

ARTICLE XIV

ZONING APPLICATIONS, HEARINGS, AND APPROVALS

PART I: APPLICATIONS AND HEARINGS

14-101 APPLICATIONS

- A. Place of Filing. All applications filed pursuant to this Code shall be filed with the Office of the Village Manager or with such other Village official or body as the Village Manager may designate.

- B. Form; Number; Scale. All applications filed pursuant to this Code shall be on forms supplied by the Village and shall be filed in such number of duplicate copies as the Village Manager may by administrative order designate. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plans and the proposal being made and shall be folded to a size of 8-1/2 inches by 11 inches.

- C. Filing Deadlines.
 - 1. Applications Requiring Hearings. An application requiring a public hearing will not be scheduled for such hearing unless filed, in proper form and number and containing all required information, not later than 5:00 p.m. on the fourth Thursday preceding the requested hearing date. An application so filed will be scheduled for hearing on the requested hearing date, or on the first available date thereafter open on the relevant hearing agenda, on a first-filed-first-scheduled basis.

 - 2. Applications Not Requiring Hearing. An application that does not require a public hearing shall be filed, in proper form and number and containing all required information, at least 35 days prior to the time when action on the

application is requested or such other time as may be approved by the Village Manager. An application so filed will be processed on a first-filed-first-processed basis.

3. Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the Village or offered by the applicant, it shall be submitted at least 10 days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the Village Manager and of the body hearing the application, be cause to delay a requested or scheduled hearing date.

D. Fees.

1. Fee Established; Lien. Every application filed pursuant to this Code shall be subject to an application and filing fee as established from time to time by the Board of Trustees to recover the actual costs, as hereinafter defined, incurred by the Village in processing such application. The owner of the property subject of the application and, if different, the applicant shall be jointly and severally liable for the payment of said fee. By signing the application, the owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Subsection may be foreclosed in the manner provided by statute for mortgages or mechanics liens.
2. Recoverable Costs. For purposes of establishing the fee due pursuant to Paragraph D1 of this

Section, the actual costs incurred by the Village in processing an application shall be deemed to consist of the following items of direct and indirect expense:

- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct cost);
- (c) Court Reporter (direct cost);
- (d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (f) Professional and Technical Consultant Services (direct cost);
- (g) Legal Review, Consultation, and Advice (direct cost);
- (h) Copy Reproduction (direct cost); and
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

3. Condition of All Applications, Approvals, and Permits; Time Periods. No application filed pursuant to this Code shall be considered complete unless and until all fees and deposits due pursuant to this Subsection have been paid. Every approval granted and every permit issued pursuant to this Code, whether or not expressly

so conditioned, shall be deemed to be conditioned upon payment of fees as required by this Subsection.

When this Code provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, all time periods shall be tolled during any period of nonpayment, but shall otherwise continue to run.

The failure to fully pay any such fee or deposit when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

4. Waiver for Specified Public Bodies. The provisions of this Subsection 14-101D may be waived by the Board of Trustees for fees applicable to any application filed by any public body or agency deriving the majority of its revenues from taxes levied within the Village.
- E. Minimum Data Requirements. Every application submitted pursuant to this Code shall contain such information as is required by the Village from time to time. Application requirements shall be established by administrative order and shall be made available to all applicants in the office of the Village Building Commissioner.
- F. Special Data Requests. In addition to the data and information required pursuant to Subsection E of this Section, every applicant shall submit such other and additional data, information, or documentation as the Village Manager or any board or commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- G. Waiver of Application Requirements. Notwithstanding any other provision of this Section, the Village

Manager shall have the authority to waive any requirement set forth in Subsections A, B, C, or E of this Section when, in his or her judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that any board or commission before which such application may come shall continue to have the right to request additional information pursuant to Subsection F of this Section and to delay processing of such application until such information is provided and available in accordance with the deadlines established in Subsection C of this Section.

- H. Concurrent Applications. When a proposed use or development requires more than one approval pursuant to this Code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a pre-condition to approval of other applications. Such applications may, in the discretion of the official, officials, body, or bodies charged with review of such applications be processed together; provided, however, that no application shall be approved unless all applications that are a pre-condition to its approval have first been approved.
- I. Withdrawal of Application. An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto. Such withdrawal shall be without prejudice to the applicant's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this Code in the same manner as any other new application. The applicant shall pay, in accordance with Subsection D of this Section, all costs incurred by the Village, including without limitation recoverable costs, through the date of withdrawal.

14-102 SUCCESSIVE APPLICATIONS

- A. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this Code has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.
- B. New Grounds to Be Stated. Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
- C. Summary Denial With or Without Hearing. Any such second application may be denied by the Village Manager summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.
- D. Exception. Whether or not new grounds are stated, any such second application filed more than one year after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

14-103 PUBLIC HEARINGS AND MEETINGS

- A. Setting Hearing or Meeting. When the provisions of this Code require a public hearing or public meeting in connection with any application filed pursuant to this Code, the body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting.
- B. Notice.
1. Village Manager to Give Notice. The Village Manager shall cause notice to be given of public hearings and public meetings set pursuant to Subsection A of this Section in the form and manner and to the persons herein specified.
 2. Content of Notice. All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, the address or particular location of the subject property, and, in the case of a public hearing, a legal description of the subject property.
 3. Persons Entitled to Notice.
 - (a) All Hearings and Meetings. Notice of every hearing or meeting set pursuant to Subsection A of this Section shall be given:
 - (i) By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
 - (ii) By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to

time by the Village Manager to cover postage and handling, for notice of all hearings or meetings held pursuant to this Code. Such written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.

- (iii) By mail, personal delivery, or interdepartmental delivery to affected Village boards, commissions, departments, officials and consultants.

Notice by mail as herein required shall be mailed no fewer than seven days in advance of the hearing or meeting date by regular United States mail.

- (b) Hearings on Amendments, Special Use Permits, and Variations. In addition to notice as required by Subparagraph B3(a) of this Section, notice of every hearing set pursuant to Subsection A of this Section in connection with any application for an amendment to this Code or the Zoning Map, a special use permit, or a variation shall be given:

- (i) By publication in a newspaper published in the Village of La Grange, or if no newspaper is published in the Village of La Grange, in a newspaper having general circulation in the Village of La Grange, at least once no less than 15 days nor more than 30 days in advance of the hearing date.

- (ii) If in the discretion of the Village Manager such notice is determined to be appropriate, by mail or personal delivery to all owners of property within 250 feet of the subject property. Notice as required by this Subparagraph shall be given by the applicant.
 - (iii) If a specific parcel is the subject of application, by posting a sign on the subject property. Such sign shall be at least four square feet in area; shall bear on its face the words "Zoning Application Pending" and a telephone number to be called for additional information; shall be issued by the Village Manager to the applicant for posting by the applicant; shall be posted on the property, facing the street, at least 15 days prior to the date set for a hearing on the application; and shall be removed from the property and returned to the Manager by the applicant following, but not before, the conclusion of the hearing. The failure to post a sign on the subject property in accordance with this subsection shall not limit or prohibit the processing of the application or the granting of the requested relief.
- (c) Hearing on Official Comprehensive Plan. In addition to notice as required by Subparagraph B3(a) of this Section, notice of every hearing set pursuant to Subsection A of this Section in connection with the adoption or amendment of the Official Comprehensive Plan

shall be given by publication in a newspaper of general circulation in Cook County at least 15 days before such hearing.

C. Referral to Village Commissions and Departments.

1. Village Manager to Refer Applications. The Village Manager, not later than the time set pursuant to Subsection B of this Section for giving public notice, shall refer every application for which this Code requires a hearing before either the Plan Commission or the Zoning Board of Appeals to all appropriate Village commissions and departments.
2. Review and Comments. Each Village commission and department to which an application is referred shall review such application and submit its comments thereon to the Staff Secretary of the hearing body for presentation to that body at the hearing to be held on such application. Such comments shall, whenever possible, be submitted at least two business days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

D. Conduct of Hearings

1. Rights of All Persons. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial, or unduly repetitious evidence.
2. Adjournment of Hearing. The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to

be sufficient. The Staff Secretary of the hearing body shall notify in writing all members of the hearing body, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

3. Testimony to be Sworn. All testimony at any hearing held pursuant to the provisions of this Code shall be given under oath.
 4. Right to Submit Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard. Such statements shall be subscribed and sworn before an officer authorized to administer oaths and shall be made a part of the public record of the hearing.
 5. Board or Commission Rules to Govern. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the body conducting the hearing.
- E. Pre-Hearing and Pre-Meeting Examination and Copying of Application and Other Documents. At any time following the giving of notice as required in Subsection B of this Section, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois Freedom of Information Act, all other documents on file with the Office of the Village Manager pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Manager to cover the cost of such copies.

