

VILLAGE OF LAKE VILLA

ORDINANCE NO. 2016-11-02

AN ORDINANCE AMENDING TITLE 10, "ZONING REGULATIONS",
OF THE VILLAGE OF LAKE VILLA VILLAGE CODE

(RE: Chapter 3, "Zone and Zone Regulations", specifically
Article A, "Zoning Districts", and Article B, "Use Regulations" thereof;
Chapter 4, "Supplementary Zone Regulations";
Chapter 7, "Administration and Review Process"; and
Chapter 9, "Subdivision Procedures, Stages and Requirements")

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE
VILLAGE OF LAKE VILLA, ILLINOIS
THIS 9TH DAY OF NOVEMBER, 2016.

Published in pamphlet form by authority of the Corporate Authorities of the Village of Lake
Villa, Lake County, Illinois, this 10th day of November, 2016.

AN ORDINANCE AMENDING TITLE 10, "ZONING REGULATIONS",
OF THE VILLAGE OF LAKE VILLA VILLAGE CODE

(RE: Chapter 3, "Zone and Zone Regulations", specifically
Article A, "Zoning Districts", and Article B, "Use Regulations", thereof;
Chapter 4, "Supplementary Zone Regulations";
Chapter 7, "Administration and Review Process"; and
Chapter 9, "Subdivision Procedures, Stages and Requirements")

WHEREAS, the Corporate Authorities of the Village of Lake Villa ("Village") have determined that it is necessary and in the best interests of the Village and its residents to amend certain provisions of Title 10, "Zoning Regulations", of the Village of Lake Villa Village Code relative to planned developments, conditional uses, variations, appeals, text and map amendments, and the Village's procedures relative to all of the foregoing; and

WHEREAS, the question of further amending the provisions of Title 10, "Zoning Regulations", of the Village of Lake Villa Village Code, was referred by the Corporate Authorities of the Village to the Village's Zoning Board of Appeals for the required public hearing thereon; and

WHEREAS, the Zoning Board of Appeals heretofore held a public hearing thereon on October 27, 2016, pursuant to notice duly published in the Daily Herald, said publication occurring not more than thirty (30) days nor less than fifteen (15) days prior to the public hearing; and

WHEREAS, the Zoning Board of Appeals has issued its report and recommendation of approval of the proposed amendments to the Village Board; and

WHEREAS, the proposed text and map amendments: (1) will meet the challenge of changing conditions in the Zoning Districts affected; (2) are consistent with the intent of the Zoning Ordinance and with its various existing provisions; and (3) will not be detrimental to the development of the Village but, rather, will be beneficial to such development; and

WHEREAS, the Corporate Authorities of the Village have determined that it is in the best interests of the Village, its residents, and the public health, safety, and welfare to provide for the amendments to Title 10, "Zoning Regulations", of the Village of Lake Villa Village Code as herein described:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lake Villa, Lake County, Illinois, as follows:

SECTION 1: The Mayor and Board of Trustees hereby find that the recitals hereinabove set forth in the preamble of this Ordinance are true and correct and same are incorporated into the text of this Ordinance as part of its findings of fact to the same extent as if each such recital had been set forth herein in its entirety and further find as follows:

- A. The proposed amendments meet the challenge of changing conditions in the area and the Zoning Districts affected;
- B. The proposed amendments are consistent with the intent of the Zoning Ordinance and with its various provisions.
- C. The proposed amendments will not be detrimental to the development of the Village; and
- D. The proposed amendments are consistent with the Village's Official Comprehensive Plan and the Official Land Use Map which is part thereof.

SECTION 2: The report and recommendation of the Zoning Board of Appeals is accepted and approved.

SECTION 3: That the Village of Lake Villa Zoning Ordinance, heretofore adopted on January 14, 2004, as amended, is hereby further amended as set forth herein.

SECTION 4: Section 10-3A-2, "Planned Unit Developments (PUD)", of Article A, "Zoning Districts", of Chapter 3, "Zone and Zone Regulations", of Title 10, "Zoning

Regulations”, of the Lake Villa Village Code is hereby deleted in its entirety, and in lieu thereof, the following shall be substituted therefor:

“10-3A-2: PLANNED DEVELOPMENTS: Planned Developments are a type of Conditional Use, but applications for same will be considered by the Village in accordance with Chapter 9 of Title 10 of these Zoning Regulations.”

SECTION 5: That the chart in Paragraph H, “Table 1, Principal Uses Permitted in Zones”, of Section 10-3B-2, “Permitted, Conditional, Temporary and Prohibited Uses”, of Chapter 3, “Zone and Zone Regulations”, of Title 10, “Zoning Regulations”, of the Lake Villa Village Code is hereby amended by the revision to and/or deletion of the following references (words that are interlined shall be stricken and words that are underlined shall be added):

USE	AG	NC	SR	UR1	UR2	UR3	UR3A	UR4	CR	CBD	CA	CB	SB	LI	LI-2	RD
* * * * *																
Planned Development (See Subsection 10-4-4B29 of this Title <u>See Chapter 9 of Title 10, Planned Developments</u>)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Planned Unit Development (Mixed Use)	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€
* * * * *																

SECTION 6: Subparagraph 29, “Planned Developments”, of Paragraph B, “Uses”, of Section 10-4-4, “Standards for Certain Conditional Uses”, of Chapter 4, “Supplementary Zone Regulations”, of Title 10, “Zoning Regulations”, of the Lake Villa Village Code is hereby deleted in its entirety, and the subparagraphs following thereafter are hereby renumbered accordingly.

SECTION 7: Chapter 4, “Supplementary Zone Regulations”, of Title 10, “Zoning Regulations”, of the Lake Villa Village Code is hereby amended by the deletion in their entirety of the following Sections, inclusive:

- A. Section 10-4-10, “Procedures for General Conditional Use Permits”,
- B. Section 10-4-11, “Procedures; Appeals, Variations and Amendments”, and
- C. Section 10-4-12, “Site Plan Approval”.

SECTION 8: Chapter 7, “Administration and Review Process”, of Title 10, “Zoning Regulations”, of the Lake Villa Village Code is hereby deleted in its entirety, and in lieu thereof, a new Chapter 7, “Administration and Review Process”, shall be substituted therefor, which new Chapter 7 shall read as set forth on Exhibit A attached hereto and thereby made a part hereof.

SECTION 9: Chapter 9, “Subdivision Procedures, Stages and Requirements”, of Title 10, “Zoning Regulations”, of the Lake Villa Village Code is hereby re-titled to read “Chapter 9, Planned Developments and Other Development Regulations”, and Section 10-9-1 thereof, “Planned Developments”, including its subsections, is hereby deleted in its entirety, and in lieu thereof, a new Section 10-9-1, “Planned Developments”, shall be substituted therefor, and new Chapter 9 shall read as set forth on Exhibit B attached hereto and thereby made a part hereof.

SECTION 10: This Ordinance shall be in full force and effect ten (10) days after its publication, as provided by law.

SECTION 11: The Village Clerk is hereby directed to publish this ordinance in pamphlet form.

Passed by the Corporate Authorities on November 9, 2016, on a roll call vote as follows:

AYES: Trustees *Bartlett, Battistone, Haems, Kruecheberg, McDonnell & Nelson*
NAYS:
ABSENT:
ABSTAIN:

Approved by the Mayor on November 9, 2016.

Frank M. Loffredo

Frank M. Loffredo, Mayor
Village of Lake Villa

ATTEST:
Alice K. Brownlee

Alice K. Brownlee, Village Clerk

Published in pamphlet form this 10th day of November, 2016.

EXHIBIT A

CHAPTER 7, "ADMINISTRATION AND REVIEW PROCESS"

CHAPTER 7
ADMINISTRATION AND REVIEW PROCESS

- 10-7-1: OVERVIEW OF PROCESSES**
- 10-7-2: PROCEDURES RELATIVE TO CONDITIONAL USE PERMITS**
- 10-7-3: PLANNED DEVELOPMENTS**
- 10-7-4: VARIATIONS**
- 10-7-5: APPEALS**
- 10-7-6: AMENDMENTS**
- 10-7-7: FEES FOR ZONING RELIEF**
- 10-7-8: NOTICE OF PUBLIC HEARING(S)**

10-7-1: OVERVIEW OF PROCESSES

- A. The Zoning Board of Appeals of the Village shall hold the required public hearing(s) relative to proposed Variation(s), Appeal(s), Conditional Use Permits, and amendments to these Zoning Regulations (other than relative to proposed Planned Developments), except where the proposed Conditional Use Permit(s), Variation(s), and/or the amendment(s) are part of or related to a request for a Planned Development.
- B. The Plan Commission of the Village shall hold the required public hearing(s) relative to proposed Conditional Use Permit(s) for Planned Development(s) and relative to proposed Variation(s) and/or proposed amendments to these Zoning Regulations which are part of or related to a request for a proposed Conditional Use Permit for a Planned Development.

