

MEMO: Responses to Comments Received at Public Hearing: Update to City of Berwyn Zoning and Sign Ordinances August 17, 2017

To: Mayor Robert Lovero, City Council, City Staff, Berwyn Development Corporation Staff

From: CMAP, City of Berwyn Zoning Ordinance Update Project Team

Date: August 21, 2017

Purpose

This memo summarizes comments received at the August 17, 2017 public hearing regarding the proposed draft of the City of Berwyn Zoning and Sign Ordinances. The text below provides a summary of each comment received at the public hearing in the order they were provided at the hearing. For each comments, CMAP has provided a response where applicable.

Comments and Responses

3.1 Resident at 1933 Maple

- **Comment:** Was concerned about requiring a setback for octagon bungalows. Would like clarification on difference between an addition and a dormer as used in the Code.
- **Response:** § 1254.02 (Definitions) of the proposed Ordinance defines “Addition” as “construction that increases the size of a building or structure in terms of height, length, width, floor area, or impervious coverage.” The term “Dormer” is not defined, however “any words not defined in this Chapter shall be interpreted as defined in normal dictionary usage” (§ 1240.05.F (Undefined Terms)), therefore, any additions to this bungalow would require the setback regardless of what type of bungalow.

3.2 Resident at 2720 Clinton

- **Comment:** Did not see any reason to change the existing Code. Expressed concerns over illegal dwelling units and increased residential population, which may overwhelm on-street parking, schools, and sanitary services.
- **Response:** The goal of the Ordinance is to implement the goals of the Comprehensive Plan, which sets out the City’s vision for investment and redevelopment over a 10 to 20 year planning horizon.

3.3 Resident at 2525 Ridgeland

- **Comment:** Requested clarification of matrix on page 46 of the draft Ordinance for the R-1 District. Did not understand distinction for building height between bungalows and single-family homes.
- **Response:** Table 1246.10-A. R-1 District Requirements is correct as written. Buildings other than bungalows may have a maximum building height of 30 ft. Bungalows without additions may have a maximum building height of 20 ft. Bungalows with additions may have a building height of 30 ft.

3.4 Resident at 1322 Maple

- **Comment:** Concerned about bright lights from businesses shining into the windows of adjacent homes in residential districts. Cited examples such as Culver's (6943 Roosevelt Rd) and Extra Space Storage (1301 Harlem Ave). Noted that the Ordinance talks about fully-shielded lighting, but that these standards are not enforced.
- **Response:** § 1250.08.C.4 (Fixtures) states "all new and replacement outdoor lighting shall employ full cut-off or fully shielded fixtures." Existing light fixtures would be exempt from this requirement however, the Environmental Performance Standards of the proposed Ordinance (§ 1244.06) could be used to abate this nuisance with § 1244.06.D (Glare and Heat), "light sources shall be shielded so as not to cause a nuisance across lot lines."

3.5 Resident at 3707 Wenonah

- **Comment:** Concerned about the scale of new residential construction in contrast to the established homes in the neighborhood. New residential construction seems too tall, the yards seem too narrow, and the character of the home seem out of character.
- **Response:** The bulk and setback standards for the R-1 and R-2 Districts are based on the character of established homes in the neighborhood as shown in § 1246.10 (R-1 Single-Family Residence District Requirements) and § 1246.11 (R-2 Bungalow District Requirements). During the assessment phase of this project, CMAP did extensive research to determine appropriate requirements for setbacks, building height, and impervious coverage based on the City's existing character.

3.6 Resident at 6945 Riverside

- **Comment:** Moved from south Berwyn to Riverside Drive and is concerned about the effects that changes to bungalows would have on residents' investments in their homes.
- **Response:** The objective of the bungalow addition standards for the R-2 District (§ 1246.11 (R-2 Bungalow District Requirements)) have been incorporated to allow investments in these historic buildings while maintaining the character of their height, roof pitch, and building materials.

3.7 Resident at 3500 Euclid

- **Comment:** Zoning map is incorrect. Oak Park Avenue from 16th Street to 18th Street should be part of the R-3 District on both sides of the street.
- **Response:** This change can be made to the zoning map.

