

ORDINANCE NO. 2018-____

**AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS TO CREATE
A RECREATIONAL, INSTITUTIONAL, AND OPEN SPACE (RIO) DISTRICT**

Passed by the Board of Trustees, _____, 2018

Printed and Published, _____, 2018

Printed and Published in Pamphlet Form
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

ORDINANCE NO. 2018-___

AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS TO CREATE A RECREATIONAL, INSTITUTIONAL, AND OPEN SPACE (RIO) DISTRICT

WHEREAS, the Village is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Title 10 of the Lake Bluff Municipal Code, as amended ("**Zoning Regulations**") establishes, among other things, zoning districts and procedures for zoning approvals for land within the Village; and

WHEREAS, the Zoning Regulations currently allow recreational, institutional, and open space uses ("**RIO Uses**") as special uses within the Village's "C-E" Country Estate Residence District, "E-1" Estate Residence District, "E-2" A-A-A-A Residence District, "R-1" A-A-A Residence District, "R-2" A-A Residence District, "R-3" A Residence District, "R-4" B Residence District, "R-5" C Residence District, and "R-6" D Residence District (collectively, the "**Residence Districts**"); and

WHEREAS, before land in the Village may be used for the RIO Uses, a special use permit to allow one of the RIO Uses in the Residence Districts is required to be applied for and approved by the Board of Trustees in accordance with the current Zoning Regulations ("**RIO Special Use Permit Requirement**"); and

WHEREAS, the RIO Special Use Permit Requirement currently places on the RIO Uses in the Village: (i) a procedural burden as a result of its drawn-out application and approval process; and (ii) a practical burden as a result of the zoning requirements for the Residence Districts being more tailored for residential uses than RIO Uses; and

WHEREAS, to lessen the burdens on owners desiring to use their land for RIO Uses, and to lead to more efficient land use in the Village, the Village desires to amend the Zoning Regulations to: (i) eliminate the RIO Special Use Permit Requirement in certain zoning districts; (ii) create a new "RIO" Recreation, Institutional, and Open Space District dedicated exclusively to RIO Uses ("**RIO District**"), which RIO District would provide more appropriate zoning, bulk, and use regulations for RIO Uses; and (iii) provide a more efficient procedure for changes to property in the RIO District (collectively, "**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 _____, 2018, pursuant to Section 10-2-9.D.2 of the Zoning Regulations; and

WHEREAS, at the close of the public hearing, pursuant to Section 10-2-9.D.3 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:

[additions are **bold and double-underlined**; deletions are struck through]

Section 1. Recitals.

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

Section 2. Public Hearing.

A public hearing on the Proposed Amendments was duly advertised on or before _____, 2018 in the *Lake County News-Sun*. The public hearing was held by the PCZBA on _____, 2018, and the PCZBA recommended that the Board of Trustees adopt the Proposed Amendments.

Section 3. Amendment to Section 10-13-3 of the Zoning Regulations

Pursuant to Section 10-2-9 of the Zoning Regulations, Section 10-13-3, entitled "Zoning Use Table," of the Zoning Regulations is hereby amended as follows:

Use Category	SIC Code*	ZONING DISTRICTS															
		<i>P = Permitted Use S = Special Use</i>															
		Residential									Commercial/Non-residential						Other
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>RIQ</u>	
Building mounted wind energy systems ^{2, 11}												S	S	S			<u>S</u>
Building/structure for public agency ⁹															P		<u>P</u>
Building/structure for public utility <u>Buildings for public utilities</u> ^{2, 6, 7, 8, 9}		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>S</u>
Church <u>Churches and houses of worship</u> ^{2, 7, 8, 9}		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>P</u>
Golf course ^{2, 3, 6, 7, 8, 9}		P/S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
<u>Libraries</u>																	<u>P</u>
Municipal buildings or areas ^{2, 6, 7, 8, 9}		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>P</u>
Museums and art galleries	841										P						<u>P</u>
Personal wireless service antenna facilities and equipment ^{1, 2, 6, 7, 8, 9}		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>S</u>

[additions are **bold and double-underlined**; deletions are struck through]

<u>Recreation and leisure facilities (including, without limitation, beaches, parks, playgrounds, golf courses, community and recreation centers)</u>																		<u>P</u>
Schools ^{2, 6, 7, 8, 9}		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>P</u>
Solar energy systems:																		
Building integrated		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Building mounted ^{12, 13}		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Ground mounted ¹³		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>S</u>
Self-contained		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>

[additions are **bold and double-underlined**; deletions are struck through]

Section 4. Amendment to Section 10-3-1 of the Zoning Regulations

Pursuant to Section 10-2-9 of the Zoning Regulations, Section 10-3-1, entitled "Districts Established," of the Zoning Regulations is hereby amended as follows:

"In order to classify, regulate and restrict the locations of trades and industries, and the location of buildings designated for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the village is hereby divided into ~~sixteen (16)~~ **seventeen (17)** classes of districts. The use and bulk regulations are uniform in each class or district, and such districts shall be known as:

District	Abbreviation
Residence districts:	
Country estate residence district	C-E
Estate residence district	E-1
A-A-A-A residence district	E-2
A-A-A residence district	R-1
A-A residence district	R-2
A residence district	R-3
B residence district	R-4
C residence district	R-5
D residence district	R-6
Business districts:	
Central business district	CBD
Office and research district	O&R
Automotive park district	AP-1
Industrial districts:	
Light industry district	L-1
Limited light industry district	L-2
Service district	S
Railroad district	R
<u>Other districts:</u>	
<u>Recreational, institutional, and open space district</u>	<u>RIO</u>