10-7-2: PROCEDURES RELATIVE TO CONDITIONAL USE PERMITS

A. Establishment and Purpose:

The development and administration of these Zoning Regulations is based upon the division of the Village into districts within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are certain Conditional Uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location. The following process for consideration of an application for a Conditional Use Permit (other than for a Planned Development) is hereby established to address these unique circumstances and to regulate these uses to protect the public health, safety and welfare.

B. Authority:

The Village Board of Trustees may, following review and recommendation by the Zoning Board of Appeals, approve or deny by ordinance, or refer back to the Zoning Board of Appeals for reconsideration or clarification, development proposals for uses listed as Conditional Uses within each zoning district in accordance with the procedures and standards set forth in this Section and other regulations applicable to the district in which the subject property is located.

C. Parties Entitled to Seek a Conditional Use Permit:

Parties entitled to apply for a Conditional Use Permit shall be limited to the property owner, agent of the property owner, or the contract purchaser of subject property, acting with the consent of the property owner, or the Village, or another unit of local government.

D. Procedures:

1. Application: Applications for a Conditional Use Permit shall be submitted to the Village on a form provided by the Zoning Official.
2. Action by Zoning Official: Upon receipt of a properly completed application for a Conditional Use Permit, the Zoning Official shall prepare a staff report relative thereto and forward a copy of the application and submittals, together with this report to the Zoning Board of Appeals for consideration and for the required public hearing thereon.
3. Action by Zoning Board of Appeals:
 - a. The Zoning Board of Appeals shall hold a duly noticed public hearing on the application for a Conditional Use Permit in accordance with the requirements of this Chapter. Notice of the public hearing shall be given in the manner prescribed by Section 10-7-8 of this Chapter.
 - b. Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals will forward its written report thereon and/or its written recommendation of approval, approval with modifications, or disapproval of the proposed Conditional Use Permit to the Village Board of Trustees.
4. Action by Village Board of Trustees:
 - a. The Village Board of Trustees shall consider an application for a Conditional Use Permit at a duly called public meeting of such Village Board following the receipt and consideration of the written report and/or recommendation of the Zoning Board of Appeals.
 - b. If the application is approved or approved with modifications, the Board of Trustees shall approve the Conditional Use Permit by adoption of an ordinance granting the requested Conditional Use, listing any specific conditions and/or restrictions specified by the Board of Trustees and/or by the Zoning Board of Appeals. If the application is disapproved, the Zoning Official shall provide the applicant with written notification of the Village Board's decision.

E. General Standards for Conditional Use Permits:

The granting of a Conditional Use Permit is a matter of legislative discretion that is not controlled or determined by any one standard. An application for a Conditional Use Permit generally will not be approved unless the application is determined to be in conformance with each of the following standards:

1. The proposed Conditional Use Permit is, in fact, a Conditional Use listed and authorized in the zoning district regulations within which the property is located.
2. The proposed Conditional Use Permit is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.
3. The proposed Conditional Use Permit is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
4. The proposed Conditional Use Permit will not significantly diminish the safety, use and enjoyment of surrounding property.
5. The proposed Conditional Use Permit is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed Conditional Use Permit shall provide adequately any such services.
6. The proposed Conditional Use Permit does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community.
7. The proposed Conditional Use Permit does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. The proposed Conditional Use Permit provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares.
9. The proposed Conditional Use Permit does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
10. The proposed Conditional Use Permit complies with all additional regulations in this Ordinance specific to the Conditional Use Permit requested.

Additionally, the following standards will be given consideration:

11. The existing uses and zoning of nearby property.
12. The extent to which property values are diminished by the particular zoning restrictions.
13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.
14. The relative gain to the public as compared to the hardship imposed upon petitioner.
15. The suitability of the particular property for the purpose for which it is now zoned.
16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.
17. The care with which the community has undertaken to plan its land use development.
18. The evidence or lack of evidence of community need for the use proposed by the property owner.

F. Supplementary Safeguards and Conditions:

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may impose such conditions and restrictions upon the construction, location and operation of a Conditional Use

Permit as may be deemed necessary to promote the general objective of these Zoning Regulations and to minimize any injury to the value of property in the neighborhood. Such conditions shall be set forth expressly for reference in an ordinance approved by the Board of Trustees granting the Conditional Use Permit, which ordinance shall run with title to the land and be recorded with the Lake County, Illinois, Recorder of Deeds by the Village as a supplement to the deed for the subject property. The failure of the applicant, property owner, and/or its respective heirs, successors, and/or assigns to maintain timely and continued compliance with such conditions or restrictions as may have been imposed by Village ordinance shall constitute grounds for the Village's revocation of such Conditional Use Permit.

G. No Presumption of Approval:

The listing of Conditional Use Permits authorized within each zoning district does not constitute an assurance or presumption that such Conditional Uses will be approved by the Village. Rather, each proposed Conditional Use Permit shall be evaluated by the Village on an individual basis, in relation to its compliance with the standards and conditions set forth in this Section 10-7-2, and with the standards for the zoning district in which such Conditional Use is proposed to be located, in order to determine whether approval of the Conditional Use Permit is appropriate at the particular location and in the particular manner proposed.

H. Limitation on Conditional Uses:

1. A Conditional Use Permit shall automatically become null and void unless a building permit therefor is issued by the Village and construction thereon has commenced within in one (1) year of issuance of the required building permit and construction and/or implementation thereof is thereafter diligently pursued to completion. However, the Village Board of Trustees, at its discretion, may extend the aforesaid one (1) year period for good cause shown to a mutually agreed upon time.
2. A Conditional Use Permit authorizes the establishment and operation of the Conditional Use only on the property represented in the application therefor and is not transferable to other properties.

I. Effect of Approval:

The approval of a Conditional Use Permit application by the Village Board of Trustees shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Village including, but not limited to, a Zoning Certificate and a building permit.

10-7-3: PLANNED DEVELOPMENTS:

Planned Developments are a type of Conditional Use, but applications for same will be considered by the Village in accordance with Chapter 9 of Title 10 of these Zoning Regulations.

10-7-4: VARIATIONS:

A. Establishment and Purpose:

A process for the Village's consideration of a request for Variation(s) is hereby established to provide a means by which a property owner or other interested party may request and may be granted relief from the application of certain provisions of these Zoning Regulations that create practical difficulties or particular hardships relative to a particular property. When considering a request for relief from such practical difficulties or particular hardships relative to a specific property, the Village may determine that, in some cases, there may be a more appropriate remedy for the requested relief provided for in this Chapter, rather than approval of a Variation.

B. Authority:

In accordance with the procedures and standards set out in this Section 10-7-4, the Village Board of Trustees, following the recommendation of the Zoning Board of Appeals, shall have the authority to grant Variations from the provisions of the Village's Zoning Regulations, but only in accordance with each of the standards enumerated in this Section 10-7-4.

C. Parties Entitled to Seek Variations:

An application for a Variation may be filed by the property owner, agent of the property owner, or the contract purchaser of the subject property, with the consent of the property owner.

D. Procedures:

1. Application: Applications for a variation shall be submitted to the Village on a form provided by the Zoning Official.

2. Action by Zoning Official: Upon receipt of a properly completed application for a Variation, the Zoning Official shall review the application and forward a copy of the application and submittals, together with a staff report relative thereto, to the Zoning Board of Appeals for consideration and for the required public hearing thereon.

3. Action by Zoning Board of Appeals:

- a. The Zoning Board of Appeals shall hold a duly noticed public hearing on the application in accordance with the requirements of this Chapter, and notice for the public hearing shall be given in the manner prescribed by Section 10-7-8 of this Chapter.
- b. Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals will forward its written report thereon and/or its written recommendation of approval, approval with modifications, or disapproval of the proposed Variation to the Village Board of Trustees.

4. Action by Village Board of Trustees:

- a. The Village Board of Trustees shall consider an application for a Variation at a duly called public meeting of such Village Board following the receipt and consideration of the written report and/or recommendation of the Zoning Board of Appeals.
- b. If the application for a Variation is approved or approved with modifications, the Board of Trustees shall approve the Variation by ordinance, listing any specific conditions

and/or restrictions specified by the Zoning Board of Appeals and/or by the Board of Trustees. If the application for a Variation is disapproved, the Zoning Official shall provide the applicant with written notification of the Village Board's decision.

F. Findings of Fact for Variations:

A Variation from the provisions of these Zoning Regulations shall not be granted unless the Zoning Board of Appeals and/or the Village Board, as the case may be, makes specific written findings of fact directly based on the standards and conditions imposed by this Section 10-7-4 and any conditions imposed by the reviewing authority.

