

ARTICLE 14. ZONING APPROVALS

- 14.1 ZONING TEXT AND MAP AMENDMENT
- 14.2 SPECIAL USE
- 14.3 VARIATION
- 14.4 ADMINISTRATIVE VARIATION
- 14.5 PLANNED DEVELOPMENT
- 14.6 ZONING INTERPRETATION
- 14.7 CERTIFICATE OF ZONING COMPLIANCE
- 14.8 ZONING APPEALS
- 14.9 TEMPORARY USE PERMIT

14.1 ZONING TEXT AND MAP AMENDMENT

A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

The Village Board, the Plan Commission, Zoning Board of Appeals, Zoning Administrator, or a property owner in the Village, or person expressly authorized in writing by the property owner, may propose a zoning text or map amendment.

C. Authority

The Village Board, after receiving a recommendation from the Plan Commission, will take formal action on requests for zoning text or map amendments.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan Commission. Amendments initiated by a Village board, commission, or official also require an application, but are exempt from fees.

1. Action by the Plan Commission

- a. After receipt of a complete application, the Plan Commission will consider the proposed zoning amendment at a public hearing. If, in the Plan Commission's judgment, the application does not contain sufficient information to enable proper review and consideration, the Plan Commission may request additional information from the applicant and the public hearing may be continued.
- b. Within 60 days of the close of the public hearing, the Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- c. The Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. For zoning text amendments, the Plan Commission must recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Plan Commission must recommend approval or denial of the application.

2. Action by the Village Board

- a. The Village Board must act on the application within 60 days of receipt of the Plan Commission recommendation. The Village Board must take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Plan Commission recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.

- c. In the event the Plan Commission recommends that an amendment be denied, it may only be approved a favorable two-thirds vote of the Village Board.

E. Approval Standards

The Plan Commission recommendation and the Village Board decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the Village Board must consider the following standards. The approval of amendments is based on a balancing of these standards.

1. Approval Standards for Map Amendments

- a. The compatibility with the zoning of nearby property.
- b. The extent to which property values of the subject property are diminished by the existing zoning.
- c. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- d. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.
- f. The length of time that the property in question has been unimproved, as presently zoned, considered in the context of development in the area where the property is located.
- g. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- h. The extent to which the proposed amendment creates nonconformities.
- i. The trend of development, if any, in the general area of the property in question.

2. Approval Standards for Text Amendments

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. The extent to which the proposed amendment creates nonconformities.
- g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

F. Written Protest of Amendment

Written protest of an amendment must be filed in accordance with Illinois state law.

14.2 SPECIAL USE

A. Purpose

This Ordinance is based upon the division of the Village into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

C. Authority

1. The Village Board, after receiving a recommendation from the Zoning Board of Appeals, will take formal action on special use applications.
2. The Zoning Board of Appeals is the primary hearing body for special uses. If the schedule of the Zoning Board of Appeals does not permit a timely hearing of the application, the Plan Commission may review the special use and conduct the public hearing, forwarding their recommendation to the Village Board. If such is the case, the role of the Zoning Board of Appeals described in this section is undertaken by the Plan Commission, including that of minor modifications of approved special uses.

D. Procedure

An application for a special use must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

1. Action by the Zoning Board of Appeals

- a. After receipt of a complete application, the Zoning Board of Appeals will consider the special use at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
- b. Within 60 days of the close of the public hearing, the Zoning Board of Appeals must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- c. The Zoning Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Appeals must recommend either approval, approval with conditions, or denial of the special use.

2. Action by the Village Board

- a. The Village Board must act on the special use within 60 days of receipt of the Zoning Board of Appeals recommendation. The Village Board must approve, approve with conditions, or deny the special use. In approving any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Zoning Board of Appeals recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.
- c. In the event the Zoning Board of Appeals recommends that a special use be denied, it may only be approved a favorable two-thirds vote of the Village Board.

3. Conditions on Special Uses

The Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as may be deemed necessary for the protection of the public health, safety, and welfare.

