

20S

Zoning Issues: A Developer's Perspective

SCOTT R. BORSTEIN

Neal & Leroy, LLC

JACK GUTHMAN

JOSEPH P. GATTUSO

Shesky & Froelich, Ltd.

Chicago

II. Zoning Process

- C. Choice of Remedies or Relief
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II. ZONING PROCESS

C. Choice of Remedies or Relief

2. [20S.8] Special Uses

Item a in the list is revised:

- a. Is the use in the interest of the public convenience?

Item c in the list is revised:

- c. Is the use compatible with the character of the surrounding area in terms of site planning, building scale, operating characteristics such as hours of operation and traffic generation, and project design?

4. [20S.12] Planned Developments

The last sentence in the third paragraph is revised:

In addition, a zoning ordinance will typically mandate that the planned development be in substantial compliance with the underlying zoning and will sometimes require strict compliance with a particular parameter of the underlying zoning district, such as floor area ratio.

E. Strategies for Gaining Support

2. [20S.17] Negotiations

Add after the third paragraph:

The negotiation process has increasingly become a vehicle for the attainment of current public policy goals by government regulators. These goals often involve the provision of building features, such as “green” roofs, or elements affecting the character of the proposed development, such as the provision of affordable housing units in a residential development. In both examples, satisfaction of the public policy goals has a financial impact on a project that can be quite significant. In some cases, such as the affordable housing example, additional density in the form of floor area or dwelling units may be granted in exchange for the satisfaction of the public policy goal, thereby providing some financial return to offset the cost of satisfying the goal. In others, however, such as the “green” roof example, no additional development rights are forthcoming, and satisfaction of the public policy goal simply results in additional project costs with no corresponding financial benefit to the developer. It is therefore of critical importance for a developer to become familiar with the current public policy goals in a particular jurisdiction in order to gauge the potential impact that satisfaction of any or all such goals will have on the proposed development.

3. [20S.18] Presentation

The third sentence in the fourth paragraph is revised:

For instance, special use standards frequently require a showing that the establishment of the use at a certain site will not have a significant adverse impact on the welfare of the neighborhood. Often, this standard will involve analysis of property values in the area.