

Managing the Impact of Residential Redevelopment

Neighborhood Construction Watch Handbook

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for the Downers Grove Coalition for Managed Redevelopment*

www.DGCMR.org

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Introduction

We have all seen neighborhood construction sites where fencing is falling down, water or mud makes sidewalks impassible, or construction vehicles block traffic. In other cases we've seen houses being built too close to property lines or with improper grading that causes water drainage onto neighboring property.

Over the last year the Village of Downers Grove changed several ordinances to help manage redevelopment and protect neighborhoods from undesirable impacts, particularly during construction.

Ideally compliance should be voluntary; developers would simply follow all the rules. In reality however, enforcement is up to residents. The Village does not patrol for construction code violations the way police do for traffic violations; rather citizens often need to call them in. The Village has begun to increase attention to site compliance, and the Downers Grove Coalition for Managed Redevelopment (DGCMR) encourages the Village to take a more proactive role. Still, residents need to keep watch in their own neighborhoods.

The information in this handbook will help you find out what is planned for a site in your neighborhood, what the rules are, and how to get action when the rules aren't being followed. With citizen involvement, neighbors can better protect our neighborhoods from the undesirable and unnecessary impacts of poor planning, demolition, and construction.

The new ordinances clearly say what developers and builders must do and may not do. The Village has put tools in place that make it easier for neighbors to find out what's going on, what's right or wrong, and how to make the Village aware of potential infractions.

There are three steps in ensuring code compliance.

1. Get involved. Keep an eye out and if something looks out of line, check it out and follow through. If you see "for sale" signs or fencing going up around a property, that's a good clue to get busy and find out what the plans are. Getting involved early, before it is too late, is key.
2. Find out what is allowed, and whether the site is in compliance. Speak to the builder and the Village. Under the Freedom of Information Act (FOIA), you have access to all records on file, including any variances that may have been requested. The Village has established a process that residents can use to access these public records. A simple form is available on the Village website (www.downers.us) and from the Village offices.

3. Report non-compliance. For emergency situations that threaten people or property dial 911. Otherwise, once you have determined that something may be out of compliance, use the Village's web-based Community Response Center (CRC). The CRC is the preferred method of reporting, because it creates an official "trouble ticket" action item that becomes a permanent record and that is also used for tracking. You can file a complaint using the CRC through the Village website (www.downers.us) at any time, or by telephone at (630) 434-2255 during business hours. Note your tracking number and follow-up if you don't get a response in two working days.

The material presented in this handbook explains the tools that residents have available.

Examples of Neighborhood Involvement

A neighbor observed that a house being built next door did not have the swales necessary to keep stormwater from flowing down onto his property. By knowing the Village's requirements and reporting the situation, he ensured that the Village would not issue an occupancy permit until the stormwater requirement was met.

A neighbor observed a chain-link fence erected around a house apparently marked for demolition. On researching the site the neighbor found that no permit had even been applied for, and therefore the fence should not have been installed. Had the neighbor acted as the fence was being erected, it might not have been installed and the neighborhood would have been spared that visual scar for the many months that it took for demolition and construction permits to be issued.

A neighborhood knew that an open parcel of land had been sold but did nothing, anticipating that they would have their say before the Plan Commission and Village Council. But the builder/developer was already negotiating many details with the Village that were difficult to undo when the formal case came before authorities over a year later. In the meantime, the neighborhood lost fifty mature trees that the developer might have been persuaded to spare if there had been timelier neighborhood involvement.

Why Should I Get Involved?

We frequently hear the comment, that a neighbor doesn't want to get involved. Here's why you should:

1. You are the eyes and ears in your neighborhood. Nobody else is in a better position to observe conditions.
2. You are the one most impacted by demolition and construction. You have more to gain or lose than any Village employee.
3. You *can* make a difference in conditions in your neighborhood.
4. If you don't get involved, don't assume anybody else will!

Don't just stand on the sidelines and grumble. Get involved!

When and How to Speak Up

It always makes sense to be aware of potential changes in your neighborhood, such as family changes and "for sale" signs – as well as changes in ordinances and regulations that would permit/encourage changes. As soon as you believe there's a possibility of demolition or construction in your neighborhood, it's time to get involved.

Speak to the property owner or builder/developer. Ask what is planned. Ask how it will fit into the neighborhood. Ask how the neighborhood will be protected from adverse impacts during demolition and construction.

