

CHAPTER 14

ADMINISTRATION AND ENFORCEMENT

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6-14-1: ORGANIZATION: The primary administration of this Title is hereby vested in the following:

Enforcing Officer (Village Manager),
Zoning Board,
Village Board of Trustees,
Architectural Review Board, and
Site Plan Review Board.

This Chapter shall first set out the authority of each of the above, and then describe the procedure and substantive standards with respect to the following administrative functions:

Issuance of zoning certificates,
Issuance of occupancy certificates,
Variations,
Appeals,

Amendments,
Special uses,
Site plan review,
Fees, and Penalties.
(Ord. 86-885-22; amd. Ord. 89-1079-46)

6-14-2: ENFORCING OFFICER: For the purposes of this Title, the Enforcing Officer shall be the Village Manager or his designee. His duties are as follows:

- A. Issue all zoning certificates and maintain records thereof;
- B. Issue all certificates of use and occupancy and maintain records thereof;
- C. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Title;
- D. Issue violation notices requiring compliance within thirty (30) days and advising suspected violators of their right to appeal; and to issue citations for violations of this Title;
- E. Require that all construction or work of any type be stopped when such work is not in compliance with this Title; and revoke any permit which was unlawfully issued;
- F. Have possession of permanent and current records of this Title, including, but not limited to, all maps, amendments, special uses, variations, appeals, and applications therefor;
- G. Assist in providing public information relative to this Title;
- H. Receive certificate for completeness, and forward to the Zoning Board all applications for special uses excluding planned developments, and for amendments to this Title that are initially filed with the office of the Enforcing Officer; notify local school district, fire protection district and library district administrators of any application for rezoning or special use which falls within their respective district boundaries;
- J. Forward to the Zoning Board applications for appeals and variations on which the Zoning Board is required to pass under this Title; forward to the Architectural Review Board copies of all appeals contesting or objecting to his interpretation of the Sign Ordinance;¹

¹See Title 12 of this Code

- K. Forward building plans and pertinent applications to the Architectural Review Board as specified in Title 2, Chapter 3 of the Lincolnshire Village Code;
- L. Forward applications, site plans and related information to the Site Plan Review Board in all cases which require site plan reviews as defined in Section 6-14-15 of this Chapter, and as required in specific zoning districts under the provisions of this Title;
- M. Enforce all orders of the Zoning Board . (Ord. 86-885-22; amd. Ord. 90-1138-22)

6-14-3: ZONING BOARD OF APPEALS: (Rep. by Ord. 89-1079-46)

6-14-4: Zoning Board:

- A. Definition: The Zoning Board for the Village as set forth in Title 2, Chapter 6, of the Lincolnshire Village Code is the Zoning Board referred to in this Title.
- B. Jurisdiction: The Zoning Board shall discharge the following duties under this Title:
 - 1. Review all applications for amendments to this Title (text or map), and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 6-14-13 of this Chapter;
 - 2. Review all applications for special uses, hold hearings thereon, and recommend action to the Village Board of Trustees as prescribed in Section 6-14-14 of this Chapter (special uses);
 - 3. Receive from the Enforcing Officer his recommendations as related to the effectiveness of this Title and report the Zoning Board's conclusions and recommendations to the Village Board of Trustees;
 - 4. Coordinate the provisions of this Title with that of the Official Comprehensive Plan of the Village, as amended. (Ord. 86-885-22)
 - 5. To hear and make recommendations to the Village Board of Trustees on appeals from any order, requirement, decision, or determination made by the Enforcing Officer or Site Plan Review Board under this Title;
 - 6. To hear and make recommendations to the Village Board of Trustees upon application for variations from the terms of this Title, in the manner prescribed by and subject to the standards established herein;

7. To hear and report to the Village Board of Trustees, with recommendation, those matters not treated above, which the Village Board of Trustees has referred to it. (Ord. 89-1079-46)

6-14-5: VILLAGE BOARD OF TRUSTEES:

- A. Definition: The Board of Trustees shall consist of the Mayor and Trustees, except as otherwise provided in this Code.
- B. Jurisdiction: The Village Board of Trustees shall discharge the following duties under this Chapter:
 1. Receive from the Zoning Board, and approve or disapprove, all proposed amendments and special uses;
 2. Receive from the Zoning Board, and approve or disapprove, all proposed variations from this Title;
 3. Receive from the Zoning Board, appeal recommendations referred to it. (Ord. 86-885-22; amd. Ord. 90-1138-22)

6-14-6: ARCHITECTURAL REVIEW BOARD:

- A. Definition: The Architectural Review Board of the Village as created by Title 2, Chapter 3 of the Lincolnshire Village Code is the Architectural Review Board referred to in this Title.
- B. Jurisdiction: To review and make recommendations to the Mayor and Village Board of Trustees regarding the exterior architectural design of all buildings and structures proposed to be built in planned unit developments as provided for in this Title.

6-14-7: SITE PLAN REVIEW BOARD:

- A. Creation: There is hereby created the Site Plan Review Board. Said Board shall consist of the Village Manager or his designee, Director of Public Works, Village Planner, Director of Building and Zoning, and the Chief of Police. The Mayor shall assign a Trustee to attend meetings of the Site Plan Review Board in an ex officio capacity. The Board may adopt its own rules and regulations and shall appoint a chairman from among its members. All meetings of the Board shall be at the call of the chairman or any two (2) members thereof. Any such call shall be in writing and shall be delivered to the members at least twenty four (24) hours prior to the meeting. A quorum shall consist of three (3) members.

B. Jurisdiction:

1. To carry out technical site plan review of site plans for all applications for zoning certificates in the R-4, R-5, E, B-1, B-2 and O/I Zoning Districts. In performing these reviews, the Site Plan Review Board shall work cooperatively with the applicant to find mutually acceptable site design and improvement solutions to specific site problems.

The Site Plan Review Board shall approve or disapprove of the site plan. No zoning certificate shall be issued for any site within the above zoning districts without the approval of the Site Plan Review Board.

2. To carry out site plan review on all special use applications and submit findings and recommendations to the Zoning Board prior to the holding of a public hearing on the special use by the Zoning Board.
3. To prepare and maintain a Manual of Site Design Guidelines to be the repository of site design standards, preference and solutions to specific reoccurring site problems, and to be used in carrying out its site plan review responsibilities.
4. To make recommendations to the Zoning Board and Board of Trustees regarding amendments to existing development codes, ordinances and regulations of the Village.

6-14-8: ZONING CERTIFICATES

A. Except as hereinafter provided, no permit, including a building permit, pertaining to the use of land or buildings shall be issued by an officer, department, or employee unless the application for such permit has been examined by the Enforcing Officer or his duly appointed representative, and has affixed to it a zoning certificate, indicating that the proposed building structure or use complies with all the provisions of this Title. Any permit or certificate used in conflict with the provisions of this Title, shall be null and void.

B. Plans and Drawings: Every application for a zoning certificate shall be accompanied by:

1. A plot plan of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and
2. Additional drawings drawn to a scale in such form as may, from time to time, be prescribed by the Enforcing Officer showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, the number of dwelling units, and number of bedrooms in

such dwelling units, and such other information as may be required by the Enforcing Officer for the proper enforcement of this Title.

3. The Enforcing Officer may, in those cases where in his judgment it is necessary, require certification of said plot plan by a registered professional engineer, registered architect, or registered land surveyor.
4. For the purpose of implementing the site plan review procedure contained in Section 6-14-15 of this Chapter, the Enforcing Officer shall forward all pertinent plans and drawings to the members.

6-14-9: CERTIFICATES OF ZONING COMPLIANCE: The Village shall issue certificates of zoning compliance to all users of land and buildings for the purpose of insuring compliance with the regulations of this Title including any decisions, conditions or special requirements resulting from the administration of this Title. This certificate does not seek or purport to control, either directly or indirectly, the quality or construction, development company, marketing offerings or contracts between private parties. No buildings, or addition thereto, constructed after the effective date hereof, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date hereof, shall be used for any purpose, including but not limited to automobile parking, nor shall a new use, not previously covered by such a certificate, be instituted in an existing building or structure, until a certificate of zoning compliance has been issued by the Enforcing Officer. Every certificate of zoning compliance shall state that the use or occupancy complies with the provisions of this Title.

