

**Zoning, Subdivision Regulations, and Urban Development in Illinois**

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## **Zoning, Subdivision Regulations, and Urban Development in Illinois**

First adopted by the city of New York in 1916, zoning is probably the most common land use instrument used by local governments in the United States today. Its constitutional basis stems from the responsibility of state governments to provide for the health, safety, and welfare of its citizens. As recommended in the Standard Zoning Enabling Act prepared by the U.S. Department of Commerce in 1925, most states delegated the authority to zone and regulate subdivision activity to local governments. Subsequently, in 1926, the Supreme Court ruled that zoning was a legitimate exercise of police power not in violation of the U.S. constitution. As a result, the popularity of zoning soared. By 1930, almost every major city and many small cities and towns had adopted a zoning ordinance. These ordinances contained numerous land use categories and specific restrictions on the bulk, setback, and density of urban development for each land use category.<sup>1</sup>

In principle, the purpose of zoning is to assure that land uses in a community are appropriately situated; to provide adequate open space and access to services such as streets, schools, and utility systems; and to protect property values by separating incompatible uses (Moore 1978). In practice, however, zoning can be used to exclude low-income or minority residents; to attract uses that contribute more to municipal costs than revenues; and to prevent potential new residents from moving into the community (Mills 1979). Recently, critics of zoning have argued that zoning contributes to urban sprawl (Pendall 1999, Shen 1996, Feitelson 1993, Levin 1999). These critics suggest that zoning and subdivision regulations are used to lower the density of residential development, create excessive separation between complementary uses, and create an urban fabric dominated by large parking lots, wide streets, and unsightly suburban monotony.

In this paper we examine the use of zoning in Illinois to determine whether zoning and subdivision regulations contribute to urban sprawl. We do so by examining the content of

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<sup>1</sup> For more on the history of zoning, see Delafons (1969).

zoning and subdivision regulations adopted by Illinois communities and by examining the role of zoning and regulation in the urban development process. We find that zoning and subdivision regulations as they are used in Illinois indeed contribute to sprawl though they are not the primary cause. Further, we find that the process through which subdivisions are zoned and regulated in Illinois limits the ability of local governments to use zoning as a means to control sprawl.

### **Zoning and Subdivision Regulations in Illinois**

Zoning and subdivision regulations in Illinois are authorized by the Illinois State Constitution and a number of specific legislative acts. Under the 1970 Illinois Constitution, certain counties and municipalities are granted home rule powers. The power to plan, zone, and regulate subdivisions are included in such powers. In addition, counties, municipalities, and townships are expressly empowered to zone and regulate subdivisions under specific legislative acts. To zone or regulate subdivisions, local governments in Illinois need not plan. But consistency with a comprehensive plan is one of the specific criteria used by the Illinois Supreme Court, to judge the validity of a local zoning decision.

To explore the influence of zoning in Illinois we requested a copy of the zoning ordinance and subdivision regulations from every Illinois city and county. By examining the content of these documents, we sought to identify the extent to which the regulations imposed by local governments in Illinois encouraged or discouraged urban sprawl. In addition, we collected documents (e.g., the annexation agreements, subdivision agreements, and development approvals) produced in the approval process of three large, single-family residential developments recently approved by eight selected communities. By analyzing these documents we sought to identify the role of zoning and subdivision regulation in the urban development process.

To obtain the zoning and subdivision regulations from Illinois communities we sent a letter requesting these documents to all 416 cities in Illinois with more than 2,500 residents and

to all 102 counties. As shown in Table 1, we received replies from 176 cities and 60 counties. From these respondents we obtained usable responses from 167 cities and 37 counties. Non usable responses included statements that indicated that they had no zoning ordinance or subdivision regulations or that for some other reason they could not provide the requested documents.

### The content of zoning and subdivision regulations in Illinois.

To explore the influence of local regulations on urban development patterns we classified the elements of the zoning ordinances and subdivision regulations into three types: 1) regulations that are *regional or spatial* in orientation; 2) regulations that are *process* oriented; regulations that are *transportation* oriented and 3) regulations that shape the character of individual development *sites*. In the first two categories we looked to see whether the zoning ordinances and subdivision regulations of Illinois communities included modern regulatory instruments that communities in other states often use to control or mitigate sprawl. In the third category we identified specific requirements from the Illinois zoning ordinances and subdivision regulations, such as the minimum lot size, and compared these requirements to those recommended by the American Planning Association (APA 1998). The results are presented in Tables 2 and 3.

