

CHAPTER 14

ADMINISTRATION AND ENFORCEMENT

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6-14-1: ADMINISTRATION

This Title is hereby administered by the following:

Zoning Administrator (Village Manager)
Village Board of Trustees
Architectural Review Board
Zoning Board
Development Review Team

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 Certificates of Zoning Compliance
General Application Process
Variations
Amendments
Special Uses
Planned Unit Developments (PUD)
Appeals
Fees
Inspections

6-14-2: ZONING ADMINISTRATOR: Shall be the Village Manager or his/her designee, and shall be responsible for the following duties:

- A. Conduct inspections to determine compliance with the terms of this Title.

- B. 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.
- C. 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.
- D. Have possession of permanent and current records of this Title, including but not limited to, all applications of amendments, special uses, variations, and appeals.
- E. Assist in providing public information relative to this Title.
- F. Forward to the Zoning Board all applications for appeals, variations, special uses excluding Planned Unit Developments (PUD), and amendments to this Title.
- G. Forward pertinent applications to the Architectural Review Board as specified in Title 2, Chapter 3 of the Lincolnshire Village Code.
- H. Forward applications and related information to the Development Review Team in all cases which require development review as defined in Section 6-14-6 of this Chapter.
- I. Enforce all orders of the Zoning Board. (Ord. 86-885-22; Amd. Ord. 90-1138-22)

6-14-3: ZONING BOARD: The Zoning Board shall discharge the following duties under this Title.

- A. Review all applications for variations from the terms of this Title, and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 6-14-9 of this Chapter.
- B. Review all applications for text and map amendments to this Title, and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 6-14-10 of this Chapter.
- C. Review all applications for special uses, excluding Planned Unit Developments (PUD), and report findings and recommendations to the Village Board of Trustees as prescribed in Section 6-14-11 of this Chapter.
- D. Approve or disapprove applications for Minor Amendments to special uses, excluding Planned Unit Developments (PUD), as defined in Section 6-14-11(F)(2).
- E. Review all applications for appeals from any order, requirement, decision, or determination made by the Village, and recommend action to the Village Board of Trustees as prescribed in Section 6-14-13 of this Chapter.
- F. Receive from the Zoning Administrator and/or the Village Board of Trustees recommendations and inquires related to the effectiveness of this Title and report conclusions and recommendations to the Village Board of Trustees.

- G. Coordinate the provisions of this Title with that of the Official Comprehensive Plan of the Village.
- H. Receive from the Village Board of Trustees any matters not listed above, which has been referred to it, and report conclusions and recommendations to the Village Board of Trustees.

6-14-4: VILLAGE BOARD OF TRUSTEES: The Village Board of Trustees shall discharge the following duties under this Chapter:

- A. Receive findings and recommendations from the Zoning Board, and approve or disapprove, all applications for amendments, special uses (excluding Planned Unit Developments) and variations from this Title.
- B. Receive recommendations from the Zoning Board or Architectural Review Board for all appeals filed to it.
- C. Receive recommendations from the Zoning Board or Architectural Review Board for all matters of inquiry referred to it under Section 6-14-3 or 6-14-5, respectively.
- D. Review all applications for special uses for Planned Unit Developments (PUD) and approve or disapprove.
- E. Receive findings and recommendations from the Architectural Review Board, and approve or disapprove, all proposed variations from Title 12 of the Lincolnshire Village Code, and recommendations regarding the exterior architectural design of applicable buildings and development.
- F. May from time to time adopt rules and procedures governing the conduct of any public hearings held before the Village Board required by this Chapter.

6-14-5: ARCHITECTURAL REVIEW BOARD: The Architectural Review Board (ARB) shall discharge the following duties under this Title:

- A. Review and make recommendations to the Village Board of Trustees regarding the exterior architectural design of applications for new construction of buildings and development, related to exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, entrance ways, lighting, off-street parking facilities, signage, and similar matters. The ARB shall not review plans for single-family residential structures and structures which are accessory thereto.
- B. To make recommendations regarding advisable amendments to existing codes, ordinances and regulations of the Village.
- C. Approve or disapprove revisions to existing site development plan(s), including Minor Amendments to Special Use or Planned Unit Development (PUD), regarding exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, lighting, signage, and similar elements.

6-14-6: DEVELOPMENT REVIEW TEAM

A. Creation: The Development Review Team shall consist of the Village Manager or his/her designee, Director of Community and Economic Development or his/her designee, Director of Public Works or his/her designee, Village Planner, Building Official, the Chief of Police or his/her designee, and a Fire Protection District designee.

B. Jurisdiction: Development Review Team meetings occur every third Wednesday of each month to carry out review of preliminary or conceptual site development plans to achieve an acceptable development design and produce solutions to specific site problems.