PART II: CERTIFICATE OF ZONING COMPLIANCE

14-201 CERTIFICATE OF ZONING COMPLIANCE

- A. Authority. The Village Manager shall have authority to issue Certificates of Zoning Compliance; provided, however, that no such certificate shall be issued except in accordance with the provisions of this Section and the provisions of the Village Code governing development, building, and related matters.
- B. Purpose. For the purposes of this Code, the Certificate of Zoning Compliance provides a procedure for the inspection of completed premises to ensure their compliance with this Code and approved plans prior to commencement of the use or occupancy of such premises. The certificate may also evidence compliance with other provisions of the LaGrange Municipal Code as set forth in those provisions. It is intended that the Certificate of Zoning Compliance shall be issued in conjunction with a Certificate of Occupancy pursuant to the LaGrange Building Code when such a Certificate of Occupancy is required thereby.
- C. Certificate Required. Unless a Certificate of Zoning Compliance shall have first been obtained certifying compliance with the provisions of this Code:
1. No structure, or addition thereto, constructed, reconstructed, remodeled, altered, or moved after the effective date of this Code shall be occupied or used for any purpose; and
 2. No land vacant as of the effective date of this Code shall be used or occupied for any purpose, except the raising of crops; and
 3. Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy when such

change involves construction, remodeling, alteration, or moving; and

4. No home occupation shall be established or maintained.

D. Procedure.

1. Application. Applications for Certificates of Zoning Compliance shall be filed in accordance with the requirements of Section 14-101 of this Code.

In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this Code, the application shall be accompanied by "as built" plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner, or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

2. Action on Application. Within 10 days after the receipt of a completed application, the Village Manager shall cause the subject structure or premises to be inspected and shall take one of the following actions based on such inspection:

- (a) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved, and any conditions attached to any approval issued pursuant to this Code, the Village Manager shall issue a Certificate of Zoning Compliance.

- (b) If, however, all work is not complete or is in any manner not in full compliance with

all applicable requirements, the Village Manager shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the Village, the particular items in the applicant's plans or the applicable special approval conditions with respect to which compliance is lacking.

3. Contents of Certificate. In addition to the matters required to be contained in a Certificate of Zoning Compliance pursuant to other applicable provisions of the LaGrange Municipal Code, each Certificate of Zoning Compliance issued pursuant to this Section shall state the specific use of the subject property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to this Code.
 4. Filing of Certificates. Every Certificate of Zoning Compliance issued pursuant to this Section shall be kept on file in the Office of the Village Manager and shall be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
- E. Temporary Certificate of Zoning Compliance. Notwithstanding the provisions of Paragraph D2 of this Section, when construction, reconstruction, remodeling, or alteration of a structure does not require the vacating of the structure, or when parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling, or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved and any conditions attached to any

approvals issued pursuant to this Code with respect to such structure or its premises, a Temporary Certificate of Zoning Compliance may be issued for a period not to exceed six months from its date, which Temporary Certificate shall bear on its face, in bold type, a statement of its temporary nature; provided, however, that no such Temporary Certificate shall be issued pursuant to this Code unless said structure also qualifies for a Temporary Certificate of Zoning Compliance issued pursuant to the LaGrange Building Code.

- F. Certificate of Zoning Compliance for Existing Uses. The Village Manager may issue a Certificate of Zoning Compliance certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses. Such Certificate of Zoning Compliance shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this Code are changed.
- G. Certificate of Zoning Compliance for Legal Nonconformities. The Village Manager may issue a Certificate of Zoning Compliance certifying the lawful existence and use of any nonconforming use, structure, lot, or sign in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses.
- H. Void Certificates. Any Certificate of Zoning Compliance issued in violation of the provisions of this Code, whether intentionally, negligently, or innocently, shall be void ab initio and shall give rise to no rights whatsoever.

PART III: INTERPRETATIONS, APPEALS, AND VARIATIONS

14-301 INTERPRETATIONS

- A. Authority. The Village Manager, subject to the procedures, standards, and limitations of this Section, may render interpretations, including use interpretations, of the provisions of this Code and of any rule or regulation issued pursuant to it.
- B. Purpose. The interpretation authority established by this Section is intended to recognize that the provisions of this Code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but rather is intended only to allow authoritative application of that content to specific cases.
- C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- D. Procedure.
1. Application. Applications for interpretations of this Code shall be filed in accordance with the requirements of Section 14-101 of this Code.

2. Action on Application. Within 30 days after the receipt of a properly completed application for interpretation, the Village Manager shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Manager to act within such 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.
 3. Appeal. Appeals from interpretation rendered by the Village Manager may be taken to the Zoning Board of Appeals as provided in Section 14-302 of this Code.
- E. Standards for Use Interpretations. The following standards shall govern the Village Manager, and the Zoning Board of Appeals on appeals from the Manager, in issuing use interpretations:
1. No use interpretation shall be given with respect to the residential districts.
 2. Any use defined in Section 16-102 of this Code shall be interpreted as therein defined.
 3. No use interpretation shall permit a use listed as a permitted use or a special permit use in any district to be established in any district in which such use is not so listed.
 4. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
 5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in

such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

6. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to Section 14-401 of this Code.
 7. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
 8. Subject to the foregoing conditions and limitations, in rendering use interpretations the Village Manager shall be guided by the Standard Industrial Classification Manual and the use classification methodology used therein.
- F. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Village including, but not limited to, a special use permit, a Building Permit, a Certificate of Zoning Compliance, subdivision approval, and Site Plan approval.
- G. Limitations on Favorable Use Interpretations. Subject to an extension of time granted by the Village Manager pursuant to Subsection 13-101L of this Code, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six

months after the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a Certificate of Zoning Compliance is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six consecutive months or more.

14-302 APPEALS

- A. Authority. Except as provided in Subparagraph 14-402E2(d) of this Code with regard to site plan review appeals, the Zoning Board of Appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Village Manager acting pursuant to his or her authority and duties under this Code and to that end the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the Manager with respect to any order, decision, or determination being appealed.
- B. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intents of this Code or the rightful authority of the Village Manager to enforce the requirements of this

Code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this Code and to the reasonable interpretations of that language by those charged with the administration of this Code.

- C. Parties Entitled to Appeal. An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved by an order, decision, determination, or failure to act of the Village Manager acting pursuant to his or her authority and duties under this Code.
- D. Procedure.
1. Application. An application for appeal to the Zoning Board of Appeals shall be filed not later than 45 days after the action being appealed and in accordance with the requirements of Section 14-101 of this Code.
 2. Action by Village Manager. Upon receipt of a properly completed application for an appeal, the Village Manager shall forthwith transmit to the Zoning Board of Appeals the application together with all papers constituting the record upon which the action appealed from was taken.
 3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with Section 14-103 of this Code.
 4. Action by Zoning Board of Appeals. Within 60 days after the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal in the manner and form specified in Subsection 13-102H of this Code. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Zoning Board of Appeals, is proper to be made in the premises. The failure of the Zoning Board of Appeals to act within such 60 days, or such

further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

- E. Stay of Proceedings. An application for appeal properly filed pursuant to Subsection D of this Section shall stay all proceedings in the furtherance of the action appealed from, unless the Village Manager certifies to the Zoning Board of Appeals after the application for appeal has been filed with the Manager that, by reason of facts stated in the certificate, a stay would, in the Manager's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court on application, upon reasonable written notice to the Manager and on due cause shown.
- F. Right to Hear Variation in Deciding Appeals. In any case where the application for appeal is accompanied by an application for variation in accordance with Section 14-303 of this Code, the Zoning Board of Appeals shall hear, review, and make a recommendation to the Board of Trustees on such variation in compliance with the provisions of said Section 14-303.
- G. Conditions and Limitations on Rights Granted by Appeal. In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

14-303 VARIATIONS

- A. Authority. The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, shall have the authority to grant variations from the provisions of this Code, but only in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F of this Section.
- B. Purpose. The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Article XIV, the variation procedure is necessarily inappropriate.
- C. Parties Entitled to Seek Variations. Applications for variations may be filed by the owner of, or person having a contractual interest in, the subject property.
- D. Procedure.
1. Application. Applications for variations shall be filed in accordance with the requirements of Section 14-101 of this Code.
 2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with Section 14-103 of this Code.
 3. Action by Zoning Board of Appeals. Within 60 days after the conclusion of the public hearing, the Zoning Board of Appeals shall render its recommendation in the form specified by Subsection 13-102F of this Code, recommending either granting the application for a variation; granting the application with conditions;

granting a variation less than or different from that sought in the application; or denying the application. The failure of the Zoning Board of Appeals to act within 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the variation.