As shown in Table 2, the types of regulatory instruments used to mitigate sprawl appear in few of the zoning ordinances and subdivision regulations of Illinois communities. The only instruments used by more than half of Illinois communities are mixed use and planned unit development zones, which are used by 56 and 62 percent of Illinois communities, respectively. While these instruments can be used to mitigate sprawl and facilitate mixed and integrated land uses, planned unit development zoning is a dated concept often used to facilitate the traditional subdivision models of the 1960s and 1970s. Further, the most common type of mixed use zoning includes a residential-public facilities mix, not a mix of commercial and residential uses. Impact fees (44%), pedestrian access (43%), open space zoning (30%), design review (20%) are the only instruments used by more than 20 percent

of the respondents.

Table 3 lists the site-specific regulations we examined, the requirements recommended by the APA, and the median values of each of the requirements from the set of Illinois communities. As shown, the median lot sizes, set backs, and parking requirements imposed by Illinois communities all require developments to consume more land than perhaps necessary. Specifically, the median requirements from the set of Illinois communities mandate larger single family lots, larger set backs, wider streets, longer block lengths, and more parking than recommended by the APA. Of course, not all Illinois communities have excessive requirements (by definition the median requirements are greater than half of the sample), but it is clear that many Illinois communities have zoning ordinances and subdivision regulations that potentially contribute to the problem of urban sprawl.

The role of zoning and subdivision regulation in the development process. To explore the role of zoning and subdivision regulations in the development process we obtained detailed information on three large, single family development projects recently approved by eight Illinois communities. These include Aurora, Bloomington, Champaign, Normal, Peoria, Springfield, St. Charles, and Urbana. For each development, we obtained information on the location and density of the development, the previous and adjacent uses of land, whether the land was within the incorporated city limits before the development process began, and whether the approval of the development required a change in zoning. The results are presented in Tables 4-11.

As shown in the Tables, all the residential developments took place near the urban periphery. This is not surprising since we limited the sample to large, single family developments. Perhaps also not surprisingly, all the developments involved the conversion of farmland, were surrounded by farmland, and were developed for low-density residential use (though some had a mix of densities). Interestingly, if not surprisingly, the land in most of the developments was located in unincorporated territory and was rezoned from agricultural to residential use. Somewhat surprisingly, none of the developments were developed at the maximum density allowed by zoning. Finally,

although more than a few waivers of the subdivision regulations were granted, most of the developments met, or exceeded, the spatial requirements of the subdivision regulations.

These results have some interesting implications. First, the finding that nearly all of the developments involved a zone change suggests that zoning in Illinois generally does not dictate the development of urban land. Zoning perhaps serves to preserve the existing pattern of urban development, but at the urban fringe, where most development occurs, zoning does not predetermine land use or development density. Second, the finding that development densities are lower than allowed by zoning suggests that zoning does not alone cause low density development. If zoning constrained development densities, then development would take place at the maximum density allowed by zoning. Third, the finding that most of the developments just met the requirements of the subdivision regulations suggests that these regulations, perhaps more than zoning, shape the character of residential development in Illinois. This suggests that relaxing the restrictions in the subdivision regulations might result in shorter and narrower streets, small set backs, and greater mixing of land uses.

### **The influence of zoning and subdivision regulations in Illinois.**

In this paper we have explored the influence of zoning and subdivision regulations in Illinois. We found that Illinois communities have broad powers to adopt zoning and subdivision regulations, and that most communities exercise these powers. Most municipalities but only half of the counties have adopted zoning ordinances and subdivision regulations. The content of these regulations varies. The zoning and subdivision regulations of most communities in Illinois do not contain the types of regulatory instruments used to control urban sprawl in other parts of the nation. Further, the site-specific regulations adopted by Illinois communities force developments to consume more land than necessary. Based on the evidence from a limited number of mid-sized Illinois communities, however, existing zoning regulations have little influence on large, single-family urban development patterns. In Illinois, land is typically zoned for

residential use, by request, as it is developed and annexed to a municipality. In most cases, residential developments exceed minimum lot and most spatial subdivision requirements. It is not the case that zoning and subdivision regulations cause sprawl in Illinois; rather it is the case that Illinois communities do not use modern regulatory instruments to prevent or mitigate sprawl.

