



To: Michelle Pease, PCED, Community Development Director
City of Rochelle

From: Pete Iosue, AICP, Senior Planner
Teska Associates, Inc.

Date: October 22, 2019

Re: Zoning Ordinance Review

The following report summarizes the findings of Teska Associates' review of the City of Rochelle's existing Zoning Ordinance (Chapter 110 – Zoning in the Rochelle Municipal Code). The purpose of this review is to identify issues, omissions, and errors within the Zoning Ordinance in order to help the City determine the best approach to move forward, whether that means amending certain specific sections of the existing code or a full rewrite of the entire code.

This analysis is based on Teska's review the entire text of the Zoning Ordinance, as well as interviews with City Staff, elected officials, and key persons identified by the City. In addition, I will be present at the City of Rochelle Developer Summit 2 on Thursday, November 11 to provide a summary of Teska's findings, and to solicit further input from the local development community. I am also available to come to a Planning Commission or City Council meeting if so desired by the City.

If you have any questions or comments about the findings of this report, please do not hesitate to contact me.

Executive Summary

Teska has reviewed the entire text of the Rochelle Zoning Ordinance, with the intention of providing guidance to the City in order to determine if the Zoning Ordinance can be amended and updated, or if a complete rewriting of the Zoning Ordinance is required.

After review of the Rochelle Zoning Ordinance, Teska has discovered numerous issues that need to be addressed. Some of these issues are urgent, requiring immediate attention, while others can be addressed at the discretion of the City.

The biggest issue concerning the Zoning Ordinance is the general lack of consistency, and overall disorganization of the document. The City has obviously paid a great deal of attention to zoning related issues throughout the years, as numerous amendments are inserted throughout the document. Unfortunately, this has resulted in certain topics (such as accessory uses) being addressed in multiple sections within the document, definitions being spread out in multiple sections of the document, and references to other regulations being unclear and hard to find. The end result is a document that is difficult for citizens and businesses to understand and unnecessarily hard for staff to enforce, which impedes the City's desire to protect the character of the community and promote continued economic development within the City.

As the Zoning Ordinance is well over 20 years old (1996), many current zoning issues (such as gaming, medical/recreational cannabis, wind turbines, solar panels, beekeeping, chickens/goats, modern telecommunications, etc.) are not addressed. In addition, a number of major issues were identified that should be rectified immediately, including sign regulations that are not consistent with recent court rulings, and questionable standards for granting variances.

It is the recommendation of Teska that the City of Rochelle create and adopt a new zoning ordinance that addresses the omissions and inconsistencies of the current ordinance, and incorporates modern planning techniques.

However, Teska is aware that this process can be lengthy and intimidating. At minimum, the City should consider reformatting the existing ordinance, to put everything in a logical order, consolidate fragmented regulations, and provide hyper-links to definitions and related sections. The addition of graphics such as charts and sketches and diagrams would also go a long way towards making the existing document more user-friendly.

Article I – General Regulations

This section outlines the intent and purpose of the Zoning Ordinance, including interpretations, general restrictions and definitions.

Interpretations include such things as “may” vs. “shall” and singular vs. plural wording. It is missing a few relevant interpretations such as gender (his/hers, etc.). The entire document is also confusing as to “chapter” vs. “section” which could be further clarified.

The definitions section is generally sufficient for the existing ordinance – it references most of the important language that would need clarification. Some definitions could use further detail, for example the definition of “floor area” could include the actual formula as well as the description. In addition, many of the included definitions could benefit from a diagram or sketch for clarification, such as the various definitions of “lot” and “yard” and “vision clearance triangle.” Visual aids in the form of diagrams and sketches are very helpful to explain planning concepts to the general public, and can greatly decrease questions directed to City staff. And finally, all definitions should be hyper-linked to the relevant sections in the Zoning Ordinance for ease of reference for both the public as well as City staff.

General use restrictions and site restrictions are also located in this chapter. These include such things as principal/accessory uses, temporary uses, soil conditions and utility easements. There are some very important provisions in this section that are not referred to elsewhere in the ordinance, and could be very easy to miss (provisions such as all development within 500ft of the highway requires a special use permit). These provisions should be relocated to more appropriate sections of the Zoning Ordinance.

