

MINUTES
WILL COUNTY BOARD
ORDINANCE REVIEW SUB-COMMITTEE
October 7, 2011
9:30 AM

CALL TO ORDER:

Chairman Weigel called the meeting to order at 9:34 a.m.

PLEDGE OF ALLEGIANCE:

Chairman Weigel led the pledge.

MEMBERS PRESENT:

Tom Weigel, Brian Smith, and Sharon May

MEMBERS ABSENT:

Deborah Rozak

STAFF PRESENT:

Curt Paddock, David Dubois, Ray Semplinski, and Leigh Kelley

OTHERS PRESENT:

Kirk Bishop, Duncan and Associates

Lourdes Gonzalez, Primera

Barbara Peterson, Secretary for the PZC Commission

Tom Joseph, Illinois Association of Realtors

Karen Robertson, Three Rivers Association of Realtors

Tim Good, Will County Forest Preserve District

See sign in sheet for other names

STATE'S ATTORNEY OFFICE PRESENT:

Melanie Manning

WILL COUNTY ZONING ORDINANCE UPDATE AND COUNTY GREEN BUILDING INCENTIVES REPORTS – MODULE 2

Chairman Weigel asked David Dubois to give open today's meeting. Mr. Dubois thanked everyone for coming and explained that this is the second of three modules. Mr. Dubois explained that there would be discussion today on incentives for green initiatives for building and after today most of those would be incorporated administratively into documents within the Department. There are some really good things being recommended with regard to administrative procedures; things that will shorten time frames and expand authorities for administrative approvals and expanding the authority of the Commission. These changes will make it easier for the public to conduct business with the County and save time and money. Chairman Weigel asked that Mr. Dubois explain to individuals that may be making comments at the module meetings know that those comments being submitted have been and will be looked at by staff, forwarded to the consultant team and addresses as appropriate in the public workshop phase.

Lourdes Gonzalez of Primera gave an overview of the Green Building Incentives menu program. She explained that there are two objectives for this project; the comprehensive Zoning Ordinance update and the Building Ordinance revisions and incentives to promote Green construction practices. We are looking at greater use of energy efficiency and sustainable development practices through the removal of barriers and the provision of incentives. She explained that they created a menu based program that encourages sustainable development practices. The menu of items is based on best practices that are currently in place across the country and locally as well. There are a number of fairly nearby examples that have incorporated sustainable practices and incentives. A lot of these programs have been in place for quite a while so we are able to look at the lessons learned from those programs and incorporate that into this program. Ms. Gonzales explained that they focused on a broad range of categories but did not recommend the requirement to have a third party certification such as a LEED Certification for incentives. A lot of the tools that are used in the LEED process can be used to show compliance for these menu items but it does not require the certification itself. The following text was taken from Ms. Gonzalez' PowerPoint Presentation.

Module IIA: Green Building Incentives

- Creation of Menu Based Incentive Program to encourage sustainable development practices
- Recommendations based on best practices from across the country where incentive programs have been in place for almost 10 years.
- Focused on a broad range of categories- does not require third party certification- same tools can be used however

-1 Building Envelope

- Highly reflective Roofs
- Vegetated Roofs
- Building Envelope
- High Performance Fenestration – looked at the National Fenestration Organization

-2 Site Development

- Permeable Pavements
- High Reflectance Paving Systems
- Bio-infiltration systems
- Rainwater Harvesting

-3 Energy Efficiency

- Geothermal Systems
- High Efficiency Plumbing Systems
- High Efficiency Electrical Systems
- High Efficiency Mechanical Systems

-4 Renewable Energy Systems

- Solar Water Heating
- Photovoltaic
- Wind Energy Systems

-5 Miscellaneous Incentives

- Building Preservation/Reuse
- Facilities for Cyclists
- Electrical Vehicle Charging Stations

-6 Menu Tables

Based% Reduction on Permits

Commercial New Construction
Commercial Renovation
Residential New Construction
Residential Renovation

Additional X% Reduction on Permits

Commercial New Construction
Commercial Renovation
Residential New Construction
Residential Renovation

Menu – New Construction: Commercial

Prerequisite – High Performance Fenestration, Lighting Efficiency, Building Envelope, High Efficiency Plumbing

Tier 1- Exceeding Envelope, Fenestration, and Lighting of Pre-requisite, Highly Reflective Roof Systems, Highly Reflectance Paving Systems, Permeable Pavement, High Efficiency Mechanical System, Facilities for Cyclists, Electrical Vehicle Charging Stations

Tier 2 - Photovoltaic, Solar Heating Systems, Vegetated Roofs, Rainwater Harvesting, Bio-infiltration, Geothermal, Wind Energy

Mrs. May asked if the items listed under Prerequisite were required and Ms. Gonzalez answered yes. Mr. Bishop then explained that this is all in incentive based project. Projects that would like to obtain a reduction in building permit fees would avail themselves to this program and in order to get into the program they would have to meet the prerequisite. Nothing being presented today would be imposed as a requirement.