## References

American Planning Association. 1998. The Principles of Smart Development, Planning Advisory Service Report Number 479. Chicago, IL: APA.

Delafons, J. 1969. Land Use Controls in the United States. Cambridge, MA: MIT Press.

Feitelson, E. 1993. The Spatial Effects of Land Use Regulations: A Missing Link in Growth Control Evaluations. Journal of the American Planning Association 59, 4: 461-72.

Levine, N. 1999. The Effects of Local Growth Controls on Regional Housing Production and Population Redistribution in California. Urban Studies 36, 12: 2047-68.

Mills, E. 1979. The Economics of Land Use Controls, in Current Issues in Urban Economics. P. Meiskowski and M. Straszheim, eds. Baltimore, MD: Johns Hopkins University Press.

Moore, T. 1978. Why Allow Planners to Do What They Do? A Justification from Economic Theory. Journal of the American Institute of Planners 44, 4: 387-97.

Pendall, R. 1999. Do Land Use Controls Cause Sprawl? Environment and Planning B: Planning and Design 26: 555-571.

Shen, Q. 1996. Spatial Impacts of Locally Enacted Growth Controls: The San Francisco Bay Area in the 1980s. Environment and Planning B: Planning and Design 23: 61-91.

**Table 1. Sample Selection and Response Rates**

<b>Type of Jurisdiction</b>	<b>Number of replies</b>	<b>Response Rate</b>	<b>Usable Data*</b>
City	176	42%	167
County	60	59%	37
All	236	46%	204

\*The majority of responses classified as “unusable data” did not have zoning ordinances or subdivision regulations.

<b>Table 2. Regulations adopted by Illinois Cities and Counties</b>							
		Cities		Counties		Total	
<b>Regional/Spatial Policies</b>							
	Cluster zoning	8	(5%)	0	(0%)	5	(2%)
	Open space zoning	50	(30%)	9	(24%)	56	(27%)
	UGB	1	(1%)	0	(0%)	1	(0%)
	Environmental Overlay	4	(2%)	0	(0%)	1	(0%)
	Scenic Preservation	15	(9%)	2	(5%)	15	(7%)
	Ag Protection	24	(14%)	9	(24%)	22	(11%)
	Infill Development	2	(1%)	0	(0%)	1	(0%)
	Traditional Neigh. Ordinance	0	(0%)	1	(3%)	1	(0%)
	Mixed Use Zone*	94	(56%)	20	(54%)	114	(56%)
	Accessory Bldgs as Housing	0	(0%)	0	(0%)	0	(0%)
	<b>Total, Regional/Spatial Policies</b>	<b>198</b>	<b>(20%)</b>	<b>41</b>	<b>(18%)</b>	<b>216</b>	<b>(18%)</b>
<b>Process-Oriented Policies</b>							
	Design Review	33	(20%)	5	(14%)	38	(19%)
	Incentive zoning	11	(7%)	4	(11%)	15	(7%)
	Impact fees	74	(44%)	10	(27%)	84	(41%)
	Performance standards	32	(19%)	9	(24%)	41	(20%)
	PUDs (Planned Unit Devel.)	103	(62%)	21	(57%)	124	(61%)
	Special Use Permit Required	20	(12%)	6	(16%)	26	(13%)
	<b>Total, Process-Oriented Policies</b>	<b>273</b>	<b>(27%)</b>	<b>55</b>	<b>(25%)</b>	<b>328</b>	<b>(27%)</b>
<b>Transportation-Oriented Policies</b>							
	Bike Lanes	1	(1%)	0	(0%)	1	(0%)
	Pedestrian Access	72	(43%)	15	(41%)	87	(43%)
	Reductions for Shared Parking	22	(13%)	1	(3%)	23	(11%)
	Public Transit	6	(4%)	1	(3%)	7	(3%)
	<b>Total, Transportation -Oriented Policies</b>	<b>101</b>	<b>(10%)</b>	<b>17</b>	<b>(8%)</b>	<b>118</b>	<b>(10%)</b>
*Includes residential/public facilities mix, such as schools in residential zones							