Remaining sections relating to cemeteries, vision triangle, buildings construction and building relocations are adequate but could use some clarifications. Cemeteries refers to people but not pets (cats and dogs), and the vision triangle could use a diagram. There is also a reference to compliance with “any comprehensive plan elements” which is a good idea but poorly worded.

Article II – Administration and Enforcement

This section outlines duties of the Zoning Administrator and Planning and Zoning Commission, and procedures for building permits, conditional use permits, variances and text/map amendments.

The duties of the Zoning Administrator and Planning and Zoning Commission appear old and out of date (from 1996 actually). References to requiring forms “in duplicate” implies a process prior to modern computers and printers became commonplace. The City may wish to consider allowing electronic submission to reduce the amount of paper required to be processed. The list of duties is also incomplete, as the Planning and Zoning Commission are only authorized to hold public hearings for amendments and conditional uses - not variances or PUDs, which specifically require action by the Planning and Zoning Commission in later sections of the Zoning Ordinance.

Violations and fees are also covered in this section. The City’s fee schedule is referenced here, but a link to it or a copy attached as an appendix to the Zoning Ordinance would be preferable.

Application and approval processes for conditional use permits, variances and zoning text and map amendments are also contained in this section. The processes are generally sufficient, however there are some deficiencies and inconsistencies throughout. Specific timelines are mandated for application review and scheduling hearings, which can be problematic for more complicated development applications. The City Clerk is responsible for sending public notices, which is typically the responsibility of the petitioner, and can eat up valuable staff time. There is no definition of how to calculate the 250ft buffer required for public notices. Language stipulating who can initiate an application is incomplete.

The conditional use process requires review of projects near the highway by the Highway Commission, which is unusual. The variance process standards include an extra criteria (#7) which is likely not valid and possibly illegal. And the amendment process allows a decision to be overruled by 20% of adjacent property owners, which can be problematic. These provisions should all be reviewed and amended as necessary.

Lastly, many Zoning Ordinances provide guidelines for site plan review, which is absent from Rochelle’s ordinance.

Article III – Zoning Districts

This section establishes the various zoning districts within the City. Zoning categories are generally adequate. However, there is no institutional zoning district - the addition of an institutional zoning district for public facilities would allow these uses to be easily identified on the zoning map, and eliminate multiple text provisions required to accommodate them into other districts. In addition to the regular zoning districts, there are a number of overlay districts including transportation/tourism and technology.

Language relating to the zoning map should note that the official zoning map be adopted every year per State law. The interpretation of zoning district boundaries specifies that in no case should there be multiple buildings on a lot, in contradiction to the planned development regulations which specifically allow for this.

Residential zoning districts are split into multiple single-family and multi-family districts. These districts could potentially be combined/reduced. Specific regulations regarding lot sizes and dwelling area are specified and should be evaluated against current existing conditions. In addition, there are multiple references to units constructed prior to the date of the ordinance, with no mechanism to document such uses.

Commercial districts include regulations for downtown, highway oriented, and local commercial areas. The downtown district allows for mixed-use with residential above the ground floor, which is good. Lists of permitted, special, and accessory uses should be merged with the District Use Classification List as these are not all centrally located and are difficult to determine what is actually allowed.

The Airport District is generally adequate; however the use list should be reviewed periodically. There is a legal description of the area which is difficult to understand – a map of the area would be much better.

Industrial districts are split into light, general and heavy industrial, and are appropriate. The Residential Office district generally provides for the transition of residential to offices near the downtown area. Specific criteria for bed and breakfast uses are located here, and should be better integrated into the use list as it is easy to miss in this section.

Overlay districts for transportation/tourism and technology are good, but should be better integrated into the zoning ordinance. They appear to have been adopted individually and inserted into the ordinance. Uses could be merged into the District Use Classification List. Design criteria are included but are vague, including language such as “shall be harmonious with the character” and “shall not be garish” which is unclear. Regulations regarding lighting and screening is also not specific. Application processes for the overlay districts are also not consistent. Throughout the ordinance application processes include clear timeframes and deadlines, which are absent for the overlay districts.

