

XVIII. ADMINISTRATION

A. Permits and Certificates

1. Building Permit

It shall be unlawful to commence the construction, alteration, repair, removal, or demolition of any structure in the Village without obtaining a Building Permit from the Village. The Village President, or his designee shall issue no Building Permit unless he or she has determined that the plans for the property for which the Permit is sought comply with all applicable provisions of this Ordinance and with other applicable codes and ordinances of the Village.

2. Certificate of Occupancy

It shall be unlawful to occupy or use any structure, land, water, or premises in the Village, or change the occupancy or use thereof, in whole or in part, without obtaining a Certificate of Occupancy from the Village.

The Village President, or his designee, shall issue no Certificate of Occupancy for a new or remodeled premises unless he has inspected the premises after the completion of all construction and certified that the premises is in conformity with the plans on which the Building Permit was based. He shall likewise issue no Certificate of Occupancy for a change of occupancy without certifying that the proposed use as described by the occupant complies with all applicable regulations herein.

The following shall be exempt from the requirement for a Certificate of Occupancy:

- a. Land used for agricultural cultivation
- b. Residential buildings in which there is a change of occupancy that does not involve a change to a different permitted or conditional use.

A temporary Certificate of Occupancy for a period not to exceed six (6) months may be issued, consistent with the safety of the occupants, for occupancy or partial occupancy pending completion of construction or alterations.

The Village President, or his designee, shall either issue or deny a Certificate of Occupancy within twenty (20) days of application therefor. He shall advise the applicant in writing of the reasons for any denial.

B. Violation Penalty and Enforcement

The Village President, or his designee, is hereby designated and authorized to enforce this Ordinance. Any party that violates any provision of this Ordinance shall, upon conviction, be fined not less than twenty-five dollars (\$25) nor more than five-hundred dollars (\$500) for each offense. Each day that a violation exists shall constitute a separate offense.

C. Planning and Zoning Commission

1. **Establishment of Planning and Zoning Commission** (A Judicial Branch of Village Government) created by Village Ordinances S. R. No. 047 and amended by Village of Wonder Lake Ordinance No. 131 and set forth as amended in the following text):
 - a. There is hereby created a Planning and Zoning Commission for zoning and building matters, which shall consist of seven (7) members, of which, one (1) shall be the chairperson; all, including the chairperson, shall be appointed by the Village president with the advice and consent of the Board of Trustees.
 - b. The Planning and Zoning Commission hereinafter shall be referred to as the "Commission".
 - c. Each member shall hold his or her appointed position until his or her successor is appointed and qualified.
 - d. Each member shall have one (1) vote.
 - e. Removal of a member can only be had on a serious charge or unethical behavior (of his or her position) and after a public hearing is held (if so requested by the member so charged) and undertaken by the Village President and Village Board.
 - f. The compensation to be paid to the members, if any, shall be fixed by the Board of Trustees.
 - g. Term of Office: The initial seven- (7) members are to serve respectively for the following terms:
 - Term "A" – One (1) Member for One (1) year term – Expiring: April 30, 1980
 - Term "B" – Two (2) Members for Two (2) year term – Expiring: April 30, 1981
 - Term "C" – One (1) Member for Three (3) year term – Expiring: April 30, 1982
 - Term "D" – Two (2) Member for Four (4) year term – Expiring : April 30, 1983
 - Term "E" – One (1) Member for Five (5) year term - Expiring: April 30, 1984
 - h. The successor to each member so appointed is to serve for a term of five (5) years. Any replacement of any member (who resigns or whose seat becomes vacant before expiration of the term) shall serve out the remaining term of office before being reappointed to a five (5) year term.
2. **Duties, Authority and Responsibilities:**
 - a. To hear and decide appeals from any order made by the Department of Building and zoning which decisions shall be final and appealable under the Administrative Review Act.
 - b. To hear and make recommendations upon applications for variations.
 - c. To hear and make recommendations on issues of rezoning.
 - d. To hear and make recommendations upon applications for amendment to the Zoning Ordinance.

- e. To hear and make recommendations upon applications for conditional use permits including planned developments.
- f. To prepare and recommend to the Village Board a comprehensive plan for the present and future development or redevelopment of the Village. After its adoption by the Village Board, this plan shall be known as the Village of Wonder Lake Comprehensive Municipal Development Plan (“Comprehensive Plan”). Thereafter, from time to time, the Commission may recommend changes in the Comprehensive Plan. The Comprehensive Plan may include reasonable requirements for the streets, alleys, public grounds and other improvements in unsubdivided land situated within the corporate limits or in contiguous territory not more than one and one-half (1 ½) miles beyond the corporate limits and not included in any municipality. These requirements shall be effective whenever this unsubdivided land is subdivided after the adoption of the Comprehensive Plan. Following the adoption of the Comprehensive Plan, no map or plat of any subdivision presented for recording affecting land within the corporate limits of the Village or in said contiguous territory (outside of and not more than one and one-half (1-½) miles from those limits and not included in any other municipality) shall be recorded or shall be valid unless the subdivision thereon shall provide for streets, alleys, public grounds, and other public improvements in conformity with the Village’s Comprehensive Plan.
- g. To prepare from time to time, and recommend changes in the Comprehensive Plan, and plans for specific improvements in the pursuance of the Comprehensive Plan to the Village Board.
- h. To exercise such other powers, germane to the powers granted by this Ordinance as may be conferred by the Village Board and which are granted a Village under the Illinois Municipal Code (65ILCS), including, but not limited to Sections 5/11-12-4 to 5/11-12-12.
- i. To keep written minutes of its proceedings, which shall be a public record. File immediately in the Office of the Village Clerk every rule, order, requirement, decision or determination of the Commission after any meeting or hearing, which shall be a public record. However, no rule, order, agreement, decision or determination by the Commission to shall change any of the provisions of the Village of Wonder Lake Zoning Ordinance or the district boundary lines established by the Zoning Map without the requisite public hearing and approval of an Ordinance by the Village Board.
- j. To file an annual report with the Village President and Village Board setting forth its transactions recommendations and budget.
- k. To adopt bylaws and any other procedural rules consistent with this and other Village ordinances and State Statutes.
- l. To cooperate with county and regional planning commissions and other groups to promote coordinated planning.
- m. To recommend to the Village Board the employment of such professional planning, legal, engineering or administrative assistance as is necessary to fulfill its responsibilities.

- n. To carry out any other function concerning land subdivision or other matters that may be conferred upon it by the Subdivision Ordinance, Village of Wonder Lake Zoning Ordinance or any other Village ordinance and the Illinois Municipal Code.
- o. To discharge any other duties and functions referred or assigned to it by the Village Board.

3. Assistance to Planning and Zoning Commission

The Board of Trustees shall provide such secretarial, legal or administrative assistance as shall be necessary in the opinion of the Corporate Authorities to permit the Commission. to fulfill its functions. In addition, the Board of Trustees may from time to time retain an attorney to serve as moderator for any public hearing, provided, however, that no such person retained as moderator shall be entitled to vote on any proposition before the Commission.

4. Special Zoning Commission

The Commission shall serve as a special zoning commission whenever so designated by the Village Board to consider a text amendment is proposed to the Village of Wonder Lake Zoning Ordinance.

5. Petitioning For Planning and Zoning Commission Hearing

- a All petitions or applications for hearings held in accordance with the provisions of the Zoning Ordinance shall be filed with the office of the Village Clerk. The Petitions and applications shall conform to the information requirements as established by this Zoning Ordinance and as the Planning and Zoning Commission may, from time to time, by rule provide.
- b The Planning and Zoning Commission shall set a hearing date, which shall be not more than sixty (60) days after the filing of the petition.
- c A notice of the hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the said hearing date, in one or more newspapers with a general circulation within the Village.
- d The petitioner shall provide the notice, which shall contain information as provided by rule of the Planning and Zoning Commission. The Commission may supplement such published notice by additional form, or forms, of notice as it may by rule of the Commission. The Commission may supplement such published notice by additional form, or forms, of notice as it may by rule provide.
- e All petitions shall be brought in the name of the record title owner, or the owner or owners, of the beneficial interest, through their attorneys or authorized agents. If a contract purchaser or tenant shall be included, wither with or without a contingent right, the contract purchaser or tenant shall be revealed and become a second party to the petition, but such contract purchase or tenant may not file without the owner.
- f Every petition which shall be made to the Commission, shall be initiated in the

following manner only:

- (1) There shall be delivered to the Village Clerk a proper petition requesting such hearing and setting forth the facts and details as prescribed by the Zoning Ordinance.
- (2) There shall be paid to the Village Clerk the required filing fee.
- (3) In the event the location or description in the petition of the property concerned is such as to not be adequately ascertainable in the opinion of the Village President or designee, then a plat of survey, made by the registered Illinois land surveyor, shall be attached to the petition when filed, or shall be presented at the time of the hearings.
- (4) The petitioner, his attorney or his agent, shall also furnish the Village Clerk with the full names and addresses of the persons who have last paid taxes on all property contiguous to or abutting the parcel or parcels concerned in the petition, including such taxpayers of record as may own property across the road, street, ally or waterway which may abut the premises concerned on one or more sides.
- (5) It shall be the duty of the petitioner, his attorney or his agent to send such persons as set forth in the preceding Subsection (4) a copy of the publication notice concerning the hearing, by certified mail, mailed no more than thirty (30) days nor less than fifteen (15) days prior to said hearing.
- (6) At the hearing, the petitioner shall furnish the Commission with an affidavit showing compliance with the mailing of public notices to the appropriate persons per the requirements of this Section 5 above.
- (7) The petitioner shall arrange for publication of all notices directly with the publisher at petitioner's expense. All publication notices shall contain a simple description of the property as to area and location, of such nature as to enable the ordinary reader to accurately locate such parcel. This description shall be in addition to the required metes and bounds or lot and block description.
- (8) A publisher's certificate of publication shall be filed by the petitioner at the beginning of the hearing.

6. Objectors to the Petition

In the event objectors to any petition shall employ counsel to represent them at the hearing, it shall be the obligation of such counsel to notify the petitioner, his attorney or agent, that he has been retained and will be present to object. Such notice shall be delivered to the petitioner, his attorney, or agent not later than four (4) days prior to the scheduled hearing date. Failure of objectors counsel to give such notice shall give the petitioner, his attorney or agent, the option to postpone the hearing until another certain day.

7. Meetings/Hearings

All meetings/hearings of the Commission shall be held at the call of the Chairman and at such other times as the Commission and/or Village Board may determine. The

presence of four (4) members shall be necessary for a quorum. The approval of a recommendation to the Village Board on any proposed appeal, conditional use, variance, amendment and planned development shall require the approval a minimum of four (4) members. All meetings shall be open to the public. The Chairman may administer oaths and compel the attendance of witnesses. As required above, the Commission shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact and record the individual votes upon every question. Expenses incurred by the Commission in the performance of official duties are to be itemized and shall be borne by the Village or applicant in accordance with a Retained Personnel Agreement, if applicable.

8. Planning and Zoning Commission Public Hearing General Requirements

- a. Any person may appear and testify at a hearing, and it is not necessary such persons be represented an attorney. All testimony given shall be under oath.
- b. Attorneys may submit a listing of proponents or opponents of the petition and the same will be accepted as an exhibit. However, such a list shall contain nothing more than the signatures of those for or against the petition, along with a brief statement concerning their position.
- c. Should the Planning and Zoning Commission recommend to the Village Board that a petition be granted, the exact finding and recommendation of the Planning and Zoning Commission shall be prepared for submission to the Village Board in order to effect the amending or variance of the ordinance properly, should the Village Board accept the recommendation of the Planning and Zoning Commission.
- d. A petition for variation, amendment or conditional use, which shall have been denied by the Planning and Zoning Commission and the Village Board, shall not be brought before the Planning and Zoning Commission again, until one year shall have passed from the date of the first public hearing, unless the petitioner shall request a different amendment or variation, or some change in circumstances has affected the status of the property in a substantial manner. The petitioner, his attorney or agent, may present to the Planning and Zoning Commission such reason, or reasons, as he feels should be sufficient to justify a hearing on the plot or parcel within the one year period, and it shall be at the discretion of the said Planning and Zoning Commission to allow or disallow such subsequent hearing.

9. General Rules and Practices of the Planning and Zoning Commission:

- a. All meetings of the Planning and Zoning Commission shall be held at the call of the chairperson and at times, as such Chairperson shall determine.
- b. All meetings/hearings of the Planning and Zoning Commission shall be open to the public.
- c. No hearing shall be conducted without a quorum of the Board being present. A quorum shall consist of a majority of all the members.
- d. The chairperson, or in his absence, the acting chairperson, shall administer oaths to those testifying, and may compel the attendance of witnesses through the use of subpoena.
- e. The Planning and Zoning Commission shall keep minutes of its proceedings,

showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

- f. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Planning and Zoning Commission shall be filed in the office of the Village Clerk and shall be a public record.
- g. The Planning and Zoning Commission shall adopt its own rules of procedure, not in conflict with the Zoning Ordinance, or in conflict with the applicable State of Illinois Compiled Statutes.
- h. Continuances may be granted on good cause shown and at the discretion of the Planning and Zoning Commission by a majority vote.
- i. All persons appearing in proceedings before the Planning and Zoning Commission shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the Planning and Zoning Commission may decline to permit such person to appear in any proceedings.
- j. No amendments of the regulations of this Zoning Ordinance, or variation of the requirements of this Zoning Ordinance, or permit for conditional uses including planned developments, shall be made or given except after a hearing before the Planning and Zoning Commission.
- k. The Public Hearing shall be comprised of:
 - (1) Call to order
 - (2) Roll Call.
 - (3) Parties of interest in petition present.
 - (4) Reading of the petition, verification of notices by publication and to abutting owners
 - (5) Identification and recording of objectors, if any
 - (6) Presentation of evidence by petitioner
 - (7) Question by Planning and Zoning Commission members and others
 - (8) Presentation of evidence by objectors, if any
 - (9) Questions by Planning and Zoning Commission members and others
 - (10) Petitioner's closing statement, if desired
 - (11) Adjournment
- l. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under the ordinance or to recommend any variation or modification in this Ordinance to Corporate Authorities.
- m. The Planning and Zoning Commission shall meet on an as needed basis or, if a particular petition has been considered, at least once a month for the purpose of voting upon such petition.
- n. Decisions of the Planning and Zoning Commission, shall have the power of recommendation only, such recommendations to include findings in accordance with the provisions of this Zoning Ordinance and to be submitted to the Village Board for final action in such form and at such times as are provided by rule in this Zoning Ordinance.