1. Practical Difficulty: No Variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of these Zoning Regulations would create a particular hardship or a practical difficulty.
2. Unique Physical Condition: The subject property is exceptional as compared to other properties subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming, irregular or substandard shape or size, exceptional topographical features, or other extraordinary physical conditions peculiar to, and inherent in, the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the property rather than the personal situation of the current owner of the property.
3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of these Zoning Regulations.
4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provision.
5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject property.
6. Ordinance and Plan Purposes: The Variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Ordinance, and the provision from which a Variation is sought, was enacted or the general purpose and intent of the Comprehensive Plan.
7. No Other Remedy: There is no means other than the requested Variation by which the alleged hardship or practical difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
8. Minimum Required: The requested Variation is the minimum measure of relief necessary to alleviate the alleged hardship or practical difficulty presented by the strict application of this Ordinance.
9. Other Required Findings: In considering all proposed Variations from the Zoning Regulations, the Zoning Board of Appeals and/or the Board of Trustees, as the case may be, will also, before recommending the approval of or granting any variation from the provisions of these Zoning Regulations in a specific case, determine and make findings of fact that the following conditions have been met:
 - a. The Variation will not impair an adequate supply of light and air to adjacent property.
 - b. The Variation will not unreasonably increase the congestion in public streets.
 - c. The Variation will not increase the danger of fire or endanger the public safety.
 - d. The Variation will not unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety,

comfort, morals and welfare of the inhabitants of the Village.

- e. The Variation will not permit a use otherwise excluded from the particular zone in which requested.
- f. Special circumstances or conditions such as exceptional narrowness, topography or siting, fully described in the report of the Zoning Board, apply to the land for which the Variation is sought, and that those conditions do not apply generally in the applicable Zoning District.
- g. The special circumstances or conditions of the Variation have not resulted from any act of the applicant subsequent to the adoption of these Zoning Regulations, whether or not in violation of the provisions thereof.

G. Variation(s) Less than Requested:

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may grant, Variation(s) less than, or different from, that requested when the record supports the applicant's right to some relief but not to the entire relief requested.

H. Conditions on Variation(s):

The Zoning Board of Appeals may recommend and the Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of these Zoning Regulations upon any lot benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance passed by the Board of Trustees granting the Variation. Violation of any such condition and/or limitation shall be a violation of these Zoning Regulations and of the Ordinance granting the Variation and shall constitute grounds for the revocation or suspension of the Variation.

I. Effect of Grant of a Variation:

The grant of a Variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by these Zoning Regulations or other ordinances of the Village.

J. Limitations on Variations:

1. An approved Variation shall automatically expire unless a building permit is issued and construction on the property which is the subject of the approved Variation has commenced within one (1) year of issuance of the building permit therefor. However, the Board of Trustees may extend the one (1) year period to a mutually agreed upon time.
2. A Variation shall be deemed to authorize only the particular project for which it was issued and shall automatically be suspended or revoked and cease to be of any force or effect if such construction or development of the project is beyond the scope authorized by the approved Variation.
3. No Variation shall be granted by the Board of Trustees in any specific case without first having held a duly noticed hearing before the Zoning Board of Appeals as required herein or without a report and/or recommendation from the Zoning Board relative thereto having been submitted to the Board of Trustees.
4. Upon receipt of the report and/or recommendation of the Zoning Board of Appeals and without further public hearing, the Board of Trustees, at a duly called public meeting, may

approve or deny by ordinance any proposed Variation or may refer the report back to the Zoning Board for further consideration. Any proposed Variation which fails to receive approval of four (4) members of the Zoning Board shall not be passed except by the favorable vote of two-thirds (2/3) of all the Trustees of the Village.

5. One Year Limitation:

a. No Variation permitting the construction or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such construction or alteration is issued by the Village and construction thereon is commenced and diligently proceeds to completion in accordance with the terms of such permit.

b. No Variation permitting a use of a building or premises shall be valid for a period of longer than one (1) year, unless such use is established within such one (1) year period; provided, however, that where such use is dependent upon the construction or alteration of a building, such Variation shall continue in full force and effect if a building permit for said construction or alteration is obtained within such one (1) year period and work thereon is commenced and diligently proceeds to completion in accordance with the terms of such permit.

6. Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change these Zoning Regulations or any use district made a part of the Zoning Map, or to grant Variations, such power and authority being reserved to the Village Board of Trustees, and the Zoning Board Appeals shall not have any power or authority with respect to any alterations or change of these Zoning Regulations except to make recommendations to the Board of Trustees in such specific cases as may properly come before the Zoning Board.

10-7-5: APPEALS:

A. Establishment and Purpose:

The process of appeals of the decisions of the Zoning Official or of the Building Inspector is hereby established to provide appropriate checks and balances on administrative authority.

B. Authority:

The Zoning Board of Appeals shall hear and make final decisions on applications for appeals of administrative decisions made by the Zoning Official or by the Building Inspector.

C. Application:

Applications for an appeal shall be filed on forms provided by the Zoning Official. Submission materials shall conform to the requirements of such application and Illinois statutes. A copy of the application for appeal and all supporting submission materials shall be forwarded to both the Zoning Official and to the Zoning Board of Appeals for review.

D. Decisions on Appeals:

The Zoning Board of Appeals shall hear and make a final decision on an appeal of administrative decisions made by the Zoning Official or by the Building Inspector at its next available, regularly scheduled meeting. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary either to reverse any order, requirement, decision or determination of the Zoning

Official or of the Building Inspector or to decide in favor of the applicant any matter upon which it is authorized by this Chapter to render decisions.

E. Limitations on Appeals:

An application for appeal of a decision by the Zoning Official or by the Building Inspector must be filed not later than forty-five (45) days after the decision being appealed has been rendered.

10-7-6: AMENDMENTS

A. Establishment and Purpose:

The process of amending both the Zoning Map and the text of these Zoning Regulations, is hereby established, the purpose of which process is to amend these Zoning Regulations and make adjustments to the Village's Zoning Map in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Authority and Execution:

The Board of Trustees, after receiving a report and/or recommendation by the Zoning Board of Appeals or by the Plan Commission, as the case may be, shall take formal action on requests for amendments.

C. Procedures:

1. Application: Applications for amendments shall be submitted to the Village on forms provided by the Zoning Official.
2. Action by Zoning Official. Upon receipt of a properly completed application, the Zoning Official shall review the application and forward a copy of the completed application and any submittals relative thereto, together with a staff report to the Plan Commission or to the Zoning Board of Appeals, as the case may be, as provided by Section 10-7-1 of this Chapter for consideration and for the required public hearing thereon.
3. Action by Plan Commission or Zoning Board of Appeals.
 - a. The Plan Commission and/or Zoning Board of Appeals shall hold a public hearing on the application in accordance with the requirements of this Chapter, and notice for the public hearing shall be given in the manner prescribed by Section 10-7-8 of this Chapter.
 - b. Within thirty (30) days of the close of the public hearing, the Plan Commission or the Zoning Board of Appeals shall forward its written report and/or recommendation of approval, approval with modifications, or disapproval to the Village Board of Trustees.
4. Action by Village Board of Trustees.
 - a. The Village Board of Trustees shall consider the application for amendments to these Zoning Regulations and/or the Village's Zoning Map at a duly called public meeting. For requests for text amendments, the action taken by the Board of Trustees may take the form of denial, approval, or approval with modifications. For requests for map

amendments, the action taken by the Board of Trustees may take the form of denial, approval, or approval with modifications.

- b. In the case of denials, the Board of Trustees shall instruct the Zoning Official to prepare a letter of denial to formally communicate the formal action to the petitioner. In the case of approval or approval with modifications, the Board of Trustees shall approve an ordinance to amend these Zoning Regulations and/or the Village's Zoning Map accordingly.

E. Standards:

Approval by the Board of Trustees of any amendment, whether to the text of these Zoning Regulations or to the Village's Official Zoning Map, which is part thereof, is a matter of legislative discretion that is not controlled or determined by any one standard. However, in making its decision, the Board of Trustees may consider the following factors:

1. The extent to which the proposed amendment is consistent with the goals, objectives and policies of the Village's Comprehensive Plan (text and map amendments).
2. The extent to which the proposed amendment fosters harmony and consistency of character in the surrounding area (map amendments).
3. The extent to which the proposed amendment adversely impacts adjacent properties (map amendments).
4. The potential effect of the proposed amendment on the character of future development if applied generally to other uses in the zoning district or within the Village as a whole (text amendments).
5. The extent to which the proposed amendment creates nonconformities (text amendments).
6. The adequacy of public facilities and services to serve the subject property including, but not limited to, streets, utilities, parks, and police and fire service (map amendments).
7. The extent to which the proposed text amendment is consistent with the overall structure and organization of these Zoning Regulations.
8. The extent to which the proposed text and/or Zoning Map amendment, if found to be consistent with the goals, objectives and policies of the Village's Comprehensive Plan, will also further the Village's specific goal of maintaining and/or increasing the retail sales tax base of the Village.
9. Standards for Amendment(s): A proposed amendment shall be considered on its own merits using the following criteria as a guide:
 - a. Text and/or Map Amendment: The following conditions shall be met for all amendments:
 - (i) The proposed amendment shall correct an error or meet the challenge of some changing condition in the area and the zones affected.
 - (ii) The proposed amendment shall be consistent with the intent of this zoning ordinance and with its various provisions.
 - (iii) The proposed amendment shall not be detrimental to the development of the Village.
 - (iv) The proposed amendments meet the challenge of changing conditions in the area and the Zoning Districts affected;
 - (v) The proposed amendments are consistent with the intent of the Zoning Ordinance and with its various provisions;
 - (vi) The proposed amendments will not be detrimental to the development of the Village; and
 - (vii) The proposed amendments are consistent with the Village's Official Comprehensive Plan and the Official Land Use Map which is part thereof.

