
ORDINANCE NO. 2016-__

**AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS
TO ESTABLISH A PROCESS AND RELATED REGULATIONS
FOR THE APPROVAL OF PLANNED MIXED-USE DEVELOPMENTS**

Passed by the Board of Trustees, _____, 2016

Printed and Published, _____, 2016

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by Authority of the
President and Board of Trustees

VILLAGE OF LAKE BLUFF
LAKE COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

Village Clerk

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WHEREAS, planned developments are a specific type of zoning relief designed, in part, to encourage the flexible and creative development of real property; and

WHEREAS, the Village's Zoning Regulations include a process for the approval of planned residential developments and planned commercial developments, but not planned developments designed for mixed uses within and adjacent to the Village's Central Business District ("**CBD**"); and

WHEREAS, the Village received an application from _____ to develop the properties commonly known as _____ located in the CBD and B residence district ("**R-4 District**") with mixed commercial and residential uses ("**Application**"); and

WHEREAS, pursuant to Section 10-2-9D1 of the Zoning Regulations, the Application requested that the Village amend the text of the Zoning Regulations to establish a process and related regulations for the approval of planned mixed-use developments in the Village; ("**Proposed Amendments**"); and

WHEREAS, the Village's Joint Plan Commission and Zoning Board of Appeals ("**PCZBA**"), pursuant to proper notice, conducted a public hearing to consider the Proposed Amendments on _____, 2016, pursuant to Section 10-2-9D2 of the Zoning Regulations; and

WHEREAS, at the close of the public hearing, pursuant to Section 10-2-9D3 of the Zoning Regulations, the PCZBA recommended that the Village Board approve the Proposed Amendments as set forth in this Ordinance; and

WHEREAS, the Board of Trustees has determined that adoption of the Proposed Amendments as set forth in this Ordinance is in the best interests of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Recitals.

The foregoing recitals are incorporated herein as findings and determinations of the Board of Trustees.

Section 2. Public Hearing.

A public hearing on the Proposed Amendments was duly advertised on or before _____, 2016, in the *News-Sun*. The public hearing was commenced by the PCZBA on _____, 2016. On _____, 2016, the PCZBA recommended that the Board of Trustees adopt the Proposed Amendments.

Section 3. Amendment to Section 10-1-2 of the Zoning Regulations.

Pursuant to Section 10-2-9 of the Zoning Regulations, the text of Section 10-1-2 of the Zoning Regulations is hereby amended to include a new defined term “Planned Mixed Development” by inserting the following entry in correct alphabetical order as follows:

“PLANNED MIXED-USE DEVELOPMENT” or “PMD”: A tract of land which is developed in conformity with Chapter 15 of this Title.

Section 4. Amendment to the Zoning Use Table.

Pursuant to Section 10-2-9 of the Zoning Regulations, Section 10-13-3 of the Zoning Regulations is hereby amended to include "Planned Mixed-Use Developments" as a special use in the CBD and limited parcels within the R-4 District by inserting the following entry in correct alphabetical order, and the footnote in correct numerical order, as follows:

Use Category	SIC Code*	ZONING DISTRICTS													
		<i>P = Permitted Use S = Special Use</i>													
		Residential									Commercial/Non-residential				
C-E	E-1	E-2	R-1	R-2	R-3	R-4	R-5	R-6	CBD	O&R	AP-1	L-1	L-2	S	R
<u>Planned Mixed-Use Developments</u>							<u>S</u> ¹⁴	<u>S</u> ¹⁴		<u>S</u>					

Section 5. Amendment to Create New Chapter 15 of the Zoning Regulations.

Pursuant to Section 10-2-9 of the Zoning Regulations, the text of the Zoning Regulations is hereby amended to include a new Chapter 15, entitled “Planned Mixed Developments”, which Chapter 15 shall read as follows:

[TEXT OF NEW CHAPTER 15 BEGINS ON SUBSEQUENT PAGE]

¹⁴ A lot in the B residence district (R-4 District) or a lot in the C residence district (R-5 District) may be used as part of a Planned Mixed-Use Development pursuant to a special use permit only if (i) the lot is adjacent to, or directly across a right-of-way from, a lot located in the Central Business District (CBD) and (ii) the lot is part of a development, which development is wholly or partially in the CBD.