- A. Application for Certificate of Zoning Compliance: Every application for a building permit or zoning certificate shall be deemed to be an application for a certificate of zoning compliance. Every application for a zoning compliance certificate for a new use of land where no building permit is required shall be made directly to the Enforcing Officer.
- B. Issuance of Certificate of Zoning Compliance: No certificate of zoning compliance for a building, or portion thereof, constructed after May 12, 1986 shall be issued until construction has been completed and the premises inspected and certified by the Enforcing Officer to be in conformity with the documentation upon which the building permit or zoning certificate was based. No certificate of zoning compliance for a building, or addition thereto, constructed after the effective date hereof, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Enforcing Officer to be in compliance with all applicable Village ordinances and regulations covering zoning, building and subdivision matters.

6-14-10: ZONING EXCEPTION CERTIFICATE: A zoning exception certificate shall be issued by the Enforcing Officer for any zoning lot which has been granted relief from any of the provisions of this Code due to:

! Its establishment as a lawful nonconforming building, structure, or use;

! Its establishment as a lawful special use;

! The granting of a variation by the Board of Trustees or;

! Court action.

A. Required Conformance: Any person claiming a lawful special use or nonconforming use of any premises, building, structure, or use under the terms and provisions of this Code, shall file an affidavit together with an application for a zoning exception certificate for said premises, building or structure, with the Enforcing Officer on forms prescribed by the Enforcing Officer. The Enforcing Officer shall make an inspection to ascertain whether said use is in fact:

1. Legal, nonconforming and lawful, or

2. A lawful special use, or

3. An unlawful use under the provisions of this Title.

In those cases where the Enforcing Officer finds the premises, building, structure or use to be lawful, he shall issue a zoning exception certificate. The Enforcing Officer shall not issue a zoning exception certificate in those cases in which he determines the premises, building, structure or use to be unlawful under the provisions of this Title, and further the Enforcing Officer shall notify the Village Attorney of said findings.

B. Exceptions: No zoning exception certificate shall be required for any building, structure or use which exists lawfully as of May 12, 1986.

C. Time Period for Filing: Any person failing to file required affidavit and application for a zoning exception certificate as a lawful nonconforming use in accordance with the provisions of this Section within one year after the property involved comes under the provisions of this Code shall be deemed to have renounced, waived and abandoned any claim as a lawful nonconforming use of the premises, building, structure, or use and shall be barred from asserting any such claims thereafter.

6-14-11: VARIATIONS:

A. Purpose: The Zoning Board may recommend variations from the regulations of this Title to the Board of Trustees in harmony with the general purpose and intent of this Title. Such variations shall be considered only in specific instances hereinafter set forth, and where, the Zoning Board holds a public hearing and makes findings of fact in accordance with the

standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Title. The Board of Trustees shall make all final decisions on variations.

B. Application and Notice of Hearing:

1. An application for a variation may be made by any person, or by any office, department, board, bureau or commission of this Village requesting application for a zoning certificate;
2. An application for a variation shall be filed with the Enforcing Officer, who shall forward such application to the Zoning Board for its review;
3. Notice of all public hearings conducted by the Zoning Board wherein an application for a variation is to be considered shall be published at least once not more than thirty (30) nor less than fifteen (15) days before said hearing in one or more newspapers with a general circulation within the Village.
4. The applicant shall also provide written notice to all persons to whom the current real estate tax bills are sent, as shown on the records of the Vernon Township Assessor's office, for all lots any part of which lie within two hundred and fifty feet (250') of the property lines of the lot for which an application has been filed.

Such written notice shall give the number, if any, assigned to the application, legal description, and common address of the parcel or parcels involved in the application, the place, and purpose (requested action) of the public hearing, and the date and time thereof. All such notices must be sent no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing. One copy of the notice must be filed with the Building and Zoning Department.

Notices shall be sent by certified or registered mail, return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all United States Post Office receipts as documentation of compliance with this provision. Such affidavit shall be filed with the Lincolnshire Building and Zoning Department not less than four (4) days in advance of the public hearing, exclusive of the date of the hearing itself.(Amd. Ord. 05-1980-44, eff. 7/11/05)

- C. Standards for Variations: The Zoning Board shall not recommend variations from the regulations of this Title unless it shall make findings based upon the evidence presented to it in each specific case that the proposed variation meets each and every one of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
2. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located;
3. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
4. The purpose of the variation is not based primarily upon a desire to increase financial gain;
5. The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having an interest in the property;
6. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
7. The granting of the variation will not alter the essential character of the neighborhood or locality;
8. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
9. The proposed variation is consistent with the official Comprehensive Policies Plan of the Village and other development codes of the Village.

The Zoning Board may recommend and the Board of Trustees may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards established in this Section and the objectives of this Title.

- D. Authorized Variations: Variations from the regulations of this Title which meet the standards established in subsection C of this Section may be recommended by the Zoning Board and granted by the Mayor and Board of Trustees only in the following instances and in no others:

1. To permit any yard or setback less than a setback required by the applicable regulations;
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area or width of the lot or lots be less than seventy five percent (75%) of the area or width required in the district in which it is located;
3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
4. To reduce the land area required for use of the planned development provisions of this Title from that amount required on each zoning district.
5. To increase by not more than fifty percent (50%) the maximum distance that required parking spaces are permitted to be located from the use served;
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.

The degree or amount of exception or variation cited above shall in all cases be considered the maximum allowable variation, not the recommended. (Ord. 86-885-22; amd. Ord. 90-1138-22)

7. To permit the established grade from which Building Height is measured to be raised to no greater than 2.5 feet above the base flood plain elevation; provided the Buildable Area of the parcel on which the development is proposed has an elevation below the base flood plain elevation.

The degree or amount of exception or variation cited above shall in all cases be considered the maximum allowable variation, not the recommended. In all cases the Zoning Board shall only recommend the minimum required variation to provide the relief sought.

8. To reduce the minimum spacing distances for community residential homes as set forth in Section 6-5E-4 of this Code. (Ord. 90-1182-66)

E. To allow Detached Accessory Storage Structures (*e.g.*, Sheds) where otherwise not permitted when each of the following conditions is met by the applicant:

1. The detached accessory structure (*e.g.*, Shed) is located between a public way and the principal building on the lot;
2. There is no garage (attached or detached) on the lot;

3. There is no basement in the principal structure; and
4. The record taken by the Zoning Board establishes facts that demonstrate to the satisfaction of the Village Board that: (i) the alleged difficulty or hardship has not been created by any persons presently having an interest in the property; (ii) the detached accessory structure will conform with the aesthetic standards of the Village; (iii) the detached accessory structure will not have an adverse effect on the value of the neighboring property; and (iv) the detached accessory structure will not create a hazard to the health, safety and welfare of the community.(Amd. Ord. 04-1925-41, eff. 10/11/04)

F. Action by the Village Board of Trustees:

1. Recommendations for approval, approval with conditions, or disapproval shall be referred to the Board of Trustees incorporating the Zoning Board findings of fact as given in subsection C of this Section for final action.
2. The Board of Trustees, upon report of the Zoning Board and without further public hearing, may approve by ordinance or may deny any variation or may refer it back to the Zoning Board for further consideration. Any application for a variation which fails to receive the approval of four (4) members of the Zoning Board shall not be approved except by the favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees and any variation which receives the approval of the Zoning Board may be denied by a majority vote of the Village Board of Trustees.
3. Request for any variation other than those listed above may be authorized by the Village Board of Trustees after a public hearing and recommendation by the Zoning Board. In such cases, the Village Board of Trustees may direct the Zoning Board to hear the variation request, hold a public hearing and submit recommendations.

G. Revocation: Where a variation has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless construction thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees. (Ord. 86-885-22; amd. Ord. 90-1138-22)

6-14-12: APPEALS:

- A. Authority: An appeal may be taken to the Zoning Board from any order, requirement, decision or determination made by the Enforcing Officer of the Site Plan Review Board, by any person aggrieved by action taken under the regulations of this Title. The Zoning Board shall hear the appeal and forward its recommendation to the Board of Trustees for final determination.