- b. Map Amendment: In addition to the above conditions, the following shall be met for all map changes:
- (i) Every use permitted under the new classification must be a suitable use for the further development of the area in the vicinity of the rezoning, and must be compatible with uses already developed in the vicinity; and
 - (ii) Adequate public facilities, sewer and water lines and other needed services or facilities must exist or must be capable of being provided prior to the development of the uses which would be permitted on the property if it were reclassified.

F. Parties Entitled to Seek Amendments:

Parties entitled to apply for amendments shall be limited to the property owner, agent of the property owner, or the contract purchaser of the subject property, acting with the consent of the property owner, or the Village, or any other unit of local government.

10-7-7: FEES FOR ZONING RELIEF:

All petitioners are required to pay and shall submit to the Village with each application for zoning relief all applicable fees which shall be collected by the Zoning Officer, or his designee, who shall provide a written account for them to the Village Board.

A. Fees Payable:

Any person or entity filing a request or application for any Conditional Use Permit, Variation, Appeal, or for any Zoning Map (rezoning) or text amendment(s) pursuant to the Lake Villa Zoning Regulations shall pay the following fees upon filing of said request or application.

1. Request to Change Zoning:

Request to Change Zoning Map		Fee Payable at Time of Submission of Petition
From Zoning District	To Zoning District	
Any Zoning District	AG, SR, UR1, UR2, UR3, UR3A or UR4	\$600.00
Any Zoning District	NC, CR, CB, SB, LI, LI-2, RD, and all other districts	\$800.00

2. Fees for Exceeding Five Acres: Where the change(s) requested involves parcel(s) equaling or exceeding five (5) acres in size, the fees shall be the following percentages of those amounts listed in Subsection A1 of this Section.

Acreage	Percent of Subsection A1 of this Section
5 Acres or More, But Less Than 10 Acres	125%
10 Acres or More, But Less Than 20 Acres	150%
20 or More Acres	175% plus \$10.00/acre

3. Fees for an Application for a Conditional Use Permit, including Planned Developments: The following shall be the schedule of fees in connection with petitions requesting the issuance of Conditional Use Permits:

Conditional Use Permit	Fees
For Each Conditional Use Permit	\$750.00

4. Request for Variation: Where the request is for a variation from these Zoning Regulations, the fees for the review of a request for Variation shall be the same as those provided in Subsection A1 of this Section. Where a republication of a legal notice is required relative to the petitioner's request, an additional fee of one hundred dollars (\$100.00) shall be charged and the petitioner shall also be required to reimburse the Village for the actual cost of publication of the related legal notice incurred by the Village for such republication. The fee to be paid for an appeal from a decision by the Zoning Official or by the Building Inspector shall be one hundred dollars (\$100.00). The issuance of use permits and the issuance of Certificates of Zoning Compliance shall each call for a payment of fifty dollars (\$50.00). A petition seeking a rehearing on a petition, which has been rejected by action of the Zoning Board of Appeals and/or the Village Board within six (6) months from the date of rejection, shall require the petitioner's payment of a fee to be paid to the Village Clerk in the amount of the original petition.
5. Request for Text Amendment: The fee for a request for a text amendment shall be eight hundred fifty dollars (\$850.00). If the request is coupled with a request for rezoning and/or a conditional or special use (i.e., an amendment to the Village's Zoning Map), only one fee shall be charged for both requests, which fee shall be eight hundred fifty dollars (\$850.00), or the fee established for the other request, whichever sum is greater.
6. Annexations: Fees for annexations shall be established by resolution or ordinance of the Board of Trustees on a case-by-case basis.
7. Additional fees for any zoning relief, including but not limited to zoning text amendments, conditional use permits, variations, appeals and for petitions for annexation, may be established by resolution or ordinance approved by the Village Board from time to time.

10-7-8: NOTICE OF PUBLIC HEARING(S):

A. Hearing Notice to Be Published:

The Board of Trustees shall have the authority to determine and approve zoning text amendments, zoning map amendments, Variations, and Conditional Use Permits which authority shall be exercised only by the adoption of an ordinance relative thereto by the Board of Trustees. Zoning map amendments, zoning text amendments, Variations, and Conditional Use Permits shall be granted by the Village Board and shall be specific to a property and then only after a public hearing before the Zoning Board of Appeals or before the Plan Commission, as the case may be, as provided by Section 10-7-1 of this Chapter. Neither the Zoning Board nor the Plan Commission shall make any recommendation relative to any Variation, Conditional Use Permit, any zoning map amendment, or zoning text amendment except after either body has conducted a public hearing thereon. A notice of the time and place of such public hearing shall be published at least once, not more than thirty (30) days, nor less than fifteen (15) days, prior to the date of the hearing in a newspaper circulated in the Village or, if no newspaper is circulated therein, then in one or more newspapers of general circulation within the Village. Such notice shall also contain the address or

location of the property for which the zoning map amendment, Variation, and/or Conditional Use Permit is sought, as well as a brief description of the nature of the request.

- B. Hearing Notice to Be Mailed: The petitioner(s) for any zoning variation(s), and/or any conditional use permit(s), including any conditional use for a planned development, shall file with the Village Clerk an affidavit identifying the owners of all property, whether under the jurisdiction of a municipality or within an unincorporated area, within five hundred feet (500') in each direction from all points on the perimeter of the property which is the subject of their petition (and the respective permanent index numbers of such properties), and said affidavit shall in any event include at least the six (6) nearest property owners (and the respective permanent index numbers of such properties) within the Village; provided, however, that for the purpose of this subsection B, ownership may be determined on the basis of the last available tax records of the county. The petitioner(s) shall also provide to the Village Clerk, along with the required affidavit, prestamped envelopes (without any return address) addressed to each owner listed on such affidavit and, in addition, the petitioner(s) shall also provide two (2) copies of all of the tax map(s) covering all permanent index numbers listed on such affidavit in the same scale as maintained by the Lake County Clerk's Map Department. The Village Clerk will send written notice by U.S. Mail, at the petitioner's expense, not less than fifteen (15) days prior to the initial date of the public hearing thereon, to those persons identified in said affidavit.

C. Hearing Notification Signs to Be Posted:

1. Signs to Be Posted:

In addition to any other notice that may be required by this Section 10-7-8, for any zoning map amendment, Variation(s), and/or any Conditional Use Permit, the Village will be responsible for causing signs to be prepared and posted on the subject property informing the general public of the date of the initial public hearing thereon. The required sign(s) shall be provided by the Village Clerk for this purpose, and the cost of such signage and the posting thereof will be at the petitioner's sole cost and expense.

2. Content of Each Sign:

Each sign shall contain the following information with all required lettering a minimum of two inches (2") in height:

A PUBLIC HEARING IS SCHEDULED TO BE HEARD BY THE VILLAGE OF LAKE VILLA [ZONING BOARD OF APPEALS AND/OR BY THE VILLAGE OF LAKE VILLA PLAN COMMISSION] CONCERNING THIS PROPERTY AT THE VILLAGE OF LAKE VILLA VILLAGE HALL, 65 CEDAR AVENUE, LAKE VILLA, ILLINOIS AT 7:00 P.M. ON [INSERT DATE]. FOR MORE INFORMATION, CALL (847) 356-6100

3. Size: Each sign shall have at least one display surface which shall have a minimum dimension of four feet (4') in height and four feet (4') in width.

4. Placement of Signs: One public hearing notification sign shall be posted on the subject property at a location oriented to and readable from the nearest adjacent roadway. However, additional signs shall be required where a parcel abuts two (2) or more roadways, and in such cases, one such sign shall be oriented to and shall be readable from each abutting roadway. Such signs must be constructed of materials which will withstand existing area weather conditions.

5. Duration; Removal: Public hearing notification signs must be posted not less than fifteen (15) days prior to the initial date of the scheduled public hearing on the petition or application, and may not be removed by the Village or by the petitioner(s) until after the initial date of the scheduled public hearing on the petition or application.
6. Reimbursement: Prior to the initial date of the scheduled public hearing on the petition or application, the petitioner(s) shall reimburse the Village for the actual out of pocket expenses incurred or to be incurred by the Village for the fabrication, erection, and removal of the sign or signs required by this Section 10-7-8. The petitioner(s) shall also post a two hundred dollar (\$200.00) bond per sign with the Village for use of the required signs. Said bond shall be refunded to the petitioner upon return of the sign within ten (10) days following the conclusion of the hearing for which the sign was posted. In the event that the sign is not returned to the Village within ten (10) days of the completion of the scheduled hearing for which the sign was posted, the two hundred dollar (\$200.00) bond shall be forfeited with the fee applying to the cost of replacement of such sign.
7. Rules: The Village Clerk is authorized and empowered to establish such reasonable rules and regulations governing the posting of notification signs not inconsistent with the provisions of this Section 10-7-8 to carry out the intent of this Section 10-7-8 to provide notice of proposed hearings which rules may be necessary due to unique characteristics of the subject property or application.
8. Failure to Comply: Any failure to comply with the notice provisions of Paragraph B and/or Paragraph C of this Section 10-7-8 shall not invalidate any action taken by the Zoning Board of Appeals, the Plan Commission, or by the Board of Trustees on any such petition or application.