4. Action by Board of Trustees. Within 45 days after the receipt of the recommendation of the Zoning Board of Appeals, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the variation, with or without modification or conditions. The failure of the Board of Trustees to act within such 45 days, or such further time to which the applicant may agree, shall be deemed a decision denying the variation.

E. Authorized Variations.

1. Permitted Variations. Subject to the prohibitions set forth in Paragraph E2 of this Section, and subject to the other provisions of this Section, the Board of Trustees may vary the provisions of this Code in the following cases and in no others. Nothing in this Paragraph shall be construed to create any right or entitlement in any applicant to a variation of any kind or magnitude.
 - (a) To reduce the dimension of any required yard, setback, or building spacing, including without limitation the yards required pursuant to Section 12-105 of this Code.
 - (b) To reduce by not more than 10 percent the required lot area, lot width, or lot depth of any lot; provided, however, that no such variation shall permit either the development of more than one dwelling unit in addition to the number of dwelling units

that could be developed in the absence of such a variation or any increase in the otherwise permitted maximum floor area ratio.

- (c) To increase by not more than 20 percent the maximum allowable building coverage or lot coverage.
- (d) To vary the location and size of, and to reduce by not more than 25 percent or 1 space (whichever is greater) the minimum number of, off-street parking spaces or loading spaces otherwise required.
- (e) To vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity.
- (f) To increase the maximum distance that required parking is permitted to be located from the zoning lot of the use for which such parking is provided.
- (g) To vary all sign regulations except the standards contained in Subsections 11-105A through K, O, and P of this Code.
- (h) To reduce by not more than 50 percent the amount of perimeter landscaped open space otherwise required.
- (i) To increase the maximum allowable height and location of any fence.
- (j) To allow the moving of a nonconforming structure to an extent or in a manner not permitted by Subsection 12-104B of this Code.
- (k) To allow the otherwise prohibited restoration of a partially damaged or destroyed nonconforming structure, structure

devoted to a nonconforming use, sign, or fence.

- (l) To vary the bulk, yard, and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard, or space requirements of the district in which said zoning lot is located.
- (m) To vary, except as limited in Subparagraph E1(n) below, the regulations of Section 9-101C4 of this Code related to off street storage of vehicles in residential districts.
- (n) To allow, for a period not to extend beyond four years following the effective date of this Code:
 - (i) the storage in a parking area in a residential district of more than the maximum number of Class I or II vehicles specified in Subparagraph 9-101C4(e) of this Code; or
 - (ii) the storage in a parking area in any required yard in a residential district of Class II vehicles; or
 - (iii) the storage in a parking area in a residential district of no more than one Class III vehicle; or
 - (iv) the provision of buffers and landscaping for Class II vehicles other

than those required by Subsection 9-104D of this Code.

Every variation granted pursuant to this Subparagraph (n) shall run only to the applicant, as a personal privilege, and only with respect to the specific vehicle that is the subject of the application.

- (o) To increase by not more than 10 percent the maximum allowable gross floor area of a detached garage accessory to a single family dwelling.
- (p) To increase the height of a detached garage accessory to a single family detached dwelling classified in a single family residential district under this Code, subject to the following standards, limitations, and conditions:

Standards. The standards for variations set forth in Paragraphs 14-303F2, 3, 4, and 8 of this Code do not apply to variations considered under this Paragraph 14-303E1 (p). When considering the standards for variations set forth in Paragraphs 14-303F1, 5, 6, and 7 of this Code, the Zoning Board of Appeals and the Board of Trustees should be guided by the following additional standards:

- (i) The single family dwelling to which the garage is accessory is established, by historical documentation, to be historic and to have distinct, historic architectural features, and the garage, with a height variation, can and will be built with a faithful re-creation of those features; and
- (ii) Notwithstanding any other variation authority or other provision of this Code, the garage is set back not less than one foot further from the lot lines than the

distances required by Subsection 3-110C or any other provision of this Code for every additional foot of height, or fraction thereof, for which a variation is granted.

Limitations and Conditions. Every variation granted under this Paragraph 14-303E1 (p) is subject to all of the following limitations and conditions:

- (iii) No variation may exceed three feet in height (to a total height of 18 feet) or three feet in maximum height (to a total maximum height of 22 feet).
- (iv) No garage, whether attached or detached, is allowed on the subject property except the detached garage for which the variation is granted.
- (v) The second level of the garage may not be occupied as a dwelling unit at any time.
- (vi) No stove, range, cooktop, or similar installed cooking equipment is permitted on the second level of the garage. This limitation does not prohibit use of a countertop microwave oven, toaster oven, toaster, or similar device.
- (vii) The variation may be granted only for a specific design of the garage satisfying the standard in Paragraph (i) above, and the garage must be built in strict compliance with that design.
- (viii) The property owner must execute and record a declaration of covenants and restrictions on the subject property permanently limiting the use of the second level of the garage as provided in this Paragraph 14-303E1(p), in a form

satisfactory to the Village Manager, before the variation becomes effective.

2. Prohibited Variations. Notwithstanding any other provision of this Section, no variation shall be granted that is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant.

F. Standards for Variations.

1. General Standard. No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.
2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result

of governmental action, other than the adoption of this Code, for which no compensation was paid.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.
7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:
 - (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
 - (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

- (c) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (d) Would unduly increase the danger of flood or fire; or
 - (e) Would unduly tax public utilities and facilities in the area; or
 - (f) Would endanger the public health or safety.
8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
- G. Variation Less Than Requested. A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- H. Conditions on Variations. The Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variation. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variation.
- I. Affidavit of Compliance with Conditions; Fee. Whenever any variation authorized pursuant to this Section is made subject to conditions and limitations to be met by the applicant, the applicant shall upon

meeting such conditions file an affidavit with the Village Manager so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Manager, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

J. Effect of Grant of Variation. The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the Village including, but not limited to, a Building Permit, a Certificate of Zoning Compliance, subdivision approval, and Site Plan approval.

K. Limitations on Variations. Subject to an extension of time granted by the Village Manager pursuant to Subsection 13-101L of this Code, no variation from the provisions of this Code shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Zoning Compliance is issued and a use is commenced within that period.

A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months after such removal.

PART IV: SPECIAL PERMITS AND APPROVALS

14-401 SPECIAL USE PERMITS

- A. Authority. The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the subject property is located.
- B. Purpose. Special uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.
- C. Parties Entitled to Seek Special Use Permits. An application for a special use permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. Procedure.
1. Application. Applications for special use permits shall be filed in accordance with the requirements of Section 14-101 of this Code.
 2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
 3. Action by Plan Commission. Within 60 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by Subsection 13-103F of this Code, recommending either granting the application for a special use

permit; granting the application subject to conditions, as specified in Subsection F of this Section; or denying the application. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the proposed special use permit.

4. Action by Board of Trustees. Within 45 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions. The failure of the Board of Trustees to act within such 45 days, or such further time to which the applicant may agree, shall be deemed a decision denying the special use permit.

E. Standards for Special Use Permits.

1. General Standards. No special use permit shall be recommended or granted pursuant to this Section unless the applicant shall establish that:
 - (a) Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.
 - (b) No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.
 - (c) No Interference with Surrounding Development. The proposed use and development will

be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

- (d) Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
 - (e) No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
 - (f) No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
 - (g) Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.
2. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.
3. Considerations. In determining whether the applicant's evidence establishes that the

foregoing standards have been met, the Plan Commission shall consider:

- (a) Public Benefit. Whether and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
 - (b) Alternative Locations. Whether and to what extent, such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
 - (c) Mitigation of Adverse Impacts. Whether and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
- F. Conditions on Special Use Permits. The Plan Commission may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services; provided, however, that such conditions shall not be used as a device to grant a permit for a special use that is intended to be temporary in nature. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a

violation of this Code and shall constitute grounds for revocation of the special use permit.

- G. Affidavit of Compliance with Conditions; Fee. Whenever any special use permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Village Manager so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Manager, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- H. Effect of Issuance of a Special Use Permit. The grant of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village.
- I. Limitations on Special Use Permits. Subject to an extension of time granted by the Village Manager pursuant to Subsection 13-101L of this Code, no special use permit shall be valid for a period longer than one year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

Except when otherwise provided in the Ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

- J. Amendments to Special Use Permits. A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section for its original approval.

14-402 SITE PLAN APPROVAL

- A. Authority. Except in the cases of uses and developments requiring a special permit pursuant to the provisions of this Code, the Village Manager, as a matter of original jurisdiction and in accordance with the procedures and standards set out in this Section, may grant site plan approval to uses and developments requiring such approval pursuant to Subsection C of this Section. In case of uses and developments requiring a design review permit pursuant to Section 14-403 of this Code or a special use permit pursuant to Section 14-401 or Subsection 14-505A of this Code, and in cases of appeal from a denial of approval by the Manager, the Board of Trustees, by ordinance duly adopted, may grant site plan approval in accordance with the procedures and standards set out in this section.
- B. Purpose. The site plan approval process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this Code was enacted unless careful consideration is given to critical design elements. It is the purpose of this Section to provide a vehicle for the review of the developer's attention to such elements.
- C. Site Plan Approval Required.