- o. The Planning and Zoning Commission may postpone a vote on recommendation on any petition for only one of its voting meetings, but a vote and recommendation upon such petition must be made at the next voting meeting thereafter, unless further delay is with the approval of the petitioner, his attorney, or agent.
- p. The report of the Planning and Zoning Commission shall contain a short summary of the petition, locate the property, and the reasons advanced by the Planning and Zoning Commission for rejecting or approving the petition. The report shall also contain the recommendation of the Planning and Zoning Commission and shall indicate the making of the motion, the seconding thereof, and all votes for or against the motions. Members not voting or absent shall also be recorded.
- q. Copies of the report of the Planning and Zoning Commission as made to the Village Board shall be made available to petitioners, their attorneys or agents, and to the attorney or agent of the objectors, if any, a minimum of forty-eight (48) hours following the posting of the agenda of the meeting of the Board of Trustees at which the Report will be considered and may be obtained with prior arrangement with the Village.

D. Village President, or Designee

The Village President of the Village shall designate one or more persons to be charged with the enforcement duties established in this Ordinance. In discharging this responsibility, the Village President, or persons so designated, shall:

1. Issue Certificates of Occupancy, Conditional Use Permits, Temporary Use Permits, Sign Permits, and other permits or certificates provided for herein.
2. Conduct inspections of structures and uses to determine compliance with this ordinance.
3. Notify in writing any party believed to be responsible for violating a provision of this ordinance and order action to correct the violation.
4. Prepare and cause to be published on or before March 31st of each year a Zoning Map as amended to reflect amendments through the preceding December 31st.
5. Provide clerical or technical assistance to the Planning and Zoning Commission.
6. Request the assistance and cooperation of other Village officials, departments, boards or commissions or other agencies as necessary in the discharge of his duties.
7. Procure such engineering, planning or legal assistance from technical experts outside the Village government as may be necessary to discharge his or her duties and as is authorized by the Village Board.

E. The Village Clerk

1. The Village Clerk shall have the responsibility to:
 - a. Receive and forward to the Planning and Zoning Commission all applications and notices required by this ordinance.
 - b. Maintain records of applications filed, public hearings held, permits and certificates issued, inspections made, reports rendered, and notices or orders issued under the provisions of this ordinance.

F. Appeals**1. Applicability**

Any party aggrieved by an administrative order, requirement, decision or determination made under this ordinance by the Village President, or his designee, or other authorized administrative official, board, commission or department of the Village other than the Village Board, may appeal such order, requirement, decision or determination to the Planning and Zoning Commission.

2. Notice of Appeal

A Notice of Appeal shall be filed with the Village Clerk, within forty-five (45) days of the order, requirement, decision or determination being appealed. The appeal shall be taken by the Planning and Zoning Commission within forty-five (45) days of the action complained of by filing a notice of Appeal, in duplicate and specifying the grounds thereof, in the Office of the Village Clerk. Upon receipt, the Village Clerk shall transmit forthwith one copy to the Village President, or his designee, and one copy to the Chairman of the Commission. The Village President, or his designee, shall forthwith transmit to the Chairman of the Commission all the papers constituting the record upon which the action appealed from was taken. The Notice shall contain:

- a. The name, address and telephone number of the party filing the appeal.
- b. The location of the property affected by the decision being appealed.
- c. Identification of the provision of the ordinance governing the decision being appealed.
- d. A statement of the grounds on which the appeal is based
- e. The reason given by the administrative official or body for the decision
- f. A brief summary of the factual evidence upon which the appeal is based.
- g. A plot plan and verbal description of the use affected by the decision being appealed.

3. Stay of Proceedings

The filing of a Notice of Appeal shall stay all proceedings in furtherance of the action appealed from unless the Village President, or his designee, certifies to the Planning and Zoning Commission that in his judgement and the facts stated in the certification, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by a restraining order issued by the Commission or a Court

of record after notice to the Village President, or his designee, and on due cause shown.

4. Hearing and Action

Upon receipt, the Village President, or his designee, shall forthwith transmit the Notice of Appeal and the complete record of the decision to the Planning and Zoning Commission. The Commission shall fix a reasonable time for a hearing on the appeal and give a minimum of ten (10) days notice to the party filing the Notice.

Any person may appear at the hearing and present testimony in person or by a duly authorized agent or attorney.

After the hearing, the Planning and Zoning Commission shall render a written decision on the appeal without unreasonable delay. Such decision may affirm, reverse or modify the action being appealed, subject only to judicial review in accordance with applicable State Statutes. To this end, the Commission shall have all the powers of the party from which the appeal was taken and may direct the issuance of a permit. A majority vote of all its members shall be required for the Commission to take any action. Copies of the report of the Planning and Zoning Commission as made to the Board of Trustees shall be available during office hours, at the Village Hall, a minimum of forty-eight (48) hours following the posting of the agenda of the meeting of the Board of Trustees at which the Report will be considered and may be obtained with prior arrangement with the Village.

5. Approval Criteria for Appeals

The Commission shall reverse the order appealed only if it finds that the action or decision appealed:

- a. Was arbitrary or capricious; or
- b. Was based on an erroneous finding of a material fact; or
- c. Constituted an abuse of discretion; or
- d. Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

G. Conditional Uses

1. Purpose

Certain uses cannot be allowable generally in a particular zoning district, or in any zoning district, because of the impact their special character creates on surrounding areas.

Some such uses may, however, be allowed under special conditions. These uses are provided for in this Ordinance as conditional uses.

Because a conditional use is compatible with the applicable zoning district only under

special conditions, a Conditional Use Permit is required before any use authorized herein as a conditional use may be established.

Except as specifically provided herein, all regulations of the applicable zoning district, and all other applicable regulations of this and other Village ordinances, shall apply to conditional uses.

2. Approval Process

Conditional Uses shall be approved only in conformance with the approval process provided in the Filing Procedures Article of this Ordinance and the Approval Criteria set forth below.

3. Existing Conditional Uses (Special Uses)

Conditional Uses as provided herein shall be considered the same as special uses provided under State Statute. Lawful conditional uses granted to a property prior to the effective date of this Comprehensive Amendment to the Zoning Ordinance shall be considered lawful conditional uses without the need for approval of a new Conditional Use Permit hereunder, whether or not such conditional use is a listed conditional use in the applicable zoning district herein. Any expansion of, addition to, or structural alteration of such a conditional use shall, however, require the approval of a Conditional Use Permit.

Where a use subject to an existing conditional use becomes a listed permitted use in the district now applicable to the property involved, such Conditional Use Permit shall no longer be required.

4. Review of Conditional Uses

In evaluating the suitability of a proposed conditional use, the Planning and Zoning Commission and Village Board shall examine the following characteristics of the proposed use at the particular location proposed including its individual structures and other site characteristics including:

- a. Location and orientation
- b. Lot size/area
- c. Size of the proposed facility, floor area, structure height, design capacity and anticipated employment
- d. Site design, scale and arrangement
- e. On and off-site pedestrian and traffic movement, vehicle storage, and the passage of emergency vehicles
- f. Appearance
- g. Screening or landscaping
- h. Buffering from incompatible uses with open spaces, landscaping and/or transitional uses
- i. Operational factors, such as hours of use or environmental controls

- j. Other characteristics of the proposed use pertinent (in the judgment of the Commission or Board) to an assessment of the potential impact of the use on the area. To facilitate such assessment, the Commission and/or the Board may call upon technical experts or have studies performed to determine specific development standards or conditions for any particular Conditional Use with the expense thereof to be paid by the applicant.

5. Issuance of Permit

The Village President, or his designee, shall issue a Conditional Use Permit after approval thereof by the Village Board unless the Village Board shall direct otherwise. Such Permit shall specify any conditions, restrictions, and time limits to which the Board has made its approval subject. Such conditions shall generally be limited to those restrictions on the design and operation of the proposed conditional use in order to minimize the potential impact of the use at a particular location.

6. Revocation of Permit

A Conditional Use Permit may be revoked by the Village Board if the Village President, or his designee, inspect the use and determine:

- a. Any Conditional Use Permit conditions or restrictions are not complied with within the time limit specified in the Permit.
- b. Any Conditional Use Permit conditions or restrictions are initially complied with, but compliance is not consistently maintained
- c. The Conditional Use is not established, or a required Building Permit is not obtained and building construction initiated and diligently pursued to completion, within one year of the date the Permit is issued
- d. The conditional use is not in operation for more than one year.

7. Expansion or Alteration

Any expansion, enlargement or structural alteration of a lawfully established conditional use shall require the grant of a new Conditional Use Permit. In all cases, the application for such Conditional Use Permit shall be addressed to the Village Board, which shall refer such application to the Planning and Zoning Commission for public hearing and action thereon pursuant to the requirements of this Ordinance.

8. Approval Criteria

In recommending approval or conditioned approval of a conditional use, the Planning and Zoning Commission shall transmit to the Village Board written findings of fact that on the basis of the characteristics cited under the Section entitled "Review of Conditional Uses" above, or changes to such characteristics that the Commission recommends, the proposed use will be compatible with existing uses in the area, and with permitted uses in the zoning district, in the ways specified below. Copies of the report of the Planning and Zoning Commission as made to the Board of Trustees shall

be available during office hours, at the Village Hall, a minimum of forty-eight (48) hours following the posting of the agenda of the meeting of the Board of Trustees at which the Report will be discussed. The Village Board shall not be bound by the recommendation of the Planning and Zoning Commission. However, in granting any approval or conditioned approval, the Board shall find that the proposed use will be compatible with such uses in the following ways:

- a. Traffic: Potential adverse impacts associated with vehicle type, traffic volume or traffic flow, of a type or degree not characteristic of permitted uses in the zoning district have been minimized.
- b. Environmental nuisance: Potential adverse impact from increased noise, glare, odor, dust, waste disposal, blockage of light or air or other potential adverse environmental effects have been appropriately controlled.
- c. Neighborhood Character: The proposed use will fit harmoniously with the existing character of its surroundings and with permitted uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values or neighborhood character already existing in the area or normally associated with permitted uses in the district.
- d. Public Services and Facilities: The proposed use will not require existing community facilities or services to a greater degree than would normally be expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burden upon existing development in the area.
- e. Public Safety and Health: The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

H. Variances

Because of special characteristics of particular properties in the Village, the literal application of the general provisions of this Ordinance may in certain instances create hardships not intended by these regulations. The Village Board may accordingly grant variances from the literal application of the provisions of this Ordinance based on findings of fact as provided in this Section.

1. Approval Process

Variances shall be approved only in conformance with the Approval Process provided in the Filing Procedures Article of this Ordinance and the Approval Criteria set forth below.

2. Minor Variances

The purpose of the minor variance procedures is to reduce the time and expense to homeowners associated with obtaining approval of simple variances that are likely to have minimal adverse impact on properties in surrounding residential neighborhoods. The fee owner, contract purchaser or option holder of a single-family detached or

attached dwelling, building or lot that wishes to request a variance for such dwelling, building or lot may apply under such Minor Variance procedures.

Filing submissions shall be as determined on a case-by-case basis by the Village President, or his designee, and may not require the submission of all of the submission requirements for other variances. Other procedures and requirements shall be as provided for variances in the Filing Procedures Article. The Minor Variance procedures shall not apply to an application involving more than one dwelling or more than one building lot.

3. Existing Variations

Lawful variations granted to a property prior to the effective date of this comprehensive Amendment to the Zoning Ordinance shall be considered lawful variances without the need for approval of a new variance hereunder. In those instances in which a variation is no longer needed under these terms of this amended Ordinance, the variation shall no longer be in effect.

4. Conditions or Restrictions

The Planning and Zoning Commission may recommend, and the Village Board, may impose such conditions or restrictions as appear necessary in granting any variance to minimize potential detrimental effects of such variance on other nearby properties.

5. Revocation of Variance

An existing variance may be revoked by the Village Board if:

- a. Any conditions or restrictions associated with the granting of the variance are not complied with within any time limit specified;
- b. After any applicable conditions are initially complied with, but ongoing compliance with such conditions is not or restrictions is not maintained at any time;
- c. The variance is not established or a required building permit is not obtained and construction initiated within one year of the date the variance is granted; or
- d. A use which has been authorized by use variation is in operation for a minimum of one (1) year.

6. Approval Criteria for Variances

In recommending approval or conditioned approval of a variance, the Planning and Zoning Commission shall transmit to the Village Board written findings of fact that demonstrate all of the criteria established below apply to the proposed variance. Copies of the report of the Planning and Zoning Commission as made to the Board of Trustees shall be available during office hours, at the Village Hall, a minimum of forty-eight (48) hours following the posting of the agenda of the meeting of the Board of Trustees at which the Report will be discussed. The Village Board shall not be

bound by the recommendation of the Planning and Zoning Commission. However, in granting approval of any variance, the Village Board shall similarly find that all of the following conditions apply:

- a. Special circumstances not found elsewhere: Special circumstances, fully described in the written findings exist that are peculiar to the property for which the variance is sought and do not apply generally to other properties in the same zoning district. Furthermore, these special circumstances are not so common so as to warrant a specific regulation to address them.
- b. Circumstances relate to the subject property only: Since a variance has potential to affect the character of its surroundings long after property ownership changes the special circumstances referenced herein relate only to the physical character of the land or building(s) for which a variance is sought. These special circumstances include, but are not limited to irregular dimensions, unusual topography or unique soil conditions. They should not be associated with a particular use or business activity nor be peculiar to the personal, business or financial circumstances of any owner, tenant or other party with any interest in the property.
- c. Not resulting from applicant action: The special circumstances that are the basis for a proposed variance have not resulted from any act by the applicant or any other party with an interest in the property.
- d. Unnecessary hardship: For the reasons enumerated in the required written findings, the strict application of the provisions of this Ordinance would result in unnecessary and undue hardship upon the applicant, as distinguished from mere inconvenience.
- e. Preserves rights normally conferred by district: A variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to other properties in the district.
- f. Necessary for use of property: The grant of a variance is not warranted solely to increase the applicant's economic return, but instead restores the applicant's reasonable use or enjoyment of the property.
- g. Not alter local character: The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
- h. Consistent With Ordinance and Plan: The granting of a variance will be in harmony with the general purpose and intent of this Comprehensive Amendment to the Zoning Ordinance and of the Comprehensive Plan of the Village, as viewed in light of any changed conditions since their adoption.
- i. Minimum variance recommended: The variance recommended by the Planning and Zoning Commission and approved by the Village Board is the minimum relief required to provide the applicant with reasonable use and enjoyment of the subject property.