EXHIBIT B

CHAPTER 9, "PLANNED DEVELOPMENTS AND OTHER DEVELOPMENT REGULATIONS"

CHAPTER 9
PLANNED DEVELOPMENTS AND OTHER DEVELOPMENT REGULATIONS

- 10-9-1 PLANNED DEVELOPMENTS**
 - 10-9-1.1 PURPOSE**
 - 10-9-1.2 INTENT**
 - 10-9-1.3 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL**
 - 10-9-1.4 PLANNED DEVELOPMENT REQUIRED**
 - 10-9-1.5 PLANNED DEVELOPMENT GUIDELINES**
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 - 10-9-1.7 PLANNED DEVELOPMENT REVIEW PROCEDURE**
 - 10-9-1.8 SUBMISSION REQUIREMENTS**
 - 10-9-1.9 CONFLICT**
- 10-9-2 STANDARDS FOR ALL COMMERCIAL CENTERS**
- 10-9-3 STANDARDS FOR SUBDIVISIONS**

10-9-1: PLANNED DEVELOPMENTS

10-9-1.1: PURPOSE

Planned Development regulations allow for development of innovative and environmentally sensitive design by allowing a degree of flexibility in the strict application of the zoning district regulations. A Planned Development is a Conditional Use, which may be granted by the Village Board should it determine that the Planned Development is in the best interest of the Village, is substantially consistent with the Comprehensive Plan, and would not otherwise be permitted pursuant to these Zoning Regulations. A Planned Development may depart from strict conformance with the required density, dimension, area, bulk use and other regulations for the applicable zoning districts and other provisions of these Zoning Regulations.

The Plan Commission and Village Board may require any condition or design consideration that will promote proper development or benefit the community. In exchange for the flexibility permitted under this Chapter, the Planned Development should provide amenities not otherwise required by this Chapter and establish facilities and open space greater than the minimum required by the ordinances of the Village. It is not intended that the Village Board automatically grant the maximum use exceptions or density premiums in the case of each Planned Development. The Plan Commission shall recommend and the Village Board shall grant only such premiums or latitudes that are consistent with sound land use planning, Village growth policy, accrue benefits to the Village, and which are consistent with the character of the Village.

As a condition of approval, each Planned Development shall be compatible with the character and objectives of the underlying zoning district or districts within which it is located, and each Planned Development shall be consistent with the official planning policies of the Village. As specified in these Zoning Regulations, Planned Developments shall be Conditional Uses.

10-9-1.2 GENERAL PURPOSE & INTENT

The primary purpose of a Planned Development (PD) is to stimulate the development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through traditional zoning districts and use regulations. This may be accomplished by the Village granting the applicant certain exceptions or variations from the provisions of the Village's Zoning Regulations through a Planned Development in order to protect natural resources, to protect and improve the social and economic environment; and/or to protect and/or encourage investment in both the Village and in the development.

The intent of a Planned Development is to:

- A. Afford greater choice in the types of development available to the public by allowing a development that would not be possible under the strict application of the other requirements of these Zoning Regulations.
- B. Allow for a more creative approach to the use of land and related physical facilities that results in better development, design, and the construction of amenities and protection of environmentally sensitive areas.
- C. Promote the preservation of, and where appropriate, public access to open space and provide more usable and suitably located recreation areas and facilities.
- D. Encourage a pattern of development to preserve natural resources and vistas, topographic and geographic features, and architectural and historic landmarks.
- E. Permit an efficient use of land resulting in more economic networks of utilities, streets, schools, public grounds, and buildings, and other facilities.
- F. Encourage the use of land which promotes the public health, safety, and welfare.
- G. Promote compatibility between competing or potentially incompatible uses.
- H. Ease the transition from one zoning classification to another.
- I. Address unique land use or site design issues associated with a proposed development request; and
- J. Guide development in unique circumstances.

10-9-1.3 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL

An application for a Conditional Use Permit to allow a Planned Development may be filed by the owner of, or by any person having a substantial contractual interest in, the subject property, or by a unit of local government, even when the unit of local government does not own or have a substantial contractual interest in the subject property, provided that the unit of local government is a petitioner or a co-petitioner for the subject property. The Village Board may also designate areas within the Village where development proposals shall be subject to review as Planned Developments.

10-9-1.4 PLANNED DEVELOPMENT REQUIRED

Any development or redevelopment of property requiring a building permit or site development permit shall require Planned Development approval, if such development or redevelopment is under single ownership and/or will be developed under unified control and has or is proposed to contain two or more principal structures or two or more principal uses, which structures and/or uses are or are proposed to be commercial and/or multi-family in nature (i.e., containing attached dwelling units).

10-9-1.5 PLANNED DEVELOPMENT GUIDELINES

The following guidelines will be used by the Plan Commission and the Village Board to evaluate the suitability of proposed Planned Developments. These guidelines represent sound planning principles which should be incorporated into Planned Developments. However, it is not intended that each and every one of these guidelines be rigidly conformed to, as long as just cause for any departure from these guidelines is demonstrated to the Village Board.

- A. The Planned Development shall be consistent with the intent and purpose of these Zoning Regulations.
- B. The Planned Development shall be generally compatible with the character of the underlying zoning district and neighborhood in which it is located.
- C. The Planned Development should be consistent with the Village's Official Comprehensive Plan.
- D. The Planned Development should preserve the value of the surrounding residential area and must be compatible with surrounding land uses.
- E. Significant physical, topographical, environmentally sensitive or historical features of the site of the Planned Development, which are of importance to the community, should be preserved.
- F. The entire property proposed for Planned Development treatment shall be in single ownership or under such unified control, or the petition shall include a unit of local government as a petitioner or as a co-petitioner, so as to ensure that the entire property will ultimately be developed as a unified whole. All owners of the subject property shall be included as joint applicants on all applications and all approvals shall bind all owners, except that notwithstanding any of the foregoing to the contrary, a unit of local government may petition for property which it does not own provided the unit of local government is the petitioner or a co-petitioner. Parties entitled to apply for a Conditional Use Permit shall be limited to the property owner, agent of the property owner, or the contract purchaser of subject property, acting with the consent of the property owner, or the Village, or another unit of local government. The violation of any owner as to any lot shall be deemed a violation as to all owners and all lots.

10-9-1.6 PERMITTED EXCEPTIONS FROM THE ZONING REGULATIONS

Exceptions (i.e., Variations) from these Zoning Regulations granted pursuant to a Conditional Use for a Planned Development shall solely be for the purpose of promoting better development that will be beneficial to the Village, to the residents of the Planned Development, and to the residents of surrounding properties. To achieve the intended benefits of the Planned Development, exceptions from the regulations of the underlying district may be authorized as follows:

- A. Exceptions from Use Regulations, Bulk Intensity, Landscaping, Parking, Signage and Architectural Design Guidelines.
 1. Proposed exceptions shall enhance the quality of the Planned Development and shall be compatible with the primary uses of the property.
 2. Proposed exceptions shall not be of a nature, nor located so as to create a detrimental influence on the surrounding properties.
 3. Planned developments may be used to adjust otherwise applicable lot width, lot area (setback) standards, provided that such adjustments do not have the effect of allowing more lots or dwelling units than would otherwise be permitted in accordance with the lot area, yard and bulk standards of Section 10-3C-2, Table 2 of this Title. Applicants may be required to submit "before and after" plans demonstrating that proposed adjustments allowed under a planned development would not have the effect of allowing more lots or dwelling units than would otherwise be permitted in accordance with the lot area, yard and bulk standards of Section 10-3C-2, Table 2 of this Title.
 4. A planned development may also be used to impose more restrictive standards than would otherwise be applicable to the property under the base zoning designation. In such cases, a planned development may propose to:
 - (a) Restrict the types of uses allowed by prohibiting uses that are otherwise allowed as permitted, conditional, or accessory uses in the base zoning district;
 - (b) Decrease the number or density of dwelling units that may be constructed on the property;
 - (c) Increase minimum lot size or minimum lot width requirements;
 - (d) Decrease the allowed maximum height of buildings;
 - (e) Increase minimum yard and setback requirements;
 - (f) Decrease maximum building or impervious coverage standards;
 - (g) Restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts; or
 - (h) Restrict any other specific site development regulation required or authorized by this zoning ordinance.
 5. Along the periphery of such Planned Developments, yards shall be provided as required by the regulations of the underlying zoning district.
 6. The Village Board may, as a part of the Planned Development approval, grant, impose, modify and/or waive any conditions and/or requirements listed in this Section.
- B. Exceptions from Standards in Other Village Ordinances.

