Agenda Cover Memorandum

Meeting Date: June 5, 2017

Meeting Type: ☐ COW (Committee of the Whole) ☒ City Council ☐ Budget Workshop

Item Title: Approve the first reading of An Ordinance Amending the Zoning Ordinance of the City of Park Ridge Regarding Expiration of Site Plan Approval (17-10-TA)

Action Requested: ☒ Approval ☐ For discussion
☐ Feedback requested ☐ For your information

Staff Contact: Jim Brown, CP&D Director Phone: 847-318-5296
Email: jbrown@parkridge.us

Background:

On March 27, 2017, the Committee of the Whole (COW) discussed potential amendments to expiration terms for land use approvals (memorandum attached). In general, the COW was satisfied with the current expiration terms and extension provisions found in the building codes and the Zoning Ordinance. There was one exception, however: there is currently no expiration of site plan approval. The COW felt a two-year expiration term for site plan approval was appropriate.

On May 23, 2017, the Planning and Zoning Commission (P&Z) held a public hearing on the proposed amendment to add a site plan expiration term. After a brief discussion, the P&Z voted 8-0 to recommend approval of the two-year limit on site plan approvals.

Site plan review and approval procedures are promulgated in Section 4.5 of the Zoning Ordinance. The current code provisions cover applications, review by the Planning and Zoning Commission, standards for approval, amendments to site plans, and submittal of revised site plans. There is no provision, however, for expiration of the site plan approval. The attached ordinance would correct that deficiency by adding a new paragraph G to section 4.5 of the Zoning Ordinance. There is no extension provision—once the site plan approval expires, a new application, review, and approval in accordance with Section 4.5 would be required.

Note that the standards to be considered for text amendments are also attached to this cover memorandum. The Findings of Fact, as approved by the P&Z and for City Council review, are included in the staff memorandum dated May 23, 2017.

Recommendation:
Approve the first reading of An Ordinance Amending the Zoning Ordinance of the City of Park Ridge Regarding Expiration of Site Plan Approvals

Budget Implications:
Does Action Require an Expenditure of Funds: ☐ Yes ☒ No
If Yes, Total Cost:
If Yes, is this a Budgeted Item:
☐ Yes ☐ No ☐ Requires Budget Transfer
If Budgeted, Budget Code (Fund, Dept, Object)

Attachments:
- An Ordinance Amending the Zoning Ordinance of the City of Park Ridge Regarding Expiration of Site Plan Approvals
- Extract from Section 4 of Zoning Ordinance: Table 1, Standards for Zoning Amendments
- Minutes of the P&Z meeting of May 23, 2017 (draft)
- Staff memorandum to P&Z, Case 17-10-TA, May 23, 2017
- Staff memorandum to COW, Re: Discuss permit extensions and expirations, March 27, 2017

CITY OF PARK RIDGE

ORDINANCE NO. 2017- _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PARK RIDGE REGARDING EXPIRATION OF SITE PLAN APPROVALS
(17-10-TA)

WHEREAS, the City of Park Ridge is an Illinois home rule municipality operating under the Constitution and Laws of the State of Illinois;

WHEREAS, pursuant to its home rule powers and 65 ILCS 5/11-13-1 *et seq*., the City has enacted zoning regulations that have been codified as the Zoning Ordinance of the City of Park Ridge ("the Zoning Ordinance"); and

WHEREAS, in accordance with Section 4.8 of the Zoning Ordinance, a proposed amendment to the Zoning Ordinance pertaining to the expiration of site plan approval was referred to the Planning and Zoning Commission ("P&Z") for public hearing and recommendation; and

WHEREAS, pursuant to legal notice required by law, including notice by local newspapers of the *Chicago Tribune* Media Group on May 4, 2017, a public hearing on the proposed amendments was convened and finally adjourned on May 23, 2017; and

WHEREAS, the P&Z considered the standards for zoning amendments found in Table 1 of Section 4.8 of the Zoning Ordinance, and upon conclusion of the public hearing voted 8-0 to adopt findings of fact and a recommendation to adopt the proposed zoning amendment regarding expiration of site plan approval; and