1. Village Manager Approval. Site plan approval by the Village Manager in accordance with this Section shall be required in connection with the following development:
 - (a) Any development or redevelopment, other than for one single family detached dwelling unit, involving a parcel under single ownership or control having an area in excess of 30,000 square feet.
 - (b) Any development or redevelopment involving the construction of any new structure or structures having a gross floor area in excess of 20,000 square feet, a floor area ratio in excess of .25, or a height of more than three stories.
 - (c) Any development or redevelopment involving an existing structure having a floor area in excess of 10,000 square feet, a floor area ratio in excess of .25, or a height in excess of three stories that would alter any such measure by more than 25 percent of such amount.
 - (d) Any development or redevelopment involving the creation or expansion of a parking lot, a non-residential garage, or a loading space.
 - (e) Any development or redevelopment involving a recreational vehicle storage area, a residential recreational facility, or an antenna or antenna support structure subject to Paragraphs 9-101D6 or 7 of this Code.
 - (f) Any nonresidential development on a lot abutting or across a right-of-way from any residential district.

- (g) Any development or redevelopment involving a personal wireless services antenna, with or without a personal wireless services antenna support structure.
- 2. Board of Trustees Approval. Site plan approval by the Board of Trustees in accordance with this Section shall be required in connection with any development or redevelopment for which this Code requires a design review permit or a special use permit, including planned development approval, and may be sought in any case of a denial of site plan approval by the Village Manager.
- D. Parties Entitled to Seek Site Plan Approval. Applications for site plan approval may be filed by the owner of, or any person having a contractual interest in, the subject property.
- E. Procedure.
 - 1. Preapplication Conference.
 - (a) Request. In any case where site plan approval is required by Subsection C above, the applicant may by letter request a preapplication conference, prior to filing his or her application, with the relevant Village staff members.
 - (b) Required Information. Such request shall include a brief and general description of the nature, location, and extent of the proposed project and a list of any professional consultants advising the prospective applicant with respect to the proposed project.
 - (c) Procedure. Upon receipt of such request, the Village Manager shall promptly schedule such conference and notify the applicant and appropriate staff members of the time and place of such conference and of the names

and affiliations of other persons who have been invited to attend. The Manager or his or her designee shall conduct such conference, and its purpose shall be to broadly acquaint all other parties with the proposals, views, and concerns of all other parties at a time when positions are still flexible and adjustment is still possible.

2. Village Manager Approvals.

- (a) Application. Applications for site plan approval by the Village Manager shall be filed in accordance with the requirements of Section 14-101 of this Code.
- (b) Action by Village Manager. Within 21 days after receipt by the Village Manager of a properly completed application, the Manager shall cause such application and the attached site plan to be reviewed, in terms of the standards established by Subsection F of this Section and by appropriate members of his or her staff. He or she then shall either: (i) approve the site plan as submitted; or (ii) on the basis of written findings in accordance with Subsection F of this Section, approve it subject to specific modifications; or (iii) on the basis of such findings, deny approval of the site plan.

Immediately upon concluding his or her review, the Manager shall return one copy of the site plan to the applicant marked to show either approval, approval subject to modifications which modifications shall be clearly and permanently marked on such plans, or denial of approval. The Manager shall maintain a similarly marked set of such plans in his or her files for any further processing that may be required. The failure of the Manager to act within such 21 days, or such further time to which

the applicant may agree, shall be deemed to be a decision approving the site plan as submitted.

- (c) Effect of Village Manager's Action. The action of the Village Manager in approving a site plan or in approving a site plan subject to modifications that are acceptable to the applicant shall constitute a final administrative action and shall not be subject to further review by, or appeal to, any Village board or commission. The action of the Manager in denying an application for Site Plan Approval or in approving a site plan subject to modifications that are not acceptable to the applicant (which action the applicant may treat as a denial) shall not be considered final action by the Village but shall only be authorization for the applicant to seek approval of the site plan from the Board of Trustees by way of the appeal procedure set forth below.
- (d) Appeals. Within 45 days after a denial of Site Plan approval by the Village Manager, the applicant may seek approval of the site plan by filing an application for appeal to the Board of Trustees in accordance with the requirements of Section 14-101 of this Code. Any such appeal shall be processed in accordance with the provisions of Paragraph E3 of this Section.

3. Board of Trustees Approvals: Original and Appellate.

- (a) Application. Applications for site plan approval by the Board of Trustees shall be filed in accordance with the requirements of Section 14-101 of this Code. In cases where review by the Board of Trustees is sought by way of an appeal of a denial of site plan approval by the Village Manager, the application for appeal shall be filed within 45 days after such denial.
- (b) Action by Village Manager in Appeal Cases. Upon receipt of a properly completed application for an appeal of a denial of site plan approval by the Village Manager, the Manager shall forthwith transmit to the Plan Commission the application for appeal, the original application for site plan approval, all papers constituting the record upon which the Manager's denial was based, and a copy of the Manager's decision denying the application for Site Plan approval.
- (c) Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
- (d) Action by Plan Commission. Within 35 days after the conclusion of the public meeting, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified in Subsection 13-103F of this Code, recommending either approval of the site plan or disapproval based on one or more of the standards set forth in Paragraph F1 of this Section. In the case of any recommendation for disapproval, suggestions as required by Paragraph F2 of this Section shall be provided. The failure of the Plan Commission to act within such 35 days, or

such further time to which the applicant may agree, shall be deemed to be a recommendation for approval of the site plan as submitted.

- (e) Action by Board of Trustees. Within 45 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees, by ordinance duly adopted, shall approve the site plan as submitted, or shall make modifications acceptable to the applicant and approve such modified site plan, or shall disapprove it in the manner hereinafter specified either with or without a remand to the Plan Commission for further consideration. The failure of the Board of Trustees to act within such 45 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying site plan approval.

F. Standards for Site Plan Disapproval.

- 1. Standards. Neither the Village Manager nor the Board of Trustees shall disapprove, and the Plan Commission shall not recommend disapproval of, a site plan submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:
 - (a) The application is incomplete in specified particulars or contains or reveals violations of this Code or other applicable regulations that the applicant, after written request, has failed or refused to supply or correct.
 - (b) The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the

applicant has failed to secure approval of that application.

- (c) The site plan fails to adequately meet specified standards required by this Code with respect to the proposed use or development, including special use standards where applicable.
- (d) The proposed site plan interferes with easements or rights-of-way.
- (e) The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.
- (f) The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.
- (g) The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site.
- (h) The screening of the site does not provide adequate shielding from or for nearby uses.
- (i) The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are incompatible with, nearby structures and uses.
- (j) In the case of site plans submitted in connection with an application for a special permit, the proposed site plan makes inadequate provision for the creation or

preservation of open space or for its continued maintenance.

- (k) The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the Village.
- (l) The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility systems serving the Village.
- (m) The proposed site plan does not provide for required public uses designated on the Official Map.
- (n) The proposed site plan otherwise adversely affects the public health, safety, or general welfare.

2. Alternative Approaches. In citing any of the foregoing standards, other than those of Subparagraphs 1(a) and 1(b), as the basis for disapproving a site plan, the Plan Commission or the Board of Trustees shall suggest alternate site plan approaches that could be developed to avoid the specified deficiency or shall state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives.

G. Effect of Site Plan Approval. Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village.

A copy of every approved site plan shall be filed with the Village Manager and the development of the site shall be in substantial conformity with such approved and filed plan.

- H. Limitations on Site Plan Approval. Subject to an extension of time granted by the Village Manager pursuant to Subsection 13-101L of this Code, no site plan approval shall be valid for a period longer than one year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Zoning Compliance is issued and a use commenced within that period.
- I. Adjustments to Site Plan During Development.
1. Minor Adjustments. During the development of the site, the Village Manager may authorize minor adjustments to a site plan originally approved by the Board of Trustees when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:
 - (a) Altering the location of any one structure or group of structures by not more than 10 feet or one-fourth of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.
 - (b) Altering the location of any circulation element by not more than 10 feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.

- (c) Altering the location of any open space by not more than 20 feet.
- (d) Altering any final grade by not more than 20 percent of the originally planned grade.
- (e) Altering the location, by not more than 20 feet, or type, without reduction of total number, of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty and shall not be approved if they would result in a violation of any standard or requirement of this Code.