		Total, All Policies	572	(17%)	113	(15%)	662	(16%)
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<b>Table 3. Site-Oriented Regulations imposed by Illinois Cities and Counties</b>						
				Sample Median		
			Recommended	Cities	Counties	All
Min. Pavement Width			18 ft.	30 ft.	30 ft.	30 ft.
Min. ROW			55 ft.	60 ft.	60 ft.	60 ft.
Min. Lot Size, R-1			5,000 sq. ft.	14,520 sq. ft.	21,780 sq. ft.	15,000 sq. ft.
Min. Setback, R-1			15 ft.	30 ft.	40 ft.	30 ft.
Min. Setback, Comm.			0 ft.	25 ft.	22.5 ft.	25 ft.
Parking Requirement			1 per 300	1 per 200	1 per 250	1 per 200
Max. Block Length			750 ft.	1320 ft.	1400 ft.	1320 ft.
*Source: American Planning Association, <i>The Principles of Smart Development</i> , 1998.						

Table 4: Selected Single Family Developments in Aurora

City of Aurora

<b>Name</b>	<b>Edgebrook Estates</b>	<b>Blackberry Trail</b>	<b>Nature's Pointe</b>
<b>Location</b>	West of downtown.	Western edge of city, near Rt.56.	Southeastern edge of city, near Rt.34.
<b>Size</b>	19.17 acres	45.19 acres	115 acres
<b>Land Use (number of units)</b>	44 single-family residential	136 single family residential	340 single family residential
<b>Previous Use</b>	School sports field (R-1)	Vacant land	Farm, vacant commercial building in the eastern 1/3 of property.
<b>Adjacent Use</b>	Single family residential, multi-family residential.	Single family residential & research and development(RD), public open space(P).	Single family residential, planned development district.
<b>Actual Density</b>	2.27 du/acre	3.01 du/acre	2.96 du/acre
<b>Maximum Density</b>	3.48 du/acre	3.48 du/acre	4.36 du/acre
<b>Annexation (Date)</b>	No new annexation.	No new annexation.	Annexed 6 years before in 1994 for Waterford Planned Development.
<b>Rezoning (From/To)</b>	No rezoning (R-1).	The site was zoned R-1 and RD. RD(4 acres) was rezoned to R-1.	No rezoning. PDD(Planned Development District)

Table 5: Selected Single Family Developments in Bloomington

City of Bloomington

<b>Name</b>	<b>Tipton Trails</b>	<b>Palmer Development I</b>	<b>Fox Creek Country Club</b>
<b>Location</b>	Northeast of downtown, east of I-55.	Southwestern edge of the city, near I-74 & I-55 interchange.	Southwestern edge of the city, near I-74 & I-55 interchange.
<b>Size</b>	107.54 acres	163 acres (total 713.11)	204 acres (total including golf club is 445)
<b>Land Use (number of units)</b>	308 single-family residential detached, 18 single-family residential attached.	489 single family residential.	543 Single family residential and some (20 acres) mixed residential.
<b>Previous Use</b>	Agriculture	Agriculture	Agriculture
<b>Adjacent Use</b>	Single family residential, commercial, industrial, park.	Agriculture & single family residential	Agriculture & single family residential
<b>Actual Density</b>	3.03 du/acre	3.0 du/acre	2.66 du/acre
<b>Maximum Density</b>	4.20 du/acre	4 du/acre	4.32 du/acre
<b>Annexation (Date)</b>	Newly annexed in 2000.	Newly annexed in 1996.	Newly annexed in 1994.
<b>Rezoning (From/To)</b>	Rezoned from Ag to R-1B & R-1C.	Rezoned from Ag to R-1B.	Rezoned from Ag to R-1B, R-2.