1. The Development Review Team shall discharge the following duties:

- a. Subdivision layout and design review of new residential subdivision(s) filed pursuant to Title 7 of this Code.
- b. Review of preliminary site development plans for the construction of new structure(s) and major modifications to existing structures, excluding single-family residential.
- c. Site plan review of special use applications required in Section 6-14-11(B) of this Title.
- d. Review of conceptual site development plans for new Planned Unit Developments required in Section 6-14-12(E)(2) of this Title.

2. Written review comments and recommendations from the Development Review Team will be issued to the Applicant within ten (10) business days from the meeting date. No final or binding decision shall be rendered by the Development Review Team and any comments and recommendations shall be deemed advisory.

C. Required Plans: The following plans shall be submitted to the Development Review Team for evaluation:

- 1. A preliminary plan of the parcel(s) of land, drawn to scale, illustrating the proposed site improvements, including building footprint location(s), parking facilities, streets, internal service/access roads, vehicle ingress/egress, landscaping, services areas (trash enclosure, fire lanes, etc.), and any other pertinent amenities.
- 2. Preliminary building elevations of all proposed structures showing actual dimensions, building materials and any other special building treatments, excluding single-family residential.
- 3. Additional plans may be requested by the Development Review Committee deemed necessary to conduct a full evaluation of the development proposal.

6-14-7: CERTIFICATES OF ZONING COMPLIANCE: The Village shall issue certificates of zoning compliance 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. Every certificate shall state the status of compliance with

the provisions of this Title for any use or occupancy.

- A. Request for Certificate of Zoning Compliance: Requests for a Certificate of Zoning Compliance shall be submitted in compliance with the Village of Lincolnshire's Freedom of Information Act Policy. Each request must specify the parcel address(es), parcel index number(s) (PIN), specific zoning information being requested, and name and address of requestor.
- B. Issuance of Certificate of Zoning Compliance: Certificates of Zoning Compliance will be issued pursuant to the Village of Lincolnshire Freedom of Information Act Policy, based on available records. No Certificate of Zoning Compliance shall be issued for any building or portion thereof under construction until the premises has been inspected and issued a Certificate of Occupancy by the Village's Building Official.

6-14-8: GENERAL APPLICATION PROCESS

- A. Application: An application for any request outlined in this Chapter shall be submitted upon forms provided by the Community and Economic Development Department which shall include written consent of the property owner(s). All plans and documents shall be filed in the manner designated by the application; applications will not be accepted until filed in proper form and contain all required information. Within 30 days of the application being filed with the Community and Economic Development Department and determined to be complete, such application shall be scheduled for a Preliminary Evaluation Meeting.
- B. Preliminary Evaluation Meeting: An application for any new request shall first be evaluated on a preliminary basis by the Village Board of Trustees for initial comment prior to the holding of a public hearing. This meeting shall not be required for minor modifications to existing developments, as determined by the Zoning Administrator.

1. Required Documentation:

- a. The applicant shall submit a written description of the specific request(s) and the site conditions and/or development goals resulting in such request.
- b. A conceptual illustrative plan shall accompany the written description showing the extent of the request.

2. The following criteria shall be applied in the Preliminary Evaluation Meeting:

- a. The written description and conceptual illustrative plan shall be reviewed with the Board of Trustees to provide, if any, initial comment, direct further analysis to be conducted by the Zoning Board, or modifications to the plan(s) for Zoning Board review. Any final decision must first require a recommendation incorporating findings of fact from the Zoning Board.
- b. Unless requested by the applicant, a maximum of one Preliminary Evaluation Meeting shall be conducted for any given application.
- c. Public notification is not required for a Preliminary Evaluation Meeting. Public participation may be permitted by the Village Board of Trustee, but is not required.

- C. Notice of Public Hearing:

1. Publication of Notice: Notice of the date, time, and place, common address and Property Index Number(s) (P.I.N.) of the parcel(s) involved in the application, and requested action(s) of the public hearing shall be published by the Village of Lincolnshire 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. Written Notice: The applicant shall 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 as follows:
 - a. For all lots or 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.
 - b. Written notices shall give the date, time, and place, case number, if any, assigned to the application, common address and Property Index Number(s) (P.I.N.) of the parcel(s) involved in the application, and requested action(s) of the public hearing. All such notice must be sent no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
 - c. 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, last known addresses of all property owners entitled to notice and served, and one copy of the notice with the Community and Economic Development Department not less than four (4) days in advance of the public hearing, exclusive of the date of the hearing itself.