7. Approval Criteria for Use Variances

In recommending approval of a use variance, the Planning and Zoning Commission

shall transmit to the Village Board written findings of fact that all of the conditions below apply to the application. The Village Board shall not be bound by the recommendation of the Planning and Zoning Commission. However, in granting approval, the Village Board shall similarly find that all of the following conditions apply:

- a. Practical difficulties or particular hardship: For reasons fully set forth in the written findings, the strict application of the provisions of this Ordinance relating to the use of buildings, structures or land would result in unnecessary and undue hardship upon the applicant, as distinguished from mere inconvenience.
- b. Reasonable return: The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in this Ordinance otherwise applicable in the particular zoning district.
- c. Unique circumstance: Special and unique circumstances, fully described in the written findings, exist that are peculiar to the property for which the use variance is sought and do not apply generally to other properties in the same zoning district.
- d. Will not alter local character: The granting of the use variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
- e. Consistent with Comprehensive Plan: The granting of the use variance will be in harmony with the general purpose and intent of this Comprehensive Amendment to the Zoning Ordinance and of the Comprehensive Plan of the Village.

I. Text Amendments and Rezonings (Map Amendments)

1. Purpose

To adapt to changing development conditions and provide for the ongoing implementation of the Village Comprehensive Plan, the Village Board may from time to time amend the provisions of the text of this Ordinance, or the Zoning Map, as provided by Illinois Statutes.

2. Approval Process

Amendments shall be approved only in conformance with the Approval Process provided in the Filing Procedures Article of this Ordinance and the Approval Criteria set forth below.

3. Protest

A written protest may be filed with the Village Clerk in opposition to a proposed rezoning (map amendment) provided it is signed by the owner or owners of at least twenty (20) percent of the frontage of:

- a. The property to be affected by the proposed amendment; or
- b. The property immediately adjacent thereto or across an alley therefrom; or
- c. The property having frontage directly opposite the frontage to be affected by the

proposed amendment.

If such a protest is filed, the proposed amendment shall not be approved except by a vote of two-thirds (2/3) of the Trustees currently holding office.

The protestor(s) shall serve a copy of the executed protest upon the applicant and upon his or her attorney, if any, by certified mail.

4. Amendments Subsequent to Ordinance Adoption

As provided by Illinois statute, no amendment to this Comprehensive Amendment to the Zoning Ordinance shall be approved within six (6) months of its adoption except by a two-thirds (2/3) vote of the Village Board.

5. Approval Criteria for Zoning Amendments

In recommending approval or conditional approval of an amendment, the Planning and Zoning Commission shall transmit to the Village Board written findings of fact indicating how all of the criteria set forth below apply to the application. Copies of the report of the Planning and Zoning Commission as made to the Board of Trustees shall be available during office hours, at the Village Hall, a minimum of forty-eight (48) hours following the posting of the agenda of the meeting of the Board of Trustees at which the Report will be discussed. In granting approval or conditioned approval, the Village Board shall similarly find that all of the following conditions apply:

- a. Compatible with use of zoning of environs: The proposed use(s) or the uses permitted under the proposed zoning classification are compatible with the existing uses or the existing zoning of property in the environs.
- b. Supported by trend of development: The trend of development in the general area since the establishment of original zoning of the affected property supports the proposed use or zoning classification.
- c. Consistent with Comprehensive Plan objectives: The proposed use or zoning classification is in harmony with the objectives of the Comprehensive Plan of the Village taking into account any changed conditions since the adoption of the Plan.
- d. Furthers public interest: The proposed use or zoning classification promotes the public interest and not solely the interest of the applicant.

J. Planned Developments

1. Purpose and Description of Planned Developments

The purpose of the planned development provisions of this Ordinance is to provide a mechanism to accommodate development which is in the public interest and which would not otherwise be permitted pursuant to this Ordinance. As further described in the following Section, a minor planned development procedure is available to the owners of existing, lawfully subdivided lots in the R-1 District in order to encourage the

consolidation/resubdivision of such existing lots to create new lots that more nearly meet the one-half (1/2) acre minimum lot area otherwise required in the R-1 District. Such minor planned development process is intended to be an expedited and less expensive approval process than that required for all other planned developments.

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

- designs that reflect the historic rural, open space and historic lake recreational character of single-family areas of the Village,
- designs that enhance the appearance of neighborhoods by conserving streams/water courses, areas of natural beauty, and natural green spaces,
- designs that counteract possible urban/suburban monotony and congestion in streets,
- designs that promote compatible architecture between adjacent buildings and structures, and
- designs that will substantially buffer and provide appropriate transitions between differing types of land use and intensities of development so as to minimize any potential adverse impact that a new development may have on existing or zoned development.

These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses that that may be located in one or more zoning districts.

The planned development requirements and regulations allow for far more flexibility than those pertaining to development that is otherwise permitted. However, it is not intended that the Village will automatically grant the maximum density increases permitted for all planned developments. It is expected that the Village Board will grant only those proposed increases that are consistent with the benefits accruing to the Village as a result of the proposed planned development. In considering such benefit, the Planning and Zoning Commission and Village Board will consider the extent to which the proposed development facilitates and/or furthers the construction of a consolidated and unified infrastructure system. Therefore, the Planning and Zoning Commission and Village Board may, as a condition of approval, require conditions, limitations and/or design requirements that will promote proper development of a planned development when considered in conjunction with comprehensive Village goals and needs and the purposes identified below.

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

- a. A choice in the type of environment available to the public by allowing development not otherwise possible under the strict application of other Articles of this Ordinance.

- b. Development and/or permanent reservation of open space, recreational areas and facilities.
- c. A land use plan that permits preservation of green space, natural vegetation, topographic and geological features and historic resources.
- d. A creative approach to the use of land and related physical facilities that results in better urban design, higher quality construction and the provision of aesthetic amenities.
- e. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds, buildings, services and other facilities.
- f. Innovations in development so that the growing needs and demands of Wonder Lake's population may be met by a greater variety in type, design, and layout of buildings and structures, and through conservation and more efficient use of accessory open space, all in a manner that is consistent with the intended character of the zoning district in which the planned development is located.
- g. Land uses that promote the public health, safety, comfort, morals and welfare.
- h. Development that provides a range of housing styles and products appealing to a variety of Village residents and age groups.
- i. Development that facilitates the construction and operation of a public utility system benefiting the proposed development as well as the Village as a whole.

2. **Minor Planned Development**

The purpose of the Minor Planned Development procedure is to reduce the time and expense for the owners of existing, lawfully subdivided lots in the R-1 District in order to encourage the resubdivision/consolidation of such existing lots. Such resubdivision/consolidation is encouraged provided the resulting new lots more nearly meet the one half (1/2) acre minimum lot area other wise required in the R-1 District regulations. While it is anticipated that permissible development on such new lots will likely have only minimal adverse impact on surrounding uses, the Minor Planned Development procedure will be used to minimize such impact.

Filing submissions and review procedures for Minor Planned Developments shall be as determined on a case-by-case basis by the Village President, or his designee, and may not require the submission of all of the submittal requirements for all other Planned Developments in Table 1 of the Filing Procedures Article of this Ordinance. However, a public hearing with proper public notice before the Planning and Zoning Commission shall be required. It is anticipate that the Minor Planned Development approval process shall be reviewed by the Commission in conjunction with a preliminary or final subdivision plat. Following such hearing, the Commission shall adopt a recommendation on such proposed Minor Planned Development and forward its recommendation thereon, with findings of fact for consideration by the Village Board. Other procedures and requirements shall be as set forth for Minor Planned Developments in the Filing Procedures Article of this Ordinance. The Minor Planned Development procedures may not be utilized to create more than three (3) new single family lots.

3. Procedure

Notwithstanding the individual use lists set forth in each zoning district, a planned development shall be considered a permissible conditional use in the underlying zoning district in which it is located in accordance with the procedures and standards set forth below. To the extent that the procedures and standards set forth in this Section are inconsistent with the requirements set forth in other Articles of the Wonder Lake Zoning Ordinance or any other development control ordinance of the Village, this Article shall also apply, except that all required improvements shall comply with the construction standards, design standards and other engineering standards contained within the Villages of Wonder Lake Subdivision Ordinance except as may be varied in accordance with those provisions.

Application for a planned development shall be made on the forms provided by the Village, and which may be revised from time to time, and the supporting plans and documents described below. The application and each step set forth herein shall be reviewed and analyzed by the Village President, or his designee, (as designated by action of the Village Board) as complete and to be in accordance with the planned development requirements.

a. Pre-Application Conference

Prior to filing a formal application for approval of a planned development, the applicant shall submit to the Village Clerk a written request for a Pre-Application Conference using the form provided by the Village, with the number of complete copies indicated on the form and accompanied by the documents further described below. The Village Clerk will notify the Village President, or his designee, of the receipt of such request. The Village President, or his designee, shall schedule that conference for the next available regularly scheduled conference date. The Pre-Application Conference is required for all Planned Developments, including Minor Planned Developments.

The purpose of this conference is to allow the Village President, or his designee, and other Village representatives/officials to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards and procedures which are at that time officially adopted and which may affect the proposed development or the consideration of said development by the Planning and Zoning Commission. The Pre-Application conference also allows the applicant to present a general concept of his proposed development prior to the preparation of detailed plans. At the conference the applicant shall present material including at a minimum the following:

- (1) A written "Letter of Intent" from the applicant establishing the applicant's intentions as to development of a specific planned development located within or to be annexed to the Village of Wonder Lake. The letter of intent should also designate the underlying zoning district to be proposed.
- (2) Sketch plans regarding proposed land-uses, dwelling-types and density, street and lot arrangements and tentative lot sizes.

- (3) Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
- (4) Plans for the provision of parking.
- (5) Other material the applicant may wish to present or information the Village President, or his designee, or others attending the conference may request.

The Village President, or his designee, and other appropriate Village representatives shall advise the applicant of the zoning requirements and official Village plans and policies that might affect the proposed development as well as the procedural steps for approval.

b. Concept Review

Prior to filing the Preliminary Plan referred to below, the applicant shall request a Concept Review with the Planning and Zoning Commission by completing the application provided by the Village and submitting it to the Village Clerk. The Concept Review is required for all planned developments except Minor Planned Developments. The request shall be accompanied by the fees established, the documents previously submitted in connection with the Pre-Application Conference, the additional documentation further described in Section I.3.a. below and incorporating any such changes requested by the Village at the Pre-Application Conference. The Village Clerk shall forward a copy of the application to the Village President, or his designee, Village Engineer and other appropriate staff/representatives for review. After such reviews are completed, the Village President, or his designee, shall schedule the Concept Review for consideration by the Planning and Zoning Commission at its next available meeting. At the Concept Review, the Planning and Zoning Commission shall advise the applicant of planning objectives that may affect the property and any other issues of concern to the Planning and Zoning Commission. The Planning and Zoning Commission shall consider comments provided by the Village President, or his designee, and other appropriate Village representatives on the submitted application and may recommend such changes in building location, pattern of roadways, site access, landscaping location, and other matters as may be required to achieve a site plan consistent with the purposes and standards set forth in this Ordinance and the goals of the Village Comprehensive Plan. If, in the opinion of the Planning and Zoning Commission, the proposed plan could be improved with respect to the criteria listed herein by modification of the location of open space, buildings, structures, or any other detail, the proposed plan shall be so modified or the developer shall provide in writing the objections to the modifications. Minutes from the Commission's Concept Review shall be forwarded to the Village Board for its consideration, but no action by the Village Board on such Concept Review shall be required.

c. Preliminary Plan

After the Concept Review, the Preliminary Plan of the planned development shall be submitted to the Village Clerk, with distribution to the Village President, or his designee, Village Engineer and others. Preliminary Plan approval is required for all planned developments and such Preliminary Plan approval for a Minor Planned Development shall constitute Final Plan approval. Upon receipt, the Village President, or his designee, review it to ensure it is complete. If it is determined

complete, the Village President, or his designee, shall so certify that the application is complete and shall forward it to the Planning and Zoning Commission for its consideration, public hearing and subsequent recommendation to the Village Board. Along with the application, the Village President, or his designee, shall submit minutes of the Pre-Application Conference to the Planning and Zoning Commission and to the Village Board of Trustees. The Planning and Zoning Commission may request review of the planned development by, and recommendations from other appropriate Village departments and any other taxing body it deems affected by the proposed development. The Planning and Zoning Commission may require workshop meetings to discuss and review the proposal and may assign review responsibilities to an appropriate subcommittee.

The required procedure for Village consideration and approval of the Preliminary Plan shall be:

- (1) Submission of the following (Preliminary Plan approval filing requirements for Minor Planned Developments shall be established in the required Pre-Application Conference, shall include at a minimum a preliminary or final plat of subdivision and may require the submission of such other documents and information as requested by the Village President, or his designee, at the Pre Application Conference.):
 - (a) Written application for approval of a planned development shall be made on forms and in the manner prescribed by the Village.
 - (b) The Preliminary Plan and supporting data shall be in accordance with the provisions of Section I.3.a. hereof.
 - (c) A statement indicating how the proposal conforms with the Village's Zoning and Subdivision Ordinances, all petitions for any required rezoning and subdivision and a list of, and explanation for, any requested variations/waivers from these regulations.
 - (d) The preliminary planned development plan and all supporting data shall be submitted to the Village President, or his designee,, and Village Engineer for certification as to conformity with these regulations and any recommendations and suggestions regarding the overall design.
- (2) Copies of the preliminary planned development plan and supporting data shall be made available by the applicant to any school district, sanitary district, library district, park district, fire protection district, and other taxing bodies which, in the opinion of the Village, might be affected by the development along with any reply correspondence received therefrom.
- (3) The Planning and Zoning Commission shall hold a public hearing on the application for approval of a Preliminary Plan for all planned developments in accordance with the public hearing requirements set forth elsewhere in the Comprehensive Amendment to the Zoning Ordinance of the Village of Wonder Lake and such hearing shall be scheduled in conjunction with consideration any other appropriate Village approvals such as preliminary subdivision approval.
- (4) Following the review of the Preliminary Plan and other supporting data and after the public hearing, the Planning and Zoning Commission shall vote on the application, make its findings and recommendations and send a report to the

Village Board of Trustees which shall include findings of fact upon which its recommendations are based as specified in Section I.7. below. Such vote, findings and recommendations shall include a recommendation for approval, disapproval, or approval with modifications along with recommendations on any variations/waivers that may be required by such development. Conditions may be established in connection with preliminary approval. This report to the Village Board of Trustees must be submitted within forty-five (45) days after the last session of the public hearing of the Planning and Zoning Commission on such preliminary planned development (unless extended by mutual agreement by the Village and petitioner) or the Commission must indicate to the Village Board of Trustees why such a report cannot be rendered within that time period.