WHEREAS, The City Council has duly considered the findings and recommendations of the Planning and Zoning Commission as well as the standards for text amendments found in Table 1 of Section 4.8 of the Zoning Ordinance; and

WHEREAS, the City Council finds and determines that it is in the best interests of the City and its residents to amend the Zoning Ordinance, as set forth in this Ordinance; and

BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Purpose Statement for Commercial Districts. Section 4.5 of the Zoning Ordinance is amended with the addition of a new paragraph G as follows:

Section 4.5.G Limitations on Site Plan Review Approvals

1. If work on any project which is granted site plan approval after the effective date of this Ordinance [dd/mm/yr] has not begun within two (2) years from the date the site plan approval

was granted, the site plan approval shall become null and void and all rights granted pursuant to the site plan approval shall lapse. Upon written application, filed with the Zoning Administrator prior to the expiration of the two (2) year time limit, the City Council may authorize not more than one (1) extension for a period of not more than one (1) additional year. No public hearing shall be required to grant an extension of time. Major and minor changes to the site plan approval shall have no effect on these expiration or extension times.

SECTION 3: Current Site Plan Approvals Exempt. All site plans approved by the City on or before the effective date of this Ordinance are exempt from the provisions of this Ordinance.

SECTION 4: Superseding Effect. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

SECTION 5: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION 6: Publication. The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of _____, 2017.

VOTE:

AYES: _____

NAYS: _____

ABSENT:_____

Approved by me this _____day of_____, 2017.

_____
Mayor Marty Maloney

Attest:

_____
City Clerk

b. City Council Zoning Amendment Action Table. The following table describes the action requirements for the various zoning amendments.

ZONING AMENDMENT ACTION TABLE				
Type of Amendment Request	**Planning and Zoning Commission Recommendation After Public Hearing**	**Initiating Party**	**Further Action**	**City Council Vote Required for Adoption***
Text	Denial	City Council	Forwarded to City Council	Super majority
Text	Denial	Anyone Other Than City Council	Forwarded to City Council	Super majority
Text	Approval	City Council	Forwarded to City Council	Majority
Text	Approval	Anyone Other Than City Council	Forwarded to City Council	Majority
Map	Denial	City Council	Forwarded to City Council	Super majority
Map	Denial	Anyone Other Than City Council	Forwarded to City Council	Super majority
Map	Approval	City Council	Forwarded to City Council	Majority
Map	Approval	Anyone Other Than City Council	Forwarded to City Council	Majority

*For the purposes of this table a super majority vote shall be defined as six voted of the City Council, including the Mayor. (Ordinance 2011-61, 11/21/2011)

D. Findings of Fact for Zoning Amendments

The Planning and Zoning Commission recommendation and City Council decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making a recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following standards, as set forth in Table 1: Standards for Zoning Amendments below.

TABLE 1: STANDARDS FOR ZONING AMENDMENTS		
Standards	**Map Amendments**	**Text Amendments**
The existing use and zoning of nearby property.	X	
The extent to which property values of the subject property are diminished by the existing zoning.	X	
The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the City.	X	X
The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	

TABLE 1: STANDARDS FOR ZONING AMENDMENTS		
Standards	**Map Amendments**	**Text Amendments**
The consistency of the proposed amendment with the Comprehensive Plan.	X	X
The consistency of the proposed amendment with the intent and general regulations of this Ordinance.		X
Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
That the proposed amendment will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.		X
The extent to which the proposed amendment creates nonconformities.	X	X
The trend of development, if any, in the general area of the property in question.	X	
Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	X	
The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.		X

E. Limitations on Denials

If an application for an amendment has been denied, by either the City Council or the Zoning Board of Appeals, no application for substantially the same amendment may be filed for a period of one (1) year from that date of denial. Whether the application is for "substantially the same" amendment shall be within the discretion of the Zoning Administrator. (Ordinance 2011-61, 11/21/2011)

4.9 ZONING CERTIFICATE

A. Purpose

The purpose of a zoning certificate is to promote Ordinance compliance by establishing a procedure for the City to certify that an application complies with all standards of the Ordinance.