- B. Initiation: An appeal may be taken to the Zoning Board by any person or by an office, department, partnership, board, bureau, or commission of the Village aggrieved by an administrative order, requirement, decision or determination under this Title by the Enforcing Officer, Site Plan Review Board, or other authorized official of the Village.
- C. Processing: An appeal shall be filed with the Enforcing Officer, who shall forward such appeal to the Zoning Board for processing in accordance with this Chapter.
- D. Public Hearing: A public hearing shall be conducted by the Zoning Board upon every appeal. Notice of the hearing shall be posted at least twenty four (24) hours in advance of said public hearing in the Village offices.
- E. Decisions: Recommendations by the Zoning Board , after public hearing and deliberation of the Zoning Board from any order, requirement, decision, or determination relating to this Title, made by the Enforcing Officer or Site Plan Review Board shall be forwarded to the Village Board of Trustees for its determination. (Ord. 86-885-22; amd. Ord. 90-1138-22)

6-14-13: AMENDMENTS:

- A. Authority Declaration of Public Policy: For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Board of Trustees may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Title or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this Section, due allowances shall be made for existing conditions, the policies, standards, and principles of the Comprehensive Policies Plan of the Village, as amended, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.
- B. Initiation of Amendments: Text amendments may be proposed by the Board of Trustees, Zoning Board, other Village officials or any interested person or organization.

Map amendments may be proposed by the owner of the property involved or the Board of Trustees, the Zoning Board, or other Village official.
- C. Application for Amendment; Procedure: An application for an amendment to this Title shall be filed with the Enforcing Officer in such form and accompanied by such information as required by the Enforcing Officer. The Enforcing Officer, upon receiving an application for amendment, shall transmit the application along with all pertinent data filed therewith, to the Zoning Board for review, public hearing and recommendation to the Board of Trustees.

D. Hearing on Application: The Zoning Board shall schedule a public hearing on any proposed amendment in accordance with procedures set forth in this Section.

E. Notice of Public Hearing:

1. Notice of time and place of public hearings shall be published at least once in a newspaper of general circulation within the Village not more than thirty (30) days nor less than fifteen (15) days before such public hearing.
2. The applicant shall also provide written notice to all persons to whom the current real estate tax bills are sent, as shown on the records of the Vernon Township Assessor's office, for all lots any part of which lie within two hundred and fifty feet (250') of the property lines of the lot for which an application has been filed.

Such written notices shall give the number, if any, assigned to the application, legal description, and common address of the parcel or parcels involved in the application, the place, and purpose (requested action) of the public hearing, and the date and time thereof. All such notice must be sent no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing. One copy of the notice must be filed with the Building and Zoning Department.

Notices shall be sent by certified or registered mail, return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all U.S. Post Office receipts as documentation of compliance with this provision. Such affidavit shall be filed with the Lincolnshire Building and Zoning Department not less than four (4) days in advance of the public hearing, exclusive of the date of the hearing itself. (Ord. Amd. 05-1980-44, eff. 7/11/05)

F. Findings of Fact and Recommendation of the Zoning Board: The Zoning Board shall submit written recommendations to the Board of Trustees at the conclusion of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Zoning Board shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. Existing uses of property within the general area of the property in question;
2. The zoning classification of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification;

4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and
5. The impact upon the objectives of the official Comprehensive Policies Plan of the Village, as amended.

The Zoning Board shall not recommend the adoption of a proposed amendment if it finds that the adoption of such amendment is detrimental to the public interest. The Zoning Board may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R-1 District shall be considered the highest classification and the M-1 District shall be considered the lowest classification.

G. Action by the Board of Trustees:

1. The Board of Trustees shall not act upon a proposed amendment to this Title until it shall have received a written report and recommendation from the Zoning Board on the proposed amendment incorporating their findings of fact as specified in subsection F of this Section.
2. The Board of Trustees may grant or deny any application for an amendment, or refer it back to the Zoning Board for further consideration.
3. Any application for an amendment which fails to receive the favorable recommendation or favorable recommendation with conditions or changes by the Zoning Board shall not be approved except by the favorable vote of two-thirds (2/3) of all the elected members of the Board of Trustees, and any such proposed amendment which receives the favorable recommendation or favorable recommendation with conditions or changes from the Zoning Board may be denied by a majority vote of the Board of Trustees.

H. Effect of Denial of Amendment: No application for a map amendment which has been denied by the Board of Trustees shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of change of conditions; and no application for a text amendment which has been denied shall be resubmitted within one hundred eighty (180) days. (Ord. 86-885-22; amd. Ord. 90-1138-22)

6-14-14: SPECIAL USES:

A. Purpose: The development and execution of this Title is based upon the division of the

community into districts within which the use of land, and buildings and structures and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such special uses fall into two (2) categories:

1. Uses publicly operated or traditionally associated with a public interest, and
 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Initiation of Special Use: Any person, firm, partnership, corporation, or other legal entity having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application with the consent of the property owner, to use such land for one or more of the special uses provided for in this Title in the zoning district in which the land is located.
- C. Application for Special Use: An application for a special use shall be filed with the Enforcing Officer on a form prescribed by the Enforcing Officer. The application shall be accompanied by such plans and/or data prescribed by the Zoning Board, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in subsection H, hereinafter. Such application shall be forwarded from the Enforcing Officer to the Site Plan Review Board for technical review and Zoning Board for public hearing and recommendation to the Board of Trustees.
- D. Hearing on Application for Special Use: The Zoning Board shall hold a public hearing on each application at such time and place as shall be established by the Zoning Board. The public hearing shall be conducted and a record of the proceedings shall be preserved in such manner as the Zoning Board shall, by rule, prescribe from time to time.
- E. Notice of Hearing:
1. Notice of time and place of such public hearing shall be published at least once in a newspaper of general circulation within the Village not more than thirty (30) days nor less than fifteen (15) days before such hearing.
 2. The applicant shall also provide written notice to all persons to whom the current real estate tax bills are sent, as shown on the records of the Vernon Township Assessor's office, for all lots any part of which lie within two hundred and fifty feet (250') of the property lines of the lot for which an application has been filed.

Such written notices shall give the number, if any, assigned to the application, legal description, and common address of the parcel or parcels involved in the application, the place, and purpose (requested action) of the public hearing, and the date and time thereof. All such notice must be sent no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing. One copy of the notice must be filed with the Building and Zoning Department.

Notices shall be sent by certified or registered mail, return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all U.S. Post Office receipts as documentation of compliance with this provision. Such affidavit shall be filed with the Lincolnshire Building and Zoning Department not less than four (4) days in advance of the public hearing, exclusive of the date of the hearing itself.(Ord. Amd. 05-1980-44, eff. 7/11/05)

- F. Involvement of the Site Plan Review Board: Copies of all applications for a special use shall be forwarded by the Enforcing Officer to the Site Plan Review Board for their review. The Site Plan Review Board shall report its findings and recommendations to the Zoning Board.
- G. Zoning Board Findings: For each application for a special use, the Zoning Board shall, at the conclusion of the public hearing on the application, report its written findings and recommendations to the Board of Trustees.
- H. Standards: No special use shall be recommended by the Zoning Board, unless it shall find that each and every one of the following standards are met:
 - 1. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
 - 2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located;
 - 3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
 - 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

6. The proposed special use is not contrary to the objectives of the Official Comprehensive Policies Plan of the Village as amended; and
7. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Zoning Board.

I. Conditions and Guarantees:

1. Prior to the granting of any special use, the Zoning Board may recommend and Board of Trustees may require conditions and restrictions, upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in subsection H. above.
2. In all cases in which special uses are granted the Board of Trustees shall require such evidence and guarantees as it may deem necessary as proof that the conditions required in connection therewith are being and will be complied with.

J. Action by the Village Board of Trustees:

1. The Village Board of Trustees shall act upon a proposed special use permitted under this Title when it has received a recommendation from the Zoning Board on the proposed special use.
2. The Board of Trustees may grant or deny, by ordinance, or refer it back to the Zoning Board for further study, any application for special use, and may establish such conditions and restrictions, along with appropriate guarantees upon the establishment, location, and construction of a proposed special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in subsection H.
3. In all cases where the Board of Trustees permits the establishment of a special use, the ordinance establishing the special use shall contain a specific description of the special use, along with any conditions, restrictions or guarantees made part of the basis for such approval.
4. Any application for a special use which fails to receive the favorable recommendation or favorable recommendation with conditions or changes of four (4) members of the Zoning Board shall not be approved except by the favorable vote of two-thirds (2/3) of all the elected members of the Board of Trustees, and any special use application which receives the favorable recommendation or favorable recommendation with conditions or changes from the Zoning Board may be denied by a majority vote of the

Board of Trustees.