Mr. Smith asked how many items from Tier 1 and Tier 2 were needed and Ms. Gonzalez explained that right now for the base level they have three items from Tier 1 and two items from Tier 2 to get the Tier 2 benefits; this is just a draft right now and we are still working on what the magic number needs to be.

Menu- Renovations: Commercial

Tier 1 – Building Preservation and Reuse, High Efficiency Lighting, High Performance Fenestration, Building Envelope, High Efficiency Plumbing Fixtures, Highly Reflective Roof Systems, High Reflectance Paving Systems, Permeable Pavement

Tier 2 – Exceeding Envelope, Fenestration, and Lighting of Tier 1, High Efficiency Mechanical System, Photovoltaic, Solar Heating System, Vegetated Roofs, Rainwater Harvesting, Bio-infiltration, Geothermal, Wind Energy

Menu: Residential – New Construction

Prerequisite – High Performance Fenestration, High Efficiency Lighting, Building Envelope, High Efficiency Plumbing

Tier 1 – Exceeding Envelope, Fenestration, and Lighting of Pre-requisite, Highly Reflective Roof Systems, High Reflectance Paving Systems, Permeable Pavement, High Efficiency Mechanical System

Tier 2 – Photovoltaic, Solar Heating Systems, Vegetated Roofs, Rainwater Harvesting, Bio-infiltration, Geothermal, Wind Energy

Menu: Residential – Renovations

Tier 1 – Building Preservation and Reuse, High Performance Fenestration, Building Envelope, High Efficiency Plumbing Fixtures, Highly Reflective Roof Systems, Highly Reflectance Paving Systems, Permeable Pavement, Lighting

Tier 2 – Exceeding Envelope, Fenestration and Lighting of Tier 1, High Efficiency Mechanical System, Photovoltaic, Solar Heating System, Vegetated Roofs, Rainwater Harvesting, Bio-infiltration, Geothermal, Wind Energy

Tom Joseph asked if density and intensity bonuses were still up for discussion and Mr. Bishop explained that today we are discussing permit based incentives; a completely elective program. We are trying to embed the Zoning Ordinance update itself with all sorts of opportunities to pursue green and sustainable development practices. Mr. Joseph pointed out that some communities use density bonuses allowing projects to put more residential units in subdivisions as another form of incentive. We are considering that but believe that the obstacles that we are removing from the Ordinance and the efficiencies that we are building into the development process; the minor increases in density that would be allowed based on our new revised zoning district scheme where we are rounding down, provides some good incentives in the first place. We first want to get our whole package together and see if there are other opportunities to build in additional incentives.

Kirk Bishop of Duncan and Associates gave an overview of Module 2; which focuses on the administration and procedures aspects of the proposed new ordinance. This is comprised of three articles of the new proposed zoning ordinance outline: Articles 14, 15 & 16.

Mr. Bishop explained that they have tried to identify opportunities to: increase the efficiencies offered in the County's Zoning review process, opportunities to shorten timeframes for review, to provide greater authority for administrative decision making on certain minor matters, and to identify based on the history of various deliberations and decisions that have been made over the years to identify opportunities to change the Ordinance to address things that have historically required that somebody come in and request a variation for something that is really quite minor and is routinely approved. The following text was from Mr. Bishop's PowerPoint presentation.

-14 Nonconformities

Generally

- Revised to recognize continuing nature of nonconformities and remove unnecessary regulatory and procedural obstacles for property owners.
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Non-Conforming Lots (major changes)

- Intended to reduce regulatory burden on property owners
- Should result in significant decrease in variance and special use requests

Nonconforming Lots

Lawfully created lots that do not comply with current lot area, lot width or lot frontage standards. Three Types:

Type 1

- shown on a recorded subdivision plat; or
- identified on lawfully recorded deed (Plat Act) and complied with all minimum lot area, lot width or lot frontage standards in effect at the time of creation; or
- nonconforming solely due to public land acquisition or county-initiated rezoning

Type 2

- identified on a lawfully recorded deed; and
- occupied by a conforming or nonconforming principal use

Type 3

- ~~shown on a recorded subdivision plat~~ or identified on lawfully recorded deed and
- does not meet the criteria of a Type 1 or Type 2 nonconforming lot.