D. Action by the Zoning Board: Subject to the notice requirements in paragraph C, the Zoning Board shall hold a public hearing no later than sixty (60) days after the Preliminary Evaluation Meeting to consider the application and make findings of fact in accordance with the standards hereinafter prescribed. Recommendations of the Zoning Board for approval, approval with conditions, or denial shall be forwarded to the Village Board of Trustees incorporating the Zoning Board findings of fact for final action. Any application must receive the approval of four (4) members of the Zoning Board to be deemed an approval recommendation.

E. Action by the Architectural Review Board: No later than sixty (60) days after the Preliminary Evaluation Meeting, the Architectural Review Board shall convene a meeting to consider the application and make recommendations to the Village Board of Trustees regarding the exterior architectural design of all applicable buildings and development. Any application must receive the approval of four (4) members of the Architectural Review Board to be deemed an approval recommendation.

F. Action by the Village Board of Trustees:

1. Recommendations of the Zoning Board for approval, approval with conditions, or denial shall be forwarded to the Board of Trustees incorporating the Zoning Board findings of fact for final action.
2. Recommendations of the Architectural Review Board for approval, approval with

conditions, or denial shall be forwarded to the Board of Trustees incorporating the Architectural Review Board recommendation(s) for final action.

3. The Village Board of Trustees shall act upon the recommendation of the Zoning Board and/or Architectural Review Board within not more than sixty (60) days from the last date of the advisory body votes on an application. Without further public hearing, the Village Board of Trustees shall approve by ordinance, deny the application, or refer it back to the appropriate advisory board for further consideration. An application which fails to receive an approval recommendation of the Zoning Board/Architectural Review Board must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved. An application which receives the approval recommendation of the Zoning Board/Architectural Review Board may be denied by a majority vote of the Village Board of Trustees.
4. The ordinance authorizing the application shall contain a specific description of the request, along with any conditions and restrictions, or appropriate guarantees upon the establishment, location, and construction of the request as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.

G. Condition of All Applications and Approvals: Any application filed pursuant to this Chapter shall not be considered complete unless and until all fees and deposits due pursuant to Comprehensive Fee Schedule have been paid. Any approval granted pursuant to this Chapter shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by Section 6-14-14. The failure to fully pay any such fee or deposit upon request shall be grounds for tolling any deadlines, rejection in processing an application and for denying or revoking any approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

6-14-9: VARIANCE

- A. Purpose: A variance authorizes a relaxation of the terms of this Title where such relaxation will not be contrary to the public interest and where, due to practical difficulties on the property, a literal enforcement of the Code would result in unnecessary hardship. The Zoning Board may recommend a variance from the regulations of this Title to the Board of Trustees consistent with the general purpose and intent of this Title. The Board of Trustees shall make all final decisions on variance requests.
- B. Process: The application process outlined in Section 6-14-8 of this Chapter shall apply.
- C. Findings of Fact: The Zoning Board shall not recommend a variance from the regulations of this Title unless it shall make findings based upon the evidence presented to it in each specific case the proposed variance 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 variance 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 alleged difficulty or hardship is not based primarily upon a desire by any persons presently having an interest in the property or to increase financial gain;
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
6. The granting of the variance will not alter the essential character of the neighborhood or locality;
7. The proposed variance 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;
8. The proposed variance is consistent with the official Comprehensive Plan of the Village and other development codes of the Village.

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

D. Authorized Variations: Due to their minor nature, an application for the following variations shall not require a Preliminary Evaluation Meeting as outlined in Section 6-14-8(B), and shall advance directly to Public Hearing by the Zoning Board:

1. Reduction in the Setback required by the applicable zoning regulations of not more than 25%.
2. Reduction of the Lot Area or Lot Width required by the applicable zoning regulations of not more than 25%.
3. To permit the same off-street parking space(s) to qualify as space(s) for two (2) or more separate uses required by Section 6-11-3(A)(5) of this Title, provided that use of such parking space(s) for each user does not occur at approximately the same hours of the same days of the week.
4. To increase the maximum distance parking spaces are permitted to be located

from the use served by not more than fifty percent (50%), as required by 6-11-3(A)(2) of this Title.

5. To permit the deferment of required parking facilities for a specified period of time.
6. To permit an increase in established grade from which Building Height is measured a maximum of 2.5 feet above the base floodplain elevation (BFE), provided the Buildable Area of the subject parcel has an elevation below the BFE.

An application for variance from the regulations of this Title not contained in this Subsection (above) may be considered by the Zoning Board at a public hearing, only after evaluated at Preliminary Evaluation Meeting by the Village Board of Trustees, as outlined in Section 6-14-8(B).

- E. Revocation: Where a variance 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 one (1) year from ordinance approval, unless a one-time extension is granted by the Village Board of Trustees without an additional public hearing.