2. Major Adjustments. Any adjustment to a site plan originally approved by the Board of Trustees that is not authorized by the preceding Subparagraph 1(a) shall be considered to be a major adjustment and shall be granted only upon application to and approval by the Board of Trustees. The Board of Trustees, by ordinance duly adopted, may grant approval for a major adjustment without referral to the Plan Commission upon finding that any changes in the site plan as approved will be in substantial conformity with said site plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the site plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further consideration and review as provided in Subsection E of this Section.

- J. Amendments to Site Plan Following Completion of Development. After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for original approval of site plans.

14-403 DESIGN REVIEW PERMITS

- A. Authority. The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant a Design Review Permit for any use or development in the Design Review Overlay District that is permitted in the base district in which such use or development is located; provided, however, that no such permit shall be granted unless such use or development complies with the regulations of the base district in which it is located and all necessary certificates, permits, and approvals for such use or development shall have been secured.
- B. Purpose. The Design Review Permit process is intended to provide a procedure for the review of plans for work in the Design Review District to ensure that such work will comply with standards established to preserve the integrity of areas and structures which have been determined to merit special protection.
- C. Parties Entitled to Seek Design Review Permits. An application for a Design Review Permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. Procedure.
1. Application. Applications for Design Review Permits shall be filed in accordance with the requirements of Section 14-101 of this Code.
 2. Plan Commission Review. In any case where the proposed work requires issuance of a special use permit or other approval for which Plan Commission review is required by this Code, then the application for a Design Review Permit shall be heard by the Plan Commission at the same time such special use permit or other approval is heard, and the Plan Commission shall make its

recommendation to the Board of Trustees as provided in Paragraph 6 of this Subsection below.

3. Design Review Commission Review. Every application for a Design Review Permit not heard by the Plan Commission pursuant to Paragraph 2 of this Subsection above shall be heard by the Design Review Commission, which shall make its recommendation to the Board of Trustees as provided in Paragraph 6 of this Subsection below.
4. Other Approvals Required Prior to Issuance. In any case where the proposed work requires the issuance of a special use permit, variation, or other approval, no Design Review Permit shall be issued unless and until such special use permit, variation, or other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to the issuance of a Design Review Permit.
5. Public Meeting. The Commission hearing the application of a Design Review Permit shall hear such application at a public meeting within 45 days after receipt of a completed application by the Village Manager.
6. Action by Commission. Within 35 days after the conclusion of the public meeting provided in Paragraph D5 of this Section, the Commission hearing the application shall, in writing, recommend to the Board of Trustees to grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. In reaching its recommendation, the Commission shall be guided by the purposes for which the Design Review District is designated and by the particular standards and considerations set forth in Subsection E of this Section. The failure of the Commission to act within such 35 days, or such longer period of time as may be agreed to by the applicant, shall

be deemed a recommendation to deny the Design Review Permit.

7. Action by Board of Trustees. Within 45 days after receiving the recommendation of the Commission hearing the application pursuant to Paragraph D6 of this Section or, if that Commission fails to act within 35 days after the conclusion of the public meeting provided in Paragraph D5 of this Section, within 80 days following the conclusion of such public meeting, the Board of Trustees shall, by ordinance duly adopted, grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. The failure of the Board of Trustees to act within the time limits set in this Subsection, or such longer time as may be agreed to by the applicant, shall be deemed a denial of the Design Review Permit. In reaching its decision, the Board of Trustees shall be guided by the purposes for which the Design Review District is designated and by the particular standards and considerations set forth in Subsection E of this Section.

8. Issuance of Certificate. If a Design Review Permit is granted pursuant to this Section, the Village Manager, within seven days following the passage of the ordinance by the Board of Trustees pursuant to Subsection D7 of this Section, shall issue the Design Review Permit, noting thereon any modifications or conditions imposed by the Board of Trustees. Each Design Review Permit shall state on its face, in bold type, that:

THIS PERMIT DOES NOT SIGNIFY ZONING,
BUILDING CODE, OR SUBDIVISION REVIEW OR
APPROVAL AND HOLDER IS NOT AUTHORIZED TO
UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND
APPROVAL WHERE REQUIRED.

- E. Standards and Considerations for Design Review Permit. In passing upon applications for Design Review Permits, the Plan Commission hearing the application and the Board of Trustees shall consider and evaluate the propriety of issuing the Design Review Permit in terms of its effect on the purposes for which the Design Review District is designated. In addition, the Commission and the Board of Trustees shall be guided by the following standards and considerations:
1. Visual Compatibility. New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved shall be visually compatible in terms of the following criteria:
 - (a) Height. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
 - (b) Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - (c) Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
 - (d) Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - (e) Rhythm of Spacing and Buildings on Streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually

compatible with the buildings, public ways, and places to which it is visually related.

- (f) Rhythm of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- (g) Relationship of Materials, Texture, and Color. The relationship of the materials, texture, and color of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
- (h) Roof Shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
- (i) Walls of Continuity. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
- (j) Scale of Building. The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
- (k) Directional Expression of Front Elevation. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be

vertical character, horizontal character, or nondirectional character.

2. Quality of Design and Site Development. New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development criteria:
 - (a) Open Spaces. The quality of the open spaces between buildings and in setback spaces between street and facade.
 - (b) Materials. The quality of materials and their relationship to those in existing adjacent structures.
 - (c) General Design. The quality of the design in general and its relationship to the overall character of neighborhood.
 - (d) General Site Development. The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.
3. Special Considerations for Existing Buildings. For existing buildings the Commission hearing the application and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.
4. Manuals and Guidelines. The Board of Trustees may from time to time provide for specific manuals or guidelines for architectural styles or

common-occurring buildings or site features and elements to assist applicants for Design Review Permits. Such manuals or guidelines shall be advisory only and shall bind neither the applicant nor the Commission hearing the application nor the Board of Trustees with respect to any specific case.

- F. Modifications and Conditions. In approving an application for a Design Review Permit, the Board of Trustees may authorize the issuance of the Design Review Permit for plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this Section. Such conditions and modifications shall be set forth in the resolution granting approval and in the Design Review Permit. The violation of any such condition or modification shall be a violation of this Code.
- G. Affidavit of Compliance with Conditions. Whenever a Design Review Permit issued pursuant to this Section is made subject to conditions to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the Village Manager stating such compliance. Such affidavit shall be accompanied by a nonrefundable fee, as established from time to time by the Board of Trustees, to help defray the cost of an inspection to verify that such conditions have been met.
- H. Limitation on Certificates. A Design Review Permit shall become null and void six months after the date on which it was issued unless within such period the work authorized by such certificate is commenced. A Design Review Permit shall relate solely to the work shown on plans approved by the issuance of such permit and it shall be unlawful for any person to deviate from such plans without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

- A. Authority. The Village Manager or the Design Review Commission, in accordance with the procedures and standards set out in this Section, may grant Sign Permits authorizing the construction and maintenance of signs subject to the regulations of Article XI of this Code and the standards stated in this Section.
- B. Purpose. The sign regulations and standards set forth in this Code are intended to protect the health, safety, and welfare of Village residents by establishing specific conditions and limitations on development of all signs in the Village. The Sign Permit process is designed to insure that all such regulations and standards have been satisfied.
- C. Parties Entitled to Seek Sign Permits. An application for a Sign Permit may be filed by the owner of, or any person having a contractual interest in, the property on which the sign is proposed to be located.
- D. Procedure.
1. Application. Applications for Sign Permits shall be filed in accordance with the requirements of Section 14-101 of this Code.
 2. Action by Village Manager. Within 60 days after the proper filing of a completed application, the Village Manager either shall grant the Sign Permit or, by written findings and decision stating the reasons therefor, shall deny the application or grant the application with modifications or conditions. The failure of the Manager to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the Sign Permit.
 3. Appeals. Within 45 days after a denial of a Sign Permit by the Village Manager, the applicant may seek approval of the Sign Permit by filing an application for appeal to the Design Review

Commission. Within 60 days after the receipt of an application for appeal, the Design Review Commission, by written findings and decision, shall approve the Sign Permit, or shall make modifications acceptable to the applicant and approve the Sign Permit as modified, or shall deny the appeal. The failure of the Design Review Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

- E. Standard for Sign Permits. No Sign Permit shall be granted pursuant to this Section unless the applicant shall establish that:
1. Visual Compatibility. The proposed sign will be visually compatible with the building on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.
 2. Quality of Design and Construction. The proposed sign will be constructed and maintained with a design and materials of high quality and good relationship with the design and character of the neighborhood.
 3. Appropriateness to Activity. The proposed sign is appropriate to and necessary for the activity to which it pertains.
 4. Appropriateness to Site. The proposed sign will be appropriate to its location in terms of design, landscaping, and orientation on the site, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment neighboring properties, or unduly increase the number of signs in the area.
- F. Conditions on Sign Permits. The Village Manager or the Design Review Commission may impose such

conditions and limitations concerning the construction and maintenance upon the grant of a Sign Permit as may be necessary or appropriate to insure satisfaction of the standards set forth in this Section and the purposes and objectives of this Code and to minimize any adverse effects upon other property in the vicinity. Such conditions shall be expressly set forth in written findings and decision granting the Sign Permit. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the Sign Permit.