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.
4. The special use conforms to the regulations of the zoning district in which it is to be located.

F. Modifications to Approved Special Uses

1. Administrative Modifications

The Zoning Administrator may approve the following administrative modifications to an approved special use when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved special use. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- a. A change of business name.
- b. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
- c. Interior modifications that do not increase the total floor area or building footprint.
- d. Changes in building design, including building materials that continue to meet the requirements of this Ordinance and any conditions of the approval.
- e. Any additions or enlargements to a structure where the floor area devoted to a special use is increased by less than 10%.
- f. The modification of existing accessory structures or the addition of new accessory structures related to the special use when in conformance with the requirements of this Ordinance. This does not include the addition or modification of any outdoor service components, which are considered a minor modification.
- g. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance and any conditions of the approval.
- h. The modification of existing signs or the addition of new signs related to the special use when in conformance with the requirements of the Village's sign code.

2. Minor Modifications

The Zoning Board of Appeals may approve the following minor modifications to an approved special use when it is determined by the Zoning Board of Appeals that such changes are in substantial conformance with the approved special use. If the schedule of the Zoning Board of Appeals does not permit a timely review of the application, the Plan Commission may review the minor modification.

- a. Any additions or enlargements to a structure where the area devoted to a special use is increased by 10% up to a maximum of 20%.
- b. The addition or modification of new outdoor service components, such as seating or dining areas (on private property). This does not include the addition of drive-through facilities, which are considered a major modification.

- c. Modifications to the approved landscape plan that results in a reduction of the total amount of plant material required but still meet the intent of the landscape requirements of this Ordinance.

3. Major Modifications

The Village Board may approve any other changes to an approved special use that do not qualify as an administrative or minor modification. The Village Board may hold a public hearing and approve such major modifications. Alternately, the Village Board may refer the request to the Zoning Board of Appeals to hold a public hearing and make a recommendation. Upon receipt of the Zoning Board of Appeals recommendation, the Village Board will make a decision.

G. Expiration

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending.

1. When an approved special use is changed to or replaced by another use.
2. For special uses tied to new construction or additions or enlargements to an existing structure, the special use approval expires within one year of the date of approval if a building permit has not been issued.
3. For special uses within existing structures or on lots where no structure is planned, the special use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.

14.3 VARIATION

A. Purpose

The purpose of the variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for a variation. A property owner, or his/her designee, may only propose a variation for property under his/her control.

C. Authority

1. The Zoning Board of Appeals will take formal action on variation applications. However, the Zoning Administrator is authorized to grant certain administrative variations, as described in Section 14.4.
2. Use variations are prohibited.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

1. After receipt of a complete application, the Zoning Board of Appeals will consider the proposed variation at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Appeals must approve, approve with conditions, or deny the variation within 60 days of the close of the public hearing.
4. If the Zoning Board of Appeals does not act upon the application within 60 days of the close of the public hearing, the application is deemed denied unless the Zoning Board of Appeals has granted additional consideration time.

5. The Zoning Board of Appeals may impose such conditions and restrictions upon the variation as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Appeals may grant a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variation application.

E. Approval Standards

1. The Zoning Board of Appeals decision must make findings to support each of the following:
 - a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
 - b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.
2. The Zoning Board of Appeals, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
 - a. The granting of the variation will not be detrimental to the public health, safety, and welfare in the neighborhood in which the property is located.
 - b. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.
 - c. The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted land use policies.

F. Expiration of Variation

An approved variation will expire one year from the date of approval unless a building permit is obtained within such period. The Zoning Board of Appeals may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

14.4 ADMINISTRATIVE VARIATION

A. Purpose

The purpose of the administrative variation is to provide relief from carrying out a requirement of this Ordinance that may cause a minor practical difficulty.

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for an administrative variation. A property owner, or his/her designee, may only propose an administrative variation for property under his/her control.

C. Authority

The Zoning Administrator is authorized to grant certain administrative variation, as defined below. Only those items listed below are eligible for an administrative exception; all other requests for relief are considered variations (Section 14.3).