6-14-10: AMENDMENTS (MAP AND TEXT)

- A. Purpose: For the purpose of ensuring that the taxable value of land and buildings throughout the municipality may be conserved; congestion in the public streets may be lessened or avoided; the public health, safety, comfort, morals, and welfare may otherwise be promoted; and to ensure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance, the Village Board of Trustees may, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Title or amend district boundary lines. Due allowances shall be made for existing conditions, the policies, standards, and principles of the Comprehensive Plan of the Village, 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. Process: The application process outlined in Section 6-14-8 of this Chapter shall apply.
- C. Findings of Fact - Text Amendment: At the conclusion of the public hearing, the Zoning Board shall submit written recommendations to the Village Board of Trustees. Where the purpose and effect of the proposed amendment is not 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 standards.
1. The request for an amendment shall serve the purpose of promoting the public health, safety, and general welfare.

2. The request for an amendment shall conserve the value of property throughout the community.
3. The request for an amendment shall lessen or avoid congestion in the public streets and highways.

D. Findings of Fact - Map Amendment (Rezoning): At the conclusion of the public hearing, the Zoning Board shall submit written recommendations to the Village Board of Trustees. 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. 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, based on the following standards:

1. Existing zoning classification of the property.
2. Existing uses of property and existing physical, social or economic factors within the general area of the property in question.
3. The zoning classification of property within the general area of the property in question.
4. The suitability of the property in question to the uses permitted under the existing or proposed zoning classification.
5. 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.
6. The length of time the property has been vacant as zoned.
7. The extent to which the property's values is diminished by the existing zoning classification.
8. The impact upon the objectives of the official Comprehensive Plan of the Village, as amended.

E. Denial of Amendment: Any application for an amendment which has been denied by the Village Board of Trustees shall not 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.

6-14-11: SPECIAL USES

A. Purpose: The development and execution of this Title is based upon the division of the community into zoning districts within which the use of land, buildings and their bulk and location in relation to the land are substantially uniform. It is recognized, however, there are certain uses because of their unique characteristics, requires

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 associated with a public interest, and
 2. Uses entirely private in character, but of a unique nature that their operation may give rise to unique problems with respect to their impact upon neighboring property.
- B. Process: The application process outlined in Section 6-14-8 of this Chapter shall apply.
- C. Development Review Team: A meeting of the Development Review Team shall be conducted to carry out review of all new applications for special use prior to the holding of a public hearing with the Zoning Board, as outlined in Section 6-14-6 of this Chapter.
- D. Findings of Fact: At the conclusion of the public hearing, the Zoning Board shall submit written recommendations to the Village Board of Trustees. 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 special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.
 2. 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.
 3. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.
 4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 5. The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village as amended.
 6. 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 varied pursuant to Section 6-14-9 of this Chapter.
- E. Denial of Special Use: Any application for a special use, which has been denied wholly or in part by the Village Board of Trustees, shall not 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.
- F. Amendments to Special Uses: A special use shall be implemented only in strict

adherence to the authorizing ordinance, along with any conditions and restrictions, or appropriate guarantees upon the establishment, location, and construction of the application, which shall be binding on the applicants, their successors, grantees and assigns. Any request to amend an approved special use shall be subject to the following:

1. Major Amendments: Major amendments are classified as any change not categorized as a Minor Amendment, and shall be subject to the requirements of Section 6-14-8.
2. Minor Amendments: Minor amendments are classified as any change which does not substantially alter the nature of the approved use(s), increase the intensity of the approved use(s), or substantially increase the scale of structures or site improvements associated with the approved special use(s). Upon the submission of a new application for a minor amendment, the Zoning Board and/or Architectural Review Board may approve, without the holding of a public hearing, minor amendments.

G. Revocation: Where a special use 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 three (3) years of the date of granting, unless a one-time extension is granted by the Village Board of Trustees without an additional hearing.

6-14-12: Planned Unit Developments (PUD)

A. Purpose and Description: While a Planned Unit Development (PUD) is a special use, this Section provides a special mechanism to accommodate development which is in the public interest and would not otherwise be permitted pursuant to this Title. These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and may be located in more than one zoning district.

It is anticipated that planned unit developments will offer one or more of the following advantages:

1. Designs which reflect the historic open character of single-family areas of the Village.
2. Designs which provide substantial buffers and transitions between areas of different land use or development densities.
3. Designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces.
4. Designs which counteract possible urban monotony and congestion in streets.
5. Designs which promote compatible architecture between adjacent buildings.
6. 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.

B. Intent: A planned unit development is of substantially different character than other uses described in this Title. Planned unit developments allow for far more flexibility than those pertaining to other land uses and allows for uses which may not

otherwise be identified in this Title. The maximum use of zoning exceptions for planned developments will not automatically be granted by the Village Board of Trustees; rather the intent is to grant only such adjustments or uses which create a balance with the benefits accruing to the Village as a result of the planned unit development. Therefore, the Village 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.