- K. Effect of Denial of Special Use: No application for a special use, which has been denied wholly or in part by the Board of Trustees, shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions.
- L. Revocation: In any case where a special use is not in place and in active use within three (3) years from the date of granting, in accordance with the terms of the special use originally granted, then, without further action by the Board of Trustees, the special use, or authorization thereof, shall be null and void.
- M. Planned Unit Developments:¹

- 1. Purpose and Description of Planned Unit Developments: The purpose of the planned unit development provision of this Chapter is to provide a mechanism to accommodate development which is in the public interest, and which would not otherwise be permitted pursuant to this Title. It is anticipated that planned unit developments will offer one or more of the following advantages: designs which reflect the historic open character of single-family areas of the Village, designs which provide substantial buffers and transitions between areas of different land use or development densities, designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces, designs which counteract possible urban monotony and congestion in streets, designs which promote compatible architecture between adjacent buildings, and designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development. These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and that may be located in more than one zoning district.

In general, the planned unit development provisions of this Chapter are intended to provide the following:

- a. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Title;
- b. Development and/or permanent reservation of open space, recreational areas and facilities;
- c. A land use plan which permits preservation of green space, natural vegetation,

¹See also Chapter 10 of this Title.

topographic and geological features and historic resources;

- d. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities;
- e. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities;
- f. Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings, and by conservation and more efficient use of open space ancillary to said buildings, all in a manner so as to be consistent with the character of the zoning district in which the planned unit development is located;
- g. A land use which promotes the public health, safety, comfort, morals and welfare.

A planned unit development is of substantially different character than other uses described in this Title. The planned unit development requirements and regulations allow for far more flexibility than those pertaining to other uses; therefore planned unit developments shall be considered by the Board of Trustees on a case-by-case basis.

It is not intended that the Board of Trustees will automatically grant the maximum use of exceptions for density increased for all planned developments, but it is expected that the Board of Trustees shall grant only such increases or uses which are consistent with the benefits accruing to the Village as a result of the planned unit development. Therefore, the Board of Trustees may as a condition of approval require any reasonable condition limitation or design factor which will promote proper development of a planned unit development.

- 2. **Minimum Area for Planned Unit Development:** A minimum gross area of three (3) acres is required of each site for consideration as a planned unit development except in the B-1, B-2, R-4, R-5, and E Zoning Districts where there shall be no minimum size requirement.
- 3. **Procedure:** A planned unit development shall be granted as a special use in the districts in which it is permitted in accordance with the procedures and standards set forth in this Section. To the extent that the procedures and standards set forth in this Section are inconsistent with the requirements set forth in other sections of the Village Code, this Section shall apply, except that all required improvements, construction standards, design standards and all other engineering standards contained within the Village's

Subdivision Regulations¹ must be complied with except where specifically varied through the provisions of this Section.

Applications shall be made on forms provided by the Village and shall be accompanied by the required plats and documents. The application, and each step set forth herein shall be reviewed and certified as complete by the Enforcing Officer and to be in accordance with the planned unit development requirements.

- a. Pre-Application Conference: Prior to filing a formal application for approval of a planned unit development, the applicant shall submit to the Enforcing Officer a written request for a pre-application conference.

The purpose of such a conference is to allow the Enforcing Officer, or his designee, to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures which are at the time officially adopted and which may affect the proposed development, or the consideration of said development by the Village Board. Such a conference also allows the applicant to present a general concept of his proposed development prior to the preparation of detailed plans. The applicant shall present material including the following, at the pre-application conference:

- (1) A written "letter of intent" from the applicant establishing his intentions as to development of a specific planned unit development located within the Village.
- (2) A location map.
- (3) Sketch plans and ideas regarding land-use dwelling-type and density, street and lot arrangement and tentative lot sizes.
- (4) Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
- (5) Other material the applicant may wish to present. The Enforcing Officer shall advise the applicant of the zoning requirements and official Village plans and policies which might affect the proposed development as well as the procedural steps for approval.
- (6) The Enforcing Officer shall cause minutes to be taken of the pre-application conference and submit said minutes to the Board of Trustees.

- b. Preliminary Plan: The preliminary plan of the planned unit development shall be submitted to the Enforcing Officer who, after finding the application to be

¹See Title 7 of this Code.

complete, shall forward it to the Site Plan Review Board for technical review.

The required procedure for consideration and approval of the preliminary plan shall be:

(1) Submission of the following:

Written application for approval of a planned unit development shall be made on forms and in the manner prescribed by the Village.

The application shall be accompanied by a fee consistent with Section 6-14-16 of this Chapter.

The preliminary plan and supporting data shall be in accordance with the provisions of subsection M7 of this Section.

A statement of conformity with Village's subdivision regulations along with a list of any requested variations from these regulations.

Copies of the preliminary planned unit development plan and supporting data shall be submitted to the Village for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design.

- (2) Copies of the preliminary planned unit development plan and supporting data shall be made available to any school district, library district, fire protection district and other taxing districts which might be affected by the development. The Enforcing Officer or his designee shall notify any such district concerning the filing of said application.
- (3) The Site Plan Review Board shall review the preliminary plan and submit its written findings and recommendations to the Village Board.
- (4) The Village Board shall review and consider and hold a public hearing on such application for approval of a planned unit development.
- (5) Following the public hearing, review of the preliminary plan, Site Plan Review Board findings and recommendations and other supporting data, the Village Board shall make its findings and recommendations which shall include findings of fact upon which its findings and recommendations are based as specified in subsection M7c(11) of this Section. Such findings and recommendations shall include a recommendation for approval, disapproval, or approval with modifications or conditions.

- (6) The Board of Trustees shall, approve, approve with modifications or conditions, or disapprove the plan.
- (7) Approval of the preliminary plan for a planned unit development shall not constitute approval of the final planned unit development plan. It shall be deemed only as an expression of approval of the concepts and details of the preliminary plan of planned unit development which are set forth in the application for approval of the planned unit development, and as a specific guide to the preparation of final documents which are required as part of the application for approval of the final planned unit development plan. Further, it indicates approval of the details set forth in the application and a commitment by the applicant to the details set forth in the application.
- (8) No building permit shall be issued for any structure until the final plan has been filed, approved, and recorded with the County Recorder, as provided below.
- (9) Upon approval of the preliminary plan by the Board of Trustees, a record shall be prepared by the Village Clerk including the application for approval of a preliminary plan for a planned unit development, conditions applied, modifications and bonuses granted and exceptions, if any, to the plan shown in the application which were ordered by the Board of Trustees. The Enforcing Officer shall prepare a record of the findings of fact, and recommendations of the Village Board and of any recommendations made by the Site Plan Review Board or any other Village departments and offices.
- (10) The applicant may choose to construct facilities and other improvements described in subsection M7c(3) of this Section, prior to approval of the final plan. Approval for such construction may be granted by the Board of Trustees at the time a preliminary plan is approved. When such approval is granted and appropriate performance bonds and guarantees accepted by the Board of Trustees in accordance with the requirements set forth in subsection M7c(3) of this Section, permits may be issued for the construction of such facilities or improvements.
- (11) The first final plan for an individual unit for more than one unit or for all of the planned unit development shall be submitted by the applicant no later than three hundred sixty five (365) days (or such additional time as may be authorized by the Village Board of Trustees from time to time) after approval of the preliminary plan. If a final plan is not submitted within three hundred sixty five (365) days and if no extension is granted by the Village Board of Trustees, then the approval of the preliminary planned unit development plan shall be null and void.

- c. Final Plan: The purpose of the final plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. The preliminary plan shall generally locate buildings, whereas the final plan shall show the exact location of each building to be constructed and a designation of the specific internal uses to which each building shall be put. The final plan also functions to inform all who deal with the planned unit development of the restrictions placed upon the land and acts as a zoning control device.

The final planned unit development plan shall conform substantially to the preliminary plan as approved, and if desired by the applicant, it may be submitted in stages, with each stage representing a unit of the approved preliminary plan which is recorded and to be developed; provided, however, that such unit conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

- (1) The final plan and supporting data shall be filed with the Enforcing Officer for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
- (2) All final plans shall be accompanied by a written construction schedule for the development.
- (3) After review of the final plan and supporting data, the Enforcing Officer shall send his findings and recommendations to the Board of Trustees which shall approve, approve with modifications or conditions, or disapprove the plan. Disapproval of the final plan shall include a statement of the reasons thereof.

- 4. Changes in the Planned Unit Development A planned unit development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the planned unit development, as set forth therein.

- a. Major Changes: Changes which alter the concept or intent of the planned unit development. including but not limited to; increases in the density; increases in the height of buildings; reductions of proposed open space; more than a ten percent (10%) modification in proportion of housing types; changes or additions of parking areas,, changes in standards or alignment of roads; utilities; water; electricity, and drainage; or changes in the final governing agreements, provisions, or covenants, may be approved only by submission of a new preliminary plan and supporting data, and following the "preliminary approval" steps, holding of a new

public hearing and subsequent amendment of the final planned unit development plan.