The District Use Classification List is also included in this section. However, there are regulations related to permitted and special uses included throughout the various sections for individual zoning districts. These should all be combined into one list for ease of reference, and links to the list provided in each zoning district section.

The use list is extensive, and should be periodically reviewed. The City should consider reworking this list to provide more generalized categories, such as “warehouse” and “manufacturing” and “retail” and “office” instead of trying to identify every conceivable use to add to the list. As it is currently, there are quite a few uses on the list that could be removed as no longer relevant such as “camera store” and “luggage store” and “photographic processing” among others. A number of uses are also missing such as wind/solar generating systems, gaming, and medical/recreational cannabis.

Article IV – Lot and Yard Requirements

This section contains the chart of minimum lot area and lot size for each zoning district. This chart is a good consolidation of all of the lot and yard requirements and is very helpful. Specific lot and yard requirements appear adequate, but should be reviewed against existing conditions within the City to ensure that they accurately represent current land uses.

Some of the notes attached to the table are questionable however. Uses adjacent to Route 251 and Route 38 are required to be 72 feet from the centerline, which seems arbitrary. Also, accessory buildings on a single-family lot are exempted from the maximum lot coverage requirement which doesn't seem appropriate.

Article V – Performance Standards

This chapter regulates noise and odor and similar problematic safety issues primarily related to industrial uses. These types of regulations are typical in an older zoning ordinance, but are generally unnecessary as a majority of these regulations are already governed by State and Federal regulations. In addition, City staff generally does not have the technical expertise or equipment to monitor these things anyway. Most of this section can simply be removed with references to the applicable State and Federal laws.

Article VI – Landscaping

The landscaping section was reviewed by one of Teska's registered landscape architect. The landscaping requirements are generally pretty good, however a number of minor issues are highlighted here.

Requirements for a landscape plan are generally good and typical of other community's requirements. However, requiring analysis of geology and soil conditions is a bit excessive. Landscaping of detention basins is adequate, but encouraging native trees and plant species should be encouraged.

Screening of commercial and industrial areas from residential areas is required, which is good. But all required plantings are required to be on the residential side, which implies plantings are required on adjacent properties. This language should be clarified.

Screening of parking areas and landscaped parking islands are required. Requirements for number of required trees is relatively high, and required area for islands is relatively low.

Prohibited planting varieties are provided in a list, which should be updated. There are a number of additional species that should be included such as the Norway Maple, Ornamental Pears, Burning Bush, and others. Also, it would be helpful to include another list of suggested native plant species that City prefers.

Finally, some general language regarding removal of bindings, burlap, wire cages, etc. would be helpful, as well as some language for tree removal and tree preservation.

Article VII – Planned Unit Developments

This section provides regulations for Planned Unit Developments (PUD). A PUD is intended to allow for more creative design by allowing variations from existing zoning requirements in exchange for increased amenities. The Zoning Ordinance establishes PUD as a separate zoning district. In our experience, PUD regulations work better as an overlay district. This allows for retention of the underlying zoning district regulations, and eliminates issues relating to rezoning if changes occur in the future.

The PUD requirements are split into three categories: residential PUD, commercial PUD, and industrial PUD. These categories do not allow for a mix of uses, which is counterproductive. The PUD requirements should encourage creative design and a mixture of uses not normally allowable, if appropriate. The Residential PUD should not be limited to strictly residential uses, etc. In addition, the minimum size of a PUD is 20 acres, which is fairly large. Typical minimum PUD sizes of 5 acres are common (or even less in downtown areas).

The general standards for PUDs are fairly good. Regulations include consistency with the Comprehensive Plan, density bonuses, development phasing, maintenance of common open spaces, buffers, and signage. Some of the included requirements are unclear however, and should be revised. The density bonuses allowed are fairly low, signs are limited to “no greater than that required” and “no larger than necessary”, common open space is required to be equally distributed which limits creative conservation design, and required buffers are excessive.