Nonconforming Uses

- Added provisions allowing owners to rebut presumption of abandonment (discontinued for one year or more)
- Revised to allow *accidentally* damaged or destroyed uses to be reestablished (removes 50% value criterion); 18 months to obtain permit

Nonconforming Structures

- Revised to allow *accidentally* damaged or destroyed uses to be reestablished (removes 50% value criterion); 18 months to obtain permit

Nonconforming Development Features

- New provisions; intended to clarify the status of nonconformities that are not lot, structure or use issues
- Provide greater flexibility to issue permits for lots containing nonconforming features (e.g. parking, landscaping)

-15 Approval Procedures

- **“Common Provisions”** (applications, fees, and other general rules) track subdivision ordinance

Public Notices

- Eliminated requirement for certified mail (\$3.29 - \$5.59)
- Allows use of regular mail with affidavit of mailing
- Certified mail requirement retained for admin variance (due to state law)
- Authorizes zoning administrator determinations to waive or modify sign posting requirements (based on site-specific, common-sense considerations)

Rezoning

- Eliminated township objector status provisions; county’s population now exceeds statutory threshold of 600,000

Special Use Permits

- Eliminated SUP requirement for floodplain development

Administrative Adjustments

- Authorizes zoning administrator to grant relief from any numerical or quantitative standard up to 10%; may not be used to
- vary or modify any definition or use classification
- vary or modify any of the review and approval procedures
- vary, modify or otherwise override a condition of approval or requirement imposed by an authorized county decision-making body or the state or federal government
- vary or modify applicable “minimum lot are per unit” (density) standards

Reflects authority granted by state law and will result in greater number of minor matters being eligible for expedited processing

Variations

Authorizes P&Z to vary any regulation, except may not:

- grant use variations
- waive, modify or amend any definition or use classification
- waive, modify or otherwise vary any review procedures
- waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government
- waive, vary or modify applicable “minimum lot area per unit” (density) standards

Variations may be approved with conditions

Appeals of administrative decisions

- Appeals must be filed within 30 days
- File with zoning administrator rather than the county clerk
- Newspaper notice required
- Requires hearing (P&Z)
- Appeals of P&Z decisions taken to county board
- Overturning of P&Z decision require $\frac{3}{4}$ vote of board

-16 Administration and Enforcement

- Review and decision-making body provisions edited for clarity and consistency with procedures; changes as noted

Enforcement

Existing ordinance contains “penalty” provisions in Sec. 14.14 that expressly authorize fines “and other lawful action as is necessary to prevent or remedy a violation.”

New proposed ordinance expressly provides for full array of penalties and enforcement actions.

Provide more detailed information about activities that constitute violations and the procedures for enforcement, all of which are intended to bolster the county’s efforts at achieving *voluntary* compliance.

-17 Terminology, Measurements

- In-progress working draft definitions
- New rules for measuring compliance with lot, building and dimensional regulations
 - Distinguishes between “lot width” and “lot frontage,” which should result in fewer variance requests
 - Revise definition of lot coverage (now known as “building coverage”) to count only “under-roof” area, which should result in fewer variance requests
 - Reworks (clarifies) front setback averaging approach
 - Removes requirement to observe greater front setback based on building pattern
 - Other technical/clarifying changes as noted

Sharon May asked if other places have the same three steps that we have and Mr. Bishop answered no, not for variations. The process for Rezoning and Special Use Permit requests is pretty consistent.

Tom Weigel advised that with regard to page 15:13 he thinks that there is a word missing in the second paragraph, last sentence and page 15-15 the third paragraph states that the county board assumes the role

of the plat committee and in our instance the Land Use Committee is the plat committee. This is also mentioned on the next page too.

Tom Joseph stated that he would need five to six business days to submit his comments.

OTHER BUSINESS

Barbara Peterson approached and applauded the Land Use Department and everyone involved in this update. Everything put forth today is a positive for our residents. She expressed her concerns that these revisions be done every five years because our people in Will County need this relief.

Mr. Dubois advised everyone that November 4th has been tentatively scheduled for the next meeting to discuss module 3.

Workshops will likely be scheduled in January.

ADJOURNMENT:

Sharon May made a motion to adjourn; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (3-0)

The meeting adjourned at 10:42 a.m.

Thomas Weigel, Chairman