- b. **Minor Changes:** The Village Board may approve minor changes in the planned unit development which do not change the concept or intent of the development without going through the "preliminary approval" steps. Minor changes are defined as any change not defined as a major change. Any minor changes approved shall be properly recorded with the 6-County Recorder or it shall be automatically deemed to be a major change.

5. **Schedule of Construction and Revocation of the Planned Unit Development Approval:**

- a. The Board of Trustees shall consider the planned unit development subject to revocation if construction falls more than three (3) years behind the schedule of construction filed with the final plan. The Enforcing Officer shall inform the Board of Trustees whenever an approved planned unit development falls three (3) years behind schedule. Upon such notice, the Board of Trustees shall request the Zoning Board to review the status of the project to determine whether there is reasonable cause for such delay and to report findings of said inquiry back to the Board of Trustees. The Zoning Board shall consider, but not be limited to, the following standards in such review of the planned unit development:

- (1) The original program of development with regard to market demand for the components included in the final plan;
- (2) Conditions in the real estate finance market;
- (3) General economic conditions in the area;
- (4) The ability and purposefulness of development operations on the planned unit development in question, and
- (5) Laws, ordinances or other regulations that may have affected timely development of the project.

- b. Upon receipt of findings the Board of Trustees shall decide whether:

- (1) To terminate those portions of the planned unit development for which construction has not begun;
- (2) To extend the time allotted for construction to commence based upon a revised schedule of construction, or
- (3) To require special changes in the planned unit development as a condition of

a time extension, such changes shall be deemed a "major change" to the planned unit development.

- c. Zoning on any portion of a planned unit development which has been terminated by the Board of Trustee's action, in accordance with the provisions of this subsection M5 of this Section, shall revert to and conform to all the standards and provisions of the underlying zoning district in which the terminated planned unit development, or portion of a terminated planned unit development had been a special use planned unit development.
 - d. If construction of the planned unit development has not been started within three (3) years of the date of the Board of Trustee's preliminary plan approval, it shall be automatically revoked. The developer shall be notified at least sixty (60) days prior to any such revocation. Extensions in the building schedule may be granted by the Board of Trustees. Upon revocation, the parcel of land shall conform to regulations and procedures of the zoning district in which it had been a special use, planned unit development.
6. Recording the Final Plan: The ordinance authorizing construction of the planned unit development shall be effective only upon recording of the final planned unit development plan and supporting data with the County Recorder of Deeds by the Village Clerk. No permit, allowing construction of a building or other development, shall take place until the required recording of the final plan, approval of the final engineering plans by the Village Engineer and the posting by the applicant of the required improvement deposits, as set forth in subsection M7c(4) of this Section. All recording costs shall be paid by the applicant.
7. Specific Content of Plans: Planned unit development plans and supporting data shall include all documentation listed in this Section of the Zoning Code. In developing plans and specifications for all required improvements, the applicant must also conform to the standards set forth in the Village's Subdivision Regulations or specifically state where and for what purpose he wishes to be granted exceptions to those regulations.
- a. Pre-Application Stage:
 - (1) 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-half (1/2) mile of the proposed site perimeter.
 - (2) Sketch Plan: A scaled drawing 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.

- (3) Legal Description: A property survey and legal description of the site proposed for development.

b. Preliminary Plan Stage:

- (1) Detailed Plan: A drawing of the planned unit development shall be prepared at a scale not less than one inch equals fifty feet (1" = 50') and shall show such designations as proposed streets (public and private), all building, their yards and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings, and shall include:
 - (a) Boundary lines -- bearings and distances.
 - (b) Easements -- location, width and purpose.
 - (c) Existing land use -- within five hundred feet (500') of all sides of the site.
 - (d) Other conditions on adjoining land -- actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjoining unplatted land; for adjoining platted land refer to subdivision plat by name, recording date and number and show approximate percent built up, typical lot size, and dwelling type.
 - (e) Zoning on and adjacent to the tract.
 - (f) Streets on, and adjacent to, the tract -- street name, right-of-way width, existing or proposed center line evaluations, pavement type, walks, curbs, gutters, culverts, etc.
 - (g) Proposed public improvements -- highways and other major improvements planned by public authorities for future construction on or near the tract.
 - (h) Utilities on, and adjacent to, the tract -- location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; direction and distance to, and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.

- (i) Ground elevations on the tract and on the first fifty feet (50') of all adjacent tracts of land showing one foot (1') contours for land which slopes less than one-half percent (1/2 %) along with all breaks in grades, at all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions; for land that slopes more than one-half percent (1/2%) showing two foot (2') contours. Any land within the one hundred (100) year floodplain as determined by the Village Engineer, shall be shown on these drawings.
- (j) Subsurface conditions on the tract, if required by the Village Engineer -- location and results of tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five feet (5'); location and results of a soil percolation test if individual sewage disposal systems are proposed.
- (k) Other conditions on the tract -- watercourses, marshes, rock outcrop, wooded areas, isolated trees one foot (1') or more in diameter, existing structures and other significant features.
- (l) Title and certificates -- present tract designation according to official records in offices of the County Recorder; title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage. Owners shall include beneficial owners of any land trust.
- (m) Names -- the names and addresses to whom notices of hearings hereunder shall be sent, including the subdivider or developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.
- (n) Open space -- All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
- (o) General location, purpose, and height of each building, other than detached single-family residences on individually platted lots.
- (p) Map data -- name of development, north point, scale, and date of preparation.
- (q) Miscellaneous -- such additional documents as may be required by the Village Board. The Enforcing Officer shall inform the applicant of such additional documents after the preapplication stage and again after the initial presentation of the preliminary plan to the Village Board.

- (2) Exceptions: Identification and explanation of those aspects of the proposed planned unit development that vary from the Zoning Ordinance requirements applicable to the underlying zoning district and from the subdivision regulations of the Village.
- (3) Character: Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed planned unit development meets the objectives of all official plans which affect the land in question.
- (4) Ownership: Statement of present and proposed ownership of all land within the project including the beneficial owners of any land trust in accordance with Section 1-12-1 of the Village Code.
- (5) Schedule: Development schedule indicating:
 - (a) Stages in which project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material.
 - (b) Dates for beginning and completion of each stage.
- (6) Market: Documentation indicating the extent of market demand for the uses proposed in the planned unit development including analysis of demographics, sales potentials, competitive alignment, assessment of market share and market positioning of each component of the planned unit development.
- (7) Covenants: Proposed agreements, restrictions, provisions, or covenants which will govern the use, maintenance, and continue protection of the planned unit development and any of its common open space. Proposed condominium declaration and bylaws of condominium form of ownership if it is to be used in the planned unit development.
- (8) Density: Provide information on the density of residential uses, including dwelling units per gross acre, dwelling units per net acre; gross and net residential density (dwelling units per acre of land devoted to residential sectors of the planned unit development; gross being all land, net being gross acres minus land used for public or common usage); the number of dwelling units by type, and the number of bedrooms in each dwelling unit type. Information should be provided for each unit in the planned unit development.

- (9) Nonresidential Intensity: Provide information on the type and amount of nonresidential uses including building locations, sizes, floor area ratio, building height, the amount and location of common open space.
- (10) Service Facilities: Provide information on all service facilities, driveways, private streets, paths and off-street parking facilities.
- (11) Architectural Plans: Preliminary architectural plans for all primary buildings shall be submitted in detail in order to clearly depict the style of the development, the design of the building, and the number, size, and type of dwelling units. All such plans shall be submitted to the Architectural Review Board for review and recommendations to the Board of Trustees.
- (12) Public Improvement Plans: Preliminary plans and feasibility reports for:
 - (a) Roads, including classification, width of right of way, width of pavement, and construction details.
 - (b) Sidewalks.
 - (c) Sanitary sewers.
 - (d) Storm drainage.
 - (e) Water supply system.
 - (f) Street lighting.
 - (g) Public utilities.
- (13) Landscape Plan: A general landscape planting plan for the site including permanent signs and street fixtures, and a detailed plan of landscaping for a typical building area.
- (14) Cost-Revenue Analysis: If requested by the Enforcing Officer, a study shall be prepared by the petitioner at his expense, indicating the fiscal impact of the planned unit development on major taxing limited to, the sanitary district(s), school district(s), fire protection district(s), Village, library district(s), and the park district(s). Information will include detailed estimates on: expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the planned unit development; revenue generated for each taxing body by the planned unit development to offset fiscal problems created by the planned unit development. The study should include a cash flow analysis based on the proposed staging of the planned unit development.
- (15) Traffic Analysis: If requested by the Enforcing Officer, a study shall be prepared by the petitioner at his expense, analyzing the impact caused by the planned unit development on the street and highway systems.