CITY OF PARK RIDGE

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MINUTES

PLANNING AND ZONING COMMISSION

CITY COUNCIL CHAMBERS
505 BUTLER PLACE
PARK RIDGE, IL 60068

TUESDAY, May 23, 2017 AT 7:00 PM

Chairman Baldi called the meeting to order at 7:00 pm.

I. ROLL CALL

Present
Jim Argionis
Lou Arrigoni
Joe Baldi
John Bennett
Lou Giannetti
Jim Hanlon
Rebecca Mills
Chris Zamaites

Absent
Linda Coyle

City Council
Alderman Wilkening

Staff
Jon Branham, Senior Planner
Josephine Faraci, Administrative Assistant

II. APPROVAL OF MINUTES

On a motion by Commissioner Bennett seconded by Commissioner Zamaites the Commission AGREED to approve the minutes from the May 9, 2017 meeting, as submitted.

Vote on the motion as follows

AYES	8	Chairman Baldi, Commissioners Argionis, Arrigoni, Bennett, Hanlon, Giannetti, Mills, Zamaites
NAYS	0	None
ABSTAIN	0	None
ABSENT	1	Commissioner Coyle

The motion passed.

III. PUBLIC HEARINGS

Chairman Baldi explained the text amendment.

draft

1. Case Number 17-10-TA: Text Amendment to Section 4.5 of the Zoning Ordinance to add expiration dates to site plan review approvals.

Jon Branham gave explained the text amendment. The Committee of The Whole discussed this item at the March 27, 2017 meeting. The Municipal Code and the Zoning Ordinance include expiration times for permits and various land use approvals. Additionally, procedures for extending permit and other approvals beyond the normal expiration date are provided. These expirations and extension procedures are summarized on the attached document. In general, municipalities frequently attach expiration terms to approvals for such items as building permits or special uses. Staff has suggested a two-year limitation on site plan review approvals, which would be consistent with special use approvals.

Chairman Baldi and Commissioners conferred and agreed to add expiration dates to site plans and review approval.

On a motion by Commissioner Arrigoni, seconded by Commissioner Bennett, The Commission AGREED to approve the changes to Case Number 17-10-TA: Text Amendment to Section 4.5 of the Zoning Ordinance to add expiration dates to site plan review approvals, and to approve the findings of fact as suggested in the staff memorandum.

AYES	8	Chairman Baldi, Commissioners Argionis, Arrigoni, Bennett, Hanlon, Giannetti, Mills, Zamaites
NAYS	0	None
ABSTAIN	0	None
ABSENT	1	Commissioner Coyle

The motion passed.

IV. OTHER ITEMS None

V. CITY COUNCIL LIAISON REPORT None

VI. ZONING ORDINANCE PROVISIONS None

VII. PUBLIC COMMENT None

VII. ADJOURNMENT None

On a motion by Commissioner Mills seconded by Commissioner Hanlon, the Commission AGREED to adjourn the meeting.

The meeting was adjourned at 7:17 pm

These minutes are not a verbatim record of the meeting but a summary of the proceedings.

draft

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DEPARTMENT OF COMMUNITY
PRESERVATION AND DEVELOPMENT

Date: May 23, 2017

To: Planning and Zoning Commission

Thru: Jim Brown, Director of Community Preservation and Development

From: Jon Branham, Senior Planner

Subject: Zoning Case 17-TA-10: Text Amendment to Section 4.5 of the Zoning Ordinance to add expiration dates for site plan review approvals

Introduction

City of Park Ridge, applicant, propose a text amendment to Section 4.5 of the Zoning Ordinance, to add expiration dates for site plan review approvals.

Notification requirements for this application have been satisfied. A legal notice for the public hearing on the text amendment was published in the *Park Ridge Herald Advocate*.

The Committee of The Whole discussed this item at the March 27, 2017 meeting (see attached minutes). The Municipal Code and the Zoning Ordinance include expiration times for permits and various land use approvals. Additionally, procedures for extending permit and other approvals beyond the normal expiration date are provided. These expirations and extension procedures are summarized on the attached document. In general, municipalities frequently attach expiration terms to approvals for such items as building permits or special uses. Staff has suggested a two-year limitation on site plan review approvals, which would be consistent with special use approvals.