- G. Effect of Issuance of a Sign Permit. The grant of a Sign Permit shall not authorize construction or maintenance of any sign, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village, including but not limited to a Building Permit.

14-405 FENCE PERMITS

- A. Authority. The Village Manager, in accordance with the procedures and standards set out in this Section, may grant Fence Permits authorizing the construction and maintenance of fences subject to the regulations of Section 9-105 of this Code.
- B. Purpose. The fence regulations and standards set forth in this Code are intended to protect the health, safety, and welfare of Village residents by establishing specific conditions and limitations on development of all fences in the Village. The Fence Permit process is designed to insure that all such regulations and standards have been satisfied.
- C. Parties Entitled to Seek Fence Permits. An application for a Fence Permit may be filed by the owner of, or any person having a contractual interest in, the property on which the fence is proposed to be located.

D. Procedure.

1. Application. Applications for Fence Permits shall be filed in accordance with the requirements of Section 14-101 of this Code.
2. Action by Village Manager. Within 60 days after the proper filing of a completed application, the Village Manager either shall grant the Fence Permit or, stating the reasons therefor in writing, shall deny the application or grant the application with modifications or conditions. The failure of the Manager to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the Fence Permit. All decisions of the Manager shall be considered final administrative determinations and shall be subject to appeal in accordance with the Illinois Administrative Review Act.

PART V: PLANNED DEVELOPMENTS

14-501 AUTHORITY

The Board of Trustees may grant special use permits under this Part V authorizing the development of planned developments in the districts where planned developments are listed as a special use.

14-502 PURPOSE

Planned developments are a distinct category of special use. They are authorized in the single family, multiple family, commercial, office, industrial, and institutional buildings districts.

Within a planned development, the traditional use, bulk, space, and yard regulations may be relaxed if they impose inappropriate limitations on the proposed development or redevelopment of a parcel of land that lends itself to an individual, planned approach. Through the flexibility of a planned development, the Village seeks to achieve the following specific objectives:

- A. Encouragement of flexibility in the development or redevelopment of land.
- B. Creation of an appreciably more desirable environment than would be possible through strict application of Village land use regulations, whether through maximization of open space, or excellent in building and site design, or provision of amenities not possible under the otherwise applicable requirements
- C. Promotion of a creative architectural and site designs and resulting development.
- D. Promotion of quality, useful open space and recreational opportunities.

- E. Promotion of environmentally sound development practices.
- F. Facilitation of development in harmony with the Comprehensive Plan.
- G. Promotion of public health, safety, and welfare.

14-503 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL

An application for a special permit to permit a planned development may be filed by the owner of, or any person having a binding contractual interest in, the subject property.

14-504 PROCEDURE FOR LARGE PLANNED DEVELOPMENTS

The provisions of this Section 14-504 apply to any project that includes 40,000 square feet or more of total land area or more than one principle building (a "Large PD").

A. Development Concept Plan for Large PD.

1. Purpose. The Development Concept Plan provides an applicant the opportunity to submit a plan showing the basic scope, character, and nature of entire proposed planned development without incurring undue cost. The required public hearing is based on the Development Concept Plan, thus permitting public consideration of the proposal at the earliest possible stage. Once it is approved, the Development Concept Plan binds both the applicant and the Village with respect to the following basic elements of development:

- (a) categories of uses to be permitted; and
- (b) general location of residential and nonresidential land uses; and

- (c) overall maximum density of residential uses and intensity of nonresidential uses; and
 - (d) the general architectural style of the proposed development; and
 - (e) general location and extent of public and private open space including recreational amenities; and
 - (f) general location of vehicular and pedestrian circulation systems; and
 - (g) staging of development; and
 - (h) nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.
2. Application. An applications for approval of a Development Concept Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.
 3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
 4. Action by Plan Commission. Within 60 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 13-103F of this Code, that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as submitted.
 5. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the

Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Development Concept Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of Final Plans in accordance with Subsection 14-504C of this Article XIV and upon the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

6. Effect of Development Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing a Final Plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Development Concept Plan with respect to the elements of development set forth in Paragraph 14-504A1 of this Section pending the application for approval of a Final Plan. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each such element.

7. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Development Concept Plan.
- B. Optional Submission of a Final Plan. The applicant may, at his or her option, submit a Large PD Final Plan for the proposed planned development pursuant to the requirements of Subsection 14-504C of this Section simultaneously with the submission of the Development Concept Plan pursuant to the requirements of Subsection 14-504A of this Section. In such case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The elements of both the Development Concept Plan and the Final Plan may be combined into a single set of plans. The Plan Commission and the Board of Trustees shall consider such plans simultaneously and shall grant or deny Large PD Final Plan approval in accordance with the provisions of Subsection 14-504A and C of this Section.
- C. Large PD Final Plan.
1. Purpose. The Large PD Final Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a complete, thorough, and permanent public record of the planned development and the manner in which it is to be developed.
 2. Application. Upon approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 14-101 of this Code within one year after the date of such approval or in stages as approved in the Development Concept Plan. The application shall

refine, implement, and be in substantial conformity with the approved Development Concept Plan.

3. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
4. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the proposed plat of subdivision shall be carried out simultaneously with review of the Development Concept Plan.
5. Action by Plan Commission.
 - (a) Evaluation. Within 60 days after the filing of an application for approval of a Large PD Final Plan, the Plan Commission shall, with such aid and advice of the Village staff and consultants as may be appropriate, review and act on the plan. Such review shall consider:
 - (i) whether the Large PD Final Plan is in substantial conformity with the approved Development Concept Plan; and
 - (ii) the merit or lack of merit of any departure of the Large PD Final Plan from substantial conformity with the approved Development Concept Plan; and
 - (iii) whether the Large PD Final Plan complies with any and all conditions imposed by approval of the Development Concept Plan; and

- (iv) whether the Large PD Final Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.
- (b) Recommendation of Approval Based on Substantial Conformity. If the Plan Commission finds substantial conformity between the Large PD Final Plan and the approved Development Concept Plan and further finds the Large PD Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Board of Trustees approve the Large PD Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.
- (c) Recommendation of Approval without Substantial Conformity. If the Plan Commission finds that the Large PD Final Plan lacks substantial conformity to the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Large PD Final Plan be approved, with or without modifications

and conditions to be accepted by the applicant as a condition of approval.

- (d) Recommendation of Denial. If the Plan Commission finds that the Large PD Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or if the Plan Commission requires modifications of a plan that are not accepted by the applicant, then the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Large PD Final Plan not be approved.
 - (e) Failure to Act. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Final Plan as submitted.
6. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall proceed as follows:
- (a) Approval Based on Substantial Conformity. If the Plan Commission has recommended approval of a Large PD Final Plan pursuant to Subparagraph 14-504C5(b) of this Section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the Large PD Final Plan by a duly adopted ordinance; or
 - (b) Approval Without Substantial Conformity. In any case other than that specified in Subparagraph 14-504C6(a) of this Section,

the Board of Trustees may, if it finds that the Large PD Final Plan merits approval and otherwise conforms to the requirements of this Code, approve the Final Plan by a duly adopted ordinance; or

- (c) Referral Back to Plan Commission. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may refer the Large PD Final Plan back to the Plan Commission for further consideration of specified matters; or
 - (d) Conditions on Final Plan Approval. The approval of any Large PD Final Plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.
 - (e) Failure to Act. The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Final Plan approval.
7. Recording of Final Plan. When a Large PD Final Plan is approved, the Village Manager shall cause the Large PD Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.
8. Limitation on Large PD Final Plan Approval. Construction shall commence in accordance with the approved Large PD Final Plan within one year after the approval of such plan, or within such time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the

Village Manager pursuant to Subsection 13-101L of this Code, automatically render void the Large PD Final Plan approval and all approvals of the planned development and all permits based on such approvals, and the Manager shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development that have not yet been completed.

9. Building and Other Permits. Except as provided in Subparagraph 14-504C9 of this Section, appropriate officials of the Village, after receiving notice from the Village Manager that the documents required for Large PD Final Plan approval have been approved and upon proper application by the applicant, may issue building and other permits to the applicant for the development, construction, and other work in the area encompassed by the approved Large PD Final Plan; provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied.