- (16) Environmental Analysis: If requested by the Enforcing Officer, a study of the major environmental impacts of the planned unit development on the environment shall be prepared by the petitioner at his expense, analyzing and disclosing all environmental impacts of the proposed planned unit development. Generally, these impacts would include effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along arterial and collector highway corridors leading to the planned unit development to a distance established by the Village Engineer; any deterioration in the groundwater or surface water quality; effect on sensitive land areas as identified by the Board of Trustees from time to time, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, prairie landscapes, and mineral resource reserves.
- c. Final Plan Stage:
- (1) Final Detailed Plan: A final plan, suitable for recording with the County Recorder of Deeds, shall be prepared by the petitioner. The purpose of the final plan development plan is to designate with particularity the land subdivision into conventional lots as well as the division of other lands, not so treated, into common open space areas and building areas, and to designate and limit the specific internal uses of each building, structure, and use of land. Final plans and supporting data shall show in detail the design, location and internal use of all buildings and overall land development as well as such additional information as the Board of Trustees may have required when approving the preliminary plan. The final plan of the planned unit development shall include, but not be limited to:
- (a) An accurate legal description of the entire area under immediate development within the planned unit development.
 - (b) If subdivided lands are included in the planned unit development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat in accordance with the Village's subdivision regulations.
 - (c) An accurate legal description of each separate unsubdivided use area, including common open space.
 - (d) Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put, including construction details, showing center line elevations, pavement type, curbs, gutters, culverts, etc., and a street numbering designation shall be furnished for each building.
 - (e) A statement signed by an Illinois registered professional engineer stating that:

- ! The planned unit development will not increase stormwater runoff to downstream properties.
 - ! The planned unit development will not overload existing storm or sanitary sewers.
 - ! No adverse drainage impact will occur to adjoining properties.
 - ! Except where specific variation is stated, the design of all improvements is in accordance with the Village subdivision regulations as well as standard and good engineering practice.
- (f) Certificates, seals, and signatures required for the dedication of land and recording of the document.
- (g) Tabulations on each separate unsubdivided use area, including land area, number of buildings, number of dwelling units per acre.
- (h) Construction schedule.
- (2) Common Open Space Documents: All common open space, at the election of the Village, shall be:
- (a) Conveyed to a village or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefitting the owners and residents of the planned unit development or adjoining property owners or any one or more of them. All lands conveyed hereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or
 - (b) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the planned unit development or adjoining property owners and/or both.
- (3) Improvements - Guarantee of Performance: The owner and/or developer shall guarantee the completion of all required improvements and facilities, as set forth in the Village subdivision regulations, except where varied by the application of these procedures, whether said improvement or facilities shall become public or remain private, by either completing the improvements in advance of approval of the final plan or submitting irrevocable letters of credit in a form and from a financial institution acceptable to the Village Attorney in an amount equal to at least one hundred twenty five percent (125%) of the construction cost estimate approved by the Village Engineer of said improvements and facilities at the time said improvements and

facilities are scheduled to be installed according to the planned unit development's staging program.

- (4) **Guaranteed Deposits:** In addition to the deposit provided for in subsection M7c(3) of this Section, a deposit shall be made to the Village by irrevocable letters of credit in favor of the Village equal to ten percent (10%) of the cost of public facility installations. The irrevocable letter of credit must be from a sound and reputable banking or financial institution (selected by the applicant and approved in writing by the Village) authorized to issue such irrevocable letter of credit, which irrevocable letter of credit shall be substantially in the form contained in Appendix I of Chapter 7 of Title 3 of this Code. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the Village for a period of three (3) years after acceptance of such facilities by the Village. After three (3) years, the letter of credit shall be released if no defects have developed in that time period. If defects occur during the three (3) year period after acceptance of such public facilities, the Village shall repair or replace the subject improvement, and call the letter of credit to the extent necessary to pay for the repair or replacement. At the end of the aforementioned three (3) year period the balance of such deposit shall be refunded. The deposit under this paragraph shall be made immediately upon completion and approval of the construction of said public facilities, and the performance guarantee for the public facilities shall thereupon be released. (amd. Ord. 95-1381-11, eff. 3/13/95)
- (5) **Covenants:** Final agreements, provisions, restrictions, or covenants governing the use, maintenance and/or protection of the planned unit development or portions thereof.
- (6) **Delinquent Taxes:** A certificate shall be furnished from the County Collector that he finds no delinquent taxes and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.
- (7) **Agreements:** The owner and/or developer applicant shall submit a properly executed agreement listing the required improvements he proposes to make at his expense in the development, the time of completion of said improvements and the method of payment for the improvements. This agreement shall include provisions:
 - (a) Requiring and providing for approval by the Village Engineer of the agreement;
 - (b) That the improvements have been or will be installed in accordance with the plans and specifications approved by the Village Engineer;
 - (c) Showing the method of selection of the contractors engaged to construct

the improvements;

- (d) That in respect to developments wholly or partly within the Village limits, the bonds, guarantees or deposits provided for by this Code have been furnished to the Village.
 - (e) Requiring evidence of insurance covering their employees with companies and in amounts satisfactory to the Village Attorney, naming the Village as an additional insured, and providing that no such policy shall be canceled without prior written ten (10) days' notice to the Village.
 - (f) Requiring the owner and/or developer to be responsible for paying all costs, including but not limited to, legal, planning and engineering fees incurred by reason of the Village having to enforce the provisions of this Zoning Code;
 - (g) Agreeing to provide and install that type, kind and size of landscaping approved by the Village as evidenced by a final detailed plan of landscaping for that area of the planned unit development covered by the final plan.
- (8) Use Exceptions: The Board of Trustees may authorize that there be permitted in part of the area of a proposed planned unit development, specified uses not permitted by the use regulations of the districts in which said planned unit development is located, provided that the Board of Trustees shall find:
- (a) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the planned unit development.
 - (b) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the planned unit development, or upon the internal character of any part of, or all of the planned unit development itself.
- (9) Bulk Regulations: In the case of any planned unit development, the Board of Trustees may authorize exceptions to the applicable bulk regulations of the Zoning Code within the boundaries of such planned unit development, provided that the Board of Trustees shall find:
- (a) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of the Zoning Code for buildings developed on separate zoning lots;

- (b) That the overall floor area ratio for the planned unit development would not exceed more than ten percent (10%) the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned unit developments, as stipulated in each zoning district.
 - (c) That along the periphery of such planned unit developments, side, front and rear yards shall be provided as required by the regulations of the district in which said development is located.
- (10) Designation of Permanent Common Open Space:
- (a) Definition: Permanent common open space shall be defined as parks, playgrounds, landscaped green space not immediately adjacent to residential uses, schools, community centers or other similar areas in public ownership or areas covered by an open space easement.
 - (b) Designation: No plan for a planned unit development shall be approved, unless such plan provides for permanent common open space equivalent to at least twenty five percent (25%) of the total development area in the planned unit development.
- (11) Findings of Fact: In reporting its findings and recommendations on a planned unit development preliminary plan to the Board of Trustees, will submit findings of facts upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
- (a) In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.
 - (b) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
 - (c) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, use, required improvement, construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
 - (d) The extent of public benefit produced, or not produced, by the planned unit development in terms of meeting the planning objectives and standards of the Village. Any specific beneficial actions, plans or programs agreed to in the planned unit development proposal which are

clearly beyond the minimum requirements of the Zoning Code shall be specifically listed as evidence of justified bulk premiums and/or use exception.

- (e) The physical design of the proposed plan and the manner in which said 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.
- (f) The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood.
- (g) The desirability of the proposed plan to the Village's physical development, tax base and economic well being.
- (h) The conformity with the recommendations of the Official Comprehensive Policies Plan as amended, and all other official plans and planning policies of the Village.