1. A 10% or less variation to any dimensional standard in this Ordinance.
2. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
3. A reduction in required bicycle parking of up to 30%.

D. Procedure

1. All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will consider an application for an administrative variation. The Zoning Administrator may decide that an application for an administrative variation, even if it meets the thresholds established in this section, is by its nature a major variation to be decided by the Zoning Board of Appeals and will resubmit the application to the Zoning Board of Appeals as a variation. No additional fees are required.
2. The Zoning Administrator must review and evaluate the complete administrative variation application, pursuant to the standards of this section.
3. The Zoning Administrator must render a decision within 15 days of the date listed on the required notice and either approve, approve with conditions, or deny the application.
4. If the Zoning Administrator fails to act within 15 days, the administrative variation will be resubmitted to the Zoning Board of Appeals as a variation, in accordance with the requirements of Section 14.3. No additional fees are required.
5. If a noticed property owner objects to the administrative variation application in writing, prior to the date indicated on the notice that the Zoning Administrator may render a decision, the application must be resubmitted as a variation, in accordance with the requirements of Section 14.3. No additional fees are required.
6. The Zoning Administrator may impose, such conditions and restrictions upon the administrative variation as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning Administrator may grant an administrative variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

E. Approval Standards

The decision of the Zoning Administrator must make findings to support each of the following conclusions:

- a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
- b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.

F. Expiration

An approved administrative variation will expire one year from the date of approval unless a building permit is obtained. The Zoning Administrator may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

14.5 PLANNED DEVELOPMENT**A. Purpose and Intent**

A planned development is a type of special use which is intended to encourage innovative and creative development or redevelopment, while assuring that the development or redevelopment will complement the surrounding character and promote the effective use of land and resources, thereby fostering greater community sustainability and efficiency in public and utility services. Through the use of allowances in the planned development process, the Village seeks to achieve some or all of the following specific objectives:

1. Create a more desirable environment than may be possible through strict application of other Village land use regulations with the use of creative design, landscape, and/or architectural features.
2. Enhance the existing character and property values of the Village and promotion of the general welfare by ingenious and imaginative designs resulting in a better and more creative use of land.

3. Coordinate the character, the form, and the relationship of structures to one another.
4. Preserve and enhance of desirable site characteristics such as natural topography, vegetation, and geologic features.
5. Maximize the beneficial use of open space.
6. Promote long-term planning pursuant to a site plan that will allow harmonious and compatible land uses or combination of uses with surrounding areas.
7. Promote economic development within the Village.
8. Eliminate blighted structures or incompatible uses through redevelopment, restoration, adaptive reuse, or rehabilitation.
9. Preserve and/or enhance historical and natural resources.

B. Authority

The Village Board, after receiving a recommendation from the Plan Commission, will take formal action on requests for planned developments.

C. Initiation

An application for a planned development may be filed by:

1. One who has an ownership interest in the site or his/her agents.
2. Any contract purchaser or anyone holding an option to purchase the site.
3. Any unit of government that either owns the site or is not the owner but proposes to acquire the site by purchase, gift, or condemnation.
4. Any developer or development team that has entered into a redevelopment agreement with the unit of local government that either owns the site or is not the owner but proposes to acquire the site by purchase, gift, or condemnation, which has entered into a redevelopment agreement with the unit of local government seeking to acquire the site
5. Any developer or development team.

D. General Requirements

1. Planned development is allowed in all districts with the exception of the R-1 through R-5 Districts, where it is prohibited. In addition, any development of 20,000 square feet or more in gross floor area that required relief from zoning regulations is required to go through the planned development process.
2. Site development allowances (i.e., any zoning relief, including any deviation from the Ordinance provisions for the underlying zoning district) may be approved provided the applicant specifically identifies each site development allowance and how it would be compatible with surrounding development and is in furtherance of some or all of the stated objectives of this section.
3. Each planned development must be presented and judged on its own merits. It is not sufficient to base justification for approval or denial of a development upon an already existing planned development except to the extent such development has been approved as part of a site plan.
4. The burden of providing evidence and persuasion that a planned development meets the standards of this section, in every case, rests with the applicant.
5. Structures and uses or combination of uses within a planned development are limited solely to those approved as part of the planned development special use.
6. Buildings and sites must meet LEED Certified standards (US Green Building Council); however, LEED certification is encouraged, but not required. An alternate sustainability rating system may be used, subject to approval by the Village.