Ask the Village what is planned. Using the Freedom of Information Act process described below, file a simple request for records under the act to examine any plans and permit applications that may already be filed. Make your concerns known, because the immediate neighbors often have a clearer appreciation of their neighborhood's unique features and requirements than Village staff.

If the plans require a variance from Village zoning requirements, there will be a Zoning Board of Appeals hearing advertised. Take notice of the meeting schedule, read the materials in advance, and speak up at the meeting.

In more extensive developments, the process will go through the Plan Commission and Village Council. Take notice of the meeting schedule, read the materials in advance, speak to your elected representatives beforehand, and speak up at the meetings.

Throughout all stages of a project that involves demolition or construction, speak up whenever you see something that you think isn't right. Use the Community Response Center process described below.

Zoning Ordinance

Revised zoning regulations that went into effect on August 15, 2006 generally provide more “breathing room” for neighborhoods. The new rules increase side-yard setbacks and limit roof heights and lot coverage. Dimensions vary by residential zone (R1, R2, R3, *etc.*).

As an interested neighbor, it is important for you to know what your residential zone is, and what the specific regulations are for that zone (zoning maps and regulations are on the Village web site). Then if you believe a proposed redevelopment project does not meet the requirements, it is important to speak up early – before plans are approved, permits are issued, and foundations are dug!

Site Management Ordinance

The Village Council amended the Municipal Code to strengthen demolition and construction site management on August 1, 2006. This applies to new projects, but there are still some aspects of older projects being managed under the older regulations. For example, orange plastic fences were required under the old rules, but steel chain-link fences are required under the new rules. You will see still some orange fences from projects pending before the effective date, but their number should be decreasing.

Under the Municipal Code there are things that the builder/developers are ***required*** to do and things they are ***prohibited*** from doing. Following is a summary of those provisions compiled by the Downers Grove Coalition for Managed Redevelopment based on Village documents:

Construction DO's (A partial list of things developers MUST do)

- Valid permit(s) issued by the Village for all work
- Notify all residents located within 100 feet no less than 7 days prior to any work
- Notice of rules and regulations posted, including contractor's name and phone
- \$5,000 site management security account for the full and complete performance
- Chain link construction fence around the lot (projects greater than 600 sq. ft.) on driven posts with silt fencing inside
- Protect trees within public right-of-way by fencing of required dimension, also trees on private property intended to be preserved
- "Stabilized construction entrance" to prevent debris being tracked onto sidewalks and streets
- Dumpster at least 5 feet from front and side lot lines, fully covered when no work is being performed
- Portable toilet set back as far as possible from property lines on site, located in rear yard whenever possible but at least 5 feet from front and side lot lines
- Water truck during demolition to control airborne particles
- Site parking plan filed, approved and adhered to

Construction DON'Ts (A partial list of things developers may NOT do)

- No demolition/construction prior to fencing, and gate must be locked when no construction or demolition activity is being performed
- Cannot sever parkway tree roots, compact soil or re-grade around parkway tree, or excavate within critical root zone
- Portable toilet cannot be located on public street or parkway
- No work on Sundays; no work Monday through Saturday before 7 a.m. or after 7 p.m.
- Streets and sidewalks not blocked to vehicle or pedestrian traffic
- No entry into adjoining property for any reason without permission
- No stockpiles of soil in poor drainage area or without erosion controls
- No mud or debris on streets and sidewalk

- No temporary increase in storm water discharge without erosion control downstream
- No open burning
- No unreasonable noise or sound which disturbs the peace

Other Ordinances

The Municipal Code is a complex document composed of many ordinances adopted at different times. Different processes and regulations apply to different kinds of projects, from a simple home addition to a large planned development. Sorting out the details can be complex and even require an attorney's analysis.

In addition to Zoning and Site Management, other ordinances with bearing on residential redevelopment include:

- Parkway Tree and Shrub Protection Ordinance
- Stormwater Ordinance
- Sign Ordinance
- Historic Preservation Ordinance (pending at time of publication)

It is important to understand that there are many situations harmful to neighborhoods that the Municipal Code does not prevent. For example currently there is no protection whatsoever for trees on private property; unfortunately they can be cut down at will.

How to Find Out About a Site (Freedom of Information Act Process)

“The Freedom of Information Act is the principal Illinois law governing the inspection of public records. It is a pro-disclosure statute originally enacted on July 1, 1984. This important open-government law is grounded in the principle that the public should be able to access public records and information about the workings of their government.”
[A Guide to the Illinois Freedom of Information Act]

The Village has a simple process that residents can use to access public records by completing a one-page form which allows residents to specify records they want. The form is available on the Village web site and from Village offices.