“CHAPTER 15

PLANNED MIXED-USE DEVELOPMENTS (PMDs)

SECTION:

10-15-1	General Provisions
10-15-2	Procedure
10-15-3	Standards and Conditions
10-15-4	Authority to Modify Regulations
10-15-5	Adjustments and Amendments to Approved Final Plans
10-15-6	Application Requirements

10-15-1 GENERAL PROVISIONS:

- A. Authority:** The Board of Trustees may grant special use permits pursuant to this Chapter and Section 10-4-2E of this Code to authorize the development of planned mixed-use developments (“PMDs”) in the districts where PMDs are listed as a special use in the Village’s Zoning Use Table in Section 10-13-3 of this Code.
- B. Purpose:** PMDs are a distinct category of special use. Within a PMD, the traditional use, bulk, space, and yard regulations may be relaxed if they impose unnecessary rigidities on the proposed development or redevelopment of a parcel or parcels of land that require an individual, planned approach. Through the flexibility of a PMD, the Village seeks to achieve the following specific objectives as appropriate and applicable for a particular proposed development, among others that will be in the best interests of the Village:
1. stimulating creative approaches to mixed use development of land;
 2. providing more efficient use of land;
 3. preserving natural features and providing open space areas and recreation areas in excess of those required under standard zoning regulations;
 4. developing and implementing new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities;
 5. unifying buildings and structures through design;
 6. promoting long term planning to allow harmonious and compatible land uses or combination of uses with surrounding areas;
 7. promoting environmentally sound development practices;
 8. facilitating residential, commercial, and mixed-used development in harmony with the Village’s Comprehensive Plan;

9. enhancing the character and vitality of the Village's central business district in harmony with adjacent residential neighborhoods; and
10. promoting the public health, safety, and welfare.

C. Parties Entitled To Seek PMD Approval: An application for a special use permit to permit a PMD may be filed by the owner of, or any person having a binding contractual interest in, the subject property.

D. Size of Property: The provisions of this Chapter apply to any project that includes one-half (0.5) acre or more of total land area.

10-15-2 PROCEDURE:

A. Development Concept Plan:

1. Purpose. The Development Concept Plan provides an applicant the opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed PMD without incurring undue initial costs. The initial required public hearing is based on the Development Concept Plan, thus permitting public consideration of the proposal at the earliest possible stage. Once approved, the Development Concept Plan binds the applicant to the following basic elements of development:
 - a. categories of uses to be permitted;
 - b. general location of land uses;
 - c. overall maximum intensity of uses;
 - d. the general architectural style of the proposed development;
 - e. if applicable, general location and extent of public and private open space including pedestrian and recreational amenities;
 - f. general location of vehicular and pedestrian circulation systems;
 - g. preliminary staging of development;
 - h. if applicable, general nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant; and
 - i. other elements as may be included in the approved Development Concept Plan.
2. Application. An application for approval of a Development Concept Plan shall be filed in accordance with the requirements of Section 10-15-6 of this Chapter.
3. Public Hearing. A public hearing shall be set, noticed, and conducted by the PCZBA in accordance with Section 10-4-2E of this Title.

4. Action by PCZBA. Within 60 days after the conclusion of the public hearing, the PCZBA shall make a recommendation to the Board of Trustees that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved. The failure of the PCZBA to make its recommendation within 60 days after completion of the public hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as submitted.
5. Optional Submittal to the Architectural Board of Review. After the conclusion of the public hearing by the PCZBA concerning the Development Concept Plan, the Applicant may request that the Architectural Board of Review conduct an informal workshop meeting for the purpose of providing comments on the Development Concept Plan, which meeting, if requested and held, shall take place prior to the consideration of the Development Concept Plan by the Village Board.
6. Action by Board of Trustees. Within 60 days after the date of the recommendation of the PCZBA, or its failure to act, as provided in Paragraph 4 of this Subsection, the Board of Trustees shall consider the recommendation of the PCZBA, and then either shall deny the application for approval of the Development Concept Plan, shall refer it back to the PCZBA for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval; provided, however, that every such ordinance shall be expressly conditioned upon approval of a special use permit and Final PMD in accordance with Subsection 10-15-2C of this Chapter, and upon the applicant's compliance with all provisions of this Code and the ordinance granting the special use permit.
7. Effect of Development Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing a Final Plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Development Concept Plan with respect to the elements of development set forth in Paragraph 10-15-2A1 of this Section pending the application for approval of a Final Plan. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each such element.