E. Allowances From District Regulations

1. Allowances

The planned development is subject to the underlying district regulations unless an allowance is specifically granted. The Plan Commission may recommend and the Village Board may grant allowances to the zoning district use, dimension, and design regulations where a planned development is located. Allowances from district regulations may be granted for planned developments, if the Plan Commission and Village Board find that such exceptions:

- a. Enhance the overall merit of the planned development.
- b. Promote the objectives of both the Village and the development.
- c. Enhance the quality of the design of the structures and the site plan.
- d. Enable the development to offer environmental and pedestrian amenities.
- e. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
- f. Are compatible with adopted Village land use policies.
- g. For major planned developments, provide a public benefit to the Village, as described below.

2. Required Public Benefits

In addition to meeting the requirements of the Ordinance, developers of planned developments are required to provide public benefits, which include a providing a compensating benefit, a Village improvement, and public art as defined below.

a. Compensating Benefits

Developers of planned developments are required to provide the Village with compensating benefits in return for the Village providing the allowances from Village regulations requested by the developer. The purpose of compensating benefits is to advance Oak Park's physical, cultural, environmental, and social objectives in accordance with the Comprehensive Plan and other adopted plans. Redevelopment often brings with it the need to provide allowances from the regulations but to also make sure that the Village is receiving public benefit in return for providing those allowances by requiring additional compensating benefits to the residents in that area or to the community as a whole. The following are examples of design elements and amenities that can be considered a compensating benefit. Examples are not limited to the following:

- a. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities.
- b. Preservation of existing environmental features.
- c. Preservation of historic features.
- d. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails and fitness courses, and playgrounds, dog parks, skate parks, and similar recreational features.
- e. Reduction of impervious surface throughout the development below the threshold required by the district.
- f. Adaptive reuse of existing buildings.
- g. Provision of public car and/or bike share facilities
- h. Affordable housing set-asides.

b. Village Improvements

Applicants are required to consult with Village Staff and/or any other public entities as deemed necessary to negotiate necessary Village improvements such as, but not limited to, roadways, alleys, medians, pathways, bike paths, pedestrian drop off areas, transit stops, bus pull outs, and/or other improvements and business retention efforts on site or within the Village for existing businesses on the proposed development site that will promote the objectives of a planned development. The applicant will provide documentation of the negotiated process and agreed upon outcomes as part of the planned development application.

c. Public Art

Applicants are required to include at least one piece of public art (i.e., sculpture, painting, graphic art, photography, textiles) as part of the development. The scope of the public art should be in proportion to the square footage of the development upon review and advice by the Public Art Advisory Commission. The applicant must provide documentation of the negotiated process.

F. Procedure

The following procedures are intended to provide for the orderly review of planned-development applications in a timely and equitable manner.

1. Pre-Application Conference

a. A prospective applicant, prior to submitting a formal application for a planned development, will meet for a pre-application conference with the Zoning Administrator and any other Village staff members designated by the Village Manager. The purpose of the conference is to help the applicant understand the Comprehensive Plan, the Zoning Ordinance, the site development allowances, the standards by which the application will be evaluated, and the application requirements.

b. During or after the pre-application conference, the applicant may request a meeting with the Zoning Administrator to discuss a request for waiver of any submittal requirement that, in the applicant's judgment, should not apply to the proposed development. In order to be considered, all requests for waiver shall be made in writing. Such requests will be reviewed and decided within ten working days of their receipt, where practicable, by the Zoning Administrator.