The application process is also generally good, but it does require meetings with the Director of Public Works instead of the Community Development Director, which is odd and likely a relic from a time before the City had a Community Development Director. Many communities use a committee approach which may be useful for Rochelle.

A pre-conference meeting is required and very helpful, but significant submission requirements for this introductory meeting are required and not necessary at this early stage. Time limits and deadlines are provided throughout the process, but are fairly short and could be problematic for a complex PUD development to meet these deadlines.

As the PUD is a stand-alone zoning district, rezoning of the property is required. There is language in the administration section that calls for the property to revert to its previous zoning classification if the PUD expires or is revoked, which is not possible. The property would need to be rezoned back. This is a good example of why the PUD requirements are better suited as an overlay district.

Article VIII – Mobile Home Parks

This section relates to mobile home parks within the City. These regulations appear fine other than a few minor adjustments, but should be amended to include newer types such as pre-fab and manufactured homes. Screening and buffering requirements should be integrated into the Landscaping section and linked back to this section. The annual fee of \$50 should be reviewed to determine if it is still appropriate and adequate.

Article IX – Shorelines and Watercourses

This section addresses properties adjacent to the Kyte River. These regulations are intended to control water pollution and protect shorelines. Conditional uses are required for draining, dredging, filling, and other site work that could affect the waterway. These regulations appear adequate but should be reviewed against County regulations to ensure they are consistent and up to date.

Article X – Miscellaneous Uses

This section contains specific regulations for miscellaneous uses that are not appropriately covered elsewhere in the Zoning Ordinance. These are generally a series of regulations that were adopted individually to address specific issues and uses on a piecemeal basis over the years. These regulations cover uses such as gas stations, home occupations, day care facilities, pawn shops, and adult uses (among others). These regulations are generally good aside from some minor adjustments.

Gas stations requirements should be adjusted to clarify language relating to parking and lighting. And they also currently include language on rental cars which seems out of place. Home occupations should be updated to cover newer trends resulting from advances in technology. Current regulations would prohibit home businesses such as selling items from ebay, home hair braiding/styling, and home offices. Drive-in theatres are regulated, but are virtually non-existent today.

Regulations for driving ranges should be updated to accommodate modern enclosed ranges. Community buildings prohibit gainful activities and advertising which is common for bingo nights or auctions or other events. Language for nursing homes is sparse and should be expanded to encourage such uses in the City. Churches are prohibited on residential streets, and day care is required to be a minimum of 10,000sf in area which eliminates potential home day care facilities.

Sexually oriented businesses are also regulated in this section. These regulations appear adequate and in compliance with case law, but should be periodically reviewed by the City Attorney for consistency with current State law. It might be helpful to map out the buffers to ensure that these regulations are not too restrictive.

Article XI – Nonconforming Lots, Buildings and Uses

This section regulates nonconformities. Nonconforming lots, buildings and uses are allowed to remain, but nonconformities cannot be increased. The language in this section is fairly typical and adequate to handle this issue. This section also contains the only sketch in the Zoning Ordinance – sketches and diagrams and other visual aids are very helpful for the public to understand difficult zoning concepts.

Procedures for eliminating nonconformities include the creation of an inventory of nonconforming uses and structures present on the date of adoption of the Zoning Ordinance. Has the City documented this already (I assume probably not)? This language should be amended to provide a more realistic approach to dealing with nonconformities. If the City does not have the staffing to document every nonconformity, another approach is to set a deadline for property owners to come to the City and document such issues themselves.

Article XII – Parking and Loading

Parking and loading requirements are typical. Some communities have begun to rethink their parking requirements and change to a maximum number as opposed to a minimum number. And some communities are eliminating parking requirements altogether.

There is an exemption from parking standards for a property identified only by legal description, which is unusual. It is unclear where this property is located (a map would be preferable to the legal description) or why it is exempt from parking requirements. Parking stalls are required to be a minimum of 9ft by 20ft which is on the high side of the normal range (typical standards of 9ft by 18ft are more common).