Building permits may, however, be withheld at the discretion of the Village Manager or the Board of Trustees at any time it is determined that the development of the planned development is not proceeding in strict compliance with the approved Final Plan.

14-505 STANDARDS FOR LARGE PLANNED DEVELOPMENTS

- A. Special Use Permit Standards for Large PD. No special use permit for a Large PD shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.

B. Additional Standards for Large PD. No special use permit for a Large PD shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

1. Unified Ownership Required. The entire property proposed for planned development treatment must be, at the time of application and final action by the Board of Trustees, in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

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

3. Protected Open Space.
(a) Definition. Protected Open Space means parks, playgrounds, landscaped green space, community centers, or other similar areas and associated recreational amenities held and protected permanently as open space.

(b) Protected Open Space Required. Except under extraordinary circumstances determined as sufficient by the Board of Trustees, the planned development must include protected

open space commensurate with the scale and design of the development. The protected open space must be held in common ownership or by an entity specifically responsible for the care and maintenance of the space. The protected open space also must be (i) held for use by all residents or other occupants of the development or (ii) dedicated to, and accepted by, the Village of La Grange, the Park District of La Grange, a school district, or another public entity as permanent common open areas for parks, recreation and/or related public uses.

4. Landscaping and Perimeter. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development having 20 or more acres shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.
5. Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a hospital or by a property owners' association meeting the requirements set forth in Subparagraph B5 (d) of this Section.
6. Pedestrian Circulation System. The planned development must include a suitable pedestrian

circulation system including appropriate walkways, paths, trails, passageways, and other means of movement into, out of, and throughout the development and including private or public sidewalks meeting the standards of the La Grange Subdivision Code on both sides of every street in or abutting a planned development.

7. Utilities. All utility lines shall be installed underground.
 8. Compensating Amenities. The planned development must include compensating amenities, if the applicant seeks a modification of any provision of this Code or the La Grange Subdivision Ordinance, as provided in Subsection 14-509B of this Code.
- C. Additional Standards for Specific Large PD. When the district regulations authorizing any planned development use in a particular district impose standards to be met by that planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-506 PROCEDURES FOR SMALL PLANNED DEVELOPMENTS

- A. Application for Small PD. For every project that includes less than 40,000 square of total land area (a "Small PD"), an application for approval of a Small PD Development Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.
- B. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
- C. Action by Plan Commission. Within 30 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the

form specified by Subsection 13-103F of this Code, that the Small PD Development Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within 30 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Small PD Development Plan as submitted.

- D. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Small PD Development Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Small PD Development Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved. Every ordinance and special use permit shall be expressly conditioned on the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Small PD Development Plan.

14-507 STANDARDS FOR SMALL PLANNED DEVELOPMENTS

- A. Special Use Permit Standards for Small PD. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.
- B. Additional Standards for Small PD Development Plans. No special use permit for a planned development shall be

recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

1. Unified Ownership Required. The entire property proposed for planned development treatment must be, at the time of application and final action by the Board of Trustees, in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.
2. Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.
3. Open Space. The applicant must show that the largest amount of open space reasonably possible has been included in the Small PD Development Plan and that open space has been assembled and designed to maximize its quality, usefulness, beauty, and value to the development. The Village may require recorded restrictions and covenants or dedication of development rights to assure the perpetual care, conservation, and maintenance of the operation of the open space and to prevent the use of common open space for any structure, improvement, or use other than that shown on the approved Small PD Development Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
4. Landscaping and Perimeter Treatment. To the fullest extent possible, any area of the planned development not used for structures or circulation elements shall be landscaped or otherwise improved.

5. Public Improvements. The applicant must provide for all public improvements necessary to serve the planned development, including without limitation streets, sidewalks, lights, signs, underground utilities, and landscaping, to be constructed or installed to Village standards at no cost to the Village.
 6. Excellence of Design. The building or buildings within the planned development must be of high architectural quality, with excellence of design considering the context within which the development is being proposed and the general standards stated in the "Urban Design Principles," "Urban Design Framework," and "Appendix A" of the Village of La Grange Urban Design Guidelines dated February 2009.
- C. Additional Standards for Specific Small PD. When the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-508 CONDITIONS ON ALL PLANNED DEVELOPMENT APPROVALS

The approval of a Large PD Final Plan or a Small PD Development Plan may be conditioned on such matters as the Board of Trustees may find necessary to prevent or minimize any possible adverse effects of the proposed planned development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the La Grange Subdivision Code, and the Official Comprehensive Plan. Such conditions shall be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned development.

14-509 AUTHORITY TO MODIFY REGULATIONS

- A. Authority. Subject to the standards and limitations in this Section, the Board of Trustees, as part of an approval of any planned development, may modify any provision of this Code or of the La Grange Subdivision Ordinance as they apply to an approved planned development, subject to the limitations in this Section.
- B. Standards. No modification may be approved unless the Board of Trustees shall find that the proposed planned development:
1. Will achieve the purposes for which planned developments may be approved pursuant to Section 14-502;
 2. Will not violate the general purposes, goals, and objectives of this Code and the Official Comprehensive Plan; and
 3. Will result in a development providing compensating amenities to the Village. Compensating amenities means features not otherwise required to achieve compliance with the standards of this Code or other applicable Village codes and ordinances, including such things as public art, plazas, pedestrian walkways, natural habitats, increased landscaping, buffering or screening, enhanced streetscape, enhanced pedestrian and transit supportive design, underground parking and similar features. Compensating amenities must be proposed as part of a PD application, and all compensating amenities, whether public or private, must be developed and constructed at the applicant's expense.
 4. Subject to the standards set forth in this paragraph, a compensating amenity may be in the form of a cash contribution. If the Board of Trustees approves a cash contribution, then the contribution must be made by the applicant to the

Village prior to the issuance by the Village of any permit authorizing construction related to the project. The cash contribution must be designated by the Village specifically for use to provide one or more features of the type described in the preceding paragraph. The Board of Trustees may approve a cash contribution only if (a) the project site is inadequate for any physical on-site compensating amenity as a result of its size, shape, or other topographic feature, (b) there is no immediate need for a compensating amenity on public property abutting or adjacent to the project site, and (c) there is a compelling and appropriate compensating amenity, as determined by the Board of Trustees, for which a cash contribution can be designated.

- C. Specific District Regulations. Except as provided in Subsection 14-508D of this Section, no modification shall be permitted with respect to a zoning district standard in this Code specifically applicable to planned developments, unless the zoning district regulations expressly authorize a modification.
- D. Other Limitations. In granting any planned development approval pursuant to this Section, the Board of Trustees shall in no event:
1. For a Large PD, reduce the number of off-street parking or loading spaces required by this Code for any commercial use located within a C-2 or C-3 District by more than 50 percent or for any other use by more than 25 percent; or
 2. Make less stringent any performance standard relating to noise, vibration, smoke and particulate matter, odors, toxic and noxious matter, radiation hazards, fire and explosive hazards, or heat or glare, applicable in the district in which the development is to be located or applicable to the particular use by reason of the regulations applicable in any district in which it might be located; or

3. Reduce the minimum lot area requirement by more than 50 percent. This limitation does not apply to any minimum lot area per unit requirement; or
4. For a Large PD, permit the total lot coverage in the planned development to exceed 60 percent when located in any R-1 Single Family Residential District or 75 percent when located in any other residential district; or
5. Reduce the minimum livable floor area requirements applicable in any district in which the development is to be located, except as may be specifically provided in the applicable district regulations.

14-510 REGULATION DURING AND AFTER COMPLETION OF DEVELOPMENT

After a Large PD Final Plan or Small PD Development Plan has been approved, that approved plan will constitute the regulations applicable to the subject property, rather than any conflicting provision of this Code. No use or development not authorized by the approved plan will be permitted within the planned development.

14-511 ADJUSTMENTS TO APPROVED PLAN DURING DEVELOPMENT

A. Minor Adjustments. During the development of a planned development, the Village Manager may authorize minor adjustments to an approved plan when the adjustments appear necessary to, and consistent, with proper completion of the development as contemplated by the approval ordinance. Such minor adjustments shall be limited to the following:

1. Altering the location of any one structure or group of structures by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular

circulation element or any boundary of the planned development, whichever is less; and

2. Altering the location of any circulation element by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less; and
3. Altering the location of any open space by not more than 20 feet; and
4. Altering any final grade by not more than 20 percent of the originally planned grade; and
5. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

- B. Major Adjustments. Any adjustment to an approved plan not authorized by Subsection 14-511A shall be considered to be a major adjustment and shall be granted only on application to, and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further hearing and review as provided in Subsection 14-504C.

14-512 AMENDMENTS TO APPROVED PLAN FOLLOWING COMPLETION OF DEVELOPMENT

After completion of a planned development, an approved plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in Section 14-511.