N. Farmers Market

1. Purpose and Description of a Farmers Market: The Farmers Market provisions of this Section are intended to provide for the safe and orderly operation of seasonal outdoor sales which are considered to be in the public interest, and which would not otherwise be permitted pursuant to this Title. Given the unique nature of seasonal outdoor sales, and the potential impact on neighboring properties, minimum standards for Farmers Markets are set forth herein. Farmers Markets are viewed as an appropriate use in the Downtown Development District because they generate pedestrian activity and contribute to commercial vitality.

A Farmers Market, as defined in Section 6-2-2, is a designated area where, on designated days and times, growers and producers may sell directly to the public from open or semi-open facilities in accordance with Village regulations. The Village shall specify, among other items, the dates and times when a Farmers Market may operate and the nature of goods to be sold.

2. Permitted Activities: Activities conducted on the premises of a Farmers Market shall be subject to the following conditions:
 - a. A Farmers Market shall not be conducted on the same premises more than once in any seven day period. The hours of operation shall be limited to a maximum six hour period between the hours of 7:00 a.m. and 7:00 p.m.
 - b. Articles for human consumption including, but not limited to, fruits, vegetables, edible grains, nuts, berries, apiary (bee) products, maple sugars, syrups, ciders, dairy products with the proper refrigeration, and eggs, may be sold if grown or produced by the person/entity offering the articles for sale.

- c. Related items not for human consumption including, but not limited to, cut, fresh and dried flowers, potted flowers, and potted plants, may be sold if grown or produced by the person/entity offering the articles for sale.
 - d. Hand crafts and related craftsman activities may be sold if created or produced by the person/entity offering the articles for sale. Such related items and/or activities shall be reviewed on an individual basis and at the discretion of the Village Manager or his/her authorized designee.
 - e. Other related activities, special programs and events may be conducted on the premises subject to the prior review and approval of the Village Manager or his/her authorized designee.
 - f. Market Signage: One promotional sign per frontage may be permitted. A maximum of two (2) signs, placed no closer than 250', shall be permitted per zoning lot. The sign(s) shall be located a minimum distance of fifteen (15) feet from the closest property line and shall not impair vision or obstruct the sight distance of motorists. Each market is entitled to one of the following two options:
 - (i) Temporary Signs. The sign(s) shall be a maximum height of five (5) feet with a maximum surface area of sixteen (16) square feet. Such signs shall not be attached to trees, fences, utility poles, or the like. The sign may be displayed one (1) day before the operation of the market and shall not remain later than two (2) hours after the official closing time of the market.
 - (ii) Semi-Permanent Signs. The sign(s) shall be a maximum height of 2'-6" with a maximum surface area of five (5) square feet. The sign shall be in general conformance with the design guidelines established for Village information and regulatory signs. The sign may be displayed between June 20th to October 10th on the site upon which the Farmers Market is conducted. (Amd. Ord. 99-1646-30, eff. 6/14/99)
3. General Regulations: An Applicant seeking a Special Use permit to establish and operate a Farmers Market shall abide by the following regulations:
- a. The Applicant shall appoint a Market Manager, who shall have principal responsibility for overseeing the operations of the Farmers Market. The Applicant shall provide the name and address of the Market Manager to the Department of Community Development prior to the initial day of operation of the Farmers Market. The Applicant shall also provide a telephone number at which the Market Manager can be contacted during regular business hours.
 - b. It is the responsibility of the Market Manager to maintain, at all times, a current list providing pertinent vendor information (i.e. name, address, telephone, and product(s) offered). A copy of said list shall be available on the subject premises at all times during the operation of the Farmers Market.
 - c. All vendors may begin set up operations of their stall area no earlier than one hour prior to the start of the Farmers Market. All set up operations requiring the use of a motorized vehicle must be completed no less than fifteen minutes prior to the start of the Farmers Market. All take down operations requiring the use of a motorized vehicle must wait until

- after the official closing time of the Farmers Market prior to driving vehicles in the selling area.
- d. No vendor shall allow any waste, garbage, debris or any other refuse to remain on or near his/her stall area after the closing of the Farmers Market.
 - e. All stalls, display tables and tents, and evidence of the Farmers Market must be removed from the premises no later than two hours after the official closing time.
 - f. No vendor shall sell directly from a truck or vehicle, however, trucks and/or vehicles may be used for storage of extra produce/products and refrigerated goods.
 - g. No vendor shall attract attention by hawking, crying out, or playing music or sounds as attention-getting devices.
 - h. Each vendor is entitled one (1) temporary identification sign, not to exceed four square feet, which shall be oriented to the pedestrian patrons of the Farmers Market.
 - i. No vendor shall sell or offer for sale any article without first obtaining an Illinois State Sales Tax License of the current year; provided, however, that when a temporary (daily) sale is assigned, suitable evidence of application for such license may be presented to the Market Manager.
 - j. All vendors participating in the Farmers Market shall abide by all food, safety, and health regulations of the Village of Lincolnshire Health Code, the Lake County Department of Health and the State of Illinois at all times.
 - k. No animals of any kind, including pets, shall be allowed on the premises at any time during the operation of the Farmers Market, except those animals used to assist physically challenged individuals.
4. Method of Hearing: All petitioners applying for a Special Use for a Farmers Market shall have a public hearing as referenced in this Section. If granted, the Special Use shall expire on December 31 of the year of issuance. A continuance of the Farmers Market Special Use shall necessitate the consideration and approval of an extension of the Special Use by the Board of Trustees. The Special Use shall be granted to the Applicant and is not transferable without the prior review and approval of the Mayor and Board of Trustees.
 5. Zoning District and Minimum Lot Size: Farmers Markets may locate and operate in the B1, B2 and R5 Zoning Districts on lots not less than 45,000 square feet in area.
 6. Submittal Requirements: A site plan, drawn to a scale of not less than twenty feet to the inch (20' = 1"), clearly indicating the following elements, shall be submitted along with the application for the Special Use permit:
 - a. The exact location of the Farmers Market selling area on the subject property, including stall designation and numbers.

- b. A designated parking area, distinct and separate from the selling area. Said parking area must adequately accommodate all vehicles generated by the Farmers Market. All designated parking areas shall be paved and designed in accordance with the regulations contained in Chapter 11 of this Title.
 - c. A detail of the proposed barrier treatment to ensure only pedestrian traffic will enter and exit the designated selling area during the operation of the Farmers Market. On-site circulation and vehicle maneuverability shall not be compromised by the location of the selling area.
 - d. All approved traffic control devices must be labeled and indicated on the site plan. Said traffic control devices shall be subject to the review and approval of the Police Department and Vernon Fire Protection District.
 - e. Location of all garbage receptacles.
 - f. Location of any promotional signage, in accordance with the regulations set forth in 2(e) of this Section, associated with the Farmers Market. A dimensioned detail of the proposed signage including, but not limited to height, sign area, material and construction, shall be provided in addition to the required site plan.
 - g. Location of permanent public restroom facilities. Said facilities shall not be of a portable nature and must be located a maximum of 300' from the selling area. The public restroom facilities shall be made available to vendors and patrons while the Farmers Market is in operation.
 - h. Provide information demonstrating the adequacy of the parking provided for the Farmers Market and other adjacent uses.
 - i. Additional information as may be required by Village staff, or Village Board.
7. Failure to abide by any and all terms of the Special Use Permit shall also be cause for the Village to initiate hearings to determine whether the subject Special Use shall be revoked.
(Amd. Ord. 97-1538-62, eff. 11/10/97)

O. Continuing Care Retirement Campus (CCRC)

1. Purpose and Description of a Continuing Care Retirement Campus:

The continuing care retirement campus provisions of this section are intended to provide for age-restricted planned unit developments to serve the needs of elderly residents and to keep them as independent as the status of their respective health will permit from time to time. These developments shall be intended to provide, through common management or by contractual agreement, housing needs and services that aid the elderly in maintaining an independent lifestyle.

Services provided by the continuing care retirement campus may include, but are not limited to, health care maintenance, nursing service facilities, congregate dining facilities and food services, housekeeping, social and recreational programs, administrative offices, chapels, park facilities,

security stations, transportation services, community buildings, and any other services, activities and accessory uses integral to the operation and maintenance of a residential community intended primarily for the use of the elderly residents and the employees of the continuing care retirement campus.

