role in promoting livability and sustainability for existing and future residents and provide an opportunity to:

- reinforce relevant goals and policies of the county's *Land Resources Management Plan* and the *Go To 2040* regional plan;
- prepare new and amended zoning provisions as necessary to ensure consistency with emerging county policies related to land use, development and sustainability;
- identify and eliminate inconsistencies and redundancies among existing county regulations and procedures;
- better integrate and reference other development and sustainability-related regulations;
- ensure that the zoning ordinance is consistent with state and federal law; and
- prepare development regulations (substantive standards and procedures) that are illustrated and as easy to use, administer and enforce as possible.

### County Zoning through the Years

*Will County's first zoning ordinance was adopted in 1947. That 28-page, pocket-sized document contained eight basic zoning categories: two residential (R) districts, two business (B) districts, two industrial (I) districts, one farming (F) district and one "unrestricted" (U) district. By the early 1950s, the ordinance had been expanded to include three residential districts and four business districts.*

*The 1960 zoning ordinance was 38 pages in length, with four residential districts, five business districts, three industrial districts, one farming district and one unrestricted district. By 1974, the zoning ordinance had nearly doubled its original length and had exactly doubled the number of available zoning classifications (five R districts, five B districts, four I districts, one F district and one U district).*

*Today's ordinance is 270 pages long with 20 zoning classifications.*

### Key Recommendations

*Throughout this report, the symbol "☞" in the left hand column identifies a key recommendation for the zoning ordinance update.*



## LAND RESOURCE MANAGEMENT PLAN

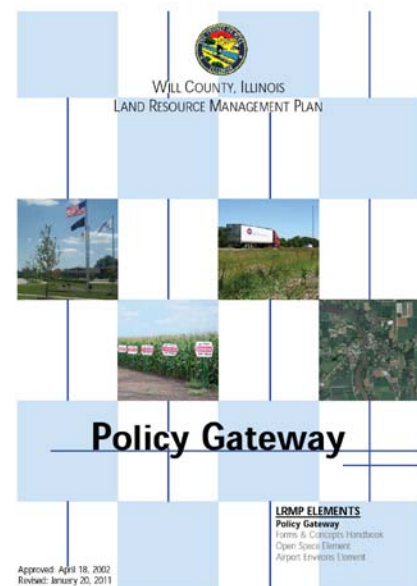
In April of 2002, the Will County Board approved a new *Land Resource Management Plan* (LRMP), which was the culmination of an intensive citizen-driven visioning and planning process. The plan established a recommended framework for managing growth throughout unincorporated and incorporated areas of the county and articulates an area-wide planning vision for knitting together parts of the county with widely varying character. The county's recognition that planning challenges transcend local government boundaries and its leadership in addressing inter-jurisdictional planning issues was groundbreaking. The Metropolitan Planning Council awarded the plan the 2002 *Burnham Award* for excellence in planning.

The County Board adopted an update to the LRMP in January of 2011. The update included many technical amendments, several enhancements and an entirely new section addressing the area around the proposed South Suburban Airport.

The updated [plan document](#) is composed of four main elements:

- **Policy Gateway**, which contains guiding principles, goals, and strategies, an assessment of current conditions (including references to the Transportation Plan and the Historic Preservation Plan), and an implementation plan;
- The **Forms & Concepts Handbook**, which will be used to guide appropriate future development;
- **Open Space Element**, which lays out concepts for the provision of a county-wide open space network; and
- The new **Airport Environs Element**, which establishes basic land use and design criteria to be employed if the proposed South Suburban Airport comes to fruition.

The *Land Resource Management Plan* provides guidelines for reviewing development proposals and serves as an important policy foundation for the zoning ordinance update.



**The *Land Resource Management Plan*... serves as an important policy foundation for the zoning ordinance update.**

**Land Resource Management Plan**

It is important that the new ordinance include zoning tools and options that are consistent with the plan and that can be used to help realize the plan’s vision.

**Goals and Strategies**

The *Land Resource Management Plan* establishes goal and strategy statements for six key planning themes. According to the plan, these goals and strategies represent the core planning policies of the county. They also provide key benchmarks against which current and future zoning regulations can be measured.

**Growth and Community Character**

The vision behind the “growth and community character” planning theme is to accommodate growth and development, but to manage it to improve its quality and mitigate any negative impacts from such growth. The seven goal statements are a continuation of the healthy, high-quality growth theme.

There are nine strategies proposed as a means of advancing the “growth and community character” vision and goals. Three of the strategies—2, 4 and 8—are directly or indirectly relevant to the zoning ordinance update.

- 2. *Urban growth and development will be directed into areas within or in proximity to existing infrastructure-serviced areas. Urban growth and development is defined as development with less than 2.5 acres of land per dwelling unit in the overall development.*



The zoning ordinance should recognize and reinforce the plan’s policy of clearly distinguishing between urban and non-urban development. Possible means of doing so include locational criteria for zoning districts, as well as including at least some regulations and standards that vary among areas of the county with differing character or form.

- 4. *The County will encourage a diverse economic base, with environmentally responsible office and industrial growth directed onto land that is suitable for such uses. The County will also encourage mixed-use development and transit oriented development.*



The updated zoning ordinance should include tools to accommodate and promote walkable, mixed-use and transit-oriented development in appropriate areas of the county.

- 8. *The County will revise its land use regulations to require higher quality commercial and residential standards related to site design, landscaping, signage, vehicular and pedestrian circulation, storm water management, open space preservation, lighting, and historic preservation, and other issues associated with development quality. The County will also encourage municipalities to establish high quality development standards. The U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) for Neighborhood Development and the Sustainable Sites Initiative by the American Society of Land-*

**Land Resource Management Plan**

*scape Architects, the Lady Bird Johnson Wildflower Center and the United States Botanic Garden are examples to draw from.*



Growth and community character strategy #8 addresses several major objectives that need to be addressed in the zoning ordinance update. The following ideas are among the ways in which this strategy is expected to be implemented in the ordinance update:

- New landscaping provisions
- New provisions addressing and ensuring consistency with county stormwater management policies
- Updated on-premise sign regulations that encourage higher quality sign designs (See also strategy 7 under “economy” theme, below.)
- Formal site plan review process for developments not otherwise subject to plan reviews
- New provisions geared toward avoiding nuisance lighting and glare
- Greater attention to the needs of pedestrians and cyclists

**Intergovernmental Cooperation**

The vision statement for this plan theme expressly recognizes that site-specific land use and development decisions will continue to be made by local communities.

3. *Will County will focus efforts on insuring the highest quality rural development as is possible, including the use of conservation subdivisions (see Open Space Goals).*



The Will County Board adopted an amendment to the subdivision ordinance in June 2009 allowing conservation design subdivisions as of right in E-1, E-2, R-1, R-2, R-2A, R-3 and R-4 zoning districts. The adoption of the conservation design option marked an important milestone in implementing one of the key policy recommendations of the LRMP. The zoning ordinance update offers an opportunity to further communicate the county’s preference for and encouragement of the conservation design subdivision concept, particularly in plan-designated “rural form” areas.

**Open Space and Environmental Preservation**

The “open space and environmental preservation” theme envisions a coordinated, multi-jurisdictional plan for a countywide system of linked open spaces.

2. *The County will develop regulations and procedures to encourage the use of conservation subdivisions in rural areas of the County as a mechanism to supplement publicly owned open space in the County. The County will encourage open spaces in individual developments to be coordinated with, and link to, ad-*



**Land Resource Management Plan**

*adjacent developments and other existing or planned open spaces. (See also “intergovernmental cooperation,” above)*

- 3. The County will develop improved stream protection and setback standards, and will encourage the preservation of stream corridors as part of a county-wide open space network and storm water management system. The County will work with developers to insure public access along open space corridors and to incorporate best development practices to manage storm water runoff.*



Implementation of this goal has been addressed through updates to the *Water Resource Ordinance for Unincorporated Will County*. The Stormwater Management Planning Committee’s *Countywide Stream Maintenance and Inspection Manual* also contains useful information regarding stream protection and restoration. It would not be advisable to establish additional (or contradictory) stream protection and setback standards as part of the zoning ordinance update. It may be possible, however, to build into the ordinance additional flexibility or even regulatory incentives to encourage levels of stream protection greater than the levels now required by other county regulations.

**Farming and Agriculture**

This theme recognizes farming as a valuable sector of the county economy that should be promoted over the long-term, but also recognizes that farmers should have the ability to sell or reuse their property if farming becomes unfeasible in the future.



The following strategy for advancing the “farming and agriculture” vision has direct relevance to the zoning ordinance update:

**Land Resource Management Plan**

4. *The County should recognize the distinction between farmland preservation and the preservation of rural character and open spaces. When farms are converted to residential uses, the County should encourage the use of conservation subdivisions, as discussed in the “Open Space” Goals. As part of this process, standards should be incorporated to preserve rural character. Examples of such standards include the incorporation of the farmstead into the development, the preservation of fence lines and hedge rows, homes set back with minimal visibility from County roads, and the preservation and continued agricultural use of key fields.*



As part of the ordinance update, agricultural and rural residential zoning classifications should be evaluated for opportunities to help implement farmland preservation and rural character preservation objectives. The new ordinance should also recognize the importance of sustainable local food production and expressly allow community gardens and community-supported agriculture as an allowed use in more zoning districts. The county may also wish to consider clarifying—in the zoning ordinance or elsewhere—where and under what conditions chickens and bees may be kept, as a way to be more accommodating of locally sourced food.

**Will County Zoning**

*As shown in the following table, more than three-quarters of the county’s unincorporated land area is zoned A-1. The second most prevalent classification is R-5, at just under 5% of the county.*

District	Acres	Pct.	District	Acres	Pct.
A-1	297,558	75.94%	E-1	1,814	0.46%
A-2	7,201	1.84%	E-2	4,150	1.06%
	<b>304,759</b>	<b>77.77%</b>		<b>5,964</b>	<b>1.52%</b>
C-1	17	0.00%	R-1	3,102	0.79%
C-2	361	0.09%	R-2	6,841	1.75%
C-3	379	0.10%	R-2A	2,253	0.57%
C-4	322	0.08%	R-3	10,458	2.67%
C-5	42	0.01%	R-4	14,270	3.64%
C-6	7,138	1.82%	R-5	19,509	4.98%
	<b>8,259</b>	<b>2.11%</b>	R-6	1,751	0.45%
				<b>58,184</b>	<b>14.85%</b>
I-1	2,654	0.68%			
I-2	1,957	0.50%			
I-3	10,070	2.57%			
	<b>14,681</b>	<b>3.75%</b>			

Source: Will County Land Use Department, 2011

**Land Resource Management Plan**

**Infrastructure**

The “infrastructure” planning theme acknowledges the critical role that infrastructure decisions have in shaping growth and development patterns and vice-versa.

Infrastructure strategy 4 provides important guidance for the zoning ordinance update:

4. *The County will continue efforts to implement the countywide stormwater management ordinance.*



The following ideas are among the ways in which the updated ordinance can help implement county stormwater management objectives:

- Reduced impervious cover through updates to off-street parking ratios and parking area design requirements
- Appropriate cross-references or pointers to county stormwater management requirements, as well as recognized best management practices (BMPs), new landscaping regulations, including allowances for and encouragement of bioretention
- Support for rainwater harvesting/reuse by permitting rain barrels and (above and below-ground) cisterns

**Economy**

The plan articulates a vision for a strong and diverse economy, with Will County capturing at least its proportional share of regional economic growth.