Proposed text:

Section 4.5.G Limitations on Site Plan Review Approvals

1. If work on the proposed development has not begun within two (2) years from the date the site plan review was granted by the Planning & Zoning Commission, the site pan review shall become null and void and all rights granted pursuant to the site plan review shall lapse. Upon written application, filed with the Zoning Administrator prior to the expiration of the two (2) year time limit, the City Council may authorize not more than one (1) extension for a period of not more than one (1) additional year.

Standards for Text Amendments

The Commission shall review the standards for text amendments in Section 4.8.E, Table 1 and determine if the applicant satisfies the standards for changes to Section 4.5.

Commission Action

The Commission will need to consider whether to deny or continue the application, or recommend City Council approval of the text amendment to Section 4.5 of the Zoning Ordinance to add standards for site plan review approvals, Zoning Case Number 17-10-TA. In taking action on the case, the Commission shall make findings of fact regarding the standards for text amendments.

Attachments

- Committee of the Whole minutes, March 27, 2017
- Staff memo with attachments to COW, dates March 27, 2017
- Section 4.5 of Zoning Ordinance
- Text Amendment application, dated May 4, 2017
- Suggested Findings of Fact

BEFORE THE PLANNING AND ZONING COMMISSION
Park Ridge, Illinois

In the Matter of	)	
Text Amendments to Section 4.5.G,	)	Case No. 17-10-TA
regarding site plan review expiration dates	)	

F I N D I N G S O F F A C T

This matter having come before the Planning and Zoning Commission for a hearing on the request of the City of Park Ridge, for a text amendment to Section 4.5.G of the Zoning Ordinance regarding site plan review expiration dates, the Commission having held a public hearing on May 23, 2017, as required by law; and having heard evidence on the matter, based on the evidence presented, as reflected in the minutes of these proceedings, and for the reasons indicated in the minutes of this Commission in this case,

The Planning and Zoning Commission finds that the following facts have been established based on the standards set forth in the Zoning Ordinance:

1. The extent to which the proposed amendments promote the public health, safety, comfort and convenience and general welfare of the City.

The proposed amendment to the Zoning Ordinance would promote the public health, safety, comfort, convenience and general welfare of the City by allowing the City to establish reasonable expiration dates with regard to site plan review approvals.

2. The relative gain to the public, as compared to the hardship imposed upon the applicant.

The proposed amendment present a relative gain to the public by establishing further defined parameters for site plan review approvals.

3. The consistency of the proposed amendment with the Comprehensive Plan.

The proposed amendment would be consistent with the Comprehensive Plan by updating zoning regulations in order to preserve and protect the character of the community.

4. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.

The proposed amendment would maintain consistency with the Zoning Ordinance by fixing standards which apply to site plan review approval.

5. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

The proposed amendment would add clarification to existing requirements in the Zoning Ordinance, as there have previously not been expiration dates required for site plan review approval.

6. That the proposed amendments will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest

groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment would benefit the residents as a whole by establishing reasonable additional regulations for site plan review approvals, which are consistent with other zoning approvals. The public interest is served in that regulations were previously not addressed.

7. Whether the proposed amendments provide a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.

The proposed amendment would provide a more workable way to achieve the intent and purposes of this Ordinance and Comprehensive Plan by modifying the existing regulations in such a way which would not significantly impact the community and would assist the public with more refined requirements.

8. The extent to which the proposed amendments creates nonconformities.

The proposed amendment would not create nonconformities.

9. The extent to which the proposed amendments are consistent with the overall structure and organization of this Ordinance.

The proposed amendment is consistent with the overall structure and organization of the Ordinance. The amendments establish additional parameters for site plan review approval in a reasonable and sensitive manner.

Therefore, the Commission recommends approval of these text amendments to the Zoning Ordinance, as requested, on the terms and conditions set forth in the minutes of the meeting of May 23, 2017.