B. Optional Submission of a Final Plan: The applicant may submit a Final Plan for the proposed PMD pursuant to the requirements of Subsection 10-15-2C of this Section simultaneously with the submission of the Development Concept Plan. In that case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The elements of both the Development Concept Plan and the Final Plan may be combined into a single set of plans. The PCZBA, ABR, and the Board of Trustees shall consider such plans simultaneously and shall grant or deny Development Concept Plan and Final Plan approval in accordance with the provisions of Subsections A, B, and C of this Section.

C. Final Plan:

1. Purpose. The Final Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a complete, thorough, and permanent public record of the planned mixed-use development and the manner in which it is to be developed.
2. Application. After approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 10-15-6 of this Chapter within one year after the date of such approval or in stages as approved in the Development Concept Plan. The application shall be in substantial conformity with the approved Development Concept Plan.
3. Public Hearing. A public hearing to consider the Final Plan shall be set, noticed, and conducted by the PCZBA in accordance with Section 10-4-2E of this Code.
4. Coordination with Subdivision Ordinance. When a subdivision of land subject to the Village's Subdivision Ordinance is proposed or required in connection with a PMD, review of the subdivision, including without limitation submittal and approval of plats of subdivision, shall proceed concurrently with review of the PMD and be completed simultaneously with review of and action on the Final Plan during the PMD process, and no further public process shall be required for the PMD to obtain subdivision approval.
5. Action by PCZBA.
 - a. Evaluation. Within 60 days after the filing of an application for approval of a Final Plan, the PCZBA shall, with such aid and advice of the Village staff and consultants as may be appropriate, commence its public hearing to review and make its recommendation on the plan. Such review shall consider:
 - i. whether the Final Plan is in substantial conformity with the approved Development Concept Plan; and
 - ii. the merit or lack of merit of any departure of the Final Plan from substantial conformity with the approved Development Concept Plan; and
 - iii. whether the Final Plan complies with any and all conditions imposed by approval of the Development Concept Plan; and
 - iv. whether the Final Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.
 - b. Recommendation of Approval Based on Substantial Conformity. If the PCZBA finds substantial conformity between the Final Plan and the approved Development Concept Plan and further finds the Final Plan to

be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation that the Board of Trustees, by ordinance duly adopted, approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the Final Plan of the proposed PMD and such additional approvals as may be necessary to permit development of the PMD as approved.

- c. Recommendation of Approval without Substantial Conformity. If the PCZBA finds that the Final Plan is not in substantial conformity with the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation that the Board of Trustees, by ordinance duly adopted, approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the Final Plan of the proposed PMD and such additional approvals as may be necessary to permit development of the PMD as approved.
 - d. Recommendation of Denial. If the PCZBA finds that the Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or if the PCZBA requires modifications to the Final Plan that are not accepted by the applicant, then the PCZBA shall transmit the Plan to the Board of Trustees together with its recommendation that the Final Plan not be approved.
 - e. Failure to Act. The failure of the PCZBA to commence its public hearing within 60 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Final Plan as submitted.
6. Action by Architectural Board of Review. No later than 60 days after the conclusion of the public hearing by the PCZBA concerning the Final Plan, the Architectural Board of Review will conduct a public meeting for the purpose of conducting a site plan review pursuant to Section 10-2-8 of this Title concerning the Final Plan. Within 30 days after the conclusion of the public meeting, the ABR shall make its recommendation to the Board of Trustees that a site plan be approved, be approved subject to modifications, or not be approved. The failure of the ABR to make its recommendation within 30 days after the conclusion of the public meeting, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the site plan as submitted. Nothing in this Paragraph shall prohibit the ABR from conducting its public meeting and undertaking its review of the Final Plan independent of the timing of the PCZBA's public hearing and consideration of the Final Plan.