The following strategy from the “economy” theme suggests that greater attention should be paid to the interface between nonresidential development and public open space resources:

6. *In conjunction with the acquisition of public open space, key commercial sites which are not essential to open space acquisition, shall remain poised for development. Concurrently, any commercial property adjacent to dedicated public open space shall be developed in a coherent manner that limits adverse impacts to the public open space.*



The new ordinance could include new regulations to help protect public open spaces from potential adverse impacts through such techniques as outdoor lighting controls and landscape buffers.

7. *Off-premise signage (billboards) serve little purpose and detract from the character of the immediate area. Efforts to prohibit additional off-premise signs and reduce exiting sites should be explored.*



The county is currently reviewing proposed amendments to its billboard regulations, including new provisions for electronic or “dynamic displays.” Once adopted, the new billboard controls will be integrated into the revised zoning ordinance along with the revised on-premise sign regulations (See also “growth and

**Land Resource Management Plan**

community character” strategy 8, above). No additional changes to the billboard regulations are contemplated as part of the zoning ordinance update project.

**Forms and Concepts**

If the plan’s goals and strategies provide a policy foundation for land use and development decisions, then the plan’s “forms” and “concepts” describe the preferred physical character of new development within different—incorporated and unincorporated—areas of the county and the building blocks for achieving that desired character.

**Forms**

The term “form” is used by the *Land Resource Management Plan* as a way to describe physical character or an identifiable pattern of development. The plan identifies nine forms and includes descriptions of the distinguishing features of each. These forms represent a kind of tapestry of place types in Will County. The identified forms are:

- **Rural Area**
- **Kankakee River Corridor**
- **Hamlet**
- **Town**
- **Urban Community**
- **Suburban Community**
- **Interstate Access Location**
- **Former Joliet Army Ammunition Plant Properties (JOAAP)**
- **South Suburban Airport (SSA)**

The plan’s “form map” (See *Appendix B*) depicts the county’s vision for weaving these form types together to best manage the county’s land resources and protect its existing and desired future character.

The vast majority of the county’s unincorporated area falls within two forms: “suburban communities,” in the northern half of the county, and “rural area,” in the southern half. The “urban community” form is shown around municipalities in the northern half of the county, while most in the southern half are given the “town” form characterization. The “hamlet” form designation is identified around several small “crossroads” settlements, most of which are unincorporated.



The LRMP does not anticipate that these forms will be directly translated into new zoning districts and regulations. It is important, however, that the new ordinance contain an array of tools and techniques that can be used to accommodate and promote the type and character of development called for in the plan.

**Concepts**

Development use concepts or “concepts” for short, are akin to conventional plan-based use classifications. As described by the plan, these concepts help bridge the gap between the plan’s broad form descriptions and more detailed zoning district regulations. The following concepts are included in the plan:

- **Agricultural**
- **Conservation Design**
- **Conventional Residential Suburban**
- **Traditional Residential**
- **Multi-family Complex**
- **Institutional**
- **Employment Campus**
- **Regional Commercial**
- **Mid-Scale Commercial**
- **Neighborhood Commercial**
- **Freestanding Industry & Office**
- **Projects of Regional Impact**



Once again, it will be important for the updated zoning ordinance to include zoning district regulations and development standards that can be used as building blocks for the types of use concepts and development forms envisioned in the plan.

## SUSTAINABLE DEVELOPMENT PRACTICES

One of the key objectives of the zoning ordinance update is to better promote sustainable, green building and development practices through the removal of unintended barriers and the inclusion of appropriate regulatory and procedural incentives. Policy support for this work is provided by the county's draft *Long Term Energy Efficiency and Conservation Plan* and more indirectly by the Chicago Metropolitan Agency for Planning's *Go To 2040* regional comprehensive plan. The county's plan is based on a vision to achieve a 10 percent increase in energy efficiency by 2020 and is a signal of Will County's commitment to sustainability and a clean energy future. Although much of it is targeted at county operations and facilities, it includes several goals with broader applicability. The following table identifies county energy efficiency and conservation plan goals that are directly relevant to the zoning ordinance update and presents initial ideas for zoning ordinance provisions that will help implement the respective goals.



Long Term Energy Efficiency and Conservation Plan Goals	How Zoning Ordinance Might Address
<b>Increase use of renewable energy</b>	<ul style="list-style-type: none"> <li>▪ Permit on-site, accessory renewable energy systems (e.g., solar, wind, geothermal, etc.,)</li> <li>▪ Flexible height and setback requirements for renewable energy equipment/structures</li> <li>▪ Permit utility-scale renewable energy systems under more lenient conditions than other “wholesale power generators”</li> </ul>
<b>Support responsible water use</b>	<ul style="list-style-type: none"> <li>▪ Support rainwater harvesting/reuse by permitting rain barrels and (above and below-ground) cisterns</li> <li>▪ Promote reduced impervious cover and greater use of low-impact stormwater management practices</li> <li>▪ Encourage native plants, low-water use landscape practices and efficient irrigation practices</li> </ul>
<b>Support sustainable land use and development patterns</b>	<ul style="list-style-type: none"> <li>▪ Closer alignment of zoning ordinance and <i>Land Resource Management Plan</i></li> <li>▪ Accommodate mixed-use and transit-supportive development through updated land use and density regulations</li> </ul>
<b>Reduce vehicle miles traveled (VMT)</b>	<ul style="list-style-type: none"> <li>▪ Increase attention on non-motorized transportation (pedestrian comfort/safety and cyclists’ needs/accommodations)</li> </ul>
<b>Encourage sustainable development projects and “green” building practices</b>	<ul style="list-style-type: none"> <li>▪ Include travel demand management (TDM) as an incentivized option for large employers</li> <li>▪ Reinforce conservation subdivision concepts through appropriate density incentives</li> <li>▪ Promote natural resource protection through flexible zoning provisions, regulations and incentives</li> </ul>

**Sustainable Development Practices**

**Energy Conservation and Renewable Energy Resources**

Improving energy conservation practices and promoting greater use of renewable energy resources will help promote greater energy independence. It will also help reduce air pollution and greenhouse gases associated with some forms of conventional electricity generation. On-site renewable energy production helps reduce long-term energy costs by decreasing reliance on fossil fuel-based energy sources, and, through “net metering,” building owners can sell excess energy back to the electrical grid.

**FYI**

*Illinois law prohibits homeowners' associations and similar groups from prohibiting solar energy systems. Under [765 ILCS 165](#), associations may not deny permission to install solar energy systems, but they may specify the location of the solar energy system, as long as such specifications do not "impair the effective operation" of such systems.*

**Solar Collectors and Solar Panels**

Solar collectors and solar panels are an integral part of most active solar heating systems and solar energy production systems. Active solar heating systems and solar energy production technologies help reduce carbon emissions associated with conventional electricity generation. There are currently no provisions in the zoning ordinance addressing on-site (accessory) solar energy systems or utility-scale solar energy “plants.”



The new ordinance should expressly address how accessory (building/roof-mounted and freestanding) solar energy devices are regulated. Many ordinances now allow accessory solar panels and associated equipment. It is also increasingly common to include special permission for such equipment to project above maximum building height requirements and encroach into required setbacks under specified terms.



Consideration should also be given to including a separate definition and regulations for utility-scale solar power generation facilities. Under the current zoning ordinance, utility-scale solar power generation facilities would be regulated the same as all other “wholesale power generators,” which are allowed only in industrial districts and in locations that are at least ¼ mile from residential uses and zoning.



**Solar Orientation**

From a passive solar design standpoint, the optimal shape and orientation for buildings is generally a form that is elongated along an east/west axis, so that the longer end of the building faces the sunny south. This in turn ensures minimum exposure

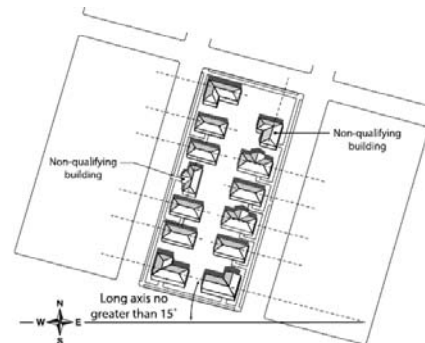
**Sustainable Development Practices**

to the building's east and west sides, the more difficult sides to shade due to the lower angle of the sun in the morning and afternoon. The east and west sides can be protected from the sun with vegetation or solar shading. In most parts of the U.S., just by making a building the right shape, properly placing its windows and pointing it in the right direction total energy use can be cut by 30 to 40%...at no extra cost.

There are no provisions in the county's zoning ordinance (or subdivision regulations) addressing solar orientation of lots or buildings. Indeed, such requirements remain relatively rare, although a growing number of local governments are adopting solar orientation requirements as part of their subdivision and zoning regulations. Clackamas County, Oregon's [Solar Access Ordinance for New Development](#) requires, for example, that land be subdivided in a way that ensures buildings can be oriented to maximize solar access. Multnomah County, Oregon's [Solar Access Provisions for New Development](#) solar access provisions include building orientation requirements and a variety of other solar-related zoning and development-related standards.

**Solar Orientation**

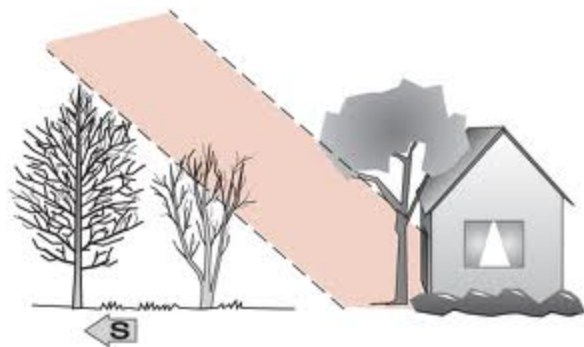
*One way to acquire needed credits for attainment of LEED-ND status is to accommodate solar-oriented buildings with the longer axis (at least 1.5 times length of other axis) within 15 degrees of geographic east-west.*



Solar orientation could be addressed through new provisions in the zoning ordinance (and subdivision ordinance) or through education and guideline information to be made available for prospective builders and developers.

**Solar Access**

Solar energy systems require direct access to sunlight to operate effectively and efficiently. While new technologies, falling prices and government incentives have drastically improved the efficacy and financial feasibility of small-scale solar power, some property owners may be reluctant to invest in solar energy systems because of the fear that a neighbor will erect a structure or grow a tree on nearby property that blocks direct access to sunlight.



U.S. courts have not generally recognized access to sunlight as a right to be protected under the law. As a result, some state and local governments have stepped in



**Sustainable Development Practices**

to enact laws and regulations that prevent landowners from constructing buildings or installing landscaping and other improvements that unreasonably blocks sunlight access to abutting lots.