- (5) The Village Board shall, within 90 days after receipt of the Planning and Zoning Commission's report, approve, approve with modifications, refer back to the Planning and Zoning Commission for further review, disapprove the plan or provide a written explanation to the petitioner on why an extension is required for Village Board of Trustees action. If the Board of Trustees refers the Preliminary Plan back to the Planning and Zoning Commission for additional consideration, the Planning and Zoning Commission shall make conduct its review and provide the Board of Trustees with a revised written recommendation within forty-five (45) days of referral. The foregoing time periods for action shall be exclusive of any time extensions or continuances requested by the petitioner. Such time extensions shall be limited to thirty (30) days.
 - (6) Approval of the Preliminary Plan for a planned development shall not constitute approval of the Final Plan for planned development plan or subdivision approval. All planned developments shall fully comply with all provisions of the Village of Wonder Lake Subdivision Ordinance, if applicable, except as may be varied in accordance with said Ordinance, and all other applicable ordinances. Approval of the Preliminary Plan shall be deemed an expression of approval of the concepts and preliminary details of the Preliminary Plan of planned development which are set forth in the application for approval of the planned development, and as a specific guide to the preparation of final documents which are required as part of the application for approval of the Final Plan for planned development. Further, it indicates approval of the preliminary details set forth in the application and a commitment by the applicant to the details set forth in the application. Approval of the Preliminary Plan shall also require the adoption of an ordinance with the approved Preliminary Plan attached thereto as an exhibit. However, no building permit shall be issued for any building or structure with in the planned development until the Final Plan for planned development and appropriate plats of subdivision have been filed, approved, and recorded with the McHenry County Recorder of Deeds, if applicable, as provided below.
- d. Final Plan
- The purpose of the Final Plan is to designate with specificity and particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and/or building sites. Final Plan approval is required for all planned developments except Minor Planned Developments. While

the Preliminary Plan generally locates buildings and structures, the Final Plan shall show the exact location of each building and structure to be constructed and a designation of the specific uses proposed for each building and structure (as designated in final building floor plans).

The Final Plan shall, however, be substantially in accordance with the approved Preliminary Plan. The approval of the Final Plan for the planned development shall constitute the rezoning of the property involved and shall be so reflected on the Village Zoning Map along with a reference to the approving Ordinance. In order to comply with conditions established by the Village in connection with Preliminary Plan approval, at the Final Plan stage the developer may find it necessary to reduce the density of the project from that reflected on the approved Preliminary Plan.

The required procedure for consideration and approval of the Final Plan shall be:

- (1) Within one (1) year of the approval by the Board of Trustees of the Preliminary Plan, the required application, Final Plan and supporting data (as required by Section I.3.c. below) shall be submitted to the Village Clerk (in the number of complete copies indicated on the application). The Village Clerk shall forward such application to the Village President, or his designee, for certification that the Final Plan is in conformity with these regulations and with the approved Preliminary Plan, including all conditions, variations/waivers and the like contained in the Board of Trustees' approval of the Preliminary Plan. If the previously approved Preliminary Plan has sufficient detail and conforms with the conditions of approval set forth by the Board of Trustees, as determined by the Village President, or his designee,, then the Village President, or his designee, may recommend that it also be approved as the Final Plan. Said one (1) year time period for the submission of a plat shall also require the developer to submit on a quarterly basis (each 90 day time period following the date of preliminary approval) a written report to the Village Clerk on the status of the planned development. Said report shall summarize the developer's efforts since preliminary approval towards preparing the Final Plan. Failure of the developer to provide said quarterly reports may constitute grounds for the Village to deny the Final Plan for the planned development.
- (2) For all Planned Developments, within thirty (30) days of receipt of the Final Plan documents, the Village President, or his designee, shall send a review of the Final Plan to the Planning and Zoning Commission regarding whether the Final Plan is in substantial conformity to the approved Preliminary Plan and whether the Final Plan complies with any and all conditions imposed in connection with approval of the Preliminary Plan. The Planning and Zoning Commission shall, within thirty (30) days of receipt of the Village President, or his designee's report, approve, approve with modifications, or disapprove the Final Plan. Disapproval of the Final Plan shall include a clear statement of the reasons therefor. The Planning and Zoning Commission's written recommendation and findings shall be forwarded to the Village Board for consideration within thirty (30) days of adoption by the Commission. The Village Board may approve the Final Plan, approve the Final Plan with modifications, refer the Final Plan back

to the Planning and Zoning Commission for further consideration or disapprove the Final Plan.

- (3) As described above, the approval of the Final Plan shall be set forth in ordinance form. Said ordinance shall detail with specificity and particularity all conditions, variations/waivers and the like and shall include as an exhibit the Final Plan documents or specific reference to the Final Plan documents
- (4) If lands within the planned development are to be formally subdivided (i.e. as defined by the Village of Wonder Lake Subdivision Ordinance), adoption of the ordinance approving the Final Plan for planned development shall not constitute subdivision approval. Approval of the final plat of subdivision may occur at the same time, however, if all requirements of the Village of Wonder Lake Subdivision Ordinance have been met.

4. Specific Content of Plans

Planned development plans and supporting data shall include all documentation listed in this Section of the Zoning Ordinance and any other data requested by the Village in order to complete its review of the project. In developing plans and specifications for all required improvements, the applicant must also conform to the standards set forth elsewhere in the Village of Wonder Lake Zoning Ordinance and Subdivision Ordinance or specifically state where and for what purpose the applicant wishes to be granted variations/waivers to those regulations.

a. Concept Plan

- (1) Relationship to Village Comprehensive Municipal Development Plan: An analysis of how the proposed planned development complies with and advances the goals and policies established in the Village Comprehensive Plan and any proposed Plan amendments.
- (2) General Site Information: Data regarding site conditions, land characteristics, general land use, existing and proposed zoning including designation of an underlying Village zoning district, available community facilities and utilities, surface water drainage characteristics, existing covenants, and other related general information about land-uses within one-half (1/2) mile of the proposed site perimeter. A summary of the site data must be provided, including the percentage of the site to be occupied by buildings and structures, the percentage of the site to be occupied by parking, drives, streets and all other paved areas, and the percentage of the site which will remain open green space, wetlands and retention/detention ponds.
- (3) Sketch Plan: A scaled drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, lots and other features as they are related to the site.
- (4) Legal Description: A property survey and legal description of the site proposed for development.

b. Preliminary Plan

- (1) Relationship to Village Comprehensive Municipal Development Plan: An analysis of how the proposed planned development complies with and advances

the goals and policies established in the Village Comprehensive Plan and any proposed Plan amendments.

- (2) Detailed Plan: A drawing of the planned development shall be prepared at an appropriate scale as directed by the Village and shall show such designations as proposed streets (public and private), all buildings and structures, their yards and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings, and shall include:
- (a) Boundary lines - bearings and distances.
 - (b) Easements - general location, width and purpose of proposed easements.
 - (c) Existing land-uses - within five hundred (500) feet of all sides of the site.
 - (d) Other conditions on adjoining land - actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings and structures, railroads, power lines, towers and other nearby nonresidential land-uses or adverse influences; for adjoining platted land refer to subdivision plat by name and upon request of Village, show approximate percent built up, typical lot size and dwelling type.
 - (e) Proposed zoning for the development (including the required petition therefor and the designation of an underlying Village zoning district) and the existing and proposed zoning of properties adjacent to the tract.
 - (f) Streets on and adjacent to the tract - street names and right-of-way widths, walks, culverts, etc.
 - (g) Proposed public improvements - highways and other major improvements planned for future construction on or near the tract.
 - (h) Utilities on and adjacent to the tract - location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of fire hydrants and street lights; direction and distance to, and size of, nearest water mains and sewers adjacent to the tract showing invert elevation of sewers and any existing or planned spray irrigation facilities.
 - (i) Ground elevations on the tract and on the first fifty (50) feet on all adjacent tracts of land (as indicated on available sources such as USGS maps, etc., or, if so requested by the Village Engineer, certified land survey data) showing one (1) foot contours for land which slopes less than one-half (1/2) percent along with all breaks in grades at all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half (1/2) percent showing two (2) foot contours. Any land within the one hundred (100) year floodplain, as determined by the Village Engineer using applicable source maps, shall be shown on these drawings.
 - (j) Subsurface conditions on the tract, if required by the Village Engineer - location and results of tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five (5) feet; location and results of soil percolation test if individual sewage disposal systems are proposed.

- (k) Other conditions on the tract - water courses, marshes, rock outcrop, identification of all wooded areas, and also including identification of each tree on the subject property (whether in "wooded areas" or isolated), eight inches (8") in diameter or greater dbh and their location and species, existing buildings and structures and other significant features.
 - (l) Title information, legal description; title under which the proposed development is to be recorded, with names and addresses of current and proposed owners and developers, and notation stating acreage. Owners shall include appropriate information identifying any and all beneficial owners of any land trust.
 - (m) Size (floor area and dimensions), arrangement and location of lots, buildings, structures, and proposed building groups.
 - (n) Open space - all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
 - (o) General location, purpose and height of each building and structure, other than detached single-family residences, on individually platted lots.
 - (p) Map data – proposed name of the development, north point, scale, firm preparing the map data, and the date of preparation.
 - (q) Miscellaneous - such additional documents as may be required by the Planning and Zoning Commission, Village Engineer or the Village President, or his designee. The Village President, or his designee, shall inform the applicant of such requirements after the Pre-Application Conference and/or Concept Review and the matter shall not be scheduled for consideration by the Planning and Zoning Commission until such requirements have been submitted and appropriate review of such submissions by the Village has been completed.
- (3) Variations: Written identification and explanation of those aspects of the proposed planned development that vary from the Zoning Ordinance requirements applicable to the underlying zoning district (variations). The applicant shall also identify required variations from the requirements of the Village of Wonder Lake Subdivision Ordinance (waivers). The applicant shall also indicate how the expected benefits to the Village arising from the planned development offset such variations/waivers. Citations to all of the provisions proposed to be varied/waived shall also be provided.
- (4) Character: Written explanation of the character of the planned development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed planned development meets the objectives of all official plans which affect the land in question.
- (5) Schedule/Phasing: Development schedule indicating:
- (a) Stages in which project will be built, with emphasis on area, density, use and public improvements/facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a unit of the project. The overall design of each unit shall be shown on the plan and through supporting graphic material.
 - (b) Anticipated dates for beginning and completion of each stage (unit).

- (6) Market Analysis: If requested by the Village, documentation indicating the extent of market demand for the uses proposed in the planned development including analysis of demographics, identification of potential buyers by demographic profile, sales potential, competitive alignment, assessment of market share and market positioning of each component of the planned development taking into account other existing and planned developments within the market area of such planned development.
- (7) Covenants/Homeowners Association: Proposed agreements, provisions, and/or covenants (in preliminary format) which will govern the use, maintenance, and continued protection of the planned development and any of its common open space. Proposed condominium declarations and by-laws of condominium form of ownership if it is to be used in the planned development (in preliminary format).
- (8) Residential: Provide information on the density of residential uses, including dwelling units per gross acre, dwelling units per net acre; gross and net residential density (dwelling units per acre of land devoted to residential sectors of the planned development; gross being all land excluding perimeter roadway dedication and net being gross acres as previously defined minus land used for other land use classes/districts and utilities that serve land not included in the planned development); the number of dwelling units by type, and the number of bedrooms in each dwelling unit type. Information should be provided for each unit/phase in the planned development.
- (9) Nonresidential Intensity: Provide information on the type and amount of nonresidential uses including locations, sizes, floor area ratio, and height of all buildings and structures; the amount and location of common open space; and any other data pertinent to a comprehensive evaluation of the proposed development.
- (10) Service Facilities: Provide information on all service facilities, related driveways, private streets, paths and off-street parking facilities.
- (11) Architectural Plans: Preliminary architectural plans (including floor plans and exterior elevations) for all primary buildings and structures shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and structures, the building materials proposed and the number, size and type of dwelling units.
- (12) Landscape Plan: A preliminary landscape planting plan, including location, size and species, for the site, including permanent signs, street lights, entry treatments and other street fixtures.
- (13) Cost-Revenue Analysis (Fiscal Impact Study): If requested by the Village, a study shall be prepared indicating the fiscal impact of the planned development on major taxing bodies, which may include but not be limited to, the school district(s), fire protection district(s), municipal corporation, library district(s), and the park district(s). Information will include detailed estimates on: expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the planned development; revenue generated for each taxing body by the planned development to offset fiscal problems created by the planned

development. The study should include a cash flow analysis based on the proposed staging of the planned development and shall specify the Village staffing assumptions utilized in preparing such analysis.

- (14) Traffic Analysis: If requested by the Village, a study of the impact caused by the planned development on the street and highway systems operating in the Village will be required. Copies of the analysis shall be provided to other governmental entities with jurisdictional control over any roadways contained within or abutting the development along with a request that such entities acknowledge receipt of and provide written comments on the analysis to the Village.
- (15) Environmental Analysis: In addition to the NRI Report and Endangered Species Act reviews required in the Subdivision Ordinance, if requested by the Village, the major impacts of the planned development on the environment shall be analyzed and shall disclose all major negative impacts. Generally, these impacts would include effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along aerial and collector highway corridors leading to the planned development to a distance established by the Village Engineer; any deterioration in the groundwater or surface water quality; effect on sensitive land areas as identified by the Village from time to time, such as floodplains, wetlands, streams, creeks, forests, and areas with substantial tree growth, aquifer recharge areas, historic buildings or structures, prairie landscapes, and mineral resource reserves.

c. Final Plan

A final detailed plan shall be prepared by the petitioner in substantial accordance with the approved Preliminary Plan. The purpose of the Final Plan of development is to designate with specificity and particularity the final development details and to designate and limit the uses of each building, structure, and portion of land contained in the proposed planned development. Final Plans and supporting data shall show in detail the design, location and internal use of all buildings and structures and overall land development as well as such additional information as the Village Board of Trustees or the Planning and Zoning Commission may have required when approving the Preliminary Plan. The Final Plan of the planned development shall include the same detailed information required for the Preliminary Plan pursuant to Section 4.b., above (but in final and more specific form where appropriate) and other information requested by the Village. If the previously approved Preliminary Plan has sufficient detail and conforms with the conditions of approval set forth by the Board of Trustees, as determined by the Village President, or his designee., the Village President, or his designee, may recommend that it also be approved as the Final Plan by the Planning and Zoning Commission and Village Board.