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PART VI: AMENDMENTS

14-601 AUTHORITY

This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the Board of Trustees in accordance with the procedures set out in this Section.

14-602 PURPOSE

The amendment process established by this Section is intended to provide a means for making changes in the text of this Code and in the Zoning Map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code and the Zoning Map in light of changing, newly discovered, or newly important conditions, situations, or knowledge.

14-603 PARTIES ENTITLED TO SEEK AMENDMENTS

An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the Zoning Board of Appeals, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this Code.

14-604 PROCEDURE

A. Application. Applications for amendments shall be filed in accordance with the requirements of Section proposed by the Board of Trustees, the Plan Commission, or the Zoning Board of Appeals shall not be subject to said Section but shall be transmitted to

the Village Manager in such form as may seem appropriate to the initiating body.

- B. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
- C. Action by Plan Commission. Within 35 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by Subsection 13-103H of this Code. The failure of the Plan Commission to act within such 35 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.
- D. Action by Board of Trustees; Protest. Within 60 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village Clerk before the adoption of such amendment by the owners of 20 percent or more of the frontage to be affected by the proposed amendment, or by the owners of 20 percent or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent or more of the frontage directly opposite the frontage to be affected, such amendment shall not be passed except by a two-thirds vote of all the Trustees then holding office.

The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board of Trustees should weigh data required in 14-101E and among other factors, the following standards as they may be relevant to a particular application:

1. The consistency of the proposed amendment with the purposes of this Code.
2. The community need for the proposed amendment and for the uses and development it would allow.
3. If a specific parcel of property is the subject of the proposed amendment, then the following factors:
 - (a) The existing uses and zoning classifications for properties in the vicinity of the subject property.
 - (b) The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.
 - (c) The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.
 - (d) The extent, if any, to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
 - (e) The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

- (f) The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
- (g) The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
- (h) The suitability of the subject property for uses permitted or permissible under its present zoning classification.
- (i) The availability, where relevant, of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
- (j) The availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.
- (k) The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- (l) The reasons, where relevant, why the subject property should be established as part of any overlay district and the positive and negative effects such establishment could be expected to have on persons residing in the area.

PART VII: ADMINISTRATIVE ADJUSTMENTS
IN SINGLE FAMILY RESIDENTIAL DISTRICTS

14-701

PURPOSE, INTENT OF ADMINISTRATIVE ADJUSTMENTS

The purpose of the administrative adjustment procedures of this Part VII is to provide a method for the Village Manager to approve minor modifications of selected zoning standards for zoning lots in the Village's single family residential districts. Administrative adjustments are intended:

- A. To authorize a specific design feature on a single family detached dwelling that is under construction or renovation, under specific circumstances, which design feature will allow that dwelling to be more in keeping with the established character of the neighborhood in which it is located, if a limited easing of strict compliance with a particular bulk, yard, or space standard set forth in this Part VII will accomplish that purpose; and
- B. To provide flexibility that will promote renovation of an existing single family detached dwelling when that flexibility will not adversely affect adjacent properties or neighborhood character; and

14-702

APPLICABILITY

The administrative adjustment procedures of this Part VII may be used only as expressly authorized in Section 14-703 of this Code. No more than two administrative adjustments may be approved. If more than two administrative adjustments would be required for the relief sought, then all relief for that single family detached dwelling must be processed and determined either under the variation provisions of Section 14-303 of this Code or by another method provided by the Code.

14-703

AUTHORIZED ADJUSTMENTS

The Village Manager may approve an application for an administrative adjustment listed in this Section for a zoning lot classified in a single family residential district and improved with a single family detached dwelling, if the standards of this Part VII applicable to that request are met:

- A. Front and Corner Side Yards for Front Porch. An adjustment to a required front yard, required side yards, or both to allow an unenclosed front porch on an existing single family detached house to encroach into that yard by not more than the following distances: six feet into a front yard, or 6 feet into a corner side yard. An adjustment may be approved only if the Village Manager determines that the encroachment will not result in an adverse change in the character of the front yard depths on the block in which the subject property is located and will not result in a side yard depth that is out of scale or balance with side yards on nearby properties.
- B. Depth of Required Front Yard. An adjustment reducing by up to 30 percent the depth of a required front yard when that reduction would create a front yard matching the predominate front setback of existing houses on the block in which the subject property is located. No adjustment may (1) allow a reduction of the front yard to a depth less than the average front setback of all houses on the block or (2) reduce the size of a required front yard to less than 20 feet. No more than one adjustment under this Subsection B may ever be approved for a particular zoning lot.
- C. Maximum Building Coverage. An adjustment increasing by not more than 100 square feet, the maximum building coverage on a zoning lot for the purpose of renovating a single family detached dwelling originally constructed prior to January 28, 1991. This adjustment may apply to expansion of the footprint of

the single family detached dwelling or to an increase of building coverage attributable to construction of a detached garage in replacement of an attached garage.

- D. Required Setback for Detached Garage. An adjustment to allow an existing detached garage accessory to a single family detached dwelling to be renovated or replaced in its existing location, subject to the conditions that: (1) the garage may not be closer than one foot to any side yard line or one foot to any rear lot line, and (2) the adjustment will not result in undue adverse effect on abutting property.

14-704 APPLICATION; FEE

An application for an administrative adjustment must be filed by the fee title owner or owners of the subject property with the Director of Community Development on a form provided by the Village. Among other things, the application must include the names and addresses of all property owners within 150 feet of the subject property. The applicant must pay a fee non-refundable of \$250 at the time of filing the application.

14-705 NOTICE TO ADJOINING PROPERTIES; RESPONSES

The Village must give written notice of an application for an administrative adjustment by first class mail to all properties within 150 feet of the subject property. That notice must include the name of the applicant, the address of the subject property, the adjustment or adjustments being sought, and the date (not less than 10 days after the date of the notice) by which comments, questions, or objections (collectively "Responses") may be submitted to the Director of Community Development about the application. Any interested party may submit a Response to the Director.

14-706

GENERAL CRITERIA FOR APPROVAL

The Village Manager may approve an administrative adjustment only when he or she determines that all specific approval criteria associated with the administrative adjustment have been met and that the following general criteria also have been met:

- A. The requested adjustment is consistent with the purposes of this Code stated in Section 1-102.
- B. The requested adjustment eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of the Village, of surrounding property owners, or of residents generally.
- C. Any adverse impact resulting from the adjustment will be mitigated to the maximum extent feasible.

14-707

REVIEW AND DECISION; EFFECTIVENESS

- A. Review; Approval or Denial. The Village Manager must review each application for an administrative adjustment and all Responses to that application. The Village Manager may approve the application, or approve the application with conditions, or deny any part or all of the application based on (1) a conflict with the purposes stated in Section 14-701 of this Code, (2) the particular standards set for a particular adjustment, (3) the general criteria for approval in Section 14-706 of this Code, (4) a Response, or (5) any other specific approval criteria expressly established in this Code.
- B. Timing of Decision. The Village Manager may not take final action on an application for an administrative adjustment until at least 15 days after the date that notices were mailed to adjoining property owners as required by Section 14-705 of this Code.

- C. Written Decision Required; Delivery. The Village Manager's decision on an administrative adjustment must be in writing, dated, and in a form that can be recorded against the property to which it is applicable. The decision must be delivered by mail to the applicant and to any property from which a Response was filed.
- D. Final Decision; Appeal by Adjacent Property Owner. The Village Manager's decision to deny an administrative adjustment is final. That decision does not affect the applicant's ability to file an application for a variation under Section 14-303 of this Code. The Village Manager's decision to grant an administrative adjustment may be appealed under Section 14-302 of this Code by any owner of adjacent property who filed a Response to the application and whose property is directly affected by the adjustment. The filing of an appeal stays the recording of, and the effectiveness of, an approved administrative adjustment until a final decision is made on the appeal.
- E. Effective Date of Approved Adjustment. An approved administrative adjustment becomes effective on the day after it has been recorded in the Office of the Cook County Recorder against the property to which it is applicable.

14-708

CONDITIONS ON APPROVALS

When granting an administrative adjustment, the Village Manager may impose conditions on the subject property (A) that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood, (B) that are necessary or appropriate to carry out the purposes of this Code stated in Section 1-102, or (C) that help assure permanent compliance with any conditions imposed on the property to which the administrative adjustment is applicable.

14-709

RECORDING

Each decision granting an administrative adjustment must be recorded in the Office of the Cook County Recorder against the property to which it is applicable. If for any reason a decision is not recorded against the property to which it is applicable within 45 days after the date of the decision, then the decision will be null and void, *ab initio*, without further action of the Village.

Revised October 2011