Prairie du Sac, Wisconsin's [Solar Access](#) regulations authorize property owners to apply for a permit, which if granted, prohibits the installation of structures or vegetation on neighboring properties from casting shade on the permit holder's solar energy devices. Mandatory solar access controls are still relative rare and will likely be considered too far-reaching for application in Will County. One less aggressive approach would be adding solar access protection as a review criterion to be used as part of "discretionary" development approval applications (e.g., variances, PUDs and special uses).

**Model Ordinances and Alternative Energy Resource Guide**

*The Alternative Energy Task Force of Lake County Communities has prepared a solar and geothermal energy [model ordinance](#) and alternative energy [resource guide](#).*

**Wind Energy**

Wind Energy Systems are devices that convert wind energy into usable thermal, mechanical, or electrical energy, including windmills and wind turbines and supporting equipment such as generators, alternators, inverters, and batteries. The Will County zoning ordinance was amended in 2008 to incorporate regulations for accessory wind energy systems, including freestanding and rooftop-mounted systems. The amendment also added wind farms to the A-1 district's list of special uses.



While Will County was an early leader in adopting wind energy zoning provisions, it may be useful to re-examine those regulations in light of changes in technology and public policy shifts. The county has, for example, heard several requests for variances from maximum tower height requirements over the years. Also, many local governments are now taking a more lenient view when it comes to allowing small wind energy systems in residential districts. The Village of Gurnee and Lake County, for instance, both allow small wind energy systems in all residential zoning districts, subject to certain conditions.

**Geothermal Energy**

Geothermal energy is derived from heat generated below the earth's crust in a layer of hot and molten rock. Geothermal systems pump air or fluid through pipes that are buried underground or placed underwater in lakes or ponds. In the summer, the pump moves heat from the building into the pipes. In winter, the pump brings pre-

## Sustainable Development Practices

warmed air or fluid into the heating system of the building. The only additional energy such systems require is the small amount of electricity needed to circulate air.



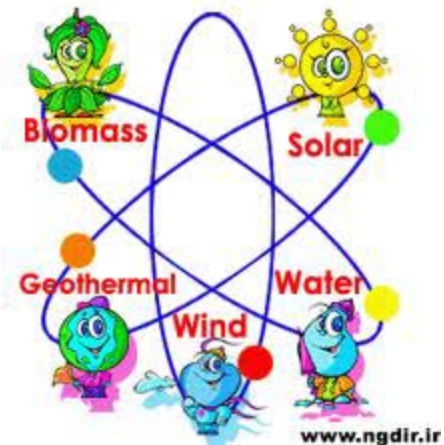
There are currently no provisions in the zoning ordinance addressing geothermal energy systems and equipment, which is not surprising since they raise few zoning issues. Nonetheless, it may be beneficial for the new zoning ordinance to specifically recognize above-ground heat pumps and equipment as accessory structures that are allowed to encroach into required building setbacks under specified terms. Woodbury, Minnesota's [Alternative Energy Systems Ordinance](#), for instance, allows ground source heat pump systems as a permitted accessory use in all zoning districts.

It should be noted that health codes have a more direct impact than zoning codes on the use of geothermal energy technology. The key issue cited by public health professional is the avoidance of water supply contamination by the fluids used in underground geothermal lines.

### Other Renewable Technologies

Renewable technologies such as low-impact hydro, biomass and bio-gas turn renewable resources and waste into usable forms of energy sources. Hydropower is derived by releasing water, typically from a river, through turbines to generate power. Biomass power systems utilize organic material to create energy, generally through burning the material. Bio-gas refers to the practice of converting organic materials into gas, which is burned in a gas turbine to create energy. Will County's *Long Term Energy Efficiency and Conservation Plan* called for creation of a landfill gas-to-energy system at the county-owned Prairie View landfill, a project that broke ground in the fall of 2010.

As part of the zoning ordinance update, consideration should be given to allowing low-impact renewable energy systems under more favorable zoning terms than other "wholesale power generators," which under the current ordinance are allowed only in industrial districts and when more than ¼ mile from residential uses.



**Sustainable Development Practices**

**Light Shelves**

Although direct sunlight can be a nuisance if concentrated in one spot, it can be extremely useful if distributed throughout a room. The light from windows can be extended into the interior of larger spaces through the use of light shelves and skylights. Modern light shelves bounce visible light upwards towards the ceiling, which helps reflect it deeper into the interior of a room.

Light shelves can be installed on the interior or exterior of a building. Exterior light shelves also serve as shading devices, preventing solar gain from entering the building. External and internal light shelves mounted on south- and west-facing windows can redistribute light, provide natural brightness to the building and reduce the need for daytime (incandescent and fluorescent) overhead lighting.



There are currently no provisions in the zoning ordinance that expressly address light shelves, which is not surprising since they pose few real issues. One possible concern is that external light shelves could raise zoning setback issues for buildings situated close to lot lines. As is standard zoning practice, Will County's current zoning ordinance (Sec. 8.5-7) allows many types of obstructions or encroachments into required building setbacks (e.g., porches, decks, awnings, canopies, stairways and chimneys). This list of allowed setback encroachments should be expanded to include light shelves.

**Solar Screens and Shading Devices**

Prior to the advent of mechanical cooling systems, buildings were often designed to include awnings and other solar shading techniques like deep inset windows.



Although these techniques fell out of fashion, new exterior sun control devices have been developed that save energy, improve user comfort in warm months and reduce glare. As the amount of glass in buildings has increased, exterior solar shading has become an increasingly important tool to combat solar heat gain, reduce glare and improve occupant comfort. Unlike interior curtains or shades, exterior solar shading devices do not obstruct views (from windows) or impede airflow through open windows. As a result, they permit daylighting and passive, natural ventilation.

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There are currently no provisions in the zoning ordinance that expressly address solar shading and screening devices. As is the case with light shelves, the zoning ordinance update would be an opportune time to add solar shading and screening devices to the list of features allowed to encroach into required building setbacks. [Lincoln, Nebraska's](#) zoning ordinance, for example, expressly identifies solar shading devices as an allowed structural projection into required zoning yards (setbacks)



*§27.71.050 Projections from Buildings*

*Every part of any required yard shall be open to the sky, unobstructed by a building, except:*

...

*(c) Ordinary projection of sills, belt courses, cornices, **vertical solar screens**, and ornamental features which may project [up to] twelve inches.*

**Exterior Insulation**

Applying insulation on the exterior walls of an existing building is a relatively easy and effective way to substantially improve the insulation value of existing walls without interrupting occupancy or requiring expensive building renovations. Exterior application of insulation to existing buildings has become commonplace in Europe and could become more prevalent in the U.S. as energy prices climb.

As pointed out in the discussion of light shelves and solar shades, section 8.5-7 of the Will County zoning ordinance identifies features allowed to encroach into required setbacks. Not surprisingly, these provisions make no allowance for exterior insulation, which means that if a building were already situated at the minimum setback line, adding exterior insulation would violate zoning setback requirements. Additionally, the ordinance definition of “floor area” specifies that floor area measurements are taken to the exterior limits of walls, which, at least theoretically, discourages super-insulation of exterior walls.



Will County’s new zoning ordinance should be crafted to accommodate reasonable use of double-skin facades and exterior insulation retrofits. Cambridge, Massachusetts has amended its zoning ordinance ([Green Building Amendment](#)) to exclude double-skin facades and exterior wall insulation from the calculation of building floor area and to provide a partial exemption from zoning setback requirements.

**Electric Vehicle Charging Stations**

Electric vehicle charging stations supply electricity for recharging electric vehicles or plug-in hybrid vehicles. While most electric vehicles can be charged through a standard wall socket, some charging stations support faster charging through high-

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er voltages and currents, requiring specialized connections and dedicated equipment.

In 2009, the Washington State Legislature recognized that support for electric vehicles was both an economic and environmental priority and passed a new law requiring all cities and counties in the state to allow electric vehicle charging stations as a use in all zoning districts except for residential and resource preservation districts. Under the new law, cities adjacent to the state’s interstates and main state highway must also allow battery exchange stations. Counties must also allow battery exchange stations in areas within 1 mile of these highway corridors. The City of Kent, Washington was among the first municipalities in the state to [amend](#) its zoning ordinance to expressly allow electric vehicle infrastructure (EVI). Will County’s new zoning ordinance should include similar provisions.



Electric vehicle charging stations and infrastructure should be addressed in the county’s zoning ordinance update.

**Water Resources**

Ensuring a reliable supply of clean water is key to achievement of the county’s sustainability goals. This section explores sustainable development practices that can help in realization of the county’s water-related sustainability goals.

**Rainwater Harvesting/Reuse**

Rainwater harvesting uses rain barrels, cisterns and storage tanks to collect and store rainwater draining from a building roof for various uses, including irrigating plants. Rain barrels are most often used for individual residences, while cisterns have both residential and commercial applications. Rainwater harvesting decreases the volume and flow rate of rooftop generated stormwater runoff and provides a source of chemically untreated “soft water” for gardens and other non-potable water needs.



Indoor use of harvested rainwater requires approval from the Illinois Department of Public Health (ILDPH). While this represents a significant disincentive for some applications, the new zoning ordinance can and should encourage use of harvested rainwater for outdoor irrigation use. The new zoning ordinance should also ad-



*Rainwater harvesting with three above-ground cisterns providing 15,000 gallons of landscape irrigation water from 4,000 square foot roof area (Albuquerque, NM).*

**Sustainable Development Practices**

dress allowed locations of rain barrels and above-ground storage tanks.

**Off-street Parking**

Off-street parking regulations establish minimum requirements for provision of on-site parking spaces, typically by requiring a certain number of vehicle parking stalls per dwelling unit or increment of floor space. Excessive requirements for off-street parking can lead to the over-development of parking infrastructure, which increases impervious cover and stormwater runoff and drives up the cost of development.



“Right-sized” minimum parking ratios can help reduce impervious surfaces, which reduces stormwater runoff and the heat island effect caused by the sun’s heating of large paved areas. Updated parking regulations will be proposed as part of the zoning ordinance update. The specific changes to be proposed will likely include:

- updating off-site and shared parking provisions to allow additional flexibility and (staff) administrative approval, as opposed to planning and zoning commission approval;
- allowing the use of pervious paving materials and bioretention areas within parking lots;
- tying minimum parking ratios to defined land uses and reducing minimums for many categories, including retail, administrative/professional offices, and restaurants;
- simplifying off-street loading requirements;
- including minimum bicycle parking requirements for some uses; and
- incentivizing (motorized) travel reduction strategies (See also “Travel Demand Management,” below)

**Land Use and Transportation**

Land use and development patterns directly affect energy consumption, as well as carbon emissions. Low-density, single-use development patterns increase dependency on motorized transportation, which in turn contributes to congestion, long travel times, fossil fuel consumption and air pollution.