2. Mandatory Meeting with Neighborhood

A prospective applicant, prior to submitting a formal application for a planned development, must meet with the immediate neighborhood near the proposed site. The prospective applicant must provide written notice to all taxpayers of record and business owners within 300 feet of the subject property at least 15 calendar days prior to the scheduled meeting. The notice must contain a description of the proposed project, meeting place, time, date, and contact information of the prospective applicant. The notice must be sent through regular mail by the prospective applicant. The prospective applicant must submit the list of attendees and the list of taxpayers and business owners who were sent notice of the neighborhood meeting. An affidavit of such notification must accompany the aforementioned list of property owners. Notice of the neighborhood meeting must also be noticed in an Oak Park newspaper and posted on the proposed development site.

3. Action by the Plan Commission

a. Upon receipt of a complete application, the Zoning Administrator will prepare a written review of the requested allowances and brief description of the proposed development. Once such report is complete, the Zoning Administrator will forward the report and complete application to the Village Board and Plan Commission.

b. After receipt of a complete application, the Plan Commission will consider the planned development at a public hearing. If, in the Plan Commission's judgment, the application does not contain sufficient information to enable proper review and consideration, the Plan Commission may request additional information from the applicant and the public hearing may be continued.

c. Within 60 days of the close of the public hearing, the Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

d. The Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Plan Commission must recommend either approval, approval with conditions, or denial of the planned development.

4. Action by the Village Board

a. The Village Board must act on the planned development within 60 days of receipt of the Plan Commission recommendation. The Village Board must approve, approve with conditions, or deny the planned development. In approving any planned development, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions. The Village Board may also refer the application back to the Plan Commission for further review.

b. If the Village Board does not act upon the application within 60 days of receipt of the Plan Commission recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.

c. In approving a planned development, the Village Board may attach conditions and/or allowances to the approval as it deems necessary to have the proposed development meet the purpose and intent of a planned development.

G. Effect of Approval or Denial and Expiration

1. Approval of the planned development by the Village Board authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other required permits. The Zoning Administrator will review applications for these permits for compliance with the terms of the planned development approval. No building permit will be issued for development that does not comply with the terms of the planned development approval.

2. An approval of a planned development by the Village Board becomes null and void if the recipient does not file an application for a building permit for the proposed development within nine months after the date of adoption of the ordinance approving the planned development.

3. An approval of a planned development by the Village Board becomes null and void if construction has not commenced within 18 months and is not completed within 36 months after the date of adoption of the ordinance approving the planned development.

4. Notwithstanding the above, an approval of a planned development with a phasing plan will expire if construction has not commenced or is not completed in accordance with the terms of that phasing plan.

5. An extension of the time requirements may be granted by the Village Board for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline, whenever practicable.

6. Following approval, the Zoning Administrator will revise the Official Zoning Map to reflect the existence and boundaries of the approved planned development. Designation of a planned development on the Zoning Map is for administrative and reference purposes only and does not indicate a zoning district change. The presence or absence of a planned development on the Zoning Map does not validate or invalidate an approved planned development.

H. Standards For Review

An application for approval as a planned development may be granted by the Village Board only if it finds that the applicant has furthered some or all of the stated objectives of this Section and, when required, has provided substantial compensating benefits that meet the following standards. During review of the application, these standards supersede the standards established for review of a special use.

1. The proposed development and the use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan and has been considered in relation to any other plans adopted by the Village Board.

2. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety and welfare of the Village.

3. Adequate utilities, road access, parking, drainage, police and fire service, and other necessary facilities already exist or will be provided to serve the proposed development, including access for fire, sanitation, and maintenance equipment.

4. Adequate ingress and egress to the planned development site already exists or will be provided in a manner that adequately addresses additional traffic congestion in the public streets and promotes a safe and comfortable pedestrian environment.
5. The proposed use or combination of uses will not substantially diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses that are permitted by the Zoning Ordinance of the Village.
6. The proposed design and use or combination of uses will complement the character of the surrounding neighborhood.
7. The applicant has the financial and technical capacity to complete the proposed use or combination of uses.
8. The proposed development is economically feasible and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the Village, except to the extent that such burden is balanced by the benefit derived by the Village from the proposed use.