5. Variations

a. Use Variations

The Planning and Zoning Commission may recommend, and the Village Board of Trustees may authorize specified uses within the proposed planned development that are not otherwise permitted by the underlying use regulations of the district(s) in

which said proposed development is located, provided that the Planning and Zoning Commission shall find:

- (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the planned development.
- (2) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the planned development, or upon the internal character of any part of, or all of, the planned development, itself.

b. Bulk Variations

In the case of any planned development, the Planning and Zoning Commission may recommend and the Village Board of Trustees may authorize variations to the applicable bulk regulations of this Ordinance within the boundaries of such planned development, provided that the Planning and Zoning Commission shall find:

- (1) That such variation/exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, that would be obtained under the bulk regulations of this Ordinance for buildings and structures developed on separate zoning lots; and
- (2) That the overall floor area ratio for the planned development shall not exceed by more than twenty (20) percent the maximum floor area permitted for the individual uses in such planned development, as stipulated in each underlying zoning district.

6. Bulk Regulations (Residential)

The following bulk regulations shall provide policy guidance and shall otherwise serve as the minimum regulations for any residential planned developments but petitioners may be required to comply with more stringent and/or different bulk regulations as determined during the approval process for any planned development. Specific bulk regulations for non-residential planned developments shall be established during the review of the planned development.

a. Lot Width and Lot Width Area

Lot width and lot area shall be as approved by the Board of Trustees after receiving the recommendations of the Planning and Zoning Commission, provided:

- (1) that the lot area for single-family detached dwellings shall not be less than an average of eight thousand (8,000) square feet per lot and generally, all lots shall not have a minimum lot width of less than seventy (70) feet, except that in a cluster-type lot arrangement, the minimum lot area and width may be reduced. Approval of any proposed lot areas containing less than ten thousand (10,000) square feet and/or lot widths of seventy (70) feet or less will require the developer to demonstrate that the development satisfies and is consistent with substantially all of the purposes established for planned developments in Section I.1. above, and so reflected in the findings of fact required below. All departures from the above general standards shall require the grant of a variance

based on a showing by the developer of the public benefit resulting from such variance;

- (2) that for cluster-type lot arrangements and multiple-family dwellings the minimum lot width and lot area shall be established through the planned development process but in no instance shall the development exceed the maximum density established above; and
- (3) that for other permitted and conditional uses allowed the lot areas and lot widths shall be as required in the underlying zoning district.

b. Yards

Along the periphery of such planned developments front, side and rear yards shall be provided as required by the regulations of the underlying district in which said development is located or as required in the opinion of the Village to minimize impact on surrounding properties.

All yards for single family detached dwellings not located along the periphery of a planned development shall be as approved by the Village Board after receipt of the recommendation of the Planning and Zoning Commission, and if no specific approval is given, such yards shall be provided as required by the regulations of the underlying District in which said development (or portion thereof) is located.

c. Building Height

Consistent with the required height in the underlying zoning district unless specifically varied in connection with the planned development but not to exceed thirty-five (35) feet.

d. Dwelling Unit Floor Area

The minimum floor area in square feet of single-family attached, semi-detached, single-family attached and multiple-family dwelling units, excluding garages, balconies, basements, utility rooms, and areas common to the operation and maintenance of the entire building shall be consistent with the requirements established in the Village of Wonder Lake Building Code or other applicable code or ordinance.

e. Off-Street Parking and Off-Street Loading

Shall be provided in accordance with regulations established elsewhere in the Zoning Ordinance unless specifically varied through the planned development process.

f. Maximum Residential Density

The gross maximum residential density for a planned development (as calculated using the site area, or portion of site area devoted to such use) served by a consolidated and/or off-site sanitary treatment facility shall generally not exceed three (3.0) units to the acre for developments containing single-family detached dwellings. Developments containing only multi-family units shall generally not exceed a gross maximum residential density of six (6) units to the acre.

Developments containing a mix of single-family and multi-family uses shall be evaluated on the basis of the gross areas devoted to each such use as defined in Section 4.b.(8), above and interpreted by the Planning and Zoning Commission (with the advice of the Village President, or his designee,). The ability to develop at a density approaching the foregoing maximum residential density permitted

will be limited to those developments that are compatible with substantially all of the planned development purposes enumerated in Section J.1. above and so reflected in the findings of fact required below.

The permissible maximum density for a planned development served by an on-site sanitary treatment system (such as spray irrigation) is expected to be lower than that established above for developments utilizing consolidated off-site public utility systems. It is required that the maximum density for a development served by an on-site sanitary treatment system shall generally be consistent with that of previous Village development in the Village of Wonder Lake also that is served by on-site sanitary treatment. In requiring such lower maximum permissible density and corresponding increased open space the Village intends to:

- (1) ensure that adequate buffering from on-site treatment is provided,
- (2) sufficient surplus land area is reserved for additional future treatment should the development generate such need; and
- (3) Sufficient land area is devoted exclusively to other improvements that provide public benefit.

7. Designation of Permanent Common Open Space

a. Definition

“Permanent common open space” shall be defined as parks, playgrounds, landscaped green space not containing uses that are accessory to residential uses, schools, community centers or other similar areas in public ownership or areas covered by an open space easement.

b. Designation

No plan for a planned development shall be approved, unless such plan provides for permanent common open space equivalent to at least ten percent (10%) of the total development area in the planned development.

c. Location and Dimensions

Permanent common open space shall be appropriate to the development proposed given its location, surrounding land uses and zoning.

d. Use

Permanent common open space shall be available for passive and active recreation use for the residents of the planned development, members of a not-for-profit recreation club or be dedicated to a public body for use as a park site, as approved by the Village.

e. Buildings or Structures

Permanent common open space shall not have substantial have areas of such open space devoted to buildings or structures for recreational uses, or for accessory uses for buildings or structures including open or enclosed parking area, unless otherwise approved by the Village.

8. Findings of Fact

In reporting its findings and recommendations on a planned development Preliminary Plan to the Village Board of Trustees, the Planning and Zoning Commission will submit findings of facts upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

- a. In what respects the proposed plan is or is not consistent with the stated purpose of the planned development regulations and the goals and objectives of the Village Comprehensive Plan.
- b. The extent to which the proposed plan meets the requirements and standards of the planned development regulations.
- c. The extent to which the proposed plan departs from the Village of Wonder Lake Zoning Ordinance and the Village of Wonder Lake Subdivision Ordinance otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, and use, required improvements, construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
- d. The extent of public benefit produced, or not produced, by the planned development in terms of meeting the planning objectives and standards of the Village. Any specific beneficial actions, plans or programs agreed to in the planned development proposal which are clearly beyond the minimum requirements of this Ordinance shall be specifically listed as evidence of justified bulk premiums and/or use variations.
- e. The physical design of the proposed plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, open space and further the amenities of light and air, recreation and visual enjoyment.
- f. The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood.
- g. The desirability of the proposed plan to the Village's physical development, tax base and economic well-being.
- h. The conformity with the recommendations of the Official Comprehensive Plan as amended, and all other official plans and planning policies of the Village of Wonder Lake.
- i. Conformity with the purpose and other standards set forth in the Purpose Section of this Ordinance and the standards applicable to conditional uses set forth elsewhere in the Zoning Ordinance.

9. Changes to an Approved Planned Development

A planned development shall be developed only according to the approved or recorded Final Plan, all supporting data and the ordinance approving the planned development (including any conditions or restrictions). The approved Final Plan and supporting data, together with all approved amendments, shall be binding on the applicants, their

successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of buildings and structures in the planned development, as set forth therein.

If the developer or owner of land affected by the planned development wishes to deviate from the approved plans, a written request shall be filed with the Village President, or his designee, with copies to the Village Clerk setting forth in detail the changes requested, accompanied by site plans clearly indicating the scope of the changes.

The Village President, or his designee, shall make a written determination of the nature of the proposed changes, including whether they are minor or major changes as herein set forth.

a. Major Changes

Major changes may be approved only by the submission of a new application with a new Preliminary Plan and supporting data, and following the "preliminary approval" steps, holding of a new public hearing by the Planning and Zoning Commission and subsequent amendment of the Final Plan for planned development by final action of the Village Board of Trustees.

Major changes are those which alter the concept or intent of the planned development, including but not limited to increases in the density; increases in the height of buildings or structures by more than (5%); internal use of buildings and structures; reductions of proposed open space; a proposed change in the proportion of housing types; changes in standards of or alignment of roads, utilities, water, electricity, and drainage; or changes in the final governing ordinance.

b. Minor Changes

The Planning and Zoning Commission may, after review and consideration of minor changes which do not change the concept or intent of the development, recommend to the Village Board of Trustees such minor changes in the planned development as it deems appropriate without the requirement for further public hearings and without going through the "preliminary approval" steps, and the Village Board of Trustees shall then make such decision on the proposed minor change as it deems appropriate. There is no specific right to any such modifications and, therefore, the decision of the Village Board of Trustees shall be final. If the decision is to approve any such minor change, the applicant shall be bound to develop the planned development in accordance with such decision and the modified site plan and any modifications to the conditions and guarantees that the Village Board of Trustees shall require. Minor changes shall be any change other than a major change.

K. Major Planned Developments

1. Purpose and Description of a Major Planned Development ("MPD")

The purpose of the MPD provisions of this Ordinance is to establish a separate Zoning District so as to provide a mechanism to accommodate larger scale development which is in the public interest but which would not otherwise be permitted pursuant to this Ordinance. The MPD Zoning District is intended to permit

the advantages of planned developments but shall apply only to developments of more than one thousand (1,000) acres in area to be serviced by conventional sewer and water systems which benefit the proposed development as well as the Village as a whole. For MPDs it is recognized that developers require approval of a MPD Concept Plan prior to committing to the expenditure of extensive funds for infrastructure improvements and other development activities. In such MPDs it will be necessary to establish a variety of residential zoning classifications of the Zoning Ordinance so as to maximize Open Space, enhance the availability of amenities created in such MPDs and promote flexibility in type and design of housing products. Because site conditions may not likely be fully known at the MPD Concept Plan stage and because market conditions may change over a period of years after a MPD Concept Plan is approved, it is recognized by the Village that flexibility in size and location of the various Neighborhood/Subareas and their interrelationships with Open Space and detention will be required. Such flexibility is provided in order to enable a developer to achieve the desired results in accordance with the standards set forth in this Section K. In such cases a modified MPD procedure may be followed at the election of a developer, as hereinafter set forth in this Section K.

2. Procedure for MPDs

- a. Step One - Pre-Application Conference, Referral and Concept Workshops
 - (1) Pre-Application Conference: Concept MPD Information, including seven (7) copies of a general description of the overall development, an executed Village of Wonder Lake retained services agreement and escrow deposit and a general sketch of the proposed development layout, shall be submitted to the Village Clerk and shall be reviewed by the Village President and Village staff. The Petitioner shall meet with the Village President and Village Staff to confirm requirements of the MPD ordinance.
 - (2) Referral: Following the Pre-Application Conference, the Petitioner shall present the Concept MPD Information to the Village Board at a public meeting, and if appropriate, the Village Board may refer the Concept MPD Information to the PZC for its review in Concept Workshop(s) as provided below.
 - (3) Concept Workshop(s): Following referral as aforesaid, the Petitioner shall present the Concept MPD Information to the PZC at one or more concept workshops, during which it is anticipated that the Petitioner will present to the PZC an overview of the proposed MPD and receive information helpful to the Petitioner in preparing its MPD Concept Plan.
- b. Step Two - MPD Concept Plan Approval
 - (1) Petition: A Petitioner shall submit twenty (20) copies of a Petition to zone specifically identified Property within the MPD Zoning District along with a MPD Concept Plan including all of the documents listed in Paragraph 2b(6) to the Village Clerk who shall immediately forward copies of all documents to the Village Board, the Planning and Zoning Commission (PZC) and Village Staff. At the time the Petition is submitted, the Petitioner shall also provide documentation that all documents required for MPD Concept Approval have

also been provided to any school district, library district, fire protection district and any other taxing bodies designated by the Village Staff in the Pre-Application Conference which, in the opinion of the Village Staff, might be affected by the development. If any reply correspondence is subsequently received by the Petitioner from such taxing bodies it shall be immediately provided to the Village Clerk for distribution to all parties. Within seven (7) days after filing of the MPD Concept Plan, the Village Staff shall prepare and return to Petitioner a checklist which identifies which documents listed in Paragraph 2b(6) have been submitted by the Petitioner with the MPD Concept Plan and which identifies any additional documents required by Paragraph 2b(6) that will be required to complete the review.

- (2) MPD Concept Plan Review: Such material shall be submitted at least twenty-one (21) days prior to a scheduled PZC meeting at which the PZC shall initiate its review of the MPD Concept Plan. Provided that all documents required by Paragraph 2b(6) are included within the MPD Concept Plan, the MPD Concept Plan review shall be completed within forty-five (45) days after the date of the checklist described above. At such PZC public meeting the Petitioner shall make a presentation regarding the proposed development and summarize the contents of all information provided. Based on the presentation and summary, the PZC shall as expeditiously as possible endeavor to adopt its recommendations to the Petitioner regarding the proposed development (or to the Village Board if regarding a major change to an Approved MPD Concept Plan). However, such recommendations shall be adopted by the PZC no later than forty-five (45) days after the date of the checklist described above, provided such forty-five (45) day deadline may be extended with the consent of both the PZC and Petitioner.
- (3) Public Hearing: After the PZC adopts its recommendations on Concept Approval, a hearing date shall be scheduled before the PZC and notice and publication shall be made in accordance with the requirements set forth in the Village's Zoning Ordinance. By agreement of the parties, the hearing notice may be published prior to completion of Petition Review. After all evidence and testimony has concluded, the public hearing shall be immediately closed. After the public hearing has been closed, the PZC shall make its recommendation regarding the proposed development of the Property no later than forty-five (45) days after the close of the hearing provided such forty-five (45) day deadline may be extended with the consent of both the PZC and Petitioner. If the PZC recommendation is not adopted within this time period, it shall be deemed to have recommended approval of the Petition as filed and the matter shall be forwarded to the Village Board for its consideration.
- (4) Action by Board of Trustees: The Village Board of Trustees, upon receiving the report of findings and recommendation of the PZC (or without such report if none is made), shall promptly grant or deny any proposed Petition in accordance with applicable Illinois statutes, or may refer such matter back to the PZC for further consideration. If referred back to the PZC for consideration, the provisions of Paragraph 2b(2) above shall be solely applicable to such reconsideration. If the matter before the PZC is the

consideration of any proposed modification of an approved MPD Concept Plan, the provisions of Paragraph 2b(2) above shall be applicable to such Petition to modify the approved MPD Concept Plan.