The planned unit development provisions of this Chapter are intended to provide the following:

1. 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.
2. Creation and/or permanent reservation of open space, recreational areas and facilities.
3. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features, and historic resources.
4. 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.
5. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.
6. Innovations in development so the growing needs and demands of the population may be met by a greater variety in land uses, building type, design, and layout, and by conservation and more efficient use of open space ancillary to such development, all in a manner consistent with the character of the zoning district in which the planned unit development is located.
7. A land use which promotes the public health, safety, comfort, morals and welfare.

C. Minimum Area for Planned Unit Development: A minimum gross area of three (3) acres is required of each site for a planned unit development, except in the R-4, R-5, B and E Zoning Districts where there shall be no minimum size requirement.

D. Application: A planned unit development shall be granted as a special use in permissible zoning districts and in accordance with the procedures and standards set forth in this Section. To the extent the procedures and standards set forth in this Section conflict with 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 and Land Development regulations of Title 7 must be complied with, except where specifically varied through the provisions of this Section.

1. Application: Applications shall be made on forms provided by the Community

and Economic Development Department and shall be filed as outlined in Section 6-14-8(A) of this Chapter.

2. Joint Request: If any additional application pursuant to this Title is filed in conjunction with a planned unit development, the applications shall be processed concurrently; however all applicable public hearings shall be convened by the Village Board of Trustees, which shall consider the joint requests prior to consideration of the planned unit development application.
3. Optional Pre-Application Conference: Prior to filing an application for a planned unit development, the applicant may request a pre-application conference with the Zoning Administrator. The purpose of such a conference is to allow the Zoning Administrator to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures which may affect the proposed development, or the consideration of said development by the Village Board of Trustees. Such conference also allows the applicant to present a general concept of the proposed development prior to the preparation of detailed plans. No final or binding action shall be taken at a pre-application conference and any views expressed shall be deemed to be only preliminary and advisory.

E. Preliminary Development Plan: The Preliminary Development Plan of the planned unit development is intended to provide the basic scope, character, and nature of the entire proposed planned unit development. The Preliminary Development Plan is the basis on which the required public hearing is held, enabling public consideration of the proposal at the earliest possible stage.

1. Preliminary Evaluation Meeting: An application for a planned unit development shall be first evaluated at a Preliminary Evaluation Meeting by the Village Board of Trustees for initial review prior to any further action, and shall include the following plans and documents:
 - A detailed 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 land use(s) and how the proposed planned unit development meets the objectives of all official plans which affect the parcel(s) in question.
 - A location map.
 - An accurate legal description of the entire area under immediate development within the planned unit development.
 - Conceptual design plans regarding land use, dwelling type, density, building architecture, street and lot arrangement and preliminary lot sizes.
 - Tentative proposals regarding surface drainage and stormwater management facilities.
 - 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.

2. Development Review Team: Following the Preliminary Evaluation Meeting, a meeting of the Development Review Team shall be conducted pursuant to Section 6-14-6 to carry out review of Preliminary Development Plans prior to consideration by the Architectural Review Board. Copies of the Preliminary Development Plan for all new residential developments shall be made available to any school district, library district, and fire protection district which might be affected by the development. The Zoning Administrator shall notify any such district concerning the filing of said documents.

The Preliminary Development Plan and supporting data shall include the following:

- a. Site Plan: A site plan of the planned unit development shall be drawn to an engineer's scale ratio and shall include the following:
 - i. General location and purpose of each building, other than detached single-family residences on individually platted lots.
 - ii. All proposed streets (public and private), required yards, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development.
 - iii. Existing Easements: Location, width and purpose of all existing platted and recorded easements.
 - iv. Conditions on Adjoining Land: Direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, easements, railroads, power lines, towers and other nearby land uses or adverse influences.
 - v. Streets: Existing streets adjacent to the tract, including street names, right-of-way widths, existing or proposed center lines, pavement type, walks, curbs, gutters, culverts, etc.
 - vi. Utilities: Identify utilities on and adjacent to the tract; location and size of sanitary and storm sewers; location and size of water mains; location of fire hydrants and street lights
 - vii. Topography: Ground elevations on the tract and on the first fifty (50) feet of all adjacent tracts of land showing one (1) foot contours for land which slopes less than one-half (1/2) percent along with all breaks in grades, at all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions. For land that slopes more than one-half (1/2) percent, two (2) foot contours shall be provided. Any land within the one hundred (100) year floodplain shall be shown.
 - viii. Soil Conditions: Subsurface conditions on the tract, if required by the Village Engineer, shall be tested to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five (5) feet
 - ix. Natural Features: Watercourses, marshes, wooded areas, and other significant environmental features.
 - x. 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.