It is important that you be clear and specific about what records you are seeking. In general this will be about a specific address or development and for a specific time period. If you have questions about how to request records, ask the Village Clerk or any member of the Downers Grove Coalition for Managed Redevelopment.

The definition of “records” is quite broad: “all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body.” There are some exceptions in the law. Here are some examples of records that should normally be in the Village’s files:

- The permit file, as soon as the permit application is made (must search both electronic and paper files)
- Site parking plan
- Builder/developer’s certification that neighbors were notified
- Neighbors written comments, CRC action items, *etc.*
- Inspection reports
- Correspondence between the builder/developer and the Village
- Consultants’ reports
- Internal Village memoranda and reports (but generally not drafts)
- All financial transactions between the builder/developer and the Village
- Minutes of Plan Commission, Zoning Board of Appeals, or Village Council (and documents submitted to them) if they were involved in the process

There have been some reports of the Village withholding access to demolition and construction permit *applications* on the basis that they are works in progress. Not so! Every piece of paper submitted to the Village by a developer is officially a public record, and you’re entitled to see it unless it is specifically protected by state law. Ask

specifically to see the application paperwork and any records made during the review, not just the issued permit.

You are entitled to inspect Village records without paying any charges. These records can be paper files or computer files. After you have inspected records in Village offices, you can request and pay for paper copies. Recent experience is that electronic copies of computer records will be emailed without charge.

Note: Useful property information is available from the Downers Grove Township Assessor and the Du Page County Recorder. Both provide online access as well as walk-in counter service. Plans are also sometimes found at the Downers Grove Sanitary District. These are all separate political jurisdictions that overlap the Village of Downers Grove.

How to Report Non-Compliance at a Site (Community Response Center)

In an emergency situation that threatens people or property, dial 9-1-1!

In more routine situations, neighbors should first try to contact the builder/developer and seek voluntary compliance with the ordinances' requirements. The builder/developer is in the best position to provide a speedy remedy, and a responsible builder/develop will do so as soon as a situation is pointed out by a neighbor. The contact phone number is required to be posted on site.

For something that you believe the Village needs to deal with promptly, but is not an emergency, call the Community Response Center (CRC) at 630-434-2255 during business hours or the non-emergency Police dispatcher at 630-434-5600 after business hours. If you call after hours, is important that you also create an official action item record using the CRC, which is the Village's preferred way of accepting resident reports and tracking responses.

Community Response Center action items can be filed by telephone at 630-434-2255, but we recommend instead that residents use the Internet to file reports, because:

- You can file reports at any time of day or night
- Reports are in your own words
- You get an official tracking number immediately
- You can track the status of reports you file online

The history of these reports will be especially valuable if you need to bring repeated infractions to the attention of Village management and your elected officials. Village management reviews these records and assesses performance using them; this is one way for the Village to improve its response to residents over time. You should also report flagrant non-compliance to your elected officials.

There are two steps to using the Community Response Center on the Internet: one-time registration and filing individual reports. The entire process is documented in an online tutorial that can be found this way:

Start at www.downers.us

Look under “Resident” in the middle of the page

Click on “Community Response Center”

Click on “Online Customer Access Instructions”

In late 2007 the Village intends to implement an improved reporting system. Although the specific user interface may change, the general principles described below should still apply.

One-Time Registration

An email address is required. Be sure to enter your email address accurately, because this will be used by the Village to communicate status back to you. Also ensure that any anti-spam filters on your email are set to allow email from the Village. For help with this, contact the Village’s Community Response Center at 630-434-2255.

Filing Individual Reports

In an emergency situation that threatens people or property, dial 9-1-1!

For more routine situations using the Community Response Center, make your report as specific as possible, giving address and situation. Additionally you can alert specific members of Village staff that you have filed the CRC report, but this is not a substitute for filing the official report that can be tracked for follow-up.

Follow up with Village staff if you have not had a response within two business days.

Follow up with Village management and your local elected officials if your concern is not resolved to your satisfaction.

Suggestions to Property Owners for More Responsible Residential Redevelopment

Whether the project is a new home, addition, or remodeling, it is important to remember that the work is occurring in an established neighborhood. Respect for the rights and safety of your neighbors should be one of the most important considerations when planning the project.