7. Action by Board of Trustees. Within 60 days after the ABR and the PCZBA have made their respective recommendations, or their failure to act as provided in Subparagraphs 5 and 6, respectively, of this Subsection, the Board of Trustees shall proceed as follows:
 - a. Approval Based on Substantial Conformity. If the PCZBA has recommended approval of a Final Plan pursuant to Subparagraph 10-15-2C5b of this Section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the PCZBA on the basis of expressly stated reasons, approve the Final Plan by a duly adopted ordinance; or
 - b. Approval Without Substantial Conformity. In any case other than that specified in Subparagraph 10-15-2C7a of this Section, the Board of Trustees may, if it finds that the Final Plan merits approval and otherwise conforms to the requirements of this Title, approve the Final Plan by a duly adopted ordinance; or
 - c. Referral Back to PCZBA. In any case other than that specified in Subparagraph 10-15-2C7a of this Section, the Board of Trustees may refer the Final Plan back to the PCZBA for further consideration of specified matters; or
 - d. Conditions on Final Plan Approval. The approval of any Final Plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval.
8. Recording of Final Plan. When a Final Plan is approved, the Village Administrator shall cause the Final Plan and Special Use Permit Ordinance, or the portions thereof as are appropriate, to be recorded with the Lake County Recorder.
9. Limitation on Final Plan Approval. Construction shall commence in accordance with the approved Final Plan within one year after the approval of such plan, or within such time as may be established by the approved development schedule pursuant to the Special Use Permit Ordinance. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the Village Administrator, automatically render void the Final Plan approval and all approvals of the planned mixed-use development and all permits based on such approvals, and the Village Administrator shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned mixed-use development that have not yet been completed.
10. Building and Other Permits. Except as provided in this Paragraph 10-15-2C10, appropriate officials of the Village, after receiving notice from the Village Administrator that the documents required for Final Plan approval have been approved and upon proper application by the applicant, may issue building and other permits to the applicant for the development, construction, and other work in the area encompassed by the approved Final Plan; provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied. Building permits

may, however, be withheld at the discretion of the Village Administrator or the Board of Trustees at any time it is determined that the development of the PMD is not undertaken in strict compliance with the approved Final Plan.

10-15-3 STANDARDS AND CONDITIONS

- A. Special Use Permit Standards:** No special use permit for a PMD shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed PMD meets the standards made applicable to special uses pursuant to Subsection 10-4-2E3 of this Code.
- B. General Design Standards:** No special use permit for a PMD shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed PMD meets the following additional standards, to the extent practical and applicable to the specific PMD, and except as the Village Board may otherwise provide in the ordinance granting a PMD:
1. Comprehensive Plan: The PMD shall not be inconsistent with the planning policies, goals, objectives, principles, and provisions of the Village's Comprehensive Plan.
 2. Public Welfare: The PMD shall be designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
 3. Uses: The PMD may include uses permitted in the B residence district (R-4), the C residence district (R-5), and the Central Business District (CBD), in addition to other uses suitable to the proposed location of the PMD.
 4. Impact on Other Property: The PMD shall not be unnecessarily injurious to the use or enjoyment of surrounding properties for the purposes permitted pursuant to the applicable zoning district, shall not prevent the normal and orderly development and improvement of surrounding properties for permitted uses, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood. The PMD must also address compliance with the Village's noise, lighting, and other performance standards.
 5. Impact on Public Facilities and Resources: The PMD shall be designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve the PMD.
 6. Archaeological, Historical or Cultural Impact: The PMD shall not substantially and adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel(s) proposed for development.
 7. Parking and Traffic: The PMD shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provides adequate access for emergency vehicles. Adequate parking shall be provided for the uses permitted in the PMD.