- b. Preliminary Building Elevations: Architectural elevation plans of all proposed structures identifying actual dimensions, building materials and any other special building treatments.
- c. Preliminary Landscape Plan: A landscape plan of the entire planned unit development and detailed plans of landscaping for a typical building area.
- d. Density: Information of residential uses, including dwelling units per gross acre, dwelling units per net acre; 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.
- e. Site Data: Tabulations on each separate unsubdivided use area, including land area, number of buildings, and number of dwelling units per acre. Nonresidential intensity 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.
- f. Preliminary Subdivision Plat: A preliminary subdivision plat for all subdivided lands included in the planned unit development and meeting all the requirements of a subdivision plat in accordance with Title 7 of the Lincolnshire Village Code, except those aspects that vary from the subdivision regulations.
- g. Cost-Revenue Analysis: If requested by the Zoning Administrator, a study shall be prepared by the applicant's expense, indicating the fiscal impact of the planned unit development on major taxing districts limited to, the sanitary treatment facilities, school district(s), fire protection district(s), library district(s), and the park network. Information shall 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; and revenue generated for each taxing body by the planned unit development to offset fiscal impacts created by the planned unit development. The study should include a cash flow analysis based on the proposed staging of the planned unit development.
- h. Traffic Analysis: If requested by the Zoning Administrator, a study shall be prepared by the applicant's expense, analyzing the impact caused by the planned unit development on the street and highway systems.
- i. Environmental Analysis: If requested by the Zoning Administrator, a study of the major environmental impacts of the planned unit development on the environment shall be prepared by the applicant's expense, analyzing and disclosing all environmental impacts of the proposed planned unit development. Generally, such impacts would include effects on discrete ecosystems; any deterioration in the surface water quality; and effect on sensitive land areas as identified by the

Development Review Team from time to time, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, prairie landscapes, and mineral resource reserves.

- j. Zoning 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.
 - k. Additional plans or documents as may be required by the Development Review Team necessary to conduct a full evaluation of the planned unit development.
3. Architectural Review Board: Prior to any public hearing, the Architectural Review Board shall review the Preliminary Development Plans and make recommendations to the Village Board of Trustees regarding the exterior architectural design of all primary buildings, with the exception of all detached single-family residential housing, clearly depicting the exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials; site development design; landscaping; lighting; off-street parking facilities; signage; and site fixtures.
4. Action by the Village Board of Trustees:
- a. The Village Board shall hold a public hearing in accordance with Section 6-14-8(c) and make findings of fact in accordance with standards hereinafter prescribed, Architectural Review Board findings and recommendation, and other supporting data.
 - b. Findings of Fact: The Preliminary Development Plans may be approved by the Village Board of Trustees if it can make findings of fact related to the specific proposal set forth with particularity, describing in what respects the proposal would be in the public interest, based on the following:
 - i. The proposed plan is consistent with the stated purpose of the planned unit development regulations.
 - ii. The proposed plan meets the requirements and standards of the planned unit development regulations.
 - iii. The proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimensions, area, bulk, use, required improvement, construction and design standards and the reasons why such departures are deemed to be in the public interest.
 - iv. The public benefit produced by the planned unit development outweighs the increased burden(s) on public services and infrastructure. 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.

- v. The physical design of the proposed plan makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
 - vi. The beneficial relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
 - vii. The desirability of the proposed plan to the Village's physical development, tax base and economic well-being.
 - viii. The conformity with the recommendations of the Official Comprehensive Plan, as amended, and all other official plans and planning policies of the Village.
- c. Exceptions: Upon approval of a Preliminary Development Plan, the Village Board may require or grant conditions, modifications, bonuses and exceptions, if any, and restrictions upon the establishment, location, construction, maintenance, and operation to the plan as deemed necessary for the protection of the public interest and to secure compliance with the findings and requirements specified herein.
- i. Use Exceptions: The Village Board of Trustees may authorize specified uses not permitted by the use regulations of the zoning district(s) in which the planned unit development is located, provided 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.
 - The uses permitted by such exception will not exercise a detrimental influence on the neighborhoods surrounding the planned unit development, or upon the internal character of any part or all of the planned unit development itself.
 - ii. Bulk Regulations: The Village 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:
 - 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.

- 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.
- Along the periphery of the planned unit development, required front, side and rear yards may be provided as required by the zoning district in which said development is located.

5. Acceptance of the Preliminary Development Plan: The Preliminary Development Plan shall be deemed only an expression of acceptance of the concepts and details, and serve as a specific guide to the preparation of the Final Development Plan which is required of the application for a planned unit development. Further, it indicates acceptance of the commitment by the applicant to the details set forth in the application. Acceptance of the Preliminary Development Plan shall be null and void if a Final Development Plan is not submitted within one year from the date of approval, unless an extension is granted by the Village Board of Trustees.