Table 6: Selected Single Family Developments in Champaign

City of Champaign

<b>Name</b>	<b>Robeson Meadows West</b>	<b>Trails at Brittany</b>	<b>Ironwood</b>
<b>Location</b>	Southwestern edge of city, east of I-57.	Southwestern edge of the city, west of I-57.	Southwestern edge of the city, west of I-57.
<b>Size</b>	144 acres	195 acres	200 acres
<b>Land Use (number of units)</b>	209 single family residential and several multifamily residential.	235 single family residential.	220 single family residential.
<b>Previous Use</b>	Vacant land	Agriculture	Agriculture
<b>Adjacent Use</b>	Agriculture & single family residential	Agriculture & single family residential	Agriculture & single family residential
<b>Actual Density</b>	1.45 du/acre	1.21 du/acre	1.10 du/acre
<b>Maximum Density</b>	5.36 du/acre	3.87 du/acre	5.36 du/acre
<b>Annexation (Date)</b>	Annexed 2 years before in 1990.	Annexation agreement approved, not yet annexed.	Annexation agreement approved, not yet annexed.
<b>Rezoning (From/To)</b>	Rezoned from Ag to MF-1.	Rezoned from Ag to County R-1.	Rezoned from Ag to County R-2.

Table 7: Selected Single Family Developments in Normal

**Town of Normal**

<b>Name</b>	<b>North Bridge</b>	<b>Pheasant Ridge</b>	<b>Savannah Green PUD</b>
<b>Location</b>	Northeastern edge of the city, northwest of I-55 & Rt.31 interchange.	North of downtown, near interchange of I-55 & Rt.51.	Northeast of downtown, near Old Highway 66.
<b>Size</b>	320 acres	102.6 acres	82.9 acres
<b>Land Use (number of units)</b>	251 single-family residential.	351 single family residential & 98 duplex units.	313 single family residential detached & 56 single family residential attached.
<b>Previous Use</b>	Agriculture	Vacant land	University Ag
<b>Adjacent Use</b>	Agriculture & single family residential	Agriculture & single family residential	Single family residential, commercial & university.
<b>Actual Density</b>	0.78 du/acre	4.38 du/acre	4.5 du/acre (detached: 5 attached: 8.5)
<b>Maximum Density</b>	6 du/acre	6.98 du/acre	6 du/acre
<b>Annexation (Date)</b>	Newly annexed in 1999.	Pre-annexation agreement was signed in 1988. Annexed with initiation of development in 1997.	No new annexation. Dedicated to Town of Normal by Illinois State University.
<b>Rezoning (From/To)</b>	Rezoned from Ag to R-1B (single-family residential) & R-2 (mixed residence)	Rezoned from S-2 to R-1B & R-2.	Rezoned from S-1 (university district) to R-1B & S-2.

Table 8: Selected Single Family Developments in Peoria

City of Peoria

<b>Name</b>	<b>Chapel Park: Extension 1</b>	<b>Northbrook</b>	<b>Hickory Grove</b>
<b>Location</b>	Northern edge of the city, north of State Highway #6.	Northern edge of the city, north of State Highway #6.	Northern edge of the city, north of State Highway #6.
<b>Size</b>	16.39 acres	33.93 acres	38.1 acres
<b>Land Use (number of units)</b>	40 single family residential	74 single family residential and 2 two-family residential.	139 single family residential & 18 two-family residential.
<b>Previous Use</b>	Vacant land	Agriculture	Agriculture
<b>Adjacent Use</b>	Single family residential	Agriculture & single family residential	Agriculture & single family residential
<b>Actual Density</b>	2.45 du/acre	2.3 du/acre	4.6 du/acre
<b>Maximum Density</b>	4 du/acre	4 du/acre	7.26 du/acre
<b>Annexation (Date)</b>	No new annexation.	Newly annexed in 1999.	Newly annexed in 2000.
<b>Rezoning (From/To)</b>	No rezoning. (R-2)	Rezoned from Ag to R-2.	Rezoned from County A-2 to R-3 with special use for Residential Cluster Development.