8. Landscaping, Open Space, and Buffering: Consistent with the nature of the proposed PMD, the PMD shall address landscaping, public open space, and other buffering features as necessary to reasonably protect uses within the development and surrounding properties, including without limitation reasonable and practical buffering related to the visual impact of the PMD on surrounding properties.
9. Signage: Signage on the site of the PMD shall generally be in conformity with the Village's Sign Regulations, except as may otherwise be specifically provided in the ordinance approving a PMD.
10. Ownership/Control Area: The site of the PMD must be under ownership and/or unified control of the applicant.
11. Compliance with Subdivision Regulations and Plat Act: All PMDs, whether or not they are by definition subject to the Village's subdivision regulations or the Illinois Plat Act, shall comply with all standards, regulations and procedures of the Village's subdivision regulations and the Plat Act except as is expressly provided otherwise in this Chapter, or as otherwise provided by the Board of Trustees pursuant to the ordinance approving the PMD, or the applicable sections of the Village's subdivision regulations.
12. Covenants and Restrictions to be Enforceable by Village: All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the PMD, if any, shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the PMD.
13. Security and Site Control: The PMD shall include the plans necessary to describe, establish, and maintain appropriate property and building security and site control measures for the PMD and the property on which the PMD is located. These plans shall also include measures to address adverse impacts on neighboring properties.
14. Integrated Design: A PMD shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
15. Beneficial Common Open Space: To the extent practical, common open space in the PMD shall be integrated into the overall design. These open spaces shall have a direct functional or visual relationship to the main building(s) and shall not be of isolated or leftover character. The following would not be considered usable common open space:
 - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner; or reserved for the exclusive use of tenants or owners, but not the public.
 - b. Dedicated streets, alleys and other public rights-of-way.

- c. Vehicular drives, parking, loading and storage areas
 - d. Irregular or unusable narrow strips of land.
16. Functional and Mechanical Features: Storage areas, trash and garbage retainers, machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the PMD and enclosed or made as unobtrusive as possible. These features shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
 17. Vehicle Drives, Parking and Circulation: Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, sharing of parking between uses in the PMD, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties. Landscaping shall be provided to screen parking areas from neighboring properties.
 18. Pedestrian and Bicycle Access and Circulation. PMDs shall emphasize safe, efficient, and comprehensive pedestrian-friendly movement and shall further emphasize bicycle access and circulation, including without limitation providing connections to and from existing bike and walking paths so as to ensure a continuous route without gaps or disconnections.
 19. Lighting. Lighting for the PMD shall preserve and enhance the “dark at night” character of the Village by (i) enabling individuals to view essential detail to permit them to undertake their activities at night; (ii) facilitating safety and security of persons and property; and (iii) curtailing the degradation of the nighttime visual environment.
 20. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.
 21. Compliance with Tree Regulations. The PMD must comply with all standards, regulations and procedures of the Village's tree regulations, as provided in Chapter 11 of this Title.
 22. Compliance with Watershed Development Ordinance. The PMD must comply with all standards, regulations, and procedures of the Village's Watershed Development Ordinance, Ordinance 2001-16, as it may be amended from time to time.

23. Water and Sewer Service. The PMD must comply with all Municipal Code requirements concerning the public water supply and sanitary sewer service necessary to serve the PMD.

C. Conditions: The approval of a Final Plan may be conditioned on such matters as the Board of Trustees may find necessary to: (i) prevent or minimize any possible adverse effects of the proposed PMD, (ii) ensure compatibility of the various uses that may exist within the PMD; or (iii) ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the Village's Subdivision Code, and the Village's Comprehensive Plan. Such conditions shall be expressly set forth in the ordinance approving the PMD. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned mixed-use development.

10-15-4 AUTHORITY TO MODIFY REGULATIONS

A. Authority: Subject to the standards and limitations in this Section, the Board of Trustees, as part of an approval of any PMD, may modify any provision of this Code or of the Village's Subdivision Ordinance as they apply to an approved PMD, subject to the limitations in this Section.