**Mixed-Use**

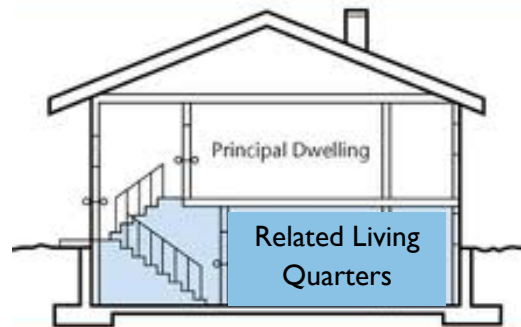
Mixed-use development refers to the practice of including residential and nonresidential uses in a single building or within a single development site or block. Mixed-use development is intended to offer residents the ability to work, shop and have access to entertainment, recreation and other services within walking distance of their home and employment. Mixed-use development patterns reduce the need to drive from place to place and makes other forms of transportation more viable,

**Sustainable Development Practices**

such as walking, biking and transit. The higher densities typically inherent in mixed-use development also reduces development pressure on natural resources and farmland.



The updated zoning ordinance should do more to accommodate mixed-use development by, for example, clearly indicating that vertical mixed-use (residential above the ground floor) is a use permitted by right in all commercial zoning districts. The PUD provisions should also expressly identify connected, walkable mixed-use communities as an appropriate use of the PUD mechanism. consideration should also be given to further incentivizing mixed-use development through the use of building height and/or density bonuses where such density can be supported by existing or planned infrastructure.



**Home Occupations**

Home occupations refers to work or business activities carried out within a dwelling unit by one or more residents of the dwelling unit. Zoning regulations allowing individuals to work in their homes can help reduce transportation demands and CO2 emissions, improve air quality and encourage small business growth.



While the county’s existing home occupation provisions (Sec. 8.22) are fairly typical of those found in other ordinances, consideration should be given to removing or relaxing the 25% floor area limitation, allowing up to one or two outside employees and/or creating a two-tier home occupation classification, whereby higher intensity home business uses could be allowed after additional review and approval.

**Accessory Dwelling Units**

Accessory dwelling units (ADUs) are a second dwelling on a piece of property where a primary residence already exists. Such units, also called “mother-in-law apartments” or “accessory apartments,” include separate kitchen, sleeping and bathroom facilities, and may be attached (i.e., separate living space within a primary dwelling) or detached from the primary single-family unit on a lot.

Accessory units help to concentrate development, which results in more efficient use of land, energy, water and materials. The compact size of ADUs can help promote increased energy efficiency and they can help provide lower cost housing options and promote aging in place.

Under the Will County ordinance, ADUs are allowed in the form of “related living quarters” and “ECHO housing units.” Related living quarters are secondary dwelling units contained within the principal building. These types of interior units are permitted as of right in all A, and E and R districts, subject to a few additional standards. ECHO housing units are attached or detached pre-manufactured buildings

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(or manufactured housing units) with a removable foundation. They are intended for occupancy by relatives who need care or assistance due to health issues or disabilities. They are allowed with special use approval in A, E, R-1, R-2, R-2A and R-3 districts. According to at least one participant in early project listening sessions, the supposed temporary nature of ECHO housing units, has been difficult to consistency enforce.



No revisions are proposed to the county’s ADU-related zoning provisions at this time. Revisions will be proposed if directed by the project advisory subcommittee.

**Transit-Oriented Development**

Transit-oriented development (TOD) mixes land uses and increases density around transit centers, train stations and bus stops. It is focused on facilitating transit access to boost ridership and reduce automobile traffic, while expanding housing and shopping choices. Such development also helps create a “sense of place” within a quarter to half mile around a transit facility as TODs are designed as compact, walkable neighborhoods with pedestrian access and connectivity as the highest priority.

Similar to mixed-use developments, TODs provide residents with the ability to live, work, shop and access services within walking distance of their homes as well as access the larger metropolitan area through public transit. TODs increase transportation choices and access and reduce vehicle use, traffic congestion, air pollution and energy consumption. The higher density typically allowed within TODs also reduces development pressure on natural lands and farmland and can help reduce auto-dependent urban sprawl into such areas.



Transit-oriented development can be encouraged in the new ordinance through appropriate density incentives, off-street parking reductions and express provisions authorizing use of PUDs to accommodate walkable, connected transit-oriented (or transit-supportive) development projects.

**Travel Demand Management**

Travel demand management (TDM) focuses on reducing vehicle traffic, particularly during peak travel times, and getting the most capacity out of existing transportation infrastructure. TDM involves a variety of measures that employers can use to reduce the number of vehicle trips by employees. Travel Demand Management aims to organize employers in denser job centers to actively encourage reduction in vehicle trips by employees. This reduction in vehicle use has the benefit of reduced traffic congestion, air pollution and energy consumption.

The City of Bloomington Minnesota’s [TDM ordinance](#)

requires certain large developments and redevelopments to implement programs





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that encourage employees to reduce single occupancy vehicle trips to help relieve traffic congestion, allow parking flexibility and reduce air pollution. Property owners subject to the TDM ordinance must submit an [Annual Status Report](#) form each year. The information is used by the county to determine if a good faith effort has been made to implement approved TDM strategies.



The updated parking regulations of the ordinance should include incentives in the form of reduced parking ratios for large employers who implement TDM programs or specific motorized travel demand reduction strategies.

**Food Supply**

**Local Food Production**

The growing of corn and soybeans for national and international markets will surely continue to form the backbone of Will County’s agricultural sector for the foreseeable future. The importance of sustainable local food production should not be overlooked however. In fact, sustainable local food is one of the key themes of CMAP’s *Go To 2040* regional comprehensive plan.

Strategies aimed at increasing access to local food sources have several sustainability benefits. They help increase the availability of fresh (typically healthful) foods, especially to lower income residents and underserved communities. Local food production helps reduce energy use and the environmental impacts of industrialized food production, transportation and distribution. They also help ensure that food sources are available in times of emergency or crisis, and they support efforts to preserve open space and agricultural land preservation.



The new zoning ordinance should expressly allow use of common open space for community gardens. Additionally, the ordinance needs to more clearly identify whether community gardens and small farm uses, including community-supported agricultural (CSA) farms are allowed in non-agricultural zoning districts. The zoning regulation of farmer’s markets and seasonal sales stands should also be clearly stated in the updated ordinance. Finally, the county may wish to consider clarifying where and under what conditions chickens and bees may be kept, as a way to be more accommodating of locally sourced food.

## ZONING ISSUES

During the first weeks of the project, the consultant team met with Land Use Department staff, stakeholder groups and individuals to discuss issues and concerns regarding the county's existing zoning ordinance. This early reconnaissance and issue identification work supplemented a previous series of stakeholder meetings facilitated by county staff in the summer of 2010.

The purpose of these early listening sessions was to convene individuals and representatives of the many groups who have a direct interest in Will County's zoning regulations. The sessions were informal; participants were simply asked to share their observations about elements of the county's regulations that seem to be working well and those elements that need improvement.

By the end of the meetings, the staff and consultant team had compiled dozens of individual comments, suggestions, and criticisms about what works and what doesn't with the current regulations and what the new regulations will have to address to meet growth and development challenges facing Will County. Although the comments revealed sometimes different directions and conflicting concerns, that is not unusual. Diverse positions are an expected and a routine part of any ordinance revision process. See *Appendix A* for a summary of the comments received at the early meetings.

This section builds upon the early comments received from staff and stakeholders and identifies several key issues that are proposed to be addressed in the new zoning ordinance. It does not attempt to address every technical change that may be proposed during the update, but when read in conjunction with the "Land Resource Management Plan," "Sustainable Development Practices" and "Organization and Format" sections of this report, it does provide a sense of the major changes proposed to be included in Will County's new zoning ordinance.

### **Kankakee River Corridor Leaseholds**

The Kankakee River corridor contains several small settlements that were once summer cabin retreats but that now tend to serve as year-round residential neighborhoods. These settlements are particularly commonplace around Wilmington, Lorenzo, Custer Park and Ritchie.

The existing historical pattern of development in these neighborhoods is vastly at odds with underlying zoning. Most of the areas are zoned A-1 or A-2, which require multiple acres of land for each dwelling unit. However, the typical house or cabin sits on what appears to be a parcel of less than one-quarter acre in area, sometimes far less. By and large, the settlements were not created through the act of subdividing the property of other formal land division process, but through long-term land leases or "leaseholds," which were rarely if ever recorded with official land records.

Zoning Issues

The legal status of leaseholds does not appear to have been litigated in Illinois, and the enabling statutes do not address the issue. Under law applicable elsewhere, the leases themselves might be considered void because they permit a violation of applicable zoning. Nonetheless, Will County respects the existence of these river corridor settlements, as evidenced by the recent *Land Resource Management Plan* amendment that identified the Kankakee River Corridor as a desirable development form (See discussion of “forms” beginning on page 9). Moreover, the county would like to clarify the status of these leasehold “lots” and dwellings under the zoning ordinance so that leasehold “owners” are not always required to obtain special use permits or variances before making building or property improvements.

Leasehold properties are not platted lots. Under the current subdivision ordinance, leasing property in pieces does not constitute a “subdivision.” The courts in general have been particularly inclined to protect the “vested” interests of those who own subdivided lots. Because many leaseholds lack direct access to public roads, and because the leasehold areas include few if any other public improvements, they bear none of the real characteristics of subdivided lots. It is recommended that whatever approach the county takes to addressing the leasehold issue, the new ordinance should make it clear that these are not subdivided lots and will not be recognized as such.



While the river corridor leaseholds raise many questions (e.g., the handling of sanitary sewage, water quality and flood protection), the central question of relevance to the zon-



*These houses along the river do not sit on their own individual lots. They are examples of leaseholds on single large agriculturally zoned parcel.*

## Zoning Issues

ing ordinance update is to what extent the county intends to allow expansions of buildings; addition of out-buildings; major rehabilitations of buildings; or replacement of significantly damaged or destroyed buildings. This is a policy issue to be answered by county officials (with some constraints imposed by FEMA flood protection regulations), but to the extent that the county does wish to accommodate continued investment in such areas there would seem to be two basic choices:

- Creating a zoning district that specifically applies to these river corridor settlements, treating the leaseholds as “lots” for zoning purposes only, and imposing appropriate limits on replacement, expansion, use and other changes; or
- Creating a simplified permit process that applies specifically to these units, imposing appropriate limits and conditions.

The advantage of creating a zoning district is that it would fit neatly into the zoning ordinance and could be administered like any other zoning district—in short, it is simple. It would also eliminate much of the review process for people who want to make improvements to their properties. There are two disadvantages: first, the zoning would, in the final analysis, apply to the landlord’s property, meaning that a landlord could terminate the leases and wind up operating a rental cabin colony in full conformance with the new zoning district; second, it essentially vests rights in the status quo, without addressing floodplain and water quality issues.

The second alternative is to amend the A-1 and A-2 districts (or their successors) to incorporate a permitting process for these units. The county has previously used a special use permit process to address some of these issues. It could create a blanket special use permit or similar permit that could be issued administratively and that could even apply automatically until someone needs a building permit. This would allow “owners” to continue to use their units without interference. If, however, one of them wants a building permit, he or she would make a one-time administrative application for specific approval of the blanket permit.

As part of the application process, the county could require submittal of a description of the leasehold, documentation of the terms of the lease and information on water and wastewater systems for the leasehold. The permit could be expressly conditioned on conformance with future as well as present requirements for dealing with floodplain and wastewater issues. Further, the permit could be issued to the user—the holder of the quasi-vested rights—and include a condition that it would lapse upon the termination of the lease.