The Village Board may, as part of the Planned Development approval, grant exceptions from the standards and requirements of other Village ordinances, including but not limited to the Village's Subdivision Regulations, the Building Code, or the Watershed Development Ordinance.

10-9-1.7 PLANNED DEVELOPMENT REVIEW PROCEDURES

A Planned Development may be granted as a Conditional Use Permit in any zoning district in which it is permitted in accordance with the standards and procedures set forth in this Chapter. Applications shall be made on forms provided by the Village's Zoning Official and shall be accompanied by the required plans and documents set forth in this Chapter, together with all required fees therefor as set forth in these Zoning Regulations. The steps in the procedure for consideration of a Planned Development are as follows:

- Step 1: A Preliminary Planned Development Plan or Preliminary Plat shall be submitted to the Village for consideration by the Plan Commission for the required public hearing thereon, after which the Board of Trustees will review such report or recommendation of the Plan Commission at a duly called Board meeting.
- Step 2: A Final Plan or Final Plat shall be submitted to the Village for possible final approval by ordinance passed by the Board of Trustees.

A. Preliminary Plan Procedure:

- 1. Purpose. The preliminary plan or plat is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed Planned Development. The preliminary plan or plat is the basis on which the required public hearing is held, thus permitting public consideration of and comments on the proposal at the earliest possible stage. A preliminary plan or plat shall contain the following basic elements of the proposed development:
 - a. Categories of uses to be permitted.
 - b. General location of residential and nonresidential land uses.
 - c. Overall maximum density of residential uses and intensity of nonresidential uses.
 - d. The general architectural design and building materials of the proposed development must be in compliance with the applicable architectural design standards of the Village.
 - e. General location and extent of public and private open space, including recreational amenities.
 - f. General location of vehicular and pedestrian circulation systems.
 - g. General location of existing natural areas, floodplains, wetlands and buffers, both on site and adjacent to the site.
 - h. General location and supporting information for stormwater conveyance and management facilities.
 - i. Nature, scope and extent of public dedications, improvements, or contributions to be provided by the applicant.
 - j. Phasing of development.
- 2. Application: Applications for approval of a Preliminary Plan or Plat shall be filed on forms provided by the Village's Zoning Official.
- 3. Preliminary Plan or Plat Submissions: The applicant shall prepare and submit plans and other documents in conformance with this Chapter and the application forms provided by the Zoning Official.
- 4. Public Hearing: A Public Hearing shall be set, noticed and conducted by the Plan Commission in accordance with the requirements of Section 10-7-8 of these Zoning Regulations.

5. Recommendation by Plan Commission:

- a. Planned Developments shall be subject to the applicable standards and review procedures for Conditional Use Permits as outlined in this Chapter. Accordingly, after the conclusion of the public hearing, the Plan Commission shall, with such aid and advice of Village staff, review the preliminary plan or plat and transmit to the Village Board its findings and recommendation as to whether the preliminary plan or plat should be approved, approved subject to modifications, or not approved. In addition to the standards for Conditional Uses included in Section 10-7-2 of these Zoning Regulations, such review shall consider:
 - (i) In what respects the proposed plan or plat is, or is not, consistent with the stated purpose of the Planned Development regulations set forth in this Chapter and the extent to which the proposed plan or plat meets the requirements and standards of the Planned Development regulations.
 - (ii) The general extent to which the proposed plan or plat departs from these Zoning Regulations and/or from the Title 11, Subdivision Regulations of this Village Code otherwise applicable to the subject property and the relation of any proposed exceptions to the public interest.
 - (iii) The general extent to which the proposed plan or plat produces, or does not produce, a public benefit, in terms of the Planned Development meeting the planning objectives and standards of the Village.
 - (iv) The physical design of the proposed plan or plat and the manner in which its design does, or does not, make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
 - (v) The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and to the neighborhood, and the desirability of the proposed plan to the Village's physical development, tax base and economic well-being.
- b. The Plan Commission shall hold the required public hearing on the application and provide to the Board of Trustees its written recommendation of approval, approval with modifications, or disapproval of the application for preliminary plan or plat approval within ninety (90) days from the date of submission to the Village of the application or the submission by the applicant of the last item of required supporting data and/or required documents as determined and certified by the Zoning Official, whichever date is later, unless such time is extended with the agreement of the applicant. If disapproval of such preliminary plan or plat is recommended, then within said ninety (90) day period, the Plan Commission shall furnish to the applicant a written statement setting forth the reason(s) for such recommendation of disapproval and specifying with particularity the aspects in which the proposed plan or plat fails to comply with the applicable ordinances of the Village.
- c. If such a preliminary plan or plat is recommended by the Plan Commission for approval or disapproval, the Board of Trustees shall accept or reject said recommendation within thirty (30) days after the Board of Trustees next regular scheduled meeting following the action of the Plan Commission or within such extended time to which the applicant may agree. Preliminary approval shall not qualify a plat for recording.

6. Action by Village Board of Trustees:

- a. Approval or Denial: Within thirty (30) days after its next regular meeting following the date of recommendation by the Plan Commission, relative to a preliminary plan or plat, the Village Board shall consider the recommendations of the Plan Commission, and within said thirty (30) day period or within such extended time to which the applicant may agree, the Village Board shall, by resolution, either: (1) approve the preliminary plan or plat, or approve the preliminary plan or plat with modifications and conditions which modifications and conditions shall be accepted in writing by the applicant as condition(s) of such approval or, (2) the Village Board shall reject such preliminary plan or plat and deny the application for preliminary plan or plat approval and provide to the applicant a written statement setting forth the reason(s) for such rejection and disapproval, or (3) with the written concurrence of the applicant, the Village Board shall refer the preliminary plan or plat back to the Plan Commission for further consideration of specified matters.
- b. Every such preliminary approval and the approval of a Conditional Use Permit for a Planned Development shall be expressly conditioned upon approval of final plans by ordinance of the Board of Trustees and upon the applicant's compliance with all applicable provisions of these Zoning Regulations and all other applicable ordinances of the Village.
- c. Failure to Act: The failure of the Village Board to act within such thirty (30) day period, or within such extended time to which the applicant may agree, shall be deemed to be a decision of disapproval.

7. Changes in a Preliminary Plan: Changes to a preliminary plan or plat shall be classified as follows:

- a. Major Changes: Major changes shall require submission and approval of a new preliminary plan or plat and all required or requested supporting data in accordance with the requirements of this Chapter. Major changes are those which would:
 - (i) Alter the overall concept or intent; or
 - (ii) Change the uses and/or their general location; or
 - (iii) Change by more than twenty (20) percent of any housing type; or
 - (iv) Decrease the separation between buildings; or
 - (v) Increase the density, building coverage, or building height; or
 - (vi) Change the architectural design or building materials; or
 - (vii) Reduce the open space; or
 - (viii) Change the standards of locations of roads or utilities; or
 - (ix) Reduce natural areas, wetlands, or buffers; or
 - (x) Change proposed drainage; and/or
 - (xi) Amend the Ordinance granting the Conditional Use Permit for the Planned Development; or
 - (xii) Change the development schedule by more than six months.
- b. Minor Changes: Minor changes to an approved preliminary plan or plat shall not require the submission of a new preliminary plan or plat, but shall require the identification of the minor changes on the final plan or plat documents for review by the Plan Commission and Village Board. Minor changes are those which are not

major, as determined by the Zoning Official.

C. Final Plan or Plat Procedure:

1. Purpose: The final plan or plat is intended to refine and implement the preliminary plan or plat and to serve as a complete, thorough and permanent public record of the Planned Development and the manner in which it is to be developed.
2. Application: Within one (1) year after the date of approval of the preliminary plan or plat, or within such other time period as agreed to in an approved phasing plan, the applicant shall file an application for final plan or plat approval in accordance with the requirements of this Section. The application may include the entire area included in the approved preliminary plan or plat or one (1) or more phases or units thereof in accordance with the phasing plan, if any, approved as part of the preliminary plan or plat. The application shall refine, implement and be in substantial conformity with the approved preliminary plan or plat.
3. Final Plan Submissions: The applicant shall prepare and submit plans and other documents in conformance with this Chapter for review by the Plan Commission.
4. Coordination with Subdivision Regulations: When a subdivision of land subject to the Village Subdivision Regulations is proposed in connection with a Planned Development, application for approval of, and review of, the final plat of the proposed subdivision shall be carried out simultaneously with an application for approval and review of the final Planned Development plan.
5. Recommendation by Plan Commission: Within thirty (30) days after the Zoning Official has certified the completeness of an application for approval of a final plan, the Plan Commission shall hold a public hearing, and with such aid and advice of the Village staff, review the plan and transmit to the Village Board its findings and recommendation whether the final plan be either approved, approved subject to modifications, or not approved. Such review shall consider:
 - a. Whether the final plan is in substantial conformity with the approved preliminary plan.
 - b. The merit, or lack of merit, of any departure of the final plan from substantial conformity with the approved preliminary plan.
 - c. Whether the final plan complies with any and all conditions imposed by approval of the preliminary plan.
 - d. Whether the final plan complies with the provisions of this Chapter and these Zoning Regulations and other applicable ordinances and regulations of the Village.
6. Action by Village Board of Trustees: The Village Board of Trustees shall approve or disapprove the final plan or plat within sixty (60) days from the date of submission thereof to the Village by the applicant or by the developer of the last item of required and/or requested supporting documents and/or of information requested by the Village Board of Trustees document(s), whichever date is later, unless such time is extended with the agreement of the applicant. Such required and/or requested document(s) shall include a written recommendation from the Plan Commission relative to such proposed final plan. If such final plan or plat is disapproved, then within said sixty (60) day period, the Village shall furnish to the applicant a written statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plan or plat fails to comply with the applicable ordinances of the Village. Within said sixty (60) day period, the Village Board shall either (1) approve the final plan or plat, with or without modifications and conditions which

modifications shall be accepted in writing by the applicant as condition(s) of such approval or, (2) reject the final plan or plat and refer the final plan or plat back to the Plan Commission for further consideration of specified matters or, (3) deny the final plan or plat, and in the event of such rejection, the Village Board shall furnish to the developer a written statement setting forth the reason(s) for such disapproval and specifying with particularity the aspects in which the proposed plan fails to comply with the applicable ordinances of the Village.