- (5) **MPD Concept Plan Framework:** The MPD Concept Plan is a general indication of the proposed land uses and the general or schematic locations of major roads, detention areas, Open Spaces, land uses and parks. At this stage of planning, detailed data pertaining to (i) precise building type and locations, (ii) precise Neighborhood/Subarea street layout and (iii) detention may not be available but must be further refined as the plans progress to the MPD Preliminary Plan stage. More detailed data and site plans shall be submitted to the Village as part of the MPD Preliminary Plan process generally consistent with Paragraph C below, provided such plans are in general conformance to the approved MPD Concept Plan as approved or subsequently amended. Preliminary engineering plans for the development of the property need not be completed at the MPD Concept Plan stage. Following its approval, the MPD Concept Plan may undergo further refinement by action of the Village Trustees solely upon petition seeking modification(s) to an approved MPD Concept Plan by a developer consistent with the provisions of either Paragraph 2b(2) above or Paragraph 3 as minor changes.
- (6) **Submittals:** The MPD Concept Plan submittals shall contain the following:
- (a) **Analysis of Relationship to Village Comprehensive Plan:** An analysis of how the proposed MPD complies with and advances the goals and policies established in the Village Comprehensive Plan and any proposed Village Comprehensive Plan amendments.
 - (b) **General Site Information:** Data regarding site conditions, land characteristics, general land use, general location of Neighborhood/Subareas, available community facilities and utilities, surface water drainage characteristics of the site of the development and general information about existing land-uses within five hundred (500) feet of the perimeter of the Property. A summary of the site data must be provided, including the approximate percentage of the Property to be occupied by residential and non-residential uses and the approximate percentage of the site which will remain open green space.
 - (c) **Sketch Plan:** A scaled drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, anticipated designated areas for residential, commercial, industrial, school, parks and municipal uses, approximate number of acres assigned to each proposed land use, the anticipated total number of proposed dwelling units defined by proposed housing type, the anticipated minimum lot areas and minimum lot frontages assigned to each type of single family use and other general features as they are related to the Property.
 - (d) **Character:** Written narrative of the proposed overall character of the MPD Property and the reasons why it has been planned to take advantage of the flexibility of these regulations. This narrative shall include an explanation of how the proposed MPD Zoning meets the objectives of all applicable plans that affect the Property.

- (e) Schedule/Phasing: Anticipated development schedule indicating:
 - (i) Phases in which the project is anticipated to be built, with emphasis on area, public improvements/facilities and Open Space to be developed within each phase.
 - (ii) Anticipated dates for beginning and completion of each phase shall be provided. These anticipated dates shall be based on projected market conditions and incorporate data from the Market Analysis, if prepared and take into consideration the fiscal impact of the phasing on all taxing bodies.
 - (iii) Duration for which existing uses on the Property may be maintained.
- (f) Market Analysis: If requested by the Village, documentation indicating the extent of market demand for the uses proposed in the MPD Zoning District including analysis of demographics, identification of potential buyers by demographic profile, sales potential, competitive alignment, assessment of market share and market positioning for each component of the MPD taking into account other existing and planned developments within the market area of such MPD.
- (g) Draft Covenants/Homeowners Association Documents: Proposed agreements, provisions and/or covenants (in preliminary/outline format) which will govern the use, responsibilities, maintenance and continued protection of the MPD and any of its common Open Space.
- (h) Residential Land Uses: General information on the anticipated density of residential land uses, including dwelling units per gross acre, dwelling units per net acre; gross and net residential density (dwelling units per acre of land devoted to residential sectors of the MPD; gross being all land including perimeter roadway dedication and net being gross acres as previously defined minus land used for other land use classes/districts and utilities that serve land not included in the MPD) and the number of dwelling units by type.
- (i) Nonresidential Land Uses: Provide general information on the type and amount of nonresidential uses including locations, the amount and tentative location of Open Space and any other data pertinent to a comprehensive evaluation of the proposed development of the Property.
- (j) Service Facilities: Provide general information on all anticipated service facilities, private streets, paths and off street parking facilities.
- (k) Landscape Plan: A conceptual landscape planting plan, including existing landscape masses worthy of preservation, typical right-of-way plantings and tree spacing, typical plant list and sizing, typical Neighborhood/Subarea entrance plantings and signs and anticipated buffering/screening.
- (l) Cost-Revenue Analysis (Fiscal Impact Study): A study indicating the likely fiscal impact of the MPD on major taxing bodies, which may include but not be limited to, any applicable school district(s), fire protection district(s), municipal corporation and library district(s). Information in the analysis will include estimates on: expected population of the proposed development of the Property; the operating cost to be

incurred by each taxing body; any additional major capital investments required, in part or in whole, by the MPD to offset fiscal problems created by the MPD and the revenue generated for each taxing body by the MPD to offset fiscal issues, if any, created by the MPD. The study shall include a cash flow analysis based on the proposed staging of the MPD and shall specify the assumptions utilized in preparing such analysis.

- (j) **Building Architecture/Design and Monotony:** A written statement of conceptual architectural design intent identifying design approach(es), building types/styles, anticipated building materials and approach to avoid monotony in building designs in residential areas.
 - (k) **Traffic Analysis:** If requested by the Village, a study of the impact caused by the MPD on the street and highway systems operating in the Village will be required, the capacity of surrounding roadways and their ability to absorb traffic generated by the MPD and any required improvements to existing roadways.
 - (l) **Environmental Analysis:** In addition to an NRI Report and Endangered Species Act review required in the Subdivision Ordinance, a Phase I Environmental and Archeological audit of the Property shall be provided as well as a wetland delineation map and proposed plan with sufficient detail for the Village to address wetland issues as part of the approval of the MPD Concept Plan.
 - (m) **Variations:** A list of known variations required from any regulations established in this Section K., other provisions of the Zoning Ordinance (except as modified by this Section K.), the Subdivision Ordinance and/or any other regulations of the Village.
- (7) **Infrastructure Improvements:** As part of the process for MPD Concept Plan approval, the Petitioner must make commitments to the Village regarding infrastructure improvements such as, but not limited to, location of major roadways, sanitary sewer system design and location of major components, water system design and location of major components, storm sewer system and location of major detention/retention ponds, etc. It is anticipated that infrastructure improvements will be proposed which will create benefits to properties within the Village which are not included within the MPD. Such infrastructure improvements may include (i) capacity for sanitary sewage treatment; (ii) potable water system which can serve owners of existing Village properties; (iii) open space and recreational facilities; (iv) creation of major roadways to facilitate traffic movement; and (v) provisions for expansion or construction of new school facilities.
- (8) **Maximum Densities:** The MPD Concept Plans shall set forth the maximum gross residential density applicable to the Property as a whole upon full development of the MPD together with the establishment and allocation of the maximum number, if any, of lots and units, within specifically identified categories of residential Use Designations and Bulk Regulations set forth in Paragraph 4 of this Section K, which maximums cannot be exceeded without further action of the Village Board acting on the recommendation of the PZC and consistent with the provisions of Paragraphs 2b(2) and 2b(3) above.

Limits on the number of dwelling units proposed at any given time may be governed by an Annexation Agreement and/or as a condition of Concept Plan Approval.

- (9) Designation of Residential Use Designations and Bulk Regulations: The MPD Concept Plan shall designate one or more Residential Use Designations and Bulk Regulations specifically applicable to each Neighborhood/Subarea. Subject to the established total project density, any product type or lot and improvement may be located in any Neighborhood/Subarea so long as any Neighborhood/Subarea substantially complies with the Residential Use Designations and Bulk Regulations as well as the development characteristics and criteria set forth in this Section K and reflected in the approved MPD Concept Plan and does not exceed the maximum established density for the total Property or any Neighborhood/Subarea. Subsequent to Concept Plan approval, a developer shall have sole discretion as to which Residential Use Designations and Bulk Regulations within which Neighborhood/Subarea shall be applicable to each such Neighborhood/Subarea provided such Residential Use Designations and corresponding Bulk Regulations are consistent with the approved MPD Concept Plan and accompanying Neighborhood/Subarea designations. The Village Board shall, solely upon petition by a developer, following the provisions of Paragraph 2b(2) above, permit within a Neighborhood/Subarea additional Residential Use Designations and Bulk Regulations permitted by this Section K provided the developer complies with such additional setback, vegetation, berming or similar requirements approved by the Village and acting consistent with the provisions of Paragraph 2b(2) above.
- (10) Property Ownership: Nothing contained in this Section K shall be deemed to require that the various Neighborhood/Subareas or parcels in the development be owned by the same entity provided all entities owning portions of the Property included in the development join in the initial petition seeking MPD Concept Plan Approval within a MPD Zoning District and any entity to which a Neighborhood/Subarea or parcel of the development has been transferred prior to MPD Preliminary Plan or MPD Final Plan Approval, as the case may be, for such Neighborhood/Subarea or parcel is disclosed as part of MPD Final Plan Approval.
- c. Step Three – MPD Preliminary Plan Approval
- (1) Application Meeting: Application for a MPD Preliminary Plan Approval shall be accompanied by a proposed Preliminary Plat and other documents required by Paragraph 2C4 for any Neighborhood/Subarea of the development shall be submitted to the Village Clerk. Additional copies shall be submitted to the Village Engineer, Village Planner and other Village Staff at an Application Meeting to be held at the time of application. This meeting shall provide the Petitioner the opportunity to explain the application to those attending and also provides the opportunity for Village Staff to review the documents on a preliminary basis. The Village Staff shall provide the developer confirmation that all required documents have been submitted, provide preliminary

comments on the Application, ask questions of the Petitioner and request any additional information that may be required at such Application Meeting.

- (2) PZC Consideration of a MPD Preliminary Plan: The PZC shall begin its consideration within forty-five (45) days of the date all materials required by Paragraph 2C4 below are submitted to the Village Clerk and the Application Meeting described above has been completed. The PZC shall consider the application as expeditiously as possible but shall make its recommendations regarding the proposed MPD Preliminary Plan no later than forty-five (45) days after initiating consideration, provided such forty-five (45) day deadline may be extended with the consent of both the PZC and Petitioner. If no recommendation is made by the PZC within this time period, then the MPD Preliminary Plan shall be deemed to have been recommended for approval by the PZC as presented. The Village Board shall take final action on a MPD Preliminary Plan promptly after receipt of the recommendation of the PZC or after the forty-five (45) days elapses if no recommendation is made. The Village recognizes the benefits of timely MPD Preliminary Plan Approval (assuming all requisite submission documents have been filed with the Village) so as to enable the Property to be developed as quickly as practicable provided such plans are in general conformance to the MPD Concept Plan.
- (3) Approval of MPD Preliminary Plan: All MPD Preliminary Plans in general conformance with the MPD Concept Plan shall be approved in a timely manner by the Village. A MPD Preliminary Plan for any Neighborhood/Subarea in the MPD shall be approved provided it is in general conformance to the approved MPD Concept Plan, meets the Residential Use Designations and Bulk Regulations set forth in Paragraph C3 below, as well as the development characteristics and criteria set forth in this Section K and further meets Village standards and regulations not otherwise modified by this Section K. A MPD Preliminary Plan may be submitted for review either in phases or as a whole. Because site conditions and market conditions may dictate necessary deviation from the specific location and size of the various Neighborhood/Subareas shown on the approved MPD Concept Plan, flexibility shall be afforded to a developer in creating MPD Preliminary Plans. Accordingly, the size and location of Neighborhood/Subareas may be changed from those in the approved MPD Concept Plan, provided that: (i) the gross residential density of the entire project (as determined at the time of approval of the MPD Concept Plan or as subsequently revised by the Village Board) is met, (ii) the amount of total open space within the entire project designated in the approved MPD Concept Plan is not diminished and (iii) the use, development characteristics and criteria set forth in the approved MPD Concept Plan, the accompanying Neighborhood/Subarea designations and this Section K are met. Due to the scale and complexity of an MPD, MPDs may require departures from the strict compliance with various requirements of the Subdivision Ordinance and other ordinances of the Village. The Developer shall identify such departures at the time of application for MPD Preliminary Plan approval along with the reasons therefore. Provided the use, development characteristics and criteria set forth in this Section K. are met in

the MPD Preliminary Plan, such Plan shall be promptly approved by the Village Board.

- (4) Departure from Approved MPD Concept Plan: If any MPD Preliminary Plan does not substantially conform to the approved MPD Concept Plan, the Petitioner shall submit to the PZC an analysis of how the MPD Preliminary Plan departs from the approved MPD Concept Plan and the reasons such departures are now proposed. The PZC shall consider such matter consistent with Paragraph 2b(2) and the Village Board shall approve such departures in connection with MPD Preliminary Plan Approval as further described below provided the overall gross residential density of the Property established in the approved MPD Concept Plan is not increased and development remains generally consistent with the Residential Use Designations and Bulk Regulations as well as the development characteristics and criteria set forth in this Section K. Any Approved Departure from a previously Approved MPD Concept Plan shall be illustrated on a new MPD Concept Plan prepared by the Petitioner and submitted upon approval of such Departure.
- (5) Submissions: An MPD Preliminary Plan may be submitted (i) for any Neighborhood/Subarea, or (ii) for areas which contain roads, detention areas, areas for infrastructure and open space, but no actual residential or commercial buildings. An MPD Preliminary Plan (twenty (20) copies) shall include the following items (some of which may be deleted with consent of the Village Staff at the Application Meeting if the application concerns an area that does not include any proposed residential buildings or commercial buildings:
 - (a) Background information listing owner's name, address and telephone numbers, developer's name, address and telephone number (if not same as owner), the names, addresses and telephone numbers of the developer's professional team.
 - (b) A statistical compounding tabulation of all proposed land uses, parking, total number of dwelling units by type, gross residential density, area devoted to Open Space, building separations, yard setbacks and size of commercial structures.
 - (c) Project title and final MPD notations.
 - (d) North point, date and minimum scale of one inch equals 200 feet.
 - (e) Legal description and residential Use Designations and Bulk Regulations applicable to the Neighborhood/Subarea.
 - (f) Landscaping plan detailing types and sizes of plant material, proposed fencing and berming, if applicable.
 - (g) Locations of proposed public and private streets with dimensions of the right of way and pavement.
 - (h) Locations of parking areas and pedestrian walkways.
 - (i) Location and acreage of property, if any, of land dedicated to the property owner's association or to a unit of government.
 - (j) Location of open spaces, lakes and trails.
 - (k) Delineation of flood plain and/or wetlands, if applicable.
 - (l) Topography at one foot intervals.