Some communities have handled such situations with a process for issuing a certificate of lawful nonconforming use or CLNU. Regardless of what the instrument is called, one could be created that would: apply automatically to those now using their property; allow for administrative (staff) approval of a formal document at the time that someone applies for a building permit or other county approval that would rely on it; and would

## Zoning Issues

build a set of records about these leaseholds and provide a mechanism for possible future enforcement of regulations related to water quality, the floodplain and other issues.



To prevent such situations from arising in the future, we recommend consideration of a subdivision ordinance revision amending the definition of “subdivision” to read:

*The division of a parcel of land into 2 or more parts, any one of which is less than 5 acres for the purpose of transfer of ownership or possession through sale, lease, or other means, or for the purpose of building development, or any division of land where new easement of access or a new street is created, including, but not be limited to, the MSSA.*

Although Illinois law does not specifically include transfers by lease under its definition of “subdivision,” the laws of most states do so and nothing in Illinois law would appear to preclude this modification.

### **Appropriate Uses in Rural and Agricultural Areas**

One of the most recurrent themes from the stakeholder listening sessions was the tension that exists among rural residents who highly value their bucolic rural lifestyle and those rural property owners who view the keeping of animals and the pursuit of higher intensity/economically productive activities as entirely appropriate within rural areas of the county. Among the specific and frequently mentioned topics under this broad issue heading are:

- Riding stables
- Boarding stables
- Rodeos and Charreadas
- Nurseries and landscape contractor businesses
- Construction contractor businesses
- Kennels
- Animal shelters and clinics
- Exotic animal refuges



These are issues with no easy, off-the-shelf solutions. Nonetheless, it will be important to address them to the maximum extent possible in the updated zoning ordinance. We will work closely with staff and the project advisory subcommittee to craft proposed changes and new provisions that are tailored to Will County’s traditions and emerging policy values.

## Zoning Issues

### Special Use Permits for Floodplain Development

Under the existing zoning ordinance, “floodplain development” requires special use approval in all zoning districts. The ordinance was amended in 1999 to exempt the following activities from the special use permit requirement:

- Residential swimming pools in flood fringe areas
- Single-family residential accessory structures including decks
- Single-family residential detached garages and sheds, 600 square feet or smaller
- Driveways installed at grade
- Fences in flood fringe areas that will not block flood flows
- Repair and maintenance of roads and pipelines
- Agriculture use of land included in a farm conservation plan approved by the Will/South Cook and Water Conservation District
- Construction of some berms and retaining walls for flood proofing purposes
- Elevating an existing structure above the base flood elevation (BFE) without requiring fill or increasing the square footage of the structure below the BFE
- Improvement or repairs to a structure that are not a substantial improvement as defined by the Water Resource Ordinance for Unincorporated Will County



Despite these exemptions, a fair number of floodplain development requests continue to be handled through the special use permit process. The Water Resource Ordinance for Unincorporated Will County requires a site development permit for all development that is located in the regulatory floodplain. The issues to be considered when considering the appropriateness and safety of floodplain related activities are more appropriately addressed through the more technical site development permit process. The requirement for a redundant zoning (special use permit) approval should be eliminated.



### Concurrent Processing of Rezoning and Subdivision Plats

According to at least one group involved in early listening sessions, county ordinances do not currently allow a subdivision plat to be processed concurrently with a rezoning. We recommend that the zoning ordinance and subdivision ordinance be amended to expressly allow concurrent processing of rezoning and subdivisions, making clear applicants may do so at their own risk.

### Use Regulations and Classifications

Will County’s existing zoning ordinance lists hundreds of residential, business, industrial and institutional uses that may—or may not—be allowed in one zoning district or

**Zoning Issues**

another. The list includes several odd or anachronistic use types, such as “orphanages,” “trading stamp stores,” “mail order house,” “apartment hotels,” and “drapery stores” to name a few.

In addition to dating itself, today’s zoning ordinance attempts to name multiple variations of the same use, rather than relying on broader use categories. This practice results in needless complexity and inflexibility. For instance, rather than permitting “administrative and professional offices” and “medical offices” the current zoning ordinance lists more than a dozen specific office-type uses with little logic about why one is permitted and another is not permitted in some zoning districts.

<b>Office Uses in Will County Zoning Ordinance</b>	
Accounting, auditing, and bookkeeping	Landscape architects
Artists and industrial designers	Medical and dental clinics
Attorney and law office	Optician's office
Chiropracist's office	Osteopath's office
Chiropractor's office	Private clinic
Dentist's office	Professional consultants
Doctor's, surgeons, and/or physician's office	Professional offices
Engineering and architectural services	Regional sales office
Laboratories - medical and dental	Scientific research agencies
Land surveyors	

➔ The current ordinance’s 300+ use types could be collapsed into a logical, well-defined use classification system that includes just a few dozen land use categories. This move would eliminate an outmoded classification system and allow the county to better respond to economic and technological changes over time. See also the “use classifications” section (Sec. 155-6.10) of the proposed ordinance outline that begins on page 35.

➔ As suggested in the annotated outline, the new zoning ordinance should include one or more use tables that identify which uses are allowed in which districts. Pointers or cross-references to special regulations and standards that apply to listed use types can also be clearly noted in the table. This set-up would be much easier to use than the narrative “laundry list” approach now used in the Will County ordinance and help to ensure that future amendments can be made in a careful, systematic way. The following table, which uses the county’s current residential districts and allowed uses, illustrates how such a table would work.

<b>Uses Allowed in Existing Residential Districts</b>	<b>E-1</b>	<b>E-2</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2A</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>Add'l Regulations</b>
<b>P = permitted as of right   S = special use permit required   – prohibited</b>										
<b>RESIDENTIAL</b>										
Single-family detached	P	P	P	P	P	P	P	P	–	
Convent	S	S	S	S	S	S	S	S	S	
ECHO housing	S	S	S	S	S	S	–	–	–	§8.18
Emergency or temporary shelter	S	S	S	S	S	S	S	S	S	§8.15
Group home (up to 6)	P	P	P	P	P	P	P	P	P	§8.15

**Zoning Issues**

<b>Uses Allowed in Existing Residential Districts</b>	<b>E-1</b>	<b>E-2</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2A</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>Add'l Regulations</b>
Group care home (7 to 16)	S	S	S	S	S	S	S	S	S	§8.15
Halfway house	S	S	S	S	S	S	S	S	S	§8.15
Mobile home park—	—	—	—	—	—	—	S	—	S	
Monastery	S	S	S	S	S	S	S	S	S	
Multi-family PUD	—	—	—	—	—	—	—	—	S	
Nursing home	—	—	—	—	—	—	—	—	S	
Orphanage	S	S	S	S	S	S	S	S	S	
Related living quarters	P	P	P	P	P	P	P	P	P	§8.14
Religious retreat house	S	S	S	S	S	S	S	S	S	
<b>PUBLIC/QUASI-PUBLIC</b>										
Cemetery	—	S	S	—	—	—	—	—	—	
Church or place of worship	S	S	P	P	P	P	P	P	P	
Day care home, adult	—	S	S	S	S	S	S	S	S	§8.16
Day care home, children	—	S	S	S	S	S	S	S	S	§8.16
Essential services	S	S	P	P	P	P	P	P	P	
Golf course, clubhouse, country club	—	S	S	S	S	S	S	S	S	
Hospital, clinic, sanitarium	—	—	—	—	—	—	—	—	S	
Library	P	P	P	P	P	P	P	P	P	
Park, playground, forest preserve	P	P	P	P	P	P	P	P	P	
Police and fire service	P	P	P	P	P	P	P	P	P	
Railroad ROW/passenger station	S	S	S	—	—	S	S	S	S	
School	P	P	P	P	P	P	P	P	P	
Sewage treatment plant	—	—	S	—	—	S	S	S	S	
<b>COMMERCIAL</b>										
Bed & breakfast	S	S	—	—	—	—	—	—	—	§8.21
Firearms dealer	S	S	S	S	S	S	S	S	S	
Greenhouse, wholesale	S	S	—	—	—	—	—	—	—	
Kennel or veterinary clinic	S	S	—	—	—	—	—	—	—	
Nursery, wholesale	S	S	—	—	—	—	—	—	—	
<b>OTHER</b>										
Condominium	—	S	S	S	S	S	S	S		
Floodplain development	S	S	S	S	S	S	S	S	S	
Horse stables	P	P	S	S	—	—	—	—	—	
Planned unit development	S	S	S	S	S	S	S	S	S	§8.14

**Temporary Uses**



Today, nearly all applications for temporary uses and temporary events require at least one public hearing. This adds significant time and cost and is needlessly complex for most types of temporary uses/activities. The existing ordinance identifies a small handful of temporary uses that may be approved by the zoning administrator. This administrative approval authority should be greatly expanded and the ordinance should include



## Zoning Issues

general regulations and approval criteria for temporary uses. (Note: a draft ordinance amendment has been prepared by staff and recommended for approval by the planning and zoning commission)

### **Administrative Variances**

As a result of a series of amendments through the years, the existing zoning ordinance now authorizes administrative (zoning administrator) approval of a few types of variances, as follows:

- Side setback variances for garages
- Lot frontage variances (10% max) in C and I districts
- Lot area variances (10% max) in C and I districts
- Lot area and width variances for the purpose of issuing a permit to build a room addition or accessory structure
- Lot width variances in A zoning districts
- Lot coverage variances (10% max)



Allowing administrative approval of minor deviations from ordinance requirements is a logical and reasonable approach to promoting customer service, streamlining the approval process for minor matters and freeing elected and appointed officials to focus on other more important matters. The zoning ordinance update offers an opportunity to identify an expanded list of matters eligible for administrative variations. As under the current ordinance, it will be important to clearly define the parameters for such variances and the considerations and criteria that must be applied by the zoning administrator in making decisions.

### **Townships' Objector Status**

Under Illinois law, townships that (1) have a planning commission and (2) are located in counties with a population of less than 600,000 are entitled to "legal objector" status in certain county zoning matters. The practical effect of this status is that qualifying townships may file written objections to proposed rezonings, zoning ordinance text amendments and variance requests and invoke super-majority voting requirements for approval of the subject request.



The 2010 census reported that Will County's population had reached 677,560, nearly a 35 percent increase over the 2000 population of 502,266. Now that the county's population has passed the 600,000 mark, Will County townships no longer qualify for the official objector status given to townships in smaller counties. The zoning ordinance should therefore be amended to bring it into compliance with state law by removing the super-majority voting requirement for variances, zoning ordinance text amendments and rezonings that are the focus of a written objection from a township board. Townships

## Zoning Issues

should continue to receive written notice of proposed variances, ordinance text amendments and rezonings and, as a practice, applicants should be encouraged to meet with township officials to discuss proposed building and development plans. However, the official objector's status afforded to townships located in smaller counties should be removed from Will County's updated zoning ordinance.