2. Definitions.

For the purpose of this type of Planned Unit Development:

- a. "Independent Living Units" are dwelling units within the Continuing Care Retirement Campus which are unrestricted except that at least one person occupying each dwelling unit shall be 62 years of age or older and may contain in addition to an individual living area, comprised of one or more rooms, a kitchen and bath area, while receiving equal benefits, such as meals and recreation, with others within the community.
- b. "Assisted Living Units" are self-contained units within an assisted living facility licensed by the Illinois Department of Public Health to assure compliance with the Assisted Living and Shared Housing Establishment Code (77Ill. Adm. Code 295). The Assisted Living Unit is intended to provide twenty-four hour a day support for personal and health services for residents in need of this care. Assisted Living Units shall include accessory uses such as dining rooms, bathing areas, common areas, staff offices and any other incidental space necessary to provide the above care.
- c. "Skilled Care Nursing Units" are beds located within a nursing facility that is licensed by the Illinois Department of Public Health for residents who require twenty-four or more consecutive hours of care because of physical or mental conditions.
- d. "Continuing Care Retirement Campus Accessory Uses or Structures" are accessory facilities, functions, and structures which are to be used primarily by the residents of the retirement campus and their respective visitors and the staff servicing the retirement campus, except as may otherwise be authorized.

3. Purpose: The Continuing Care Retirement Campus development provisions of this Section are intended to provide the following:

- a. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Title;
- b. Development and/or permanent reservation of open space, recreational areas and facilities;
- c. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features and historic resources;
- d. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities;
- e. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities;

- f. Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings, and by conservation and more efficient use of open space ancillary to said buildings, all in a manner so as to be consistent with the character of the zoning district in which the planned unit development is located;
 - g. A land use which promotes the public health, safety, comfort, morals and welfare in general, and the health, safety, comfort, morals and welfare of the elderly in particular.
4. Procedure: A Continuing Care Retirement Campus may be granted as a Special Use only in those districts in which it is provided for, and application for said special use shall be made and considered according to the procedures and standards set forth in this section for special uses in general; however, to the extent that there is any inconsistency between this subsection O and the procedures and standards set forth elsewhere in this section, the terms and conditions of this subsection O shall prevail.

Notwithstanding the provision for a Continuing Care Retirement Campus special use within the zoning classification, no Continuing Care Retirement Campus shall be established unless located in an area adjacent to districts of similar density, such as commercial, public or non-residential land uses, or moderately dense residential districts, including Planned Unit Developments (PUDs) which are also located in R-3 or R-4 zones.

No Continuing Care Retirement Campus special use may be granted or maintained unless the Continuing Care Retirement Campus has been approved by, and/or is currently Licensed, Registered and in good standing with, the Illinois Department of Public Health.

5. The development for which an application is made for a Continuing Care Retirement Campus special use shall either:
- a. be intended to have 90% of its units occupied by at least one person 62 years of age or older and provide significant facilities designed to meet the physical or social needs of such older residents; or
 - b. be intended to be occupied solely by persons 62 years of age or older and such staff as is necessary for the medical care of the residents and maintenance of the campus.
6. Bulk Requirements
- a. The minimum lot area shall be seventy-five (75) acres, with a minimum net buildable lot area of fifty (50) acres.
 - b. The minimum lot width shall be 500 feet.
 - c. The maximum height of any building within the Continuing Care Retirement Campus shall be eighty-five feet (85').
 - d. The maximum Floor Area Ratio (FAR) shall be 0.75.

- e. The minimum front and corner side yard setback shall be fifty feet (50').
 - f. The minimum interior side yard setback shall be twenty-five feet (25').
 - g. The minimum rear yard setback shall be fifty-feet (50').
7. Parking Requirements: Parking shall be provided as required herein.
- a. Independent Living Units (ILU): 1.0 parking spaces per dwelling unit.
 - b. Employees/Staff: 1.0 parking space per employee on maximum shift.
 - c. Visitors: a minimum of four percent (4%) of total required parking hereunder.
 - d. The additional requirements of Title 6 - 11 of the Village of Lincolnshire's Code regarding Off-Street Parking and Loading.
 - e. No parking area or vehicular circulation shall be nearer than twenty feet (20') of any lot line.
8. Accessory Structures:

Accessory Structures are permitted within the Continuing Care Retirement Campus and shall include the following:

Entertainment facilities, houses of worship, dining facilities, food preparation facilities, laundry service facilities, nursing services, administrative offices, staff facilities, storage and maintenance facilities, security facilities, exercise/recreational facilities, libraries and any other services or facilities intended for the use by residents, visitors and staff of the Continuing Care Retirement Campus.(Ord. 03-1862-39, eff. 8/25/03)

6-14-15: SITE PLAN REVIEW PROCESS:

- A. Intent: In order to exercise a more orderly control of land use within areas of critical concern, areas subject to traffic congestion, areas of special environmental character, and areas of high density zoning, and for designated special uses, the Village hereby establishes a site plan review process. It is recognized that the very nature of such critical areas or special uses create potential for traffic congestion problems, overcrowding and adverse environmental effects. It is these areas and uses which the Village intends to subject to site plan review so that the meaning and intent of the Comprehensive Policies Plan and Zoning Code and all the provisions thereof are complied with.
- B. Procedures:
 - 1. Zoning Certificates: Every application for a zoning certificate within the R-4, R-5, E, B-1, B-2 Zoning Districts and any O/I Zoning Districts shall be forwarded by the Enforcing Officer to the Site Plan Review Board after filing a complete application for its review, recommendation and approval as to the compliance of the site design with all applicable provisions of the Zoning Code. In its review of such applications the Site Plan Review Board shall utilize the

Comprehensive Policies Plan of the Village as amended, all supplementary planning and engineering studies, the Zoning Code, subdivision regulations and all development guidelines and standards that may be contained in the Manual of Site Design Standards. The Board shall return its recommendations to the Enforcing Officer. In such cases the Enforcing Officer shall not issue a zoning certificate until he has received the recommendations of the Site Plan Review Board.

Any applicant shall have the right to appeal any decision, directive, or recommendation of the Site Plan Review Board by filing an appeal with the Zoning Board pursuant to the procedures enumerated in Section 6-14-12 of this Chapter.

2. Special Uses: The Site Plan Review Board shall additionally review all site plans regarding special uses which are the subject of a public hearing before the Zoning Board . Prior to the submission of the Zoning Board's findings and recommendations regarding the special uses, the Site Plan Review Board shall review the site plans relating to the proposed conditional use and evaluate the compliance of said site plan with all applicable provisions of the Zoning Ordinance, the Comprehensive Policies Plan, supplementary planning and engineering studies, subdivision regulations and development guidelines and standards that may be contained in the Manual of Site Design Standards. The report of the Site Plan Review Board shall be submitted to the Zoning Board and subsequently to the Board of Trustees. (Ord. 86-885-22; amd. Ord. 90-1138-22)

6-14-16: FEES:

- A. Any application for a special use, rezoning, variation, and code amendment shall be accompanied by a fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this code.
- B. Any application for a special use, rezoning or variation shall also be accompanied by a legal description of the property involved, the specific relief requested and pertinent facts relating thereto, documentary compliance with the land trust disclosure provisions of the Village Code, and such further and additional information as may be from time to time required by the Village. The Village will prepare and have published the appropriate legal notice of any required public hearing, and will have prepared any appropriate ordinance relating thereto.

6-14-17: INSPECTION AND CERTIFICATES OF INSPECTION: For the purpose of enforcing the provisions of this Zoning Code, the Enforcing Officer, or his duly authorized agent, is hereby authorized to make inspections of all buildings, structures, and premises located within the Village to determine their compliance with the provisions of this Zoning Code. For the purpose of making such inspections, the Enforcing Officer is hereby authorized to examine and survey all buildings, structures, and premises within the Village. Such inspections shall be made between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M., except Sunday, subject to the following standards and conditions:

- A. An entry for the purpose of making any such inspection may take place only if a complaint respecting said premises has been received by the Enforcing Officer and such complaint, in the opinion of said Enforcing Officer, provides reasonable grounds for belief that a violation exists, or such inspection is undertaken as part of a regular inspection program whereby certain areas of the Village may be inspected from time to time in their entirety by the direction of the Board of Trustees.

- B. Such inspection shall be made by the Enforcing Officer, or his duly authorized agent, upon the direction of the Board of Trustees.

- C. When inspecting a building, structure or premises, the Enforcing Officer or his duly authorized representative shall furnish to the owner, occupant or operator sufficient identification and information to enable the owner, operator or occupant to determine both the inspector's identity as a representative of the Village and the purpose of the inspection. The Enforcing Officer may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any building, structure or premises if the owner, occupant or operator shall refuse to grant entry. (Ord. 86-885-22)

(Amd Ord. 06-2013-04, eff. 2/13/06)