I. Submittal Requirements

Applications for a planned development must be filed with the Zoning Administrator in such form as required by the Village. Notwithstanding a decision to grant a waiver from a submittal requirement, a decision regarding the request for a waiver of an application requirement does not preclude the Plan Commission or Village Board from requesting that same information and/or any additional information it deems applicable for its review of the planned development application. Every application must contain the following information and related data, unless a waiver is granted.

1. A fee as established by the Village for the application and to defray the costs of providing notice and contracting with independent professionals to review applications as required. The professional costs may include, but are not limited to, engineering, legal fees, traffic analyses, environmental impact studies or analysis, land use design, or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the Plan Commission or Village Board.
2. The names, addresses and phone numbers of the owner(s) of the subject property, or if a trust, the names, addresses, of the beneficiaries, the applicant and all persons known to have a proprietary interest in the subject site and proposed development. A current property title policy and an affidavit of ownership is required as proof of ownership.
3. A statement from the owner, if the owner is not the applicant, approving the filing of the application by the particular applicant.
4. A statement of the professional qualifications and related development experience of applicant and/or applicant's development team.
5. A statement of proposed financing and evidence of the applicant's ability to accomplish same. At the direction of the Village Board, an economic proforma may be required.
6. A statement setting forth the reasons demonstrating that the proposed development meets the standards set forth in this Section. This includes a statement regarding the public benefits to be provided, including a compensating benefit, a Village improvement, and public art as defined in this section.
7. The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and structures.
8. A statement acknowledging the responsibility of the applicant to record a certified copy of the ordinance granting the planned development with the Cook County Recorder of Deeds and to provide evidence of said recording to the Village within 30 days of passage in the event the proposed planned development is approved by the Village Board.
9. Copies of all environmental assessments or impact studies as required by law or a letter from the EPA stating that the site is considered clean by EPA standards.
10. A report on the anticipated demand on all Village and community-wide services including, but not limited to, police, fire, public works, park district, and schools. This report must include a tax impact study indicating all projected tax revenues.

11. A market feasibility report, prepared by a professional real estate consultant or other qualified professional, for all types of proposed land uses within the boundaries of the developed tract, which must include information on unit prices, absorption, and competition.
12. A schedule of development showing the approximate date for beginning and completion of each stage of construction of development, including a communication plan and point of contact posted at the site.
13. Construction traffic and parking schedule indicating the location for the parking of construction vehicles and the anticipated route of construction vehicles, including a communication plan and point of contact posted at the site.
14. A plat of survey, prepared by a licensed surveyor, with legal description and street address of the subject parcel(s), prepared within the last year or a plat of survey showing current conditions that may be older than one year, prepared by a licensed surveyor.
15. A scaled site plan, a minimum scale of one inch equals 40 feet, showing the contour lines, common space(s) and the location, setback, bulk, and lot area coverage and heights of structures, parking spaces, loading areas, garbage pick-up routes, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation routes, and utilities. The site plan must also depict all required street furniture and their locations, such as bicycle racks and/or bicycle storage facilities, light poles, benches, and trash receptacles.
16. A landscaping plan, prepared by a registered landscape architect or licensed arborist, prepared in the same scale as the site plan, showing the location, size, character, species, and composition of vegetation and other material. The plan must also include a list containing the quantity, species (including common and botanical name), and the size of all plantings. The landscape plan must follow the requirements of this Ordinance.
17. An engineering plan, prepared by a licensed professional engineer, showing off-site utility improvements required to service the planned development and a report showing the cost allocations for those improvements. The plan must also include the proposed site drainage for the developed tract.
18. An exterior lighting plan of the same scale as the site plan showing the location of all exterior lighting proposed for the site. The proposed photometrics (level of illumination) as well as the specific design details of all exterior light sources must be provided including light color, height of light fixtures, and illustration of the design. Screening of the light sources should be addressed in the written summary for the project.
19. A shadow study, at a minimum, depicting mid-morning and mid-afternoon shadows cast on the following dates; March 20, June 21, September 22, and December 21, corresponding to the first day of each season, for any proposed structure(s) which exceed the underlying zoning district height or setback restrictions.
20. Building elevation drawings illustrating the design and character of the building(s), types of construction, and specified building materials for all sides of the building(s).
21. Streetscape building elevation(s) of the proposed building including all street-facing buildings within the same block or, if a corner lot, those located adjacently across the street or alley.
22. Floor plans of all proposed buildings and structures. The drawings must also include a schedule showing the number, type, and floor area of all uses or combination of uses, and the floor area of the entire development. For residential floor plans, a summary table of units, sizes, room types must be included.
23. Detailed sign elevations of the sign face(s) at a scale of not less than one inch equals two feet, and must designate sign design, dimensions, materials, colors, lighting (level of illumination), and written/graphic message.
24. For development proposals within the Greater Downtown TIF area, a to-scale three-dimensional model of the proposed development as well as an electronic three-dimensional model developed in an acceptable format approved by the Village.
25. For any development site(s) that includes structures that are of historical significance, determined through either any historic preservation district or as identified in any plan or study, must be evaluated as to its impact by the proposed development and/or its impact on the proposed development.