### Other Issues

The following issues should also be addressed in the revised ordinance:

- Updated, comprehensive "definitions" section
- More flexibility for extension of (use-it-or-lose-it) approval deadlines
- Modernized public notice requirements (e.g., use of "regular" vs. "certified" mail and radius-based notification distances vs. "abutting" property)
- Updated standards for manufactured housing units (mobile homes), including possible consolidation with operating regulations, which are currently outside the zoning ordinance
- Addition of second agricultural districts or reinstatement of (updated) A-2 zoning
- Zoning provisions of container shipping businesses
- Open space/lot coverage requirements based on use (or non-use) of septic
- Minimum parcel size for A-1 uses (i.e., full range of uses allowed only with conforming minimum area)
- Farmstead splits; need reasonable, clear rules
- More consistent approach to use of variances and special uses
- How to handle/phase-out obsolete zoning classifications
- Possible use of defining cut-off date for recognized nonconformities
- Clarify legal nonconforming lot regulations
- Re-examine lot coverage standards, particularly in industrial districts
- Creation of new institutional/public use zoning districts to match LRMP
- Clarify exempt vs. non-exempt utilities and exempt or non-exempt status of other governmental property (e.g., forest preserves)



## ORGANIZATION AND FORMAT

The county's new zoning ordinance should be easier to use and understand than the current version. Substantive regulations should be clear, comprehensive, and internally consistent. Administrative and procedural provisions should be consistent and easy to understand.

Given the important role zoning regulations play, the new ordinance should be logically organized, well-formatted, and easy to use. The new ordinance should be laid out in a way that people can find the information they need and written so that information can be understood once it is located within the document.

Like a lot of ordinances, the way in which information is organized and presented in the Will County ordinance could be improved. This section describes several ways in which the new ordinance will be made easier to use and understand.

### User-friendly ordinance features

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

### Page Layout

The new ordinance should use large, distinct typefaces for article, chapter, section titles, and subtitles. Indented text can indicate the hierarchical nature of ordinance sections and subsections. Generous white space and strong graphics should be used to enhance the document's visual appearance and improve its usability. Page headers and footers should be used to provide navigational aids to those searching for information within the document.

### Tables, Charts, and Illustrations

Many standards and requirements can be more clearly presented by using tables or charts. This will help eliminate redundancies, as well as the inevitable inconsistencies and internal conflicts that occur when the same regulations are restated in multiple sections of an ordinance. Eliminating these redundancies can also reduce the bulk of the printed documents.

The new regulations should also contain illustrations and graphics—instead of just raw text—to convey regulatory concepts. When it comes to sometimes (unavoidably) complicated regulations, a picture can truly be worth a thousand words.

### Table of Contents and Index

The new zoning ordinance should both have a good table of contents and an index—something generally lacking in the current ordinance. A good index can help direct users to the most important terms and concepts, as well as relevant examples of their use. These are basic document management tools that can make ordinances easier to use for both citizens and professionals.

**Organization and Format**

**Organization**

The current zoning ordinance is currently adopted by reference as Chapter 155 of the county’s overall code of ordinances. The updated ordinance may again be adopted by reference or it may be codified within the overall code. A decision is pending.

The existing zoning ordinance includes 14 articles, not including the two blank “reserved” articles (9 and 10). Our initial proposed outline for the updated ordinance includes 15 articles.

Existing Ordinance	Proposed Ordinance
1 Title	1 Legal Framework
2 Intent and Authority	2 Agricultural Districts
3 Zoning Districts	3 Residential Districts
4 Residential Districts	4 Commercial and Industrial Districts
5 Commercial Districts	5 Overlay and Special Purpose Districts
6 Industrial Districts	6 Allowed Uses
7 Agricultural Districts	7 Supplementary Use Regulations
8 General Provisions	8 Parking and Loading
9 RESERVED	9 Landscaping and Screening
10 RESERVED	10 Signs
11 Nonconformities	11 Miscellaneous Regulations
12 Off-Street Parking and Loading	12 Nonconformities
13 Signs	13 Development Review and Approval Procedures
14 Administration and Enforcement	14 Administration and Enforcement
15 Planned Unit Development	15 Terminology, Measurements and Exceptions
16 Rules and Definitions	

**Annotated Outline**

A detailed annotated outline for the new ordinance is included on the following pages. This annotated outline presents a proposed organizational structure for Will County’s updated zoning ordinance. There are, of course, many organizational schemes that could be used, and the one presented here will likely undergo some degree of change as the result of county reviews and even during the process of preparing the new ordinance. Its function at this point of the project is to focus attention on the types of organizational changes proposed and to reach at least tentative agreement on the overall structure.

**A Note about Numbering**

*The Will County Code of Ordinances is currently being recodified and updated. The new zoning ordinance may or may not be included in the recodification. If it is, the section numbering conventions used in this outline may need to be revised to match the remainder of the code. Such changes, if necessary, will not affect the organizational structure.*

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## **155-I Legal Framework**

### **155-I.10 Title**

Zoning ordinances official title and common reference (i.e., referred to throughout the ordinance document as simply the “zoning ordinance”).

*Existing ordinance section: 1.0*

### **155-I.20 Authority**

Provisions explaining the county’s legal authority for adopting and enforcing zoning regulations.

*Existing ordinance section: 2.2*

### **155-I.30 Scope and Applicability**

Provisions explaining the ordinance’s jurisdiction and applicability—where and to what it applies. This section will also identify uses and activities that are exempt from zoning, such as those identified in Sec. 8.8 of the existing zoning ordinance (i.e., bona fide agricultural uses, public utilities and underground installations). During the ordinance drafting process, an attempt will be made to clarify the nature of ordinance exemptions for utilities and pipelines.

*Existing ordinance section: 8.3*

### **155-I.40 Effective Date**

Provisions establishing the new ordinance’s effective date. Specific ordinance provisions may have a different effective date than the overall ordinance, in which case that date will be identified.

*Existing ordinance section: 8.2-3*

### **155-I.50 Purposes**

Updated general purpose statements.

*Existing ordinance section: 2.1*

### **155-I.60 Conflicting Provisions**

General provisions explaining which regulations govern in cases of conflict between zoning ordinance regulations and other (local, state, federal) governmental regulations or between zoning ordinance regulations and private restrictions, such as covenants. Individual sections of zoning ordinance may contain specific provisions addressing how conflicts are to be handled (e.g., “overlay” zoning regulations).

*Existing ordinance section: 8.1-2*

### **155-I.70 Minimum Requirements**

Provisions explaining that the regulations established by the zoning ordinance are minimum requirements and that other regulations, county state and federal may also apply.

*Existing ordinance section: 8.1-1, 8.1-3*

**Annotated Ordinance Outline**

Article 155-1: Legal Framework | §155-1.80: Zoning Map

**155-1.80 Zoning Map**

Provisions establishing the zoning map and describing its importance as part of the overall zoning ordinance. Will also include provisions explaining how boundary interpretation rules are handled.

*Existing ordinance section: 3.1*

**155-1.90 Transitional Provisions**

Provisions dealing with developments/buildings that have already received permits or approvals or are being reviewed when the new ordinance takes effect. It will also address ordinance violations in existence when the new ordinance takes effect.

*Existing ordinance sections: 8.1-4, 8.3-3, 8.3-7, 8.3-8, 11-7*

**155-1.100 Zoning upon Disconnection or Dissolution**

Provisions explaining how zoning classification is handled if land is disconnected from a municipality or comes within the county’s zoning jurisdiction due to dissolution of a municipality. The provisions could also be included with the zoning map provisions of Sec. 155-1.80.

*Existing ordinance section: 3.2*

**155-1.110 Severability**

Standard ordinance language clarifying that remaining ordinance provisions remain in full force and effect even if one or more provisions are declared invalid by the courts.

*Existing ordinance section: 8.2*

## **155-2 Agricultural Districts**

### **155-2.10 The Districts**

This section will include a list or table of the zoning ordinance’s agricultural zoning districts—map symbol (abbreviation) and full name. Although the existing ordinance contains only one “active” (non-grandfathered) “A” district, consideration should be given to including two or three A districts to better reflect the range of uses and activities carried out in existing A-zoned areas of the county.

### **155-2.20 Purposes**

This section will contain general and specific purpose statements for the agricultural districts.

### **155-2.30 Allowed Uses**

This section will contain a cross-reference to a consolidated master use table (for all districts), which will be located in Sec. 155-6.

### **155-2.40 Lot and Building Regulations**

This section will present the applicable lot and building standards (currently referred to as “site and structure requirements”) for development in agricultural zoning districts. It will consist of one master table of regulations covering all agricultural districts.

### **155-2.50 Other Regulations**

This section will include a series of references or “pointers” to other regulations that affect development or uses in agricultural districts. It will also include district-specific regulations, where applicable.

## 155-3 Residential Districts

### 155-3.10 The Districts

To include a list or table of the ordinance’s residential zoning districts—map symbol (abbreviation) and full name.

*The following table is provided for illustration; the table includes proposed changes to district naming conventions<sup>1</sup>*

Zoning District	Map Symbol	Replaces Existing District
Residential-200	R-200	E-1
Residential-100	R-100	E-2
Residential-60	R-60	R-1
Residential-40	R-40	R-2
Residential-30	R-30	R-2A
Residential-20	R-20	R-3
Residential-12.5	R-12.5	R-4
Residential-10	R-10	R-5
Residential-3.6	R-3.6	R-5

*The proposed district map symbols are intended to provide a general indication of what is allowed in the respective district. The first letter, “R,” denotes the residential orientation of the district. The numeral following the “R” is a shorthand reference to the allowed density, expressed in terms of the required minimum land area per dwelling unit (in thousands of square feet). The R12.5 district, for example, refers to a residential zoning district that generally allows one dwelling unit per 12,500 square feet of lot area.*

*It would appear that there is an opportunity to consolidate the existing R-2 and R-2A districts into a single R-30 style district, with little real change in character. Similarly, the existing R-4 and R-5 classifications would appear to present an opportunity for consolidation into a single R-10 district.*

### 155-3.20 Purposes

This section will contain general and specific purpose statements for the residential districts.

### 155-3.30 Allowed Uses

This section will contain a cross-reference to a consolidated master use table (for all districts), which will be located in Sec. 155-6.

### 155-3.40 Lot and Building Regulations

This section will present the applicable lot and building standards (currently referred to as “site and structure requirements”) for development in residential

<sup>1</sup> Because of the degree of reorganization, general editing and reformatting proposed in the zoning ordinance update, it will not be possible to show proposed changes using a legislative tracked changes (**underline**/~~strikethrough~~) format. As an alternative, proposed substantive changes in the draft ordinance will be identified through footnotes (such as this), “in-line” commentary (such as the bracketed text following the table in Sec. 155-3.10, above) and other techniques.

**Annotated Ordinance Outline**

Article 155-3: Residential Districts | §155-3.50: Other Regulations

zoning districts. It will consist of one master table of regulations covering all R districts.