- (m) Traffic analysis upon the request of the Village Board if not requested during MPD Concept Plan approval.
 - (n) Proposed preliminary architectural elevations and anticipated building materials for buildings in the Neighborhood/Subarea (unless the builder who will ultimately undertake construction in such Neighborhood/Subarea is not a petitioner or co-petitioner, in which event this information shall be deferred to the MPD Final Plat stage), and a plan for avoiding monotony in building designs in residential areas.
 - (o) Preliminary Engineering. The preliminary engineering plans shall be substantially in conformance with the approved MPD Concept Plan. The preliminary engineering plans shall satisfy the requirements set forth in the Village Subdivision Ordinance for MPD Preliminary Plan Approval. The preliminary engineering documents may be submitted for each Neighborhood/Subarea of the development for which a MPD Preliminary Plan Approval is under consideration or for the total Property.
 - (p) The proposed use and maintenance responsibilities of tax common areas shall be defined and a draft of the declaration of covenants and restrictions governing a proposed residential homeowners' association shall be provided to the Village for review.
 - (q) A Preliminary Plat(s) of subdivision of the property included in the Neighborhood/Subarea for which MPD Preliminary Plan Approval is being sought.
 - (r) An itemized report that certifies the total number of units of each type previously approved in the Concept Plan and accompanying Neighborhood/Subarea designations, the total number of units of each type contained in approved Neighborhoods/Subarea Preliminary and/or Final Plans within the MPD, the total number of units of each type contained in the Preliminary Plan now proposed and the total number of units of each type which are authorized in other Neighborhoods/Subareas in the MPD but which have not yet received Preliminary Plan Approval.
 - (s) It is anticipated that the development of the Property will occur in phases and therefore an anticipated phased development schedule will be submitted.
- d. Step Four - MPD Final Plan Approval
- (1) Application for Approval of a MPD Final Plan: An application for the MPD Final Plan Approval accompanied by a proposed Final Plat for any Neighborhood/Subarea of the development shall be submitted to the Village Clerk. Such MPD Final Plan shall be considered by the PZC at its next regularly scheduled meeting following receipt of all required submission documents by the Village Clerk. The PZC shall make its recommendations regarding the MPD Final Plan within forty-five (45) days of the receipt of all required submission documents by the Village Clerk. If no recommendation is made by the PZC within this time period, then the Final Plat shall be deemed to have been approved by the PZC as presented. The Village Board shall take final action on a MPD Final Plan promptly after receipt of the recommendation of the PZC or after the forty-five (45) days elapses if no

recommendation is made. The Village recognizes the benefits of timely MPD Final Plan Approval (assuming all requisite submission documents have been filed with the Village) so as to enable the Property to be developed as quickly as practicable provided such plans are in general conformance to the approved MPD Preliminary Plan and approved Preliminary Engineering.

- (2) Approval of MPD Final Plan: All MPD Final Plans and Final Plat of Subdivision in general conformance with the approved MPD Preliminary Plan and approved Preliminary Engineering shall be approved in a timely manner by the Village. A MPD Final Plan for any Neighborhood/Subarea in the MPD shall be approved provided it is in general conformance to the approved MPD Preliminary Plan, meets the use, development characteristics and criteria set forth in this Section K and further meets Village standards and regulations not otherwise modified by this Section K.
- (3) Departure from Approved MPD Preliminary Plan: If any MPD Final Plan does not substantially conform to the approved MPD Preliminary Plan, the Petitioner shall submit an analysis of how the MPD Final Plan departs from the approved MPD Preliminary Plan and the reasons such departures are now proposed. The PZC shall consider such matters consistent with Paragraph 2b(2) hereof and the Village Board shall approve such departures in connection with MPD Final Plan Approval as further described below provided the overall gross residential density of the project established in the approved MPD Preliminary Plan is not increased and the development remains generally consistent with the Residential Use Designations and Bulk Regulations, as well as the development characteristics and criteria set forth in this Section K.
- (4) Submissions. The MPD Final Plan (twenty (20) copies) for any Neighborhood/Subarea of the development or for an area which contains roads, detention areas, areas for infrastructure and open space, but no actual residential or commercial buildings, shall include all documents required for MPD Preliminary Plan approval, a Final Plat of Subdivision for the Neighborhood/Subarea(s) or other area for which approval is sought along with final engineering for the Neighborhood/Subarea(s) or other area for which approval is sought. Also required is the submission of final architectural elevations and building materials for all residential or commercial buildings in the Neighborhood/Subarea (unless the builder who will ultimately undertake construction in such Neighborhood/Subarea is not a petitioner or co-petitioner, in which event this information shall be submitted to the PZC and Village Board for review and approval in accordance with the criteria set forth in Paragraph 11 below prior to issuance of building permits for any buildings in the Neighborhood/Subarea) and a plan for avoiding monotony in building designs in residential areas.

3 Modifications to the MPD Concept, MPD Preliminary or MPD Final Plans in the MPD District

- a. **Minor and Major Changes:** Minor changes are defined as changes that do not increase the overall residential density of an approved MPD Concept Plan, approved MPD Preliminary Plan or approved MPD Final Plan. The Village recognizes that soil and engineering issues may require relocation of all or parts of various residential Neighborhoods/Subareas shown on the approved MPD Concept Plan, adjustments to the major roadway network and adjustments to the size and configuration of any such Neighborhood/Subareas. In addition, the Village recognizes market conditions may dictate that land uses within Neighborhood/Subareas at the time of MPD Concept Plan approval should not be irrevocably established. Solely for the purpose of considering whether a change is a minor or a major change, the approved MPD Concept Plan shall provide general guidelines for determining the appropriateness of the requested change. Any such minor relocation and minor adjustment and any variation from the Residential Use Designations and Bulk Regulations, as well as the development characteristics and criteria set forth in this Section K necessary to accommodate any minor adjustment from any approved MPD Concept Plan, MPD Preliminary Plan or MPD Final Plan, as the case may be, shall be considered a minor change provided the overall residential density is not increased and other development characteristics and criteria of the entire MPD as determined at the time of MPD Concept Plan Approval (or as subsequently revised by the Village Board) are not diminished. The Village President, subject to appeal by a developer to the Village Board, shall determine whether a proposed change is a minor change and, if deemed a minor change, may approve any such change. Major changes shall require approval of the Village Board consistent with the provisions of Paragraphs 2b(2) and 2b(3) above. A major change shall be a change which (i) increases the overall residential density of the MPD, (ii) conflicts with any Residential Use Designations and Bulk Regulations, as well as the development characteristics and criteria set forth in this Section K, (iii) conflicts with any requirements or provisions relating to the approved MPD Concept Plan, (iv) represents a complete relocation of all or parts of various residential Neighborhoods/Subareas shown on the approved MPD Concept Plan (however this shall not include the combining of Neighborhoods or the elimination of one or more Neighborhoods), (v) results in substantial relocations of the major roadway network or (vi) decreases the total amount of area allocated to Open Space in the entire MPD.
- b. **Expiration of MPD Concept Plan:** MPD Concept Plan approval shall expire twenty (20) years after the date of its approval unless an application for Final MPD review has been submitted to the Village Clerk for all or a portion of the Property within said twenty (20) year time period. Upon application by a developer, in such instances, three (3)-one (1) year extensions shall be granted by the Village Board if requested. The Final MPD Plan for any phase of the development shall expire five (5) years after the date of its approval unless construction has begun on a portion of the property described in the Final MPD Plan. Upon application by a developer, in such instances, the Village Board shall grant up to three (3)-one (1) year extensions if requested by a developer.
- c. **Residential Use Designation and Bulk Regulation:** Upon approval of a MPD Final Plan and Final Plat of Subdivision for a Neighborhood/Subarea in the

development, the Property within that Neighborhood/Subarea shall thereafter have a permanent Residential Use Designation and Bulk Regulation assigned pursuant to the provisions of the following Section 4.

4. Residential Use Designations and Bulk Regulations in the MPD

The Residential Use Designations and Bulk Regulations are as follows:

RESIDENTIAL USE DESIGNATIONS AND BULK REGULATIONS

a. Detached Single-Family Dwelling Units: In accordance with the following:

Use Designation	MPD – 1 “Active Adult”	MPD – 2 “TND” ¹	MPD – 3 “Conventional”	MPD – 4 “Conventional”	MPD – 5 “Conventional”	MPD – 6 “Conventional”	MPD – 7 “Conventional”
General Detached Residential Planning Objectives	<p>- The general goal of the MPD Detached Residential section is to provide a variety of quality, single - family detached residential housing options of various lot sizes that attract new residents and meet the needs of current residents.</p> <p>Diminished front yard setbacks in MPD detached residential areas are utilized as design features to encourage front porches and a more “street-oriented” feel to neighborhoods. This helps eliminate the turned in, secluded feel typical in many suburban areas.</p>						
District Specific Planning Objectives	- Provides single family, age - targeted living often with low or no maintenance ranch – style homes, and which may include age specific programming for residents. Products are aimed at older adults looking for smaller scale single family homes in an age group centered community.	- Provides detached, pedestrian and street oriented development that may utilize rear load and/or detached garages with access from alleys on compact lots. Product is aimed at residents desiring an urban feel to their living environment.	- Provides suburban, single family conventional detached housing on compact lots. Product is aimed at residents desiring a single –family, suburban house on a smaller scale lot with reduced yard maintenance.	- Provides suburban, single- family housing on medium sized, compact lots. Product is aimed at residents desiring a single-family house in a traditional suburban setting.	- Provides suburban, single- family housing on larger sized, compact lots. Product is aimed at residents desiring a single-family house in a traditional suburban setting.	- Provides suburban, single family housing on larger sized, compact lots. Product is aimed at residents desiring a single-family house in a typical suburban setting.	- Provides suburban, single family housing on conventional, ¼ acre lots. Product is aimed at residents desiring a larger, single-family house in a larger lot suburban setting.
Minimum Lot Area	5,000 s.f.	5,000 s.f.	6,000 s.f.	7,200 s.f.	7,800 s.f.	8,400 s.f.	10,000 s.f.
Min. Buildable Area²	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Lot Width³	45’	45’	55’	60’	65’	70’	75’

Use Designation	MPD – 1 “Active Adult”	MPD – 2 “TND” ¹	MPD – 3 “Conventional”	MPD – 4 “Conventional”	MPD – 5 “Conventional”	MPD – 6 “Conventional”	MPD – 7 “Conventional”
Min. Yards: Front ⁴	20’	20’	25’	25’	25’	25’	25’
Rear ⁵	20’	20’	25’	25’	25’	25’	25’
Side ⁶	5’	5’	7’	7’	7’	7’	8’
Corner Side Yard ¹	5’	5’	10’	10’	10’	10’	10’
Reverse Corner Side ^{6,7} Yard	20’	20’	25’	25’	25’	25’	25’
Maximum Height ⁸	35’	35’	35’	35’	35’	35’	35’

1. The “TND” District shall be used for Traditional Neighborhood/Subarea Design residential product which implies narrow lots and rear or alley loaded garages.
2. No maximum structural coverage, minimum buildable area or maximum floor area ratio limitations shall be applicable.
3. Lot width shall be measured at the minimum required building setback line (using tangent line)
4. Porch elements shall be allowed to protrude 5’ into the required front yard setback
5. Patios, decks and three-season rooms shall be allowed within the required rear yard setback up to 10’ of property line. Garages in TND Neighborhood/Subareas shall be allowed a 5 foot setback from rear lot line.
6. Air conditioning units, bay windows, chimneys, fireplaces, eaves, and open porches may protrude up to 26” into the required side yard (bay windows, chimneys, fireplaces and open porches may be with or without foundations). However, there shall be a minimum seven (7) foot “clear path” between protrusions when measured perpendicular at the closest point.
7. For corner lots where a rear lot line abuts front yard of adjoining lot. 8. Building Height shall be measured to the maximum ridge elevation.
9. Parking as required by Article XI of this Zoning Ordinance.

RESIDENTIAL USE DESIGNATIONS AND BULK REGULATIONS (continued)

b. Attached Single-Family Dwelling Units: In accordance with the following:

Use Designation	MPD-8 “Duplex” ⁹	MPD-9 “Townhome”	MPD-10 “Court Home”	MPD-11 “Active Adult”	MPD-12 “TND”
Attached Single Family Planning Objectives	<ul style="list-style-type: none"> - The general goal of the MPD Attached Single Family districts is to provide quality, attached residential options that may not be currently available, but may be desired in the future as the market dictates. - Reduced front yard setbacks are utilized as design features that encourage a street oriented neighborhood feel to single-family attached residential areas. 				
District Specific Planning Objectives	- Allows for many advantages of a detached home in a building containing 2 dwelling units. Product is aimed at residents seeking reduced maintenance while still having a single-family like setting.	- Provides for a multi-unit dwelling, usually with entrances to each unit at street level. Product is aimed at residents desiring a compact residential setting with smaller units, a multi-story floor plan and less maintenance than a single-family house.	- Provides for a multi-unit residence with unit entrances opening onto a common courtyard and entryways oriented to common open space. Product is aimed at residents seeking a unique attached dwelling unit option which may include two habitable floors over parking in a garage.	- Provides for an attached, multi-unit dwelling that is age targeted, low or no maintenance and often includes older adult targeted programming for residents. Product is aimed at older adult residents seeking a compact living environment.	- Provides for attached, multi-unit, pedestrian and street oriented development that may utilize rear loaded garages with access from alleys on compact lots. Product is aimed at residents seeking a condo or apartment with an urban feel.
Minimum Distance from Front of building to Street R.O.W. ^{5,7}	20'	20'	20'	20'	15'
Minimum Distance from Side of Building to Street R.O.W. ⁶	10'	10'	10'	10'	10'
Minimum Separation from Building to building: ²					
Side to Side ^{3,6}	15'	20'	30'	15'	15'
Side to Rear ^{3,4,6}	25'	30'	35'	25'	25'
Rear to Rear ^{3,4}	40'	40'	60' ⁸	30'	30'
Front to Front Private Court ^{5,7}	60'	60'	40'	60'	40'
Front to Front Private Street ^{5,7}	80'	80'	80'	80'	70'
To Perimeter of Property Line	20'	20'	25'	20'	20'
Maximum Dwelling Units	2	6	6	6	8

Use Designation	MPD-8 “Duplex” ⁹	MPD-9 “Townhome”	MPD-10 “Court Home”	MPD-11 “Active Adult”	MPD-12 “TND”
Maximum Height (Full Stories)	2	2	3; includes 2 stories of living space over 1 story at grade parking in garage	2	3
Maximum Height from Grade at Front of Building to Highest Point of Roof	35’	35’	45’	35’	45’

1. No maximum structural coverage, minimum buildable area or maximum floor area ratio limitations shall be applicable. For conveyance purposes, attached single-family units may be subdivided to create envelope lots. Envelope lots will not be considered as single-family lots.
2. In lieu of traditional side and rear yard setbacks, the minimum separation between buildings shall be as stipulated in chart above.
3. Air conditioning units, bay windows, chimneys, fireplaces, eaves and open porches may protrude up to 26” into the minimum separation between buildings (bay windows, chimneys, fireplaces and open porches may be with or without foundations).
4. Rear patios, decks and three-season rooms may protrude up to 10’ into the minimum separation between buildings.
5. Front porches and front stoops may protrude 5’ into the minimum separation between buildings.
6. Side entry ways may protrude up to 5’ into the minimum separation between buildings.
7. Front entry stairs may protrude up to 10’ into the minimum separation between buildings.
8. Applies to garage face to garage face relationship.
9. Duplex Units may be platted as fee simple lots with the minimum side and rear yard setbacks for each unit equal to 50% of the minimum required building separations defined above.
10. Parking as required by Article XI of this Zoning Ordinance.