_____ _____

Date Approved Joe Baldi, Chairman

Agenda Cover Memorandum

Meeting Date: March 27, 2017

Meeting Type: ☒ COW (Committee of the Whole) ☐ City Council ☐ Budget Workshop

Item Title: Discuss Permit Expirations and Extensions

Action Requested: ☐ Approval ☒ For discussion
☐ Feedback requested ☐ For your information

Staff Contact: Jim Brown, CP&D Director
Phone Number: 847-318-5296 Email Address: jbrown@parkridge.us

Background**:**

The Municipal Code and the Zoning Ordinance include expiration times for permits and various land use approvals. Additionally, procedures for extending permit and other approvals beyond the normal expiration date are provided. These expirations and extension procedures are summarized on the attached document. In general, municipalities frequently attach expiration terms to approvals for such items as building permits or special uses.

Discussion:

To what extent, if any, does the City Council desire to alter either the expiration times for permits (including adding expiration times where none now exist) and/or the extension process?

Recommendation:
Discuss permit expirations and extensions. Specific suggestions contained in attached document. I will provide some insights on regional municipalities' approaches to approval expirations at the meeting.

Budget Implications:
Does Action Require an Expenditure of Funds: ☐ Yes ☒ No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:
☐ Yes ☐ No ☐ Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

Attachment
Expiration Provisions in Building and Zoning Regulations

EXPIRATION PROVISIONS IN BUILDING AND ZONING REGULATIONS

Building Regulation Expiration of Approvals

Section 15-1-9 (Expiration of Permit) contains provisions for the expiration of various types of building permit approvals. This section reads in its entirety:

> **15-1-9 - EXPIRATION OF PERMIT**
>
> Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 30 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.
>
> Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work, or complete work under that permit when he is unable to commence work, or complete work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once, except upon review and approval by the City Manager for an additional 180 days. In order to renew a permit after expiration, the permittee shall pay one-half the original permit fee.
>
> Failure to complete construction as indicated on the approved permit plans within the time indicated in the table below from the date of issuance shall terminate the permit.
>
> a. Commercial and Institutional Structures—Principal Building—24 months;
> b. Multi-family Residential Structures Exceeding 24 Dwelling Units—18 months;
> c. Single family Dwellings—12 months;
> d. All Other Exterior Construction—12 months;
> e. All Interior Construction—12 months.

RECOMMENDATION: Do not alter above provisions.

Appearance Code

There are no expirations for approvals granted by the Appearance Commission. The Appearance Commission and its appearance review, however, fall under Article 15 (Building Regulations) of

the Municipal Code, and Appearance Commission approval is a prerequisite to the issuance of certain building permits. Article 15 contains provisions for the expiration of permits.

RECOMMENDATION: The City Council should clarify, through code amendment, that Appearance Commission approval would expire along with the expiration of a building permit. I see no need to add expiration of Appearance Commission approval if work is not initiated on proposed project within a certain time, since the City has (or I am recommending) other expirations that in most cases would apply.

Zoning Ordinance Expiration of Approvals

Zoning Variance. Variances normally run with the land and the Zoning Ordinance contains no provisions regarding expirations.

RECOMMENDATION: I suggest the City Council consider, on a case-by-case basis, particular time limits on certain types of variances. These expiration times could be included as a condition within the approving variance ordinance. For example, a proposed new single-family home might receive approval of a height variance, but the variance would expire if a complete application for a building permit were not received within a year of variance approval.

Special Use: Per 4.6.G. special use approval shall become null and void if work has not begun on the proposed development within two years from the date of approval, and "all rights granted pursuant to the special use shall lapse." An applicant may submit, prior to the expiration, a written request to the Zoning Administrator to extend the two-year period. The Zoning Administrator may grant such extensions for a period of one year, and the City Council may grant not more than one extension for a period of not more than one additional year.

Planned Development. Planned developments are special uses, and thus would be subject to the expiration and extension provisions provided in 4.6.G of the Zoning Ordinance (see above).

Site Plan Review. The Zoning Ordinance does not contain any provisions regarding expiration of site plan approval.

RECOMMENDATION: I find the two-year expiration period appropriate, since projects are often delayed or stall for a variety of reasons: financing, completion of final engineering or architectural plans, discovery on site of unexpected obstacle (e.g. underground petroleum storage tank). However, I believe it appropriate to have site plan review subject to the same two-year limit attendant provisions as found for special uses.

James A. Brown
Community Preservation and Development Director
March 28, 2017