26. An evaluation from a third party that demonstrates that buildings and sites meet LEED Certified standards (US Green Building Council); however, LEED certification is encouraged, but not required. An alternate sustainability rating system may be used, subject to approval by the Village. The use of a geothermal system is encouraged. The applicant should submit a life-cycle energy analysis comparing the costs of heating and cooling the development using a geothermal system with the costs of a conventional heating and cooling system using industry approved simulation models.

27. A traffic impact study, prepared by a professional engineer qualified in traffic analysis, showing the proposed traffic circulation pattern, including counts, within and in the vicinity of the area of the development which includes any pending development projects and an analysis which does not include any pending development projects. The location and description of any public and traffic-related public improvements to be installed, including any streets and access easements must also be provided.

28. A parking impact study, prepared by a professional engineer qualified in parking analysis, showing the estimated parking demand based on proposed uses in relation to existing conditions including any pending development projects for the surrounding area including off-site parking spaces.

J. Modifications To Approved Planned Developments

No adjustments may be made to the approved planned development, except upon application to the Village in accordance with the following.

1. Administrative Modifications

The Zoning Administrator may approve the following administrative modifications to an approved planned development when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved planned development. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification. The Zoning Administrator may determine that any change, including those below these assigned thresholds, qualifies as a minor or major modification and must be processed as such. The decision of the Zoning Administrator may be appealed to the Plan Commission.

- a.** Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
- b.** Changes in building location of no more than six inches that continue to meet the requirements of this Ordinance and any conditions of the approval.
- c.** Changes in the location of walkways, vehicle circulation ways and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the approval.
- d.** Interior modifications that do not increase the total floor area or building footprint.
- e.** Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the approval.
- f.** Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g.** Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required conforms with all landscape requirements.
- h.** Modification of existing signs or the addition of new signs when in conformance with sign regulations.
- i.** Altering any final grade.

2. Minor Modifications

The Plan Commission may approve the following minor modifications to an approved planned development when it is determined by the Plan Commission that such changes are in substantial conformance with the approved planned development. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number. The decision of the Plan Commission may be appealed to the Village Board.

- a. An increase or decrease in the number of dwelling units of 10%.
- b. A change in building height of 10%.
- c. An increase or decrease in building coverage up to 10%.
- d. A decrease in open space up to 10%.
- e. A change of in the location of walkways, vehicle circulation ways, and parking areas between 10 to 20 feet.
- f. A change in the location and arrangement of general land use categories within the development, or a change of up to 10% in the overall final approved land use mix in any phase.
- g. A reduction in the number of parking spaces.
- h. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.