RESIDENTIAL USE DESIGNATIONS AND BULK REGULATIONS
(continued)

c. Condominium Units and Apartments¹: In accordance with the following:

Use Designation	MPD-13 “Conventional”	MPD-14 “Conventional” (requires specific Village approval)	MPD-15 “Conventional” (requires specific Village approval)	MPD-16 “Active Adult”
General Condominium and Apartment Planning Objectives	- The general goal of the MPD Condominium and Apartment section is to allow for high quality multi-story residential products that are not currently available in the Village at this time, but may be desired in the future as the housing market dictates.			
District Specific Planning Objectives	- Provides for low-rise, multi-unit condo or apartment buildings that offer low maintenance and common amenities. Product aimed at residents seeking a multi-unit living environment and the ability to rent or own.	- Provides for mid-rise, multi-story condo or apartment buildings that offer common amenities and low maintenance. Product aimed at residents seeking a quality, multi-unit living environment and the ability to rent or own. Specific approval of this use must be granted by the Village pursuant to Paragraph 2b(2) before it may be included in an approved Concept, Preliminary or Final Plan. Such Village Approval shall take into consideration its ability to provide municipal services to uses within this RUD.	- Provides for mid-rise, multi-story condo or apartment buildings that offer common amenities, and low maintenance. Product aimed at residents seeking a quality living environment with the ability to rent or own, an elevator and a distinct level of security. Specific approval of this use must be granted by the Village pursuant to Paragraph 2b(2) before it may be included in an approved Concept, Preliminary or Final Plan. Such Village Approval shall take into consideration its ability to provide municipal services to uses within this RUD.	- Provides for mid-rise, multi-story condos or apartments that are age-targeted, and often include programming for residents. Product aimed at older residents seeking a multi-story, age targeted living environment with accessible design features, an elevator and a distinct level of security.
Maximum Height of Building	2 Stories / 35’	3 Stories over parking / 50’ 3 Stories with separate parking / 45’	4 Stories over parking / 65’ 4 Stories with separate parking / 60’	3 Stories over parking / 50’
Minimum Distance from Front of Building R.O.W. ^{5,7}	25’	30’	35’	30’

Use Designation	MPD-13 “Conventional”	MPD-14 “Conventional” (requires specific Village approval)	MPD-15 “Conventional” (requires specific Village approval)	MPD-16 “Active Adult”
Minimum Distance from Side of Building R.O.W. ⁶	20’	20’	20’	20’
Minimum Separation from Building to Building ² :				
Side to Side ^{3,6}	20’	30’	40’	30’
Side to Rear ^{3,4,6}	25’	35’	45’	35’
Rear to Rear ^{3,4,8}	30’	40’	50’	40’
Minimum Distance From Building to Perimeter Property Line if Abutting Property is Commercial or Same Residential Zoning:	20’	30’	30’	30’
If Zoning of Adjoining Property is Different	30’	40’	40’	40’
Maximum Dwelling Units per Bldg.	30	50	70	50

1. No maximum structural coverage, minimum buildable area or maximum floor area ratio limitations shall be applicable. For conveyance purposes, attached single-family units may be subdivided to create envelope lots. Envelope lots will not be considered as single-family lots.
2. In lieu of traditional side and rear yard setbacks, the minimum separation between buildings shall be as stipulated above.
3. Air conditioning units, bay windows, chimneys, fireplaces, eaves and open porches may protrude up to 26” into the minimum separation between buildings (bay windows, chimneys, fireplaces and open porches may be with or without foundations).
4. Rear patios, decks and three-season rooms may protrude up to 10’ into the minimum separation between buildings.
5. Front porches and front stoops may protrude 5’ into the minimum separation between buildings.
6. Side entryways may protrude up to 5’ into the minimum separation between buildings.
7. Front entry stairs may protrude up to 10’ into the minimum separation between buildings.
8. Applies to garage face to garage face relationship

5. Commercial, Industrial and Mixed Use

a. Commercial and Industrial Use Designations and Bulk Regulations

At the MPD Concept Plan stage and as part of the MPD Concept Plan approval, Property within the MPD which is to be commercial or industrial shall be designated with such commercial or industrial use and establishing specific zoning standards consistent with the requirements contained in this Zoning Ordinance. Notwithstanding the foregoing, variations to the Residential Use Designations and Bulk Regulations of Neighborhoods adjacent to such commercial or industrial property may be granted in order to enhance the economic vitality of such commercial or industrial properties within the Property provided they do not materially adversely affect residential properties within the development and on adjacent properties. Furthermore, as a minor change, the size and configuration of such commercial or industrial Neighborhood/Subareas may be adjusted at the request of a developer to meet market conditions and shall be approved by the Village Board as long as the amount of land dedicated to such commercial or industrial uses is within 90% of the amount of land so designated on or in connection with the MPD Concept Plan. In addition, since market conditions will dictate the demand for any designated commercial property, such commercially designated Neighborhood/Subareas which have not been developed commercially at the time of the complete buildout of all of the residential Neighborhood/Subareas in the MPD, or which have been in part developed with commercial enterprises which have not been profitable by the time of such MPD buildout, may be developed and platted and converted by its owner to any of the Residential Use Designations and Bulk Regulations contained in Section D provided such conversion is reviewed by the PZC and approved by the Village Board consistent with the provisions of Paragraphs 2b(2) and 2b(3) above. In reviewing any such conversion, the PZC and Village Board shall consider the developer's market study on undeveloped commercial property, performance figures on partially completed commercial enterprises and the incremental fiscal impact of such unprofitable uses on all taxing bodies versus the projected fiscal impact of the new residential use. In such event, the maximum gross density and allocations of maximum densities set forth in Paragraph 2b(8) shall not be applicable to such commercial or industrial use designated parcel.

b. Mixed Use

At the MPD Concept Plan stage and as part of the MPD Concept Plan approval, a developer may designate certain Neighborhoods/Subareas as suitable for mixed use, including residential, commercial and public use, combined within the same Neighborhood/Subarea. Such designation shall include a conceptual layout of how such mixed uses may be integrated into the Neighborhood/Subarea along with Residential Use Designations which may be applied and maximum numbers of residential units for such Neighborhood/Subarea.

6. Schools, Parks and Municipal Facilities Use Designations in the MPD

At the MPD Concept Plan stage, land within the MPD which is to be used for Schools, Parks and Municipal Facilities shall be designated on the MPD Concept Plan

for such Public Use. The size and configuration of such Public Use parcels may be adjusted by a developer in order to adjust to market conditions and engineering concerns and shall be approved by the Village Board as long as the amount of property dedicated to such Public Use is within 90% of the amount of land so designated on the MPD Concept Plan.

7. Variances from other Village Ordinances

At the request of the developer of all or any part of a MPD, the Village may grant variances or relief from, ordinances of the Village reasonably requested by a developer.

8. Additional Property May Be Added to an MPD

After a MPD has received MPD Concept Approval, additional property of less than one thousand (1,000) acres may be added by a developer of all or any part of the MPD to the Property as long as the additional property is subject to the process as contained within this Section K for MPD Concept Plan, MPD Preliminary Plan and MPD Final Plan approvals as long as the additional property satisfies the criteria for MPD Concept Plan Approval, and as long as such additional land is owned or controlled by a developer which owns or controls land within the MPD which has not yet been platted and developed. Such land need not be contiguous to the Property, but must enhance and further the purposes of the MPD. In the event any such additional property is proposed for addition to an approved Concept Plan, the Petitioner shall submit a proposed Concept Plan Revision. This Revision shall illustrate how the proposed additional property meets the same criteria as were met in the approved MPD Concept Plan and shall also depict the property proposed for addition.

9. Transferability of Ownership of MPD Property

Subsequently to MPD Concept Plan Approval, nothing contained herein shall prohibit a developer who has obtained MPD Concept Plan Approval for an MPD from transferring portions of the development to others subject to the provisions of the approved MPD Concept Plan and the requirement to obtain MPD Preliminary Plan and/or MPD Final Plan Approval.

10. Applicability of Subdivision Ordinance

The Village of Wonder Lake Subdivision Ordinance (Ordinance # 097) shall be applicable to the MPD provided those standards set forth in Sections of the Subdivision Ordinance which specifically are made applicable to the MPD shall control as it relates to land within the MPD Zoning District.

11. Architectural Review

- a. Procedure: As the ultimate builders of any proposed residential or commercial buildings within Neighborhoods/Subareas become petitioners, and within the time frames set forth in this Section K, the Petitioner for approval of such Neighborhood/Subarea shall present to the PZC at a public meeting and subsequently to the Village Board at a public meeting, information related to price points, size, elevations, varieties of exterior material types and a specific anti-monotony standard to be applicable to the Neighborhood/Subarea (“Architectural Data”) as required for MPD Concept Plan Approval, MPD Preliminary Plan Approval and MPD Final Plan Approval above. The PZC and the Village Board shall consider and approve the Architectural Data at the meeting at which it is presented so long as: (i) the applicable Residential Use Designations, corresponding Bulk Regulations or other applicable bulk requirements are met and (ii) the product lines and elevations offered are generally comparable in quality to product lines and elevations offered in recently developed subdivisions in the Village or to product lines and elevations offered in nearby communities (within 25 miles of Wonder Lake) with similar demographics and economic characteristics as those found in the Village and under similar market conditions as those found in the Village and taking into consideration the following criteria:
- (1) price points;
 - (2) cost of construction and cost of materials;
 - (3) site characteristics;
 - (4) size of neighborhood being developed;
 - (5) square footage (gross floor space not including garages and unfinished basements);
 - (6) consistency of proposed design theme within a Neighborhood.
- The Architectural Data shall be deemed to be approved by the PZC unless the PZC based on the above criteria specifically identify any and all deficiencies in the Architectural Data at the meeting at which it is presented. After the presentation to the PZC, the Petitioner may elect to make changes to the Architectural Data as requested by the PZC, or to make its presentation to the Village Board requesting approval of the submitted data. The Architectural Data shall be deemed to be approved by the Village Board unless the Village Board specifically identifies any and all deficiencies in the Architectural Data at the meeting at which it is presented. If the PZC does not approve the Architectural Data, the Village Board may nonetheless approve the Architectural Data. As part of MPD Concept Plan approval, or if applicable in an Annexation Agreement, the Village shall, with concurrence of the Developer, establish a procedure related to resolution of disputes associated with Architectural Review.
- b. Public Buildings: In the case of buildings to be ultimately devoted to public use (whether owned by a governmental agency or subdivision association or similar entity), Architectural Review shall occur in accordance with the above paragraph A, except that (i) Architectural Review shall not be required at the time of MPD Preliminary Plan Approval or MPD Final Plan Approval, but rather, shall occur prior to issuance of building permits; (ii) Architectural Review of structures for the Sewer and Water facilities shall be in the sole discretion of the Village Board without review by the PZC; and (iii) nothing contained herein shall be deemed to

require that a governmental entity comply with the Architectural Review procedure if that governmental entity's structure is not by law subject to the approval of the Village.

12. Criteria for Approval of MPDs

In recommending approval or conditional approval of an MPD, the PZC shall transmit written findings of fact on how the specific proposal would or would not be in the public interest, including findings of fact on the following:

- a. In what respects the proposed plan is or is not consistent with the stated purpose of the MPD regulations and the goals and objectives of the Village Comprehensive Plan.
- b. The extent to which the proposed plan departs from the Village of Wonder Lake Zoning Ordinance and the Village of Wonder Lake Subdivision Ordinance otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, and use, required improvements, construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
- c. The extent of public benefit produced, or not produced, by the planned development in terms of meeting the planning objectives and standards of the Village. Any specific beneficial actions, plans or programs agreed to in the planned development proposal which are clearly beyond the minimum requirements of this Ordinance shall be specifically listed as evidence of justified bulk premiums and/or use variations.
- d. The physical design of the proposed plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, open space and further the amenities of light and air, recreation and visual enjoyment.
- e. The desirability of the proposed plan to the Village's physical development, tax base and economic well-being.
- f. The extent to which potential adverse impacts associated with vehicle type, traffic volume or traffic flow, of a type or degree not characteristic of permitted uses in the zoning district have been minimized.
- g. The extent to which potential adverse impact from increased noise, glare, odor, dust, waste disposal, blockage of light or air or other potential adverse environmental effects have been appropriately controlled.
- h. The extent to which the proposed use will fit harmoniously with the existing character of its surroundings and with permitted uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values or neighborhood character already existing in the area or normally associated with permitted uses in the district.
- i. The extent to which the proposed use will not require existing community facilities or services to a greater degree than would normally be expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burden upon existing development in the area.

- j. The extent to which the proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

The Village Board shall not be bound by the recommendation of the PZC. However, in granting approval of an MPD, the Village Board shall make findings on the criteria set forth above in this section.