*The following table is provided for illustration only; it is based solely on existing R district regulations*

<b>Lot and Building Standards</b>	<b>E-1</b>	<b>E-2</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2A</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>
<b>Min. Lot Area</b> (sq. ft. unless stated)	5 Ac.	2.5 Ac.	60,000	43,560	30,000	20,000	12,500	10,000	varies
<b>Min. Lot Width</b> (frontage) (ft.)	300	180	165	150	120	90	70	70	60
<b>Setbacks</b> (feet)									
<b>Front</b> (non-dedicated road)	100	100	90	80	80	80	80	80	80
<b>Front</b> (dedicated road)	67	67	57	47	47	30	30	30	30
<b>Side</b>	20	20	15	10	10	10	10	5	25
<b>Rear</b>	80	80	70	40	40	40	30	25	25
<b>Height</b> (stories/feet)	As regulated by Will County Building Ordinance								3/40
<b>Lot coverage</b> (%)	20	20	20	20	25	30	40	45	45
<b>Max. Acc. Building Size</b> (sq. ft.)	3,000[1]	3,000[1]	1,800[1]	1,800	1,800	1,800	1,500	1,500	1,500

[1] Does not apply to stables

**155-3.50 Other Regulations**

This section will include a series of references or “pointers” to other regulations that affect development or uses in R districts. It will also include district-specific regulations where applicable.

## **155-4 Commercial and Industrial Districts**

### **155-4.10 The Districts**

To include a list or table of the commercial and industrial zoning districts—map symbol (abbreviation) and full name.

*There are currently six different commercial zoning districts. On one hand, this seems like an excessive number in light of the limited land area currently classified in a C district. On the other hand, there may be a need for at least one new C classification that might be appropriate for use in rural areas. As the ordinance drafting proceeds, we will investigate opportunities for C district consolidations and evaluate the appropriateness of adding at least one additional rural commercial classification. The three existing industrial districts are currently proposed to be carried over into the new ordinance.*

### **155-4.20 Purposes**

General and specific purpose statements for the commercial and industrial zoning districts.

### **155-4.30 Allowed Uses**

This section will contain a cross-reference to a consolidated master use table (for all districts), which will be located in Sec. 155-6.

### **155-4.40 Lot and Building Regulations**

This section will present the applicable lot and building standards (currently referred to as “site and structure requirements”) for development in commercial and industrial zoning districts. It will consist of one master table of regulations covering all C and I districts.

### **155-4.50 Other Regulations**

This section will include a series of references or “pointers” to other regulations that affect development or uses in C and I districts. It will also include district-specific regulations.



## **155-5 Overlay and Special Purpose Districts**

*A section of the new ordinance is proposed to be reserved for overlay and special purpose districts. While the existing Will County zoning ordinance does not currently include any overlay or special purpose zoning districts, one or more such districts may be proposed to address a particular issue (e.g., a public or institutional zoning district, parks and forest preserves district or river corridor leasehold district).*

### **155-5.10 General**

*Overlay zoning districts are tools for dealing with special situations or accomplishing special planning and zoning goals. As the name implies, overlay districts are “over-laid” on zoning district classifications to alter some or all of the regulations that apply in the underlying, base zoning district.*

#### **A. Establishment**

*Sample language:* Overlay zoning districts may be established, amended or removed only in accordance with the zoning map amendment procedures of Sec. 155-13.30.

#### **B. Interpretation**

*Sample language:* Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable standards of this zoning ordinance. All applicable regulations of the underlying base zoning district apply to property in an overlay zoning district unless otherwise expressly stated. When overlay district standards conflict with standards that otherwise apply in the underlying, base zoning district, the regulations of the overlay zoning district govern.

### **155-5.20 General**

*Like overlay zoning districts, special purpose zoning districts are tools for dealing with special situations or accomplishing special planning and zoning goals. Unlike overlay districts, special purpose districts are base zoning classifications; they do not “over-lay” other base zoning districts.*





## 155-6 Allowed Uses

### 155-6.10 Use Classifications

*We recommend that the updated zoning ordinance include an updated use classification system that categorizes similar land uses by their operating characteristics and potential land use impacts. Under our proposed approach, the zoning ordinance will have one section devoted the use classification system, rather than mixing definitions of general terms (proposed to located in Sec. 155-15.20) with the ordinance's use definitions.*

#### A. Use Categories

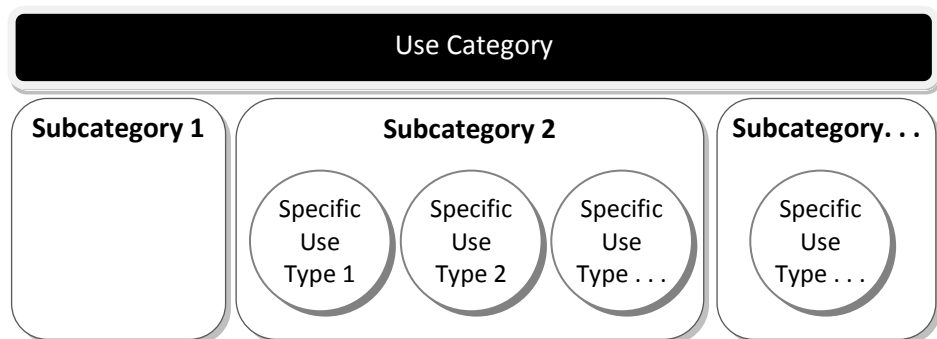
Under the new classification system, uses will first be organized into major groupings or “categories.” There will be at least six use categories: “residential,” “public and civic,” “commercial,” “industrial,” “agricultural” and “other.” Each use category will be defined.

#### B. Use Subcategories

Use categories will be further divided into more specific “subcategories,” which classify principal land uses and activities based on common functional, product, or physical characteristics. Defining characteristics will be based on the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and typical site conditions. Each use subcategory will be defined, and typical examples of businesses or uses within the broader category may be included.

#### C. Specific Uses

Some, though not all, use subcategories will need to be further broken to identify specific use, business or activity types that are regulated differently than the overall subcategory.



#### D. Determination of Use Categories and Subcategories

These provisions will authorize the zoning administrator to make use determination decisions and include rules for making “close calls.”

**Annotated Ordinance Outline**

Article 155-6: Allowed Uses | §155-6.20: Allowed Uses

**155-6.20 Allowed Uses**

This section will contain a consolidated master table (or a series of two or three tables, if necessary) identifying which land uses are allowed in which zoning districts.

**Sample Use Table**

Use Category Subcategory Specific Use Type	District	District	District	District	District	District	Standards
P = Permitted as of right   S = Special use approval required   – = Not allowed (use expressly prohibited)							
<b>Use Category</b>							
<b>Use Subcategory</b>	–	–	–	P	P	P	
<b>Use Subcategory</b>							
Specific Use Type	P	P	P	P	P	P	Standards column will contain cross-references to any applicable regulations that apply, such as the supplementary use regulations of Sec. 155-7.
Specific Use Type	–	–	–	P	P	P	
Specific Use Type	–	–	–	–	P	P	

**155-6.30 Accessory Uses**

This section will include all of the ordinance’s regulations for accessory uses and accessory structures, including the home occupation regulations.

**155-6.40 Temporary Uses**

This section will include all of the ordinance’s temporary use regulations.

*The county’s temporary use regulations are currently being reviewed by staff for possible amendments*

## **155-7 Supplementary Use Regulations**

*This section will include use-specific development regulations—supplemental regulations and standards that apply to particular uses and development types. In the current ordinance these types of regulations are interspersed among the provisions of Article 8. The last column of the use table in Sec. 155-6.20 will include a specific cross-reference to the existence of any supplementary use standards. The following uses are subject to supplementary use standards under the current Will County zoning ordinance.*

**155-7.10 Adult Entertainment**

**155-7.20 Bed and Breakfasts**

**155-7.30 Cargo Containers**

**155-7.40 Community Residence Facilities**

**155-7.50 Day Care Centers/Day Care Homes**

**155-7.60 Elder Cottage Housing**

**155-7.70 Kennels**

**155-7.80 Manufactured Homes**

**155-7.90 Pipelines**

**155-7.100 Planned Unit Developments**

*This section will include only the design standards and substantive requirements for PUDs. All administrative and procedural provisions will be included in Sec. 155-13.60.*

**155-7.110 Related Living Quarters**

**155-7.120 Self-Service Storage Facilities**

**155-7.130 Wind Energy Devices and Wind Farms**

**155-7.140 Wireless Telecommunications Facilities**

*Additional use regulations will be added during the drafting process to address identified issues (e.g., commercial/recreation uses and activities in agricultural districts).*

## **155-8 Parking and Loading**

*This section will include all of the ordinance's parking, loading and vehicle access provisions*

### **155-8.10 Purpose**

### **155-8.20 Applicability**

### **155-8.30 Exemptions, Reductions and Special Area Standards**

### **155-8.40 Calculations**

### **155-8.50 Parking Ratios**

Proposed amendments and updates (resulting in reduced parking ratios) are likely.

### **155-8.60 Use and Location of Parking Areas**

Proposed amendments and updates may include administrative approval of shared and off-site parking arrangements, as well as new formulas for calculating the number of spaces required when parking is shared by two or more uses.

### **155-8.70 Design and Location**

The new ordinance should address the extent to which permeable paving is allowed within off-street parking areas. Other low-impact design strategies should also be addressed.

### **155-8.80 Loading**

Off-street loading requirements are proposed to be greatly simplified under the new ordinance.

## **155-9 Landscaping and Screening**

*This section will include an entirely new set of landscaping and screening regulations, replacing those found in Sec. 8.10 of the current zoning ordinance.*

### **155-9.10 General**

### **155-9.20 Tree Protection**

Provisions encouraging and incentivizing preservation of existing trees on a development site.

### **155-9.30 Road Frontage Landscaping**

Requirement for tree planting in the front yard along road frontages.

### **155-9.40 Vehicular Use Area Landscaping**

Requirements for landscaping along the perimeter of parking lots and other vehicular use areas, as well as within the interior of such areas.

### **155-9.50 Land Use Buffers**

Requirements for trees and planting yards when new nonresidential development occurs near existing residential and other lower intensity uses.

### **155-9.60 Screening**

Requirements for screening of certain types of service areas and mechanical equipment from view.

### **155-9.70 Landscape Material and Design**

Standards for plants and landscape materials used to satisfy ordinance requirements.

### **155-9.80 Alternative Compliance**

Provisions allowing flexibility in meeting landscape requirements.



## **155-10 Signs**

*The county's existing sign regulations will be reorganized and modernized as part of the zoning ordinance update. The modernization will include provisions that encourage higher quality sign designs. Updated advertising sign (billboard) controls, now being reviewed by the county, will be incorporated into the new ordinance.*

### **155-10.10 General**

### **155-10.20 Prohibited Signs and Sign Characteristics**

### **155-10.30 Signs Allowed without Sign Permits**

### **155-10.40 Residential Uses and Zoning Districts**

### **155-10.50 Nonresidential Zoning Districts**

### **155-10.60 Advertising Signs**

### **155-10.70 Dynamic Displays**

### **155-10.80 Master Sign Plans**

### **155-10.90 Administration**

### **155-10.100 Nonconforming Signs**

### **155-10.110 Unlawful Signs**



## **155-11 Miscellaneous Regulations**

*This section is the proposed home of regulations and standards that cannot logically be placed in other part of the updated zoning ordinance and do not warrant their own major section.*

### **155-11.10 Number of Buildings on a Lot**

*Existing ordinance section: 8.4-1*

### **155-11.20 Vision Clearance at Intersections**

*Existing ordinance section: 8.5-6*

### **155-11.30 Water and Sewage Disposal**

*Existing ordinance section: 8.9*

### **155-11.40 Outdoor Lighting**

Clarification and expansion of existing outdoor lighting controls.