B. Standards: No such modification may be approved unless the Board of Trustees shall find that the proposed PMD:

1. Will achieve the purposes for which PMD may be approved pursuant to Section 10-15-1;
2. Will not violate the general purposes, goals, and objectives of this Code and the Village's Comprehensive Plan;
3. Will result in a development providing amenities to the Village that may not be otherwise required under this Code or other applicable Village codes and ordinances, including without limitation such things as public art; plazas; pedestrian walkways; natural habitats; increased landscaping; buffering or screening; enhanced streetscape; enhanced pedestrian and transit supportive design; underground parking; and similar features.

C. Other Limitations: In granting any PMD approval pursuant to this Chapter, the Board of Trustees shall in no event:

1. Make less stringent any performance standard relating to noise, vibration, smoke and particulate matter, odors, toxic and noxious matter, radiation hazards, fire and explosive hazards, or heat or glare, that is applicable in the district in which the development is to be located or applicable to the particular use by reason of the regulations applicable in any district in which it might be located; or
2. Reduce the minimum total lot area requirement by more than 50 percent. This limitation does not apply to any minimum lot area per unit requirement.

D. Regulation During And After Completion Of Development: After a Final Plan has been approved, that approved plan will constitute the regulations applicable to the

subject property, rather than any conflicting provision of this Title. No use or development not authorized by the approved plan will be permitted within the planned mixed-use development.

10-15-5 ADJUSTMENTS AND AMENDMENTS TO APPROVED FINAL PLAN

A. Adjustments: During the development of a PMD, the Village Board may authorize adjustments to an approved Final Plan that appear necessary to, and consistent, with proper completion of the development as contemplated by the approval ordinance. Such adjustments may include, without limitation, the following:

1. Altering the location of any one structure or any part thereof, or any group of structures, by not more than five percent of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned mixed-use development, whichever is less; and
2. Altering the location of any circulation element by not more than five percent of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less; and
3. Altering the location of any open space by not more than five percent of the distance shown on the approved Final Plan; and
4. Altering any final grade by not more than five percent of the originally planned grade; and
5. Altering the location or type of landscaping elements, provided that such minor adjustment will not result in the reduction of required landscaping or be inconsistent with the nature and type of landscaping required by the approved landscape plan.

B. Standards. Adjustments shall be consistent with the intent and purpose of this Title and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code. All adjustments shall be approved by the Board by resolution duly adopted, subject to such review by the Board and other boards and commissions of the Village as the Board may deem appropriate.

C. Amendments To Approved Final Plan After Completion Of Development: After completion of a PMD, an approved Final Plan may be amended in the same manner and subject to the same procedures and limitations, as required for adoption of an initial PMD under the terms of this Chapter.

10-15-6 APPLICATION REQUIREMENTS:

A. Minimum Data Requirements for All Applications. All Applications: Every application submitted pursuant to this Chapter shall contain at least the following information:

1. The owner's name and address and the owner's signed consent to the filing of the application. Full disclosure of the ownership of all legal and equitable interests in the lot is required.
2. The lot owner's name and address, if different from the owner, and his or her interest in the lot.
3. The names and addresses of all professional consultants, if any, advising the owner with respect to the application.
4. The name and address and the nature and extent of any economic or family interest of any officer or employee of the village in the owner, the lot owner, or lot.
5. The addresses and legal description of the lot.
6. Descriptions and graphic representations of the proposal for which approval is being sought and of the existing zoning classification, use, and development of the lot and the adjacent area for at least two hundred fifty feet (250') in all directions from the lot. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application. These descriptions and representations shall be provided no later than necessary for presentation by the applicant at the public hearing before the PCZBA pursuant to Section 10-15-2.A.3 of this Code.