When planning the project, consider hiring an architect who understands the complexities of building in an established neighborhood. Good architecture will respond to the site and surrounding properties:

- Sensitivity to the established front building line
- Respect for the established roof line
- Attention to the daylight plane, or shadows cast on neighboring properties
- Concern for tree preservation
- Selection of complimentary architectural styles and materials
- Sensitivity to the scale and size of existing homes
- Responsible stormwater management

When constructing the project, be sure to communicate with all construction personnel so that everyone understands your desire to respect the rights of your neighbors. Issues which tend to be of great concern to neighbors are:

- Noise
- Loose debris
- Stormwater runoff
- Tree protection
- Vehicle parking/traffic
- Safety, particularly when children live in the neighborhood

Communication is the most effective way to avoid and resolve problems. In addition to the information the Village requires you to share with neighbors, consider sharing architectural renderings and/or building elevations along with an anticipated construction schedule showing key event dates.

Useful Internet Resources

Hint: If any of these Internet links stops working – the web site is reorganized or the item renamed – try searching for the *title* of the document on that web site.

Community Response Center

Online Customer Access Instructions → www.downers.us/page/view/59

Customer Access → crc.downers.us/customer_access

Freedom of Information Act Request for Records

Illinois Attorney General's Guide →
www.ag.state.il.us/government/FOIA_guide.pdf

Village of Downers Grove Form →
www.downers.us/assets/production/doc_related_doc/file/50/FOIA_Request_Form.pdf

Village Ordinances

Village of Downers Grove Municipal Code → www.downers.us/code

General Rules of Demolition & Construction →

www.downers.us/assets/production/doc_related_doc/file/812/Site_Management_Handout_0407.pdf

Permits → www.downers.us/page/section/21

Tree Protection Requirements →

www.downers.us/assets/production/doc_related_doc/file/640/Tree_Protection.pdf

Zoning Regulations Quick Reference →

www.downers.us/assets/production/doc_related_doc/file/621/Zoning_Regulations_Hand-out_0606_Ord_4772.pdf

Community Organizations Involved in Residential Redevelopment

Downers Grove Coalition for Managed Redevelopment → www.DGCMR.org

DuPage United → www.dupageunited.org

National Trust for Historic Preservation Publications →

www.nationaltrust.org/teardowns

Morton Arboretum → www.mortonarb.org

Nelson Meadow Neighbors → neighbors.nelsonmeadow.com

Naperville's Community First Initiative → www.communityfirstinc.org

Pierce Downer's Heritage Alliance → www.PDHA.org

Your Elected Downers Grove Officials

Beyond using the procedures for discovering information and reporting non-compliance outlines in the handbook, you may have reason to contact your elected Downers Grove officials. For the Village Council sitting from May 2007 through April 2009, they are:

Ron Sandack, *Mayor*
4833 Linscott Avenue
Downers Grove, IL 60515
312-371-2516
rsandack@downers.us

Bruce Beckman, *Commissioner*
4629 Middaugh Avenue
Downers Grove, IL 60515
630-852-8189
bbeckman@downers.us

Sean Patrick Durkin, *Commissioner*
837 Bonnie Brae Drive
Downers Grove, IL 60516
630-585-3939
sdurkin@downers.us

Geoff Neustadt, *Commissioner*
4633 Saratoga Avenue
Downers Grove, IL 60515
630-663-0538 (home)
630-768-4163 (mobile)
gneustadt@downers.us

Marilyn Schnell, *Commissioner*
1240 39th Street
Downers Grove, IL 60515
630-960-1673
mschnell@downers.us

Martin Tully, *Commissioner*
4808 Cornell Avenue
Downers Grove, IL 60515
630-707-8315
mtully@downers.us

Bill Waldack, *Commissioner*
1409 Willard Place
Downers Grove, IL 60516
630-969-9192
wwaldack@downers.us

Note: Some Downers Grove addresses are in “unincorporated” Du Page County and not within the jurisdiction of the Downers Grove Village Council or the scope of this handbook. Residents in those areas need to consult County officials.

About the Downers Grove Coalition for Managed Redevelopment

The Downers Grove Coalition for Managed Redevelopment provides a focus for Downers Grove residents, architects, realtors, builders, and others dedicated to managing Downers Grove redevelopment in a way that promotes growth while maintaining our rich cultural, architectural, and natural heritage, as well as our economic prosperity.

The Coalition was initiated by members of the Downers Grove Watch and the Pierce Downer's Heritage Alliance. Our mission is to establish a common voice that assists in the management of growth in our community.

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A partial list of things developers MUST do

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