- a. Record of Acceptance: An ordinance granting acceptance of the Preliminary Development Plan for the planned unit development shall be prepared and contain a specific description of the special use, along with any conditions applied, modifications, exception and bonuses granted, if any, and the findings of fact of the Village Board of Trustees.
- b. Building Permits: No permits for construction shall be issued for the planned unit development until the Final Development Plan has been filed, approved, and recorded with the County Recorder, as provided in Subsection F.

F. Final Development Plan: The Final Development Plan of a planned unit development shall be prepared to designate the land lots as well as the division of other lands, not so subdivided, into common open space areas and building areas, and shall show the exact location of each structure to be constructed to designate specific internal uses of each structure and parcel of the land. The Final Development Plan shall detail the restrictions placed upon the land and serves as a zoning control device.

1. Procedure: Within one year from the date of approval of the Preliminary Development Plan, the Final Development Plan and supporting data shall be filed with the Zoning Administrator for certification the Final Development Plan is in substantial conformity to the approved Preliminary Development Plan. The Final Development Plan shall conform substantially to the Preliminary Development Plan as approved. If requested by the applicant, the Final Development Plan may be submitted in development phases, with each phase representing a unit of the approved Preliminary Development Plan to be developed; provided, however, that such unit conforms to all requirements of these regulations.

2. Final Development Plans: The Final Development Plan of the planned unit development shall include, but not be limited to, the following:
 - a. An accurate legal description of the entire area under immediate development within the planned unit development.
 - b. Density information of residential uses, including dwelling units per gross acre and dwelling units per net acre; 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.
 - c. Site Plan illustrating the exact location of all structures to be constructed and the specific internal land uses for each building, including all proposed streets (public and private), required yards, common open space, recreation facilities, off-street parking areas, service areas, and other facilities to indicate the character of the proposed development.
 - d. Tabulations on each separate unsubdivided use area, including land area, number of buildings, number of dwelling units per acre. Nonresidential intensity 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.
 - e. Architectural Plans of all primary buildings clearly depicting the final exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, lighting, signage and site fixtures, as recommended by the Architectural Review Board.
 - f. Landscape Plan for each phase of the planned unit development seeking final approval and detailed plans of landscaping for a typical building area.
 - g. Final improvement plans in accordance with Section 7-3-3(A) of the Lincolnshire Village Code including construction details for all roads and off-street parking facilities; classification, width of right of way, width of pavement, and construction details; sidewalks and paths; sanitary sewers; stormwater drainage facilities; water supply system; and street lighting Furnished for each building.
 - h. Authorization from Lake County Stormwater Management Commission affirming the planned unit development and the design of all improvements is in accordance with the Lake County Watershed Development Ordinance (WDO), as amended, except where specific exemptions may be authorized.
 - i. Development schedule indicating the phases in which project will be built; if more than one construction phase will occur, identifying the phase boundaries, density, use and public facilities, and open space to be developed with each phase. Each phase 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. If approval for only one (1) phase of the Final Development Plan is requested by the applicant, the development schedule for the entire planned unit development must be

submitted with the first Final Development Plan and may be amended upon filing approval for each subsequent phase.

- j. All common open space, at the election of the Village, shall be:
 - i. 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, in whole or in part. All lands conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or
 - ii. 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.
 - iii. Permanent common open space equivalent to at least twenty five percent (25%) of the total development area in the planned unit development.
- k. Covenants: Final agreements, restrictions, provisions, or covenants governing the use, maintenance, and continue protection of the planned unit development and any of the common open space.

3. Approval of Final Development Plan: After review of the Final Development Plan and supporting data for substantial conformity with the approved Preliminary Development Plan, the Zoning Administrator shall forward a recommendation to the Village Board of Trustees which shall approve, approve with modifications or conditions, or disapprove the final plan. Disapproval of the final plan shall include a written statement of the reasons thereof.

- a. Authorizing Ordinance: An ordinance granting approval of the Final Development Plans for the planned unit development shall be prepared and contain a specific description of the special use, along with any conditions and restrictions, bonuses and exceptions, or appropriate guarantees upon the establishment, location, and construction of the planned unit development as is deemed necessary for the protection of the public interest. The authorizing ordinance including all exhibits/documents and Final Plat of Subdivision, as set forth in Title 7 of the Lincolnshire Village Code, shall be recorded with the Lake County Recorder's Office.
- b. Building Permits: No permits for construction of any structure or other improvements, shall take place until approval and recording of the Final Development Plan documents.

