



Memorandum

TO: Kevin J. Jackson, Village Manager

FROM: Emily Eagan, Development Services Director
Craig Failor, Village Planner/Planning and Urban Design Manager

FOR: Village President and Board of Trustees

DATE: February 9, 2024

SUBJECT: Public Engagement and Development Entitlement Processes

The purpose of this memorandum is to provide information to the Village President and Board of Trustees on current public participation requirements and practices for various development entitlement processes, including by-right development, planned developments, and special uses; and, an option for enhancing public engagement opportunities through the special use entitlement process in a manner similar to what is now available for plan developments.

At their June 5, 2023 meeting, the Village Board directed staff to prepare a comprehensive study session presentation relative to public engagement pertaining to general development in Oak Park with special attention toward the H-Hospital District. Several considerations were mentioned such as public input for by-right development, planned development and special use development processes. The following is an overview of current policies and regulations associated with public participation in the various entitlement practices.

By-Right Developments

It is important to start with development that is considered by-right within the Zoning Ordinance as there is no public input once the regulations are adopted by the Village Board. By-right development, also referred to as as-of-right development, is the easiest path to qualify for development under the zoning codes of local jurisdictions. By-right approvals are also described as ministerial—a common legal term that also describes a lack of discretionary approval. A development approval process considers whether or not to grant permission to proceed with a proposed development. The permission to proceed, the goal of the development process, is called an entitlement. By conforming to zoning codes, by-right development is not required to undertake a discretionary approval process to achieve entitlement. A discretionary approval process can vary according to local, regional, or state law, but it usually involves a review by a zoning board, plan commission, or elected officials.

Development qualified for by-right approval must still acquire the necessary building permits to proceed, but an entitlement is much more easily attained by-right than through a discretionary approval process. The idea of by-right development is a desired outcome of zoning. The benefit of by-right development for residents and property owners is predictability and certainty about what kinds of development to expect nearby in the future. In that manner of certainty, residents should find it unnecessary to expect or demand an additional review of permissible development. Developers and builders who observe zoning code regulations would find additional public scrutiny unnecessary due to potentially costly and time-consuming delays.

The current Zoning Ordinance sets parameters for dimensional standards such as height, setbacks, lot coverage, etc., for each zoning classification. Standards that exist today were formed at the time zoning was introduced in Oak Park several decades ago. Over the years, modifications to the Zoning Ordinance have occurred, in part, due to political influences, known best practices, and unique circumstances. These dimensional standards are intended to preserve, protect and accommodate the unique character of Oak Park's land uses including existing historical and architecturally significant structures. These regulations are and have always been, available for public consumption. The last zoning ordinance update process was widely advertised generating significant public engagement. More specifically, Article 13, Application Procedures of the Zoning Ordinance, details the current public notification process regarding all types of applications, such as variations, zoning appeals, zoning map and zoning amendments, special uses, and planned developments.

Planned Developments

A neighborhood meeting is required for all planned development applications. This mandatory meeting requirement was introduced into the Zoning Ordinance in 2009 and was carried over into the 2017 Zoning Ordinance update. The neighborhood meeting is to occur prior to a formal application being submitted for a public hearing. The purpose of this requirement is to not only inform the nearby residents of the development proposal, but to also seek their input. This step is important for both the residents and the developer so each can anticipate any concerns with or challenges for the project.

Special Uses

Special Use permits are approved through a discretionary process similar to the plan developments. However, unlike the planned development process, the Special Use permit process does not have a requirement to allow for public engagement prior to formal consideration of the development application. If it is the desire of the Village Board that a neighborhood meeting be required for special use permit applications, staff can work toward preparing a Zoning Ordinance text amendment to implement that new requirement.

Next Steps

1. A discussion will be necessary with the Village Board to obtain direction on any necessary modifications to the Oak Park Zoning Ordinance relative to increased public engagement. The Village Board previously indicated a desire to discuss this matter at a study session. A study session is scheduled for March 19, 2024.

2. Provide a staff review and response to any specific recommended changes, if necessary.
3. Process Zoning Ordinance text changes through the public hearing process, if necessary.

Please contact Emily Egan, Development Services Director, with any questions at eegan@oak-park.us or 708/358-5422.

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All Department Heads