*Existing ordinance section: 8.23*

### **155-11.50 Access across Property**

*Existing ordinance section: 8.3-9*

### **155-11.60 Division of Lots**

*Existing ordinance section: 8.4-2*

## **155-12 Nonconformities**

### **155-12.10 General**

### **155-12.20 Nonconforming Lots**

### **155-12.30 Nonconforming Uses**

### **155-12.40 Nonconforming Structures**

### **155-12.50 Nonconforming Signs**

As in the current ordinance, the nonconforming sign regulations will remain with the sign regulations of Sec. 155-10. As an alternative they could be removed from the sign regulations and included here.

### **155-12.60 Conversion to a special use**

### **155-12.70 Existing special uses**

DRAFT

## **155-13 Development Review and Approval Procedures**

*This section will contain all of the zoning ordinance's review and approval procedures, except perhaps those pertaining to signs.*

### **155-13.10 Common Provisions**

This section will include several provisions that are generally applicable to all procedures. Stating such rules once at the beginning of this section will help avoid the need to repeat common information in numerous sections. The types of provisions typically included are those governing:

#### **A. Preapplication Meetings**

A statement that such meetings are encouraged and the process for arranging.

#### **B. Applications and Fees**

Provisions describing how to determine what information is required to be submitted and authorizing staff to return or delay processing incomplete applications, with notice to the applicant. Also specify that "complete" applications must include the required processing fee, as established by the county board.

#### **C. Public Hearings (Process and Notices)**

General rules for conduct of hearings and providing public notice.

### **155-13.20 Zoning Ordinance Text Amendments**

*Existing ordinance section: 14.11*

### **155-13.30 Zoning Map Amendments (Rezoning)**

*Existing ordinance section: 14.11*

### **155-13.40 Site Plan Review**

*Existing ordinance section: Article 5*

### **155-13.50 Special Use Permits**

*Existing ordinance section: 14.10*

### **155-13.60 Planned Unit Developments**

*Existing ordinance section: 15.2 and 15.4*

### **155-13.70 Variances**

*Existing ordinance section: 14.8*

### **155-13.80 Zoning Certificates and Building Permits**

*Existing ordinance section: 14.7*

*The existing "reversion" procedures of Sec. 14.15 are not proposed to be included as a stand-alone procedure as they are today. Instead, the rezoning, special use and variance procedures will include specific provisions governing reversion and lapse of approval*

**Annotated Ordinance Outline**

Article 155-13: Development Review and Approval Procedures | §155-13.90:  
Temporary Use Permits

**155-13.90 Temporary Use Permits**

*Existing ordinance section: 14.12*

**155-13.100 Appeals of Administrative Decisions**

*Existing ordinance sections: 14.9*

DRAFT

## **I55-14 Administration and Enforcement**

### **I55-14.10 Review and Decision-Making Bodies**

*This section will include an updated version of the regulations now found in Sec. 14-2 through 14-6 of the ordinance. The provisions generally describe the roles, powers and duties of various review and decision-making bodies in administering and enforcing the zoning ordinance.*

- A. County Board**
- B. Planning and Zoning Commission**
- C. Zoning Administrator**
- D. County Clerk**
- E. Soil and Water Conservation District**

### **I55-14.20 Violations, Penalties and Enforcement**

*This section will include all of the zoning ordinance's enforcement provisions, including an updated list of penalties and enforcement options and an express list of actions that constitute ordinance violations.*

## **155-15 Terminology, Measurements and Exceptions**

### **155-15.10 Rules of Language**

### **155-15.20 Definitions**

### **155-15.30 Measurements and Exceptions**

This section is the proposed home of all of the zoning ordinance's rules of measurement. It will include rules for measuring compliance with the zoning ordinance's lot and building standards as well as allowed exception to compliance. The following are examples of the types of provisions to be included:

- Measuring setbacks and lot width
- Allowed encroachments into required setbacks
- Measuring lot area and density
- Measuring floor area and floor area ratio
- Measuring building height
- Allowed exceptions to building height limits

*Existing ordinance sections: 8.5, 8.6*



*Illustrations will be provided in this and other sections of the new zoning ordinance to aid in explaining written regulations*

## APPENDIX A: LISTENING SESSION COMMENTS

The following is a paraphrased summary of input received during the early project listening sessions described on page 23. Please note that the comments included here represent only a sampling and are intended to be illustrative only.

### **Builders, Developers, Manufacturers, Realtors, Economic Development Representatives**

- Best to use incentives and bonuses as a way to encourage “green”
- Also important to focus on removing barriers to sustainable practices
- Ordinance needs to address pervious paving materials
- In terms of incentives, it is important to focus on reducing process time
- Need to address nonconforming subdivisions—through administrative process or through a new zoning district
- Strive for clarity; may not always like the answer, but easier to negotiate through the process if the rules are clear
- One size doesn’t fit all
- Important to remember that industrial is subject to myriad rules

#### **Comments**

*These listening session excerpts reflect the views of a diverse group of individuals. They are intended to provide a representative sampling of comments offered in early project meetings. They do not necessarily reflect the official position of the county or the viewpoint of the consultant team.*

### **Attorneys and Development Representatives**

- Better definitions are needed
- Processes have taken too long, often as a result of state law which gives municipalities special power to object
- Would like to see expansion of items eligible for administrative variance
- Lapse of approval deadlines are problematic—would like to see some flexibility in terms of extensions
- Some attorney express frustration with process of getting comments from townships
- Certified notice doesn’t work—need a more modern way

**Appendix A: Listening Session Comments**

- County should consider moving to radius-based notice as opposed to “abutting”
- IL statutes are viewed as constraining when it comes to innovation and process streamlining
- Would like to be able to process subdivision plat concurrently with a rezoning, which most municipalities allow

**Farm Bureau, Soil and Water Conservation, Forest Preserves, Midewin**

- Some interest in bringing A-2 zoning back
- LRMP has good ideas but it’s sometimes vague
- Support for using incentives when possible
- Midewin is open to commercial uses at their border that they then support through their open space
- Container business (agribiz) has strong potential for growth
- Support for distinguishing between commercial and AG and between AG and agri-tourism uses
- County is requiring site development permits for too many things (e.g., pole barns)

**Comments**

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**Health, Highways, Housing, Social Agency Representatives**

- Use changes within shopping centers is hard for health dept to track (demands on septic change from use to use)
- Home occupations can be a concern for health dept, especially changes of home businesses over time
- Sometimes people are confused by access when it comes to change of use—just because you have a farm field access doesn’t mean you can use that access point for a new commercial use
- Property owners sometimes don’t leave enough open space to accommodate maintenance and expansion of septic—new ordinance should have differential coverage standard based on whether septic will be used



**Appendix A: Listening Session Comments**

**Elected and Appointed Officials**

- Some frustration that nonconforming status transfer with ownership
- A-1 lots should be at least 10 acres—but smaller 5 acre lots can be created under the plat act and even smaller can be created under some circumstances
- People shouldn't get A-1 rights without meeting A-1 lot size
- Landscapers on 10 acre parcel with many workers and their considered AG—they should be zoned commercial—landscapers are doing excavation, snow removal and all other sorts of other things
- Contractors and construction businesses are operated in AG and other areas
- Hypersensitivity to AG industry let other (non-AG) uses in
- Need to address animal-related uses—e.g., kennels, shelters, fosters, refuges, etc.,
- Industrial & commercial over 500 acres—state statutes allow for longer abatements; (e.g., intermodal)—County needs a mechanism to deal with them separately—maybe so they don't always have to annex
- Certain commercial uses are not commercial, but should be relegated to industrial zones
- Want to hang on to the old farmstead (right now done through special use) carve off the old farmstead but restrict use to single-family
- Don't open up the farmstead split off too much—limit it to older properties
- Variances and special uses; how should they be used? There are inconsistencies in the approach
- County should relax wind energy regulations—give AG owners the ability to put up multiple wind energy devices
- Make sure to address alternative energy
- Township level approvals are viewed by some as a nuisance for developers
- Concerns about Rodeos (noise is especially problematic). Enforcement is by the County, but they don't work on the weekend

**Comments**

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**Appendix A: Listening Session Comments**

- “ECHO” housing issues – In-law units/trailers – and then property is later sold as home with “deeded” rental unit
- Category for gymnasiums and karate schools – should be commercial
- How to “get rid of” certain types of zoning classifications – but how when they are grandfathered
- Splitting off of 10 acre parcels for kids, and then further subdividing those plots to 5 or 1 acre

**Staff-identified Issues**

1. Leaseholds...cabins along rivers that aren’t on subdivided lots—folks come in for permits for things like accessory structures and it’s unclear how they should be handled
2. Equestrian uses—line between commercial and private—define them in the AG world in a more specific way—these uses have some traditional ag but they sometimes go as far as public assembly.. Horse boarding barn, but people go on the weekend and then trainers, riding arena, rodeos; need clearer regulations
3. Kennels—line between private, fosters, kennels, rescues, shelters, boarding,
4. Pet Sanctuaries—for exotics and animals in needs
5. Mobile homes—operating rules are outside the zoning ordinance—zoning rules are outdated
6. Should consider a reasonable cutoff date for defining nonconforming status
7. County adopted some zoning in 1978 that was at odds with platting patterns—the nonconforming regulations were amended to deal with this but it could use improvement
8. Ordinance’s legal nonconforming lot section may need to be revised, or some old zoning classifications may need to be brought back
9. Use classifications need modernization
10. Parking regulations need to be updated
11. Coverage standards in industrial districts may be too low
12. AG districts demand attention
13. LRMP introduces new use concept for institutional/public uses
14. Ongoing debate over exempt vs. non-exempt utilities
15. Illumination; existing ordinance has vague standards—competing views over appropriate level of regulation

**Comments**

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**Appendix A: Listening Session Comments**

16. Will County does not require a permit for flat work, so monitoring compliance with coverage requirements is challenging
17. No permits are required for fences
18. Floodplain development—special use permit required for any work in floodplain, but there are a few exemptions—water resources ordinance deals with floodplain—maybe a special use permit should not be required
19. PUD regulations needs to be updated to reflect subdivision ordinance and to modernize—timing and process issues—submittal requirements—PUDs approved through special use—density is controlled by base zoning
20. What defines a “public road”? Existing ordinance requires frontage on a public road—what about condos—does zoning really need to require public road frontage?
21. Some zoning setbacks are from centerline
22. Parks and sports complexes, campgrounds, hunt clubs, forest preserve districts—make rules more rational
23. Should clarify whether the forest preserve is subject to zoning regulations
24. Temporary structures—anything more than 179 days is permanent
25. Wind energy regulations may be outdated
26. Where and under what conditions should indoor recreation facilities be allowed?

**Comments**

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# APPENDIX B: LAND RESOURCE MANAGEMENT PLAN "FORM MAP"

## WILL COUNTY LAND RESOURCE MANAGEMENT PLAN FORM MAP