3.8 Resident at 1532 Harvey

- **Comment:** Two comments: 1) Concerned that City Council would be voting on the Ordinance without having enough time to respond to public comment at this hearing. 2) Did not like the idea of allowing brick homes to have additions that are not also made of brick.
- **Response:** 1) The item is not on the City Council agenda for a vote on the Ordinance on August 22, 2017. This item will be discussed at the open committee of the whole meeting on August 22, 2017 to review the comments from the public hearing. 2) With modern building practices, brick construction is often too expensive and labor intensive to be standard practice for modern residential construction.

3.9 Resident at 1932 Maple

- **Comment:** Three comments: 1) Parking is an issue in the community because people use their garages for storage. 2) Property owners should have the right to invest and change their bungalow based on their personal preferences and what suits their family. 3) Zoning enforcement is too lax, and when the Ordinance is enforced, conscientious property owners are targeted, rather than absentee landlords.
- **Response:** 1) The Comprehensive Plan and the Zoning Ordinance recognize that parking issues are a major issue in the City. Off-street parking issues are carefully addressed in Chapter 1248 (Off-Street Parking and Loading). 2) No response necessary. 3) Following adoption of the proposed Zoning Ordinance, consistent enforcement should be a major focus for City staff.

3.10 Resident at 2507 Harvey

- **Comment:** Concerned about proposed Ordinance allowing certain types of trees on the parkway where the canopy is so low that pedestrians cannot pass underneath.
- **Response:** The City's list of preferred tree species for street trees is outside the scope of the proposed Ordinance. The City can update this list based on the recommendations of an arborist.

3.11 Resident at 2405 Euclid

- **Comment:** Two comments: 1) Spoke in favor of allowing homeowners to expand their homes over time as the needs of their families change. 2) Highlighted the availability of city and state funds to help owners of historic homes to maintain the character of their homes.
- **Response:** 1) No response necessary. 2) The availability of these funds, such as historic preservation tax incentives, are outside the scope of this project.

3.12 Resident at 3002 Wisconsin

- **Comment:** Three comments: 1) Thanked CMAP for their work on this project. 2) Felt that the definition of "Bungalow" was too vague and that it would require too much interpretation by the Zoning Administrator. 3) Did not understand the utility of the difference between the second story setback of 6 ft versus 15 ft.
- **Response:** 1) No response necessary. 2) The definition of "Bungalow" was based on the standards provided by the nonprofit Chicago Bungalow Association. Residents and applicants for additions to bungalows may file a Zoning Interpretation (§ 1252.03.G) to clarify and/or explain the standards of the Ordinance and to ensure that these standards are applied consistently. 3) The first draft of the Ordinance only had a setback requirement in the designated historical bungalow district. Adding a setback for bungalows outside of the designated bungalow district was a policy decision made by the City as part of their review of the draft Ordinance.

3.13 Resident at 1849 East

- **Comment:** Four comments: 1) Merge the R-1 and R-2 Districts so that all bungalows have a 20 ft setback. 2) The Ordinance should address historic homes that are not bungalows. 3) The definition of dormer should include front facing attic windows. 4) Do not allow brick or limestone to be painted.
- **Response:** 1) The second floor setback standards were a policy decision made by the City as part of their review of the draft Ordinance. 2) The Comprehensive Plan addresses the historic character of the residential architecture of the City of Berwyn. It addresses historic bungalows specifically, but not other types of historic architecture, such as Tudors, Four-Squares, and Queen Anne's. Preservation of these homes would be applicable to the City's historic

preservation standards, but is outside the scope of the Zoning Ordinance update. Creating blanket historic preservation standards for wide swaths of the City would have an enormous effect on the property rights of many property owners in the community. Such an endeavor would require significant public outreach to understand the wants and needs of Berwyn residents. 3) This is a policy decision that should be decided by the City. 4) Brick shall not be painted according to the standards of § 1246.11 (R-2 Bungalow District Requirements). The Ordinance does not address limestone, but this could be added to the Ordinance with guidance from the City.

3.14 Resident at 3014 S Wisconsin

- **Comment:** Expressed the importance of additions to homes throughout the City, including historic bungalows, to allow families like his to grow as the need arises.
- **Response:** No response necessary.

3.15 Resident at 2408 Ridgeland

- **Comment:** Concerned about City allowing incongruous building styles that do not fit the established character of existing neighborhoods.
- **Response:** The bulk and yard setbacks of the proposed Ordinance address additions to historic bungalows, but do not provide design guidelines for new residential construction.