3. Major Modifications

- a. The Village Board may approve any other changes to an approved planned development that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
 - i. Any request for an extension of time of the approval.
 - ii. Changes to any conditions imposed as part of approval.
 - iii. Reductions or alterations in the approved public benefits.
 - iv. Any development that does not comply with zoning district regulations.
- b. The Village Board may only approve changes if they find such changes are:
 - i. In substantial conformance with the approved planned development;
 - ii. Necessary for the continued successful functioning of the planned development;
 - iii. Responding to changes in conditions that have occurred since the planned development was approved; and/or
 - iv. Responding to changes in adopted Village land use policies.
- c. The Village Board may hold a public hearing and approve such major modifications. Alternately, the Village Board may refer the request to the Plan Commission to hold a public hearing and make a recommendation. Upon receipt of the Plan Commission recommendation, the Village Board will make a decision.

14.6 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Initiation

The Village Board, the Plan Commission, Zoning Board of Appeals, Zoning Administrator, or a property owner in the Village, or person expressly authorized in writing by the property owner, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development.

C. Authority

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

D. Procedure

All applications for interpretations must be filed with the Zoning Administrator. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering an interpretation.

14.7 CERTIFICATE OF ZONING COMPLIANCE**A. Purpose**

The certificate of zoning compliance promotes compliance with this Ordinance by establishing a procedure for the Village to verify that a development complies with all standards of the Ordinance prior to issuance of a building permit.

B. Authority

The Zoning Administrator will directly receive and process any application for a certificate of zoning compliance made apart from the application for building permit or when a certificate of zoning compliance is otherwise requested.

C. Applicability

No building permit pertaining to the construction or structural alteration of structures, changes in use, or exterior renovations will be issued until a certificate of zoning compliance has been issued stating that the proposed development complies with the provisions of this Ordinance.

D. Procedure

1. Every application for a building permit is deemed to be an application for a certificate of zoning compliance. The building permit must have affixed to it the certification of a registered architect or registered structural or professional engineer licensed by the State of Illinois or a certification of the owner-designer that the proposed construction or structural alteration and the proposed use of the structure complies with all the provisions of this Ordinance.
2. Every application for a building permit must be accompanied by a plat stating the number of dwelling units, if applicable, and showing the design, layout, and location of the structure on the lot and of all off-street parking spaces. In addition to the information required by the effective ordinances of the Village, the application must be accompanied by any other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.
3. If the Zoning Administrator finds that the application complies with the provisions of this Ordinance, the Zoning Administrator will issue a certificate of zoning compliance. If the Zoning Administrator refuses to issue a certificate of zoning compliance, the Zoning Administrator will advise the applicant, in writing, of the reasons for denial.
4. Any building permit or certificate of zoning compliance issued in conflict with the provisions of this Ordinance is null and void.

14.8 ZONING APPEALS**A. Purpose**

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on an administrative variation, zoning interpretation, temporary use permit, or other administrative decision related to this Ordinance.

C. Authority

The Zoning Board of Appeals will take formal action on zoning appeal applications.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

1. After receipt of a complete application, the Zoning Board of Appeals will consider the proposed zoning appeal at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to properly review and consider the application, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
2. Within 60 days of the close of the public hearing, the Zoning Board of Appeals must either confirm or overturn the Zoning Administrator's decision.

E. Limitations on Zoning Appeals

A decision of the Zoning Administrator may only be appealed if an application is filed within 45 days of the date the decision is made.

14.9 TEMPORARY USE PERMIT

A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately in the Municipal Code.

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

C. Authority

The Zoning Administrator will review and make final decisions on temporary use permit applications.

D. Procedure

All applications for temporary use permit must be filed with the Zoning Administrator. The Zoning Administrator must render a decision on the temporary use permit within 30 days of the date the application is deemed complete. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

E. Approval Standards

All temporary uses must comply with the requirements of this Ordinance, including the temporary standards of Article 9, and the following standards:

1. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
3. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required by the Village, the operator of the temporary use must employ appropriate security personnel.

4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

F. Expiration

The temporary use permit is valid only for the time period granted as part of the approval.