B. Applications For Development Concept Plan Approval: Every application for Development Concept Plan approval shall, in addition to the data and information required pursuant to Subsection A of this Section, provide at least ten (10) sets of plans and documents of the following:

1. Development Concept Plan: A plan showing the basic scope, character, and nature of the entire PMD including the following information:
 - a. Character: Explanation of the character of the PMD and the manner in which it has been planned to take advantage of the flexibility of these regulations.
 - b. Ownership: Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the county recorder.
 - c. Nature and Type of Uses: Information on the nature and type of uses in the PMD and within each building proposed in the PMD.
 - d. Service Facilities: Information on all service facilities and off street parking facilities in the PMD.
 - e. Preliminary Architectural Drawings: Preliminary architectural drawings for all primary buildings shall be submitted in sufficient detail to permit an

understanding of the style of the development, and the height, number, location, and design of the building(s) in the PMD.

- f. Conceptual Site Plan: A conceptual site plan of the proposed PMD, including building locations, property lines, setbacks, streets, circulation systems for pedestrians, bicycles, and vehicles, open space, landscaped areas, and recreational facilities.
- g. Miscellaneous: Such additional information as may be required by the PCZBA

C. Applications For Final Plan Approval: Every application filed pursuant to this chapter shall, in addition to the data and information required in Subsection A of this Section, provide the following information:

- 1. Detailed Plan: A drawing of the PMD shall be prepared at a scale of not less than one inch equals one hundred feet (1" = 100') and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas and other facilities to indicate the character of the proposed PMD. The submission may be composed of one or more sheets and drawings and shall include:
 - a. Boundary Lines: Bearings and distances.
 - b. Easements: Location, width and purpose.
 - c. Streets On And Adjacent To The Tract: Street name, right of way width, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, etc.
 - d. Utilities On And Adjacent To The Tract: Location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and streetlights; direction and distance to and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
 - e. Ground Elevations On The Tract: Show one foot (1') contours, show spot elevations at all breaks in grades, along all drainage channels or swales and at selected points not more than one hundred feet (100') apart in all directions.
 - f. Subsurface Conditions On The Tract, If Required By The Village Engineer: Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet (5').
 - g. Other Conditions On The Tract: Watercourses, floodplains, wetland delineations, marshes, rock outcrop, wooded areas, protected trees as designated in the Village's tree protection regulations at section 10-11-4 of this title, houses, barns, accessory buildings and other significant

features, and any federal, state or other non-Village permits required for the PMD.

- h. Other Conditions On Adjacent Land: Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby land uses or adverse influences; owners of adjacent platted land; for the adjacent platted land refer to subdivision plat by name, recording date and number and show approximate percent built up, typical lot size and dwelling type.
- i. Zoning On And Adjacent To The Tract: Zoning on and adjacent to the tract.
- j. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
- k. Open Space: To the extent applicable, all lots intended to be dedicated for public use or reserved for the use of all lot owners with the purpose indicated.
- l. General Location, Purpose And Height: General location, purpose and height, in feet and stories, of each building.
- m. Map Data: Name of development, north point and scale, date of preparation and acreage of site.
- n. Water Facilities: The preliminary plat shall have depicted on its face all lakes, ponds, detention sites, retention sites and dams. This includes existing lakes, ponds, detention sites, retention sites and dams or proposed lakes, ponds, detention sites, retention sites or dams. If the water facility is proposed, the preliminary plat shall be accompanied by preliminary engineering plans, including the depth, capacity and relation of the water facility to proposed storm drain facilities.
- o. Miscellaneous: Such additional information as may be required by the PCZBA.
- p. Final Building Elevations and Floor Plans. Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans for all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area for all uses or combinations of uses, and the floor area for the entire proposed planned development.
- q. Traffic Studies: detailed information as required by the Village concerning traffic circulation within the PMD and the mitigation of traffic impacts created by the PMD on surrounding village, county, and state roads.

