





Memorandum

TO: Kevin J. Jackson, Village Manager 

FROM: Emily Egan, Development Services Director 

FOR: Village President and Board of Trustees

DATE: February 22, 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 development entitlement processes, including by-right development, planned developments, and special uses; as well as an option for enhancing public engagement opportunities through the special use entitlement process similar to that currently used for plan developments.

At the June 5, 2023 meeting, the Village Board directed staff to prepare a study session presentation regarding public engagement for general development in Oak Park with special attention paid to the H-Hospital District. The Board asked that this include the process for public input for by-right development, planned development, and special use development. The following is an overview of current policies and regulations associated with public participation in Village entitlement practices.

By-Right Developments

Development considered by-right within the Zoning Ordinance requires no public input once the Village Board adopts the associated zoning regulations. 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 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 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 via by-right approval than through

a discretionary approval process. By-right development is a desired outcome of zoning as it benefits residents and property owners with predictability and certainty about future developments. Because by-right development is inherently permissible, residents should find it unnecessary to expect or demand an additional review of proposals. Developers and builders in compliance with zoning code regulations also avoid potentially costly and time-consuming delays as a result of public scrutiny.

The current Zoning Ordinance sets parameters for dimensional standards such as height, setbacks, and lot coverage for each zoning classification. The standards that exist today were formed several decades ago when zoning was introduced in Oak Park. In the years since, the Zoning Ordinance has experienced modifications largely as a result of political influences, known best practices, and unique circumstances. These dimensional standards intend to preserve, protect, and accommodate the unique character of Oak Park's land use 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 and generated significant public engagement. Article 13, Application Procedures of the Zoning Ordinance, details the current public notification process regarding all types of applications, including variations, zoning appeals, zoning maps 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 with the Zoning Ordinance update in 2017. The neighborhood meeting must occur before the submission of a formal application 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 is an important step for both residents and the developer so each can anticipate any concerns or challenges with the project.

Special Uses

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

Next Steps

1. The Village Board must offer direction to staff for proposed modification to the Oak Park Zoning Ordinance relative to increased public engagement. The Village Board previously requested to discuss this matter with a study session. This study session is scheduled for March 19, 2024.
2. Should the Board recommend a change to the Zoning Ordinance, staff will provide a review of options.
3. Proposed text changes to the Zoning Ordinance will undergo the public hearing process, if necessary.

For questions, please contact Emily Egan, Development Services Director, via email at eeegan@oak-park.us or by phone at 708-358-5422.

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