3.16 Resident at 3608 Wenonah

- **Comment:** Spoke as a contractor that has worked on historic bungalows in the community and reminded attendees that there are many ways to renovate these types of buildings while maintaining their historic character.
- **Response:** No response necessary.

3.17 Resident at 2405 Euclid

- **Comment:** The City should provide tax incentives for historic buildings.
- **Response:** The availability of these funds, such as historic preservation tax incentives, are outside the scope of this project.

3.18 Resident at 6945 Riverside

- **Comment:** Resident recently completed paperwork to receive tax relief for her historic home.
- **Response:** No response necessary.

3.19 Resident at 3477 Clinton

- **Comment:** Requested more information about how the City chose to put some bungalows in the proposed R-2 District and others in the proposed R-1 District.
- **Response:** The boundaries of the proposed R-2 District were based on the Central Berwyn Bungalow Historic District was listed on the National Register of Historic Places by the National Park Service in 2015. The proposed R-2 District also includes contiguous whole blocks and half blocks where a majority of the homes are historic bungalows.

3.20 Resident

Comment: Concerned where outdoor dining is allowed, particularly in the Depot District. Often there is minimal space to walk on the sidewalk.

Response: This comment is outside the scope of this Ordinance.

3.21 Representatives of Illinois Realtors (via email)

- **Comment:** Three comments: 1) Overly restrictive setbacks will make renovations and additions to homes nearly impossible. 2) The Ordinance's provisions regarding stormwater management lack flexibility. The City should focus more on a comparison of pre-development and post-development conditions. 3) We recommend adding a 10 to 12 day period for the determination of completeness.
- **Response:** 1) The second floor setback standards were a policy decision made by the City as part of their review of the draft Ordinance. 2) Localized flooding is a major issue in Berwyn. These standards were carefully crafted in collaboration with the City Engineer. 3) A timeline for this determination can be provided per City guidance.

3.22 Alderman Robert Fejt

- **Comment:** Five comments: 1) Would like to include a minimum size for posted notice. 2) Would like City to provide mailed notice, rather than the applicant. 3) Would like to clarify the role of the Zoning Board of Appeals. 4) Feels that the Zoning Administrator has too much authority. 5) Concerned that larger homes would have significant parking impacts.
- **Response:** 1) The City can certainly have a minimum requirement for the size of signs used for posted notice, but since this will be the responsibility of the City, it can be included as an in-house practice, rather than codified in the Ordinance. 2) According to our understanding of the requirements for notice in the existing Ordinance, the responsibility is currently the applicant's. We could change this provision with the guidance of the City. 3) A policy decision was made at the outset of this project to replace the Zoning Board of Appeals with the Zoning, Planning, and Development Commission. The duties of this body are outlined in § 1252.01.C (Zoning, Planning, and Development Commission). 4) The authority of the Zoning Administrator is virtually the same in the proposed Ordinance as it is in the existing Ordinance. Please provide additional information about your reservations on his/her authority. Please note, that for the purposes of this Zoning Code, the term Zoning Administrator shall be inclusive of his or her designees, such as the City Engineer, or other members of City staff (§ 1252.01.D (Zoning Administrator)). 5) The proposed off-street parking requirements for single-family dwellings include a minimum parking requirement of one space. The proposed Ordinance does not include a cap on the total number of parking spaces for the use.

3.23 Alderman Edgar Garcia

- **Comment:** Concerned about the brightness of LED window signs.
- **Response:** The maximum size of a window sign in the proposed Ordinance is 20 percent of the total ground floor window area on each building façade in § 1476.05.B.10 (Window Signs). Light level for LED signs is regulated in the proposed Ordinance in § 1476.03.D (Illumination).

3.25 Alderman Jose Ramirez

- **Comment:** Three comments: 1) Thanked CMAP for their work on this project. 2) Does not understand why the 2900 block of Maple Street is not within the R-2 District boundary. 3) Does not understand the need for both R-1 and R-2 Districts when many residents care so deeply about maintaining the integrity of historic bungalows regardless of where they are located in the City.

- **Response:** 1) No response necessary. 2) The zoning map can be amended to reflect this change if necessary. 3) The second floor setback standards were a policy decision made by the City as part of their review of the draft Ordinance.