- r. **Watershed Development Ordinance:** information as required by the Village to demonstrate compliance with the Village's Watershed Development Ordinance.
2. **Final Plat:** A final land use and zoning plat, suitable for recording with the county recorder of deeds shall be prepared. The purpose of the land use and zoning plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land not so treated into common open areas and building areas. The final land use and zoning plat shall include, but not be limited to:
 - a. **Legal Description Of Entire Area:** An accurate legal description of the entire area under immediate development within the PMD.
 - b. **Subdivision Plat:** A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
 - c. **Legal Description Of Unsubdivided Use Area:** An accurate legal description of each separate unsubdivided use area, including common open space.
 - d. **Location Of All Buildings To Be Constructed:** Designation of the exact location of all buildings to be constructed, including minimum setbacks from lot lines.
 - e. **Certificates, Seals And Signatures:** Certificates, seals and signatures required for the dedication of lands and recording the document.
 - f. **Tabulations On Separate Unsubdivided Use Area:** Tabulations on separate unsubdivided use area, if any, including land area and number of buildings.
 - g. **Water Facilities:** The location of all lakes, ponds, detention sites, retention sites and dams shall be depicted and accurately located on the final plat.
3. **Public Open Space Documents:** To the extent applicable, common open space in the PMD that is to be dedicated for the use of the public shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners of the PMD or retained by the developer with legally binding guarantees, in a form approved by the village attorney, that the common open space will be permanently preserved as open area. All land conveyed to a not for profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
4. **Public Facilities:** The construction of all public facilities and improvements made necessary as a result of the PMD shall either be completed prior to final plat approval, or be guaranteed by a security deposit.
5. **Security Deposit:** The satisfactory installation of the public facilities and improvements required to be constructed within the PMD shall be guaranteed by a security consistent with the Subdivision Regulations, including, without

limitation, a letter of credit, in an amount equal to one hundred ten percent (110%) of the estimated cost of public facility installations. The balance of the security deposit shall not be returned after the completion of the public facility installations unless a guarantee security deposit in an amount of ten percent (10%) of the total cost of the required facilities is first delivered to the village. Such guarantee security deposit shall be maintained for a period of twenty four (24) months.

6. Delinquent Taxes: A certificate shall be furnished from the proper collector that all special assessments constituting a lien on the whole or any part of the lot of the PMD have been paid.
7. Covenants: Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the PMD.
8. Schedule: Development schedule indicating:
 - a. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
 - b. Approximate dates for beginning and completion of each stage.
 - c. The mix of uses to be built in each stage.
9. Traffic Mitigation:
 - a. All new developments shall be required to provide a traffic study, prepared by a qualified traffic engineer, to establish trips generated, necessary road and other improvements, and other reasonably necessary information relating to traffic impact of the development on village, county or state roads.
 - b. All developments shall be required to provide an employee traffic mitigation plan. The plan will establish specific actions by the owner to limit peak hour vehicular traffic generated by the development. These actions might include staggered work hours, ridesharing, vanpools, rideshare or transit promotion, or preferential parking plan.
10. Lighting Plans: A final photometric/lighting plan for the proposed PMD including technical descriptions and cut sheets for all lighting fixtures. Any permitted accessory lighting fixtures shall be designed, arranged, and operated so as to prevent glare and direct rays of light from being cast onto any adjacent public or private property or street and so as not to produce excessive sky-reflected glare.
11. Landscaping Plans. A final landscape plan depicting the location, size, character, and composition of all trees, landscape materials and other vegetation for the PMD.
12. Facilities Plans: Final plans for:

- a. If applicable, roads including classification, width or right of way, width of pavement and typical construction details.
- b. Sanitary sewer system.
- c. Storm drainage system.
- d. Water supply system.

D. Modification or Waiver of Application Requirements. Upon written request of the applicant, the Village Administrator may modify the requirements to submit any plans or documents required pursuant to this Section 10-15-6, provided that no required submittals may be waived without the prior review and approval of the Village Board. The applicant may, at its discretion, submit any or all of the materials set forth in Subsection C of this Section during the Development Concept Plan stage so that the applicant may receive approval of any such specified materials and elements of the required Final Plan at the Development Concept Plan stage.”

[END OF NEW CHAPTER 15]

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____, 2016, by vote of the Board of Trustees of the Village of Lake Bluff, as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ____ day of _____, 2016.

Village President

ATTEST:

Village Clerk

FIRST READING: _____

SECOND READING: _____

PASSED: _____

APPROVED: _____

PUBLISHED IN PAMPHLET FORM: _____