Screening is generally required when parking abuts residential. Other landscaping requirements should be combined with the landscaping chapter of the Zoning Ordinance. Minimum tree planting strip of 50sf is fairly low and should be increased (150sf is more common for such islands).

Collective/shared parking is not prohibited, but it is not encouraged either. Shared parking should be encouraged whenever possible to reduce required paved areas. Parking is prohibited from front yard setbacks except in the B-2 and B-3 districts, which is very restrictive.

The table of parking requirements should be periodically reviewed to ensure adequate parking is provided throughout the City. The current requirements are generally based off of number of employees/customers, which can be difficult to determine and enforce. It is more common to use building area as a guide for parking requirements. The list is also incomplete, and should be compared to the permitted use list for completeness, as well as existing uses to ensure that parking requirements are adequate but not excessive.

Article XIII – Signs

This section regulates signage throughout the City. This section appears to have been written and adopted as a stand-alone ordinance, and should be better integrated into the overall Zoning Ordinance. The definitions should be merged with the general definitions section. Some of the definitions are repeated multiple times in the text. And some of the definitions are vague or unclear, such as “seasonal”.

The permitting process seems adequate, aside from some timelines that may be difficult for City staff to document and enforce. Temporary signs are limited to 60 days per calendar year. Deteriorated signs must be removed after 30 days. Construction signs are limited to 30 days. Nonconforming signs existing prior to 4/15/88 are grandfathered in. These things are difficult to document and enforce.

Signs specifically exempted from this section are very problematic, and these are not consistent with recent court rulings. All signs must be treated equally, regardless of message. Political signs, for sale signs, garage sale signs, etc. can no longer be exempted. This section should be updated as soon as possible.

Sign requirements should also be updated to include regulations for electronic/LED signs, which appear to not be allowed under current regulations. Off-premise sign regulations are also very strict. Additional height is allowed near the highway, but advertising off-site is still prohibited. And the City is allowed to reject any off-premise sign even if it meets all the requirements, which is not appropriate. Projecting signs are allowed, but should probably be limited to the downtown area where such signage is more appropriate.

The sign area table bases maximum sign area for ground signs on the lineal street frontage, and maximum sign area for wall signs on the lineal building frontage. These generally seem appropriate, but should be reviewed periodically to ensure they meet the desires of the business community while preserving the aesthetic appeal of the City.

Article XIV – Antennas and Satellite Dishes

This section regulates antennas and satellite dishes within the City. Again, this section appears to have been created in isolation and inserted into the Zoning Ordinance. It includes its own definition section which again should be integrated into the general definitions section. In addition, this section appears to have been created in 1996, prior to the satellite dishes becoming commonplace, and should be updated to modern standards.

General requirements are in need of updating. Advertisements are prohibited on satellite dishes, but common carriers generally include their name on the dish. Screening is required but is counterproductive as it could block reception. Towers are listed as prohibited in residential districts, but the text describes them as a conditional use.

Protections for viewsheds are included, as well as regulations for collocation, which are very good. Additional regulations for “stealth” towers that mimic the look of trees or other non-offensive disguises should be included and encouraged.

Noise is limited to 45 decibels, which is not typically an issue with communications towers, and the City likely doesn’t have the equipment to measure anyway.

Discontinued towers are required to be removed after 90 days, but no mechanism to document such discontinuances is provided.

Article XV – Exceptions and Modifications

The final section of the Zoning Ordinance deals with general exemptions and modifications. Issues such as building height, yard requirements, fences, accessory buildings, and outdoor storage are included. This appears to be a general section where addendums to the ordinance were approved and inserted. There are numerous important requirements addressed in this section that should be relocated to the appropriate section of the Zoning Ordinance. As it is, these regulations are hard to find and easy to miss unless you are specifically looking for them.

Exceptions to building height requirements should be integrated into the height regulations in each zoning district, or at minimum a link to this section could be provided. Regulations for fences refer to the vision triangle but do not provide specific details or guidance. Accessory building regulations are provided here, as well as in multiple other sections of the Zoning Ordinance. All of the requirements for accessory buildings should be consolidated and located in one section within the Zoning Ordinance.