- a. Conditions on Final Plan Approval. The approval of any final plan may be granted by ordinance with or without modifications and conditions which modifications and/or conditions shall be accepted in writing by the applicant as condition(s) of such approval.
- b. Failure to Act. The failure of the Village Board to timely act within sixty (60) days, as required by this Section or such extended time to which the applicant may agree, shall be deemed to be a decision of disapproval.

7. Recording of Final Plat or Plan: When a final plat or plan is approved, the Village shall cause the final plat or plan, or such portions thereof as are appropriate, to be recorded with the offices of the Lake County Recorder of Deeds.

All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the Planned Development shall provide that they may not be modified, removed, or released without the express prior written consent of the Village Board and that they may be enforced by the Village as well as by future landowners within the proposed development.

8. Changes in the Final Plat or Plan: The development of a Planned Development shall be in conformance with the approved and recorded final plat or plan documents. The approved documents shall be binding on the applicants, and their successors, grantees and assignees and shall limit and control the use, improvement, and development of the Planned Development. Changes in the final plat or plan are subject to the following restrictions:

- a. Major Changes: Major changes shall require submission of a revised preliminary plan and a revised final plan or plat for the proposed development in accordance with this Chapter. Major changes are those which:

- (i) Alter the overall concept or intent, or
- (ii) Change the uses and/or their general location, or
- (iii) Change by more than twenty (20) percent any housing type, or
- (iv) Decrease the separation between buildings, or
- (v) Increase the density, building coverage, or building height, or
- (vi) Change the architectural design or building materials, or
- (vii) Reduce the open space, or
- (viii) Change the standards of locations of roads or utilities, or
- (ix) Reduce natural areas, wetlands, or buffers, or
- (x) Change proposed drainage, or
- (xi) Amend the Ordinance granting the Conditional Use Permit for the Planned Development, or
- (x) Change the development schedule by more than six (6) months.

- b. Minor Changes: A final plat or plan may be changed, subject to the Village Board's prior written approval without modifying the preliminary plan. Minor changes are

those which are not major, as determined by the Zoning Official or by the Village Board.

- c. Authorized Administrative Changes: Changes in the location of buildings, streets and parking lots of one (1) foot or less may be approved by the Zoning Official when such changes are requested pursuant to obtaining a building permit. However, such changes shall not decrease a peripheral yard or peripheral open space.

D. Revocation of Conditional Use Permit.

Construction of an approved Planned Development shall commence in accordance with the approved final plan, or in the case of phased developments, in accordance with the development schedule of an approved phasing plan. If construction falls one (1) year behind the approved schedule, the Village Board may, unless an extension of time is granted by the Village Board, initiate an appropriate application to revoke the Conditional Use Permit for all affected portions of the Planned Development. The developer of the Planned Development shall be notified prior to any proposed revocation of the respective Conditional Use Permit and be given an opportunity to be heard by the Village Board prior to revocation of the respective Conditional Use Permit. Notification mailed to the developer and/or applicant for the Conditional Use Permit by registered mail or certified mail, return receipt requested, shall be considered adequate notice.

E. Amendments to Final Plat or Plan Following Completion of Development.

After completion of a Planned Development, an approved final plat or plan may be amended, varied or altered in the same manner and subject to the same limitations, as provided for major changes in this Section. The respective amended final plat or plan shall be recorded by the Village with the Lake County Recorder of Deeds.

10-9-1.8 SUBMISSION REQUIREMENTS

All plans and supporting data for Planned Development applications shall include the documentation listed below. In developing plans and specifications for all required improvements, the applicant shall also conform to the standards set forth in the Village's Subdivision Regulations and other applicable ordinances.

- A. Preliminary Plan Stage: The submission requirements for a preliminary Planned Development plan shall include the following submittals, unless waived by the Zoning Official:
 1. Plan Commission:
 - a. A written letter of intent from the applicant describing the applicant's intention for developing the site.
 - b. A topographic survey.
 - c. A location map.
 - d. General Site Information. Data regarding site conditions, land characteristics, general land use, zoning, available community facilities and utilities, existing covenants, and other related general information about land-uses within one-quarter (1/4) mile of the proposed site perimeter.
 - e. Conceptual Plan. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, lots, and other features as they are related to the site.
 - f. Conceptual Structures. Sketches depicting the general architecture and massing of

buildings and structures on the site, and information depicting the architecture and massing of buildings and structures adjacent to the site.

- g. Legal Description. A plat of survey and legal description of the site proposed for development prepared by a land surveyor licensed by the State of Illinois.
- h. Tentative plans for water supply, sewage disposal, surface drainage, open space, and other public facilities and improvements.
- j. Fiscal impact study comparing the projected tax revenue generated by the project and the added costs for services as they will affect local government jurisdictions.
- j. School impact study indicating the number of new students generated by the project. This information will be used in the fiscal impact study above to determine the project's impact on local school districts.
- k. Traffic impact study indicating the daily and peak traffic generation by the project.
- l. Market study to evaluate the economic feasibility of the proposed development, including market acceptance of the proposed development products, comparative alignment and market absorption. The market study shall be prepared by a qualified, independent market research firm.
- m. A construction activities plan indicating how construction activity will be controlled by addressing contractor ingress/egress, construction parking, street cleaning and pest control.
- n. Financial information including a copy of lender's commitment; MAI appraisals on the existing site and after development completion, certificate of no delinquent taxes; and financial pro forma.
- o. Proposed covenants to govern the use and maintenance of the development and ensure the continued observance of the provisions of the Planned Development.
- p. A narrative description of the Planned Development describing: the intent and desired effect of the development; the manner in which the development has been planned to take advantage of the flexibility of the Planned Development regulations; the superior benefits that would accrue to the residents/users of the development; all relief sought from the standard application of district requirements in conjunction with project.
- q. Proof of ownership or control of the site.
- r. A development schedule indicating:
 - (i) A description of the development phases including the public facilities to be constructed with each phase, the density and/or floor area of buildings, open space, and mix of uses in each phase.
 - (ii) The approximate dates of the beginning and end of each phase.
 - (iii) The area and general content of each stage shall be shown on a plat and supporting graphics.
- r. Submission and approval of all applicable plans and materials required in the Village's Watershed Development Regulations and Tree Preservation Regulations.
- s. A description of the materials to be used in the construction of buildings and structures.

C. Final Plan Stage:

The final plan or plat of the Planned Development shall be prepared by a land surveyor licensed by the State of Illinois and accurately drawn in ink on material capable of producing clear and legible contact prints or photostatic copies and shall show the following:

1. Identification and Description:
 - a. Name of developer.
 - b. Street names.
 - c. Location by section, township, and range by legal description.

d. Graphic scale and north arrow.

2. Planned Development Plan or Plat: The developer shall provide to the Village a final detailed planned development plan or plat of subdivision prepared by a land surveyor licensed by the State of Illinois, suitable for recording with the County Recorder of Deeds. The purpose of the Planned Development final plan or plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands into common open and building areas and any dedicated areas and/or easements, and to designate and limit the number and use of structures and land areas within the planned development. The final Planned Development plat or plan and supporting data shall include the following:

a. All information for a final plan or plat as required by Title 11 of this Village Code, the Village's Subdivision Regulations.

b. Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses for which each building will be utilized, including construction details; centerline elevations; pavement type; curbs, gutters, culverts, any dedicated areas and/or easements within the Planned Development, etc.; and a street numbering designation shall be furnished for each building.

c. Documents relative to the common area(s) and/or open space shall be provided including, at the election of the Village, the following information:

(i) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided where appropriate to prevent the subsequent use of common area(s) and/or open space for any use, structure, improvement, or development other than that shown on the approved final plan or plat. The restrictions shall be permanent, and not for a given period of years, and shall run with the land.