Table 9: Selected Single Family Developments in Springfield

City of Springfield

<b>Name</b>	<b>Woodstock</b>	<b>Palisades</b>	<b>Cobblestone Estates</b>
<b>Location</b>	Western edge of the city, west of Rt.4.	Northeastern edge of city, near I-74.	Western edge of the city, west of Rt.4 & north of I-72.
<b>Size</b>	20 acres	45 acres	281.5 acres
<b>Land Use (number of units)</b>	45 single-family residential.	175 single family residential.	354 single family detached, 100 single family attached units.
<b>Previous Use</b>	Agriculture	Agriculture	Agriculture
<b>Adjacent Use</b>	Agriculture	Agriculture	Agriculture
<b>Actual Density</b>	2.25 du/acre	3.9 du/acre	1.67 du/acre
<b>Maximum Density</b>	4.84 du/acre	6 du/acre	4.8 du/acre
<b>Annexation (Date)</b>	Newly annexed in June, 1995.	No new annexation (annexed in April, 1994)	Newly annexed in March, 1993.
<b>Rezoning (From/To)</b>	Rezoned from County Ag to R-2.	R-2. No rezoning.	Rezoned from County Ag to R-2.

Table 10: Selected Single Family Developments in St. Charles

City of St.Charles

<b>Name</b>	<b>Majestic Oaks (The Woods of St.Charles)</b>	<b>Kingswood</b>	<b>Harvest Hills (Town &amp; Country)</b>
<b>Location</b>	Northeast of downtown. North of Rt.64.	Northeast of downtown. North of Rt.64. In Du Page County.	West of downtown. Between Rt.64 & Rt.38.
<b>Size</b>	90.9 acres	85 acres	164.7 acres
<b>Land Use (number of units)</b>	139 single-family residential.	164 single family residential (60 acres) & 91 townhomes(12 acres)	302 single family residential (79.7 acres) & 350 townhomes. (48.1 acres)
<b>Previous Use</b>	Agriculture, estate single family residential. (min. 4 acres for one du)	Estate single family residential. (min. 4 acres for one du)	Agriculture, single family residential.
<b>Adjacent Use</b>	Single family residential and a school.	Estate single family residential.	Single family residential (R-2 and estate), multi-family, agriculture.
<b>Actual Density</b>	1.53 du/acre	3.54 du/acre	5.10 du/acre (3.79 for R-1, 7.4 for R-4)
<b>Maximum Density</b>	3.38 du/acre	4.75 du/acre	4.33 du/acre (1.94 for R-1, 8.30 for R-4)
<b>Annexation (Date)</b>	Yes.	Yes.	Yes.
<b>Rezoning (From/To)</b>	Rezoned from E-1(estate residential) to R-2 & R-2A.	Rezoned from E-1 to R-2 & R-4A. (attached single-family residential)	Rezoned from E-1 & R-1 to R-1 & R-4.

Table 11: Selected Single Family Developments in Urbana

City of Urbana

<b>Name</b>	<b>Stone Creek</b>	<b>Landis Farm</b>	<b>Fairway Estates</b>
<b>Location</b>	Southeastern edge of city.	Northeastern edge of city, near I-74.	East part of city.
<b>Size</b>	558 acres	29.92 acres	18.51 acres
<b>Land Use (number of units)</b>	550 single-family residential surrounding golf course	70 single family residential	49 single family residential & 1 two-family residential
<b>Previous Use</b>	Agriculture	Vacant/Agriculture	Vacant/Agriculture
<b>Adjacent Use</b>	Agriculture	Agriculture & single family residential	Agriculture & single family residential
<b>Actual Density</b>	1.00 du/acre	2.34 du/acre	2.76 du/acre
<b>Maximum Density</b>	5.80 du/acre	5.80 du/acre	5.80 du/acre
<b>Annexation (Date)</b>	80 acres newly annexed. Rest annexed 2 or 4 years before, in 1993 & 95.	Newly annexed in October 1999.	No new annexation.
<b>Rezoning (From/To)</b>	Rezoned from R-4, B-3, Ag to R-2.	Rezoned from County R-5, R-2 to R-2.	No rezoning. (R-2 & R-3)