G. Amendments to Planned Unit Developments: A planned unit development shall be developed only in strict adherence to the approved Final Development Plan and all supporting documentation, which shall be binding on the applicants, their successors, grantees and assigns. Any request to amend an approved planned unit development shall be subject to the following:

1. Major Amendments: Shall require the submission of a new planned unit development plan and supporting data, and shall be subject to the requirements of Subsection E. Major amendments include but not limited to the following:
 - a. Increase in density;
 - b. Increase in building height(s);
 - c. Reduction in open space (publicly dedicated or private);
 - d. More than a ten percent (10%) modification in proportion of housing types;
 - e. Reduction in approved parking areas which reduces the total number of parking spaces below code requirements or modifications which require an increase in required parking;
 - f. Additions to authorized categories of land use(s);
 - g. Modifications to existing Areas of Special Sign Control which would alter the character of the development
 - h. Change in the final governing agreements, provisions, or covenants.
2. Minor Amendments: Minor revisions to the approved planned unit development may be approved by the Architectural Review Board, as determined by the Zoning Administrator. Minor amendments are classified as any change not outlined as a Major Amendment, including but not limited to the following:
 - a. Minor modifications to existing Areas of Special Sign Control;
 - b. Changes to approved landscape plan(s) for the development;
 - c. Increase of site amenities or changes to site furniture/lighting fixtures;
 - d. Changes to exterior material(s) and colors, provided the replacement material(s); will not be of lesser quality from the approved material(s).

H. Revocation: Where approval of the Final Development Plan for a planned unit development has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless construction of the planned unit development is substantially under way within three (3) years of the date of approval of the Final Development Plan. Revocation shall not occur before the applicant and/or developer receives written notification at least sixty (60) days prior to any such revocation. Extension in the building schedule may be granted by the Village Board of Trustees upon written request by the applicant/developer. Upon revocation, the parcel(s) of land shall conform to regulations and procedures of the underlying zoning district.

6-14-13: APPEALS OF ADMINISTRATIVE DECISIONS

A. Authority: Any person aggrieved shall appeal any order, requirement, decision or determination made under the regulations of this Title within 30 days from the date of the administrative decision. An application for appeal shall be filed with the Zoning Administrator, who shall schedule a public hearing no later than sixty (30) days after receipt of an application in accordance with this Section.

B. Action:

1. Action by the Zoning Administrator: The appeal application shall be forwarded to the Zoning Board which shall hear the appeal and forward its recommendation to the Board of Trustees.
2. Action by the Zoning Board: The appeal application shall be forwarded to the

Village Board of Trustees which shall hear the appeal.

3 Action by the Architectural Review Board: The appeal application shall be forwarded to the Village Board of Trustees which shall hear the appeal.

C. Public Hearing: A public hearing shall be conducted upon consideration of every appeal application. Notice of the hearing shall be posted in accordance with the Open Meetings Act.

D. Final Action: The Village Board of Trustees shall act upon the decision of the Zoning Board and/or Architectural Review Board within not more than sixty (60) days from the last date of the advisory body votes on an application. The Village Board of Trustees shall render a final decision of all by ordinance.

6-14-14: FEES

A. Application: Any application filed pursuant to this Title shall be accompanied by the application fees established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

B. Escrow: Every application filed pursuant to this Title shall be accompanied by the deposit of an additional amount for recoverable costs as provided in Title 1, Chapter 8 of the Village Code, to be deposited in an application fee escrow. No interest shall be payable on any such escrow. The Village shall from time to time, draw funds from the escrow account established for such application to pay such costs and shall transfer such funds to the appropriate Village accounts. The Village shall maintain an accurate record of all such drawings. If the actual costs for the services exceed the amount of the initial deposit, the applicant shall replenish the escrow upon Village request. Remaining funds in the escrow at the completion of the application will be returned to the entity providing the initial fee escrow deposit.

6-14-15: INSPECTION: For the purpose of enforcing the provisions of this Zoning Code, the Director of Community and Economic Development, or his/her designee, is hereby authorized to make inspections of all structures and premises to determine their compliance with the provisions of this Zoning Code. Such inspections shall be made subject to the following standards and conditions:

A. An entry for the purpose of such inspection may take place if a complaint respecting said premises has been received by the Director of Community and Economic Development, or his/her designee, and such complaint in the opinion of the Director of Community and Economic Development provides reasonable grounds 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 Village Board of Trustees.

B. Such inspection shall be made by the Director of Community and Economic Development, or his/her designee, upon the direction of the Village Board of Trustees.

C. When inspecting a structure or premises, the Director of Community and Economic Development or his/her designee shall furnish to the owner, occupant or operator sufficient identification and information to enable the owner, occupant or operator to determine both the inspector's identity as a representative of the Village and the purpose of the inspection. The Director of Community and Economic Development

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.