(ii) Ownership and Maintenance. The final plan or plat shall include such provisions for the ownership and maintenance of common area(s) and/or open space, including all improvements thereto, as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in good condition in accordance with pre-determined standards and to ensure that remedial measures will be available to the Village if such common area(s) and/or open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the Planned Development or the Village.

(iii) Property Owners' Association Information. Where the ownership or maintenance of such common area(s) and/or open space or improvements to any part thereof is proposed to be by a property owners' association, such association shall meet each of the following standards:

(a) The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded shall be approved in advance in writing by the Village as part of the final plat or plan prior to becoming effective.

(b) The by-laws and rules of the association and all declarations, covenants, and restrictions shall be recorded with the County Recorder of Deeds and shall each provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this Chapter and/or any other provision of the Village Code.

- (c) The association shall be incorporated and registered with the Illinois Secretary of State by the applicant and/or developer prior to the Village's approval of any final plan or plat for the planned development, and all covenants and restrictions relative to the planned development shall be in writing, approved by the Village, and recorded prior to the sale of any property within the Planned Development.
 - (d) The association shall be responsible to obtain, carry, pay for, and maintain casualty and liability insurance, taxes, and the maintenance of the open space, common areas and/or elements, and improvements to be deeded to it.
 - (e) Membership in the association shall be mandatory for each property owner and any successive owner having a right to the use, enjoyment or benefit of such open space, common areas and/or elements, or improvements.
 - (f) Every property owner having a right to the use, enjoyment or benefit of such open space or improvements shall pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
 - (g) The association shall have the right to periodically adjust the assessment to be paid by each property owner to meet changed needs by a membership vote of not more than a majority of the members authorized to vote on the issue.
 - (h) The Village shall be given the right, but not the obligation, to enforce the covenants of the respective planned development.
 - (i) The Village shall be given the right, after ten (10) days written notice to the association, to perform any maintenance or repair work that the association has a duty to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment and, for this purpose alone, all the rights and powers of the association and its governing body under the agreements and declarations creating the association.
- d. Final Landscape Plan. A final landscape plan shall be prepared in substantial conformance to the approved preliminary landscape plan. The form and content of the final landscape plan shall conform to the requirements of these Zoning Regulations.

10-9-1.9: CONFLICT:

In the event of a conflict with the terms and conditions of this Chapter and those of Illinois statutes, the Illinois statutes shall govern.

10-9-2: STANDARDS FOR ALL COMMERCIAL CENTERS:

- A. All requirements of this Title, in addition to the specific requirements of this Section, shall be met by any commercial center.
- B. All individual uses proposed for a commercial center must comply with Section 10-3B-2, Table 1 of this Title. For example, warehouses would not be permitted within a commercial center located in the SB district.

- C. All off street parking spaces and servicing drives shall be located within the boundaries of the property being developed as a commercial center.
- D. Each shop or store shall have a rear or side entrance that is accessible to a loading area and service drive. Service drives shall be a minimum of twenty six feet (26') in width and shall be in addition to, and not part of, the drives or circulation system used by the vehicles of clientele.
- E. The arrangement of truck loading and unloading facilities for each shop or store shall be such that, in the process of loading or unloading, no truck will block or extend into any other private or public drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.
- F. Each commercial center shall be provided with enclosed refuse enclosures of sufficient size and number to accommodate all trash and waste stored on the premises in a convenient manner.
- G. There shall be no trash burner or incinerator, or any burning of trash or rubbish on the premises.
- H. Outlots are permitted in a commercial center provided that: 1) internal and external vehicular and pedestrian circulation is not adversely affected; 2) parking and landscaping requirements are met individually for each outlot and for the commercial center as a whole; 3) a consistency of design is maintained between the commercial center and the outlots.

10-9-3: STANDARDS FOR SUBDIVISIONS:

- A. All subdivisions shall be required to meet all applicable requirements of Title 10, "Zoning Regulations", and of Title 11, "Subdivision Regulations", of the Village Code, in addition to the specific requirements of this Section.
- A. Lot Area: Any principal use together with all accessory uses shall be located on a lot having a minimum area as shown in Section 10-3C-2, Table 2, column 3 of this Title.

The minimum lot area for apartment houses and attached dwellings shall be the sum of the lot area requirement for the first dwelling unit plus the lot area requirement for the second dwelling unit, plus the lot area requirement for each additional dwelling unit as shown in Section 10-3C-2, Table 2, column 3 of this Title.

- B. Lot Width: Each lot shall have a width at the building setback line as shown in Section 10-3C-2, Table 2, column 4 of this Title.

The minimum lot width for apartment houses and attached dwellings shall be the sum of the lot width requirement for the first dwelling unit plus the lot width requirement for the second dwelling unit, plus the lot width requirement for each additional dwelling unit as shown in Section 10-3C-2, Table 2 of this Title.

Lots in any zone shall have a minimum width at the building setback line on any street as shown in Section 10-3C-2, Table 2, column 4 of this Title; except certain lots in the UR3 and UR3A zones shall be subject to the following special rules: Lots in the UR3 and UR3A zones, which are either at the terminus of a cul-de-sac or on a curvilinear street, may have a width at the building setback line less than the average width of the lot, but the width of such lots as measured at the building setback may be not less than fifty percent (50%) of the width specified in Section 10-3C-2, Table 2, column 4 of this Title, and the width at the front lot line (i.e., the frontage) of such lots shall not be less than

fifty percent (50%) of the width specified in Section 10-3C-2, Table 2, column 4 of this Title.

- C. Front Yard: Each lot shall have a front yard setback as shown in Section 10-3C-2, Table 2, column 5 of this Title, provided, the front yard setback may vary somewhat in accord with the use of certain alternate garage types. (See subsection 10-8-1F3a of this Title.)
- D. Rear Yard: Each lot shall have a rear yard not less than as shown in Section 10-3C-2, Table 2, column 6 of this Title, except as otherwise provided under Section 10-5-2, "Nonconforming Recorded Lots", of this Title.
- E. Side Yards: Each lot shall have two (2) side yards, the total of which is shown in Section 10-3C-2, Table 2, column 7 of this Title. No side yard shall be less than the minimum side yard shown in Section 10-3C-2, Table 2, column 8 of this Title, except as otherwise provided in the footnotes to Table 2 in Section 10-3C-2 of this Title and under Section 10-5-2, "Nonconforming Recorded Lots", of this Title.
- F. Yards Abutting Residential Zoning: Any side or rear yard abutting a residential zone shall be not less than as shown in Section 10-3C-2, Table 2, column 10 of this Title.
- G. Garage Front Yards: Any front load garage front yard setback shall not be less than as shown in Section 10-3C-2, Table 2, footnote 11 of this Title.
- H. Average Lot Mix: UR3 single-family units are shown in Section 10-3C-2, Table 2 of this Title with three (3) lot sizes. Subdivisions of ten (10) or more lots shall use all three (3) lot sizes in the minimum percentages indicated in Section 10-3C-2, Table 2, column 2 of this Title. The differences in area are the result of changes in the minimum lot width; all lots would have the same depth. Subdivisions of nine (9) or fewer lots shall use the average or middle of the three (3) lot sizes. All block faces in the subdivision shall use all three (3) lot sizes so that the different lot sizes are distributed throughout the development.

FIGURE 2

MIXED BLOCK WIDTHS

CONSTANT
DEPTH

95'	75'	75'	85'	95'	75'
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- I. Treatment Of Corner Lots Where Three Lot Sizes Are Specified: Corner lots have two (2) street yards and, thus, to maintain the building pad width and the same buildable area as an interior lot, the width of the corner lots shall maintain the same pad width as the lot size/width it is intended to be. This means a wider lot. The width of a corner lot shall be calculated as follows: Add the width from figure 2 of this Section to the [street yard minus one-half (0.50) the total side yard]. This ensures that the buildable width of a corner lot is identical to an interior lot of the same size.
- J. Height Of Principal Building: No principal building or structure shall exceed the height restrictions as shown in Section 10-3C-2, Table 2, column 13 of this Title, or the height restrictions in stories as shown in Section 10-3C-2, Table 2, column 14 of this Title, except as specifically provided otherwise in the footnotes to Table 2 in Section 10-3C-2 of this Title.

- K. Accessory Structures, Height: No accessory building or structure shall exceed the height in feet shown in Section 10-3C-2, Table 2, column 15 of this Title, or the height in stories in Section 10-3C-2, Table 2, column 16 of this Title.
- L. Accessory Structures, Setbacks: An accessory structure which is not attached to nor part of a principal structure may be located within the required side or rear yard setback, but not the front yard setback, provided that it is located at least five feet (5') or greater from the lot line and, further provided that the structure shall not be located in any area burdened by a recorded easement such as, but not limited to, a utility easement. Additionally, any accessory use must be separated from its principal use by at least four feet (4').
- M. Minimum Residential Floor Area: The minimum floor area required for single-family dwelling units in all residential zones is one thousand two hundred (1,200) square feet, except as otherwise required by this Ordinance.