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The Oak Park Area Association of REALTORS has reviewed the proposed Single-Family Home Design Guidelines and we have the following comments.

Vague Standards. The proposed Guidelines lack sufficient clarity and certainty, and therefore are vulnerable to arbitrary and inconsistent interpretation. Vague standards make it difficult for property owners and Village staff reviewing applications to know what is required. This can lead to increased development costs and create confusion for Village residents and officials.

On the following page, we've commented on specific provisions that lack clarity.

"Character" Needs to be Better Defined. Because the word "character" is used frequently in this ordinance, we believe that the Village should clearly define and document the "character" that the proposed Guidelines are intended to protect. There may be a legitimate interest in protecting the character of existing single-family neighborhoods, but in order to advance that interest, it should first demonstrate that the neighborhoods have a particular character. At a minimum, the Village should define the characteristics that it wants to protect. Failing that, the Village may rely on very subjective standards.

Discouragement of Innovation and New Architectural Styles. We do understand that the proposal appears to attempt to ensure that form, massing and scale of a home is consistent with existing development patterns rather than dictating architectural style or specific design features (such as colors, types of awnings, etc.). But the proposed standards may, in practice, discourage architectural and design innovation because the standards are insufficiently clear.

Existing Ordinance's "Review Considerations" should not apply to Single Family Homes. The underlying Zoning Ordinance (Article 7) is being applied to design review for single-family homes. Perhaps this is a drafting error; we don't believe that these are appropriate for additions to single-family homes or infill home construction. These "Review Considerations" are currently applied to—and are more appropriate for—non-residential properties, mixed-use, and multi-family developments.



The following provisions in the Proposed Amendment arguably are vague and could lead to inconsistent and unfair administration by the Village:

- Several of the design standards use terms that require compatibility, similarity, or consistency between new development and existing development. For example, additions must “[m]aintain a *compatible* roof form and roof line with adjacent buildings.”¹ Siding used on an infill building or addition must be “*consistent with* the style and character of the building.”² *Comment:* The Proposed Amendment and the existing Zoning Ordinance do not define or otherwise explain how to determine compatibility, similarity, or consistency. The American Planning Association specifically advises against using such vague criteria in design standards, such as requiring that building height and scale “be *compatible* with its site and adjoining buildings[.]” or requiring that structures be built to “*appropriate* scale[.]”³ Such vague language leaves property owners unable to predict whether their proposed design will be approved.
- Section 7.5.A.1 requires that “[n]ew construction or replacement should conform to the *predominant* heights of roofs of *nearby* buildings.” *Comment:* It is not clear how the “predominant” height is determined. Is it an average, median, or some other measure? This standard also does not define the term “nearby.” As a result, Village officials could interpret “nearby” to mean those only buildings immediately adjacent, or buildings on the same block, or those within a certain distance of the subject property (e.g., ¼ mile or beyond). With such a broad range of possible interpretations, this standard does not inform affected homeowners and builders precisely what is required of them.
- Section 7.5.A.2 states that “[d]ormers should *be smaller* particularly those located at the front of the building.” *Comment:* This section does not state *what* the dormers should be smaller than and provides no guidance as to *how much* smaller a new dormer should be in comparison to whatever it is supposed to be smaller than. The lack of clarity in this standard makes it impossible for designers or builders to know precisely how large a dormer can be. It also leaves the provision susceptible to arbitrary and inconsistent interpretation and application by Village officials.
- Section 7.5.A.3.a states that “a second-story addition should be placed toward the rear of the building, so that it *doesn’t interfere with the original character* and design of the building *or negatively affect the neighborhood’s character*.” *Comment:* The Proposed Amendment does not identify or define the “character” of particular building types or neighborhoods that the proposed design standards ostensibly are intended to protect. In order for the Village to determine whether a proposed upper-story addition would “interfere” with the original building’s character or “negatively affect” the

¹ Proposed Amendment § 7.5.A.1.

² *Id.* at § 7.5.A.5.

³ APA Planning Advisory Service, *Essential Information Packet: Design Review*, at Ch. 1, p. 13 (April 2009) (list of “How Not to Do It”).

neighborhood character, it not only would have to determine the important features that comprise the character of the particular building or neighborhood, but also interpret how and to what degree the proposed design impacts that character. Additionally, defining the existing “neighborhood character” is a prerequisite for adopting design standards intended to protect that character. Without identifying the desired outcomes, it is impossible to ensure that the design standards will advance the Village’s interests.

- Section 7.5.A.3.b states that “[l]arge additions should be broken down into smaller, varied components that relate to the scale and massing of the original building.” **Comment:** It is not clear from the text of the Proposed Amendment what constitutes a “large addition,” leaving it entirely to the discretion of Village officials whether a particular addition is “large.” Similarly, it is not clear what “smaller, varied components” means in the context of Section 7.5.A.3.b. Lastly, it is not clear what the term “relate to” means. If the intent is that the addition should contain some or all of the architectural design elements of the existing structure, then the Proposed Amendment should specifically state that requirement.
- Section 7.5.A.4 requires that “[w]indows in an addition should be sympathetic with the style, scale, and materials of the original building.” **Comment:** This standard is poorly drafted. Not only does it anthropomorphize (i.e., attribute human characteristics or behavior to) windows, it is not clear what it means for an architectural element, such as a window, to be “sympathetic with” another architectural element.