Section 5. Amendment to Section 10-10-14 of the Zoning Regulations

Pursuant to Section 10-2-9 of the Zoning Regulations, Section 10-10-14, entitled "Signs Requiring Review By Architectural Board of Review," of Chapter 10, entitled "Signs," of the Zoning Regulations is hereby amended, and shall be, as follows:

10-10-14: SIGNS REQUIRING REVIEW BY THE ARCHITECTURAL BOARD OF REVIEW:

[additions are **bold and double-underlined**; deletions are struck through]

* * *

“E. RIO District: The following signs shall require a permit and review by the architectural board of review pursuant to section 10-10-15 of this chapter prior to being erected, installed or maintained in the recreational, institutional, and open space (RIO) district in accordance with the following standards:

1. Municipal, School, library, park district, and church and houses of worship signs.

2. Portable signs shall not be permitted.”

Section 6. Amendment to Section 10-10-19 of the Zoning Regulations

Pursuant to Section 10-2-9 of the Zoning Regulations, Section 10-10-19, entitled "Exemptions," of Chapter 10, entitled, "Signs," of the Zoning Regulations is hereby amended, and shall be, as follows:

10-10-19: EXEMPTIONS:

- A. Specific Signs Exempt: The following signs shall not require a sign permit or review by the architectural board of review, so long as such signs comply with the following provisions applicable thereto, as well as all other provisions of this chapter, including, but not limited to, provisions regarding the allowable total number and size of signs on a premises:

* * *

“7. Certain signs in the RIO District. The following signs shall be allowed on properties located in the recreational, institutional, and open space (RIO) district in accordance with the following standards:

a. Flags and flagpoles. One flagpole and two flags shall be permitted per zoning lot and shall be set back a minimum of 10 feet from all property lines. Flagpoles shall not be permitted in the public right of way.

b. Auxiliary signs. Such signs shall be placed only on a door or window and shall total no more than two square feet.

c. Project identification signs. One ground sign not exceeding 12 square feet in total surface area, the top of which shall not exceed six feet above grade, shall be allowed within the property limits where a building is undergoing construction or alteration.

~~7.8.~~ Political signs.

- a. Size Per Sign: Political signs may be up to six (6) square feet in total area but no more than four feet (4') in height.
- b. Permitted On Private Property: Political signs are permitted within the lot lines on private property at all times with the lot owner's consent. Political signs are not permitted on public rights of way at any time.
- c. Location On A Lot: Political signs may be located on a lot between the building and the setback line, except that during an election period political campaign signs may be located between the setback line and the lot line.
- d. Square Area Of All Signs: The total area of political signs on a lot shall not exceed eighteen (18) square feet during periods of time other than election periods. During election periods, no more than one political campaign sign may be displayed for each candidate or issue and the square footage of political campaign signs shall not count against the eighteen (18) square foot maximum.

~~8-9.~~ 9. Governmental signs.

~~9-10.~~ 10. Historic marker signs. Shall not exceed two (2) square feet in total surface area.

~~10-11.~~ 11. Holiday decorations.

~~11-12.~~ 12. Incidental signs. Shall not exceed two (2) square feet in total surface area.

~~12-13.~~ 13. Other signs.

- a. One sign for each church, school, or public or quasi-public organization shall be permitted on the lot where said organization is located. Said sign shall not exceed twenty (20) square feet in total surface area and, if a freestanding sign, shall not exceed a height of five feet (5') above grade. All such signs shall be located within the property limits and not on public rights of way. On a corner or through lot, two (2) such signs shall be permitted.
- b. Warning signs, such as "no trespassing", "beware of dog", "no soliciting", provided they do not exceed one square foot in total surface area.

~~13-14.~~ 14. Temporary signs.

- a. Interior nonilluminated advertising signs. Such signs shall be allowed only for the announcement of an event, sale or sale item, provided they do not exceed five percent (5%) of

total window area per window and shall not be displayed longer than thirty (30) days.

- b. Announcement signs. Such signs, including balloons and banners, that are erected on residential lots to announce a birth, birthday, anniversary, or other similar event are allowed, provided they shall be displayed no longer than twenty four (24) hours prior to the special occasion and removed within seven (7) days after the sign is first displayed. Temporary announcement signs in nonresidential districts shall comply with section 10-10-13 of this chapter.

* * *

Section 7. Creation of “RIO” Recreational, Institutional, and Open Spaces District.

Pursuant to Section 10-2-9 of the Zoning Regulations, the Zoning Regulations are hereby amended to add a new Chapter 16 as set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

Section 8. Severability.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 9. 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.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2018, by vote of the Board of Trustees of the Village of Lake Bluff, as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ____ day of _____, 2018.

Village President

ATTEST:

Village Clerk

FIRST READING: _____

SECOND READING: _____

PASSED: _____

APPROVED: _____

PUBLISHED IN PAMPHLET FORM: _____

EXHIBIT A
(New Chapter 16 of Title 10)

CHAPTER 16. Recreational, Institutional, and Open Space District (RIO).

10-16-1 PURPOSE

The intent of this chapter is to adopt regulations and procedures specifically tailored to reflect and be consistent with (i) the unique use and form considerations of public amenities as well as community and governmental functions, and (ii) the often highly specific needs of such uses as to location, intensity of use, and massing, which regulations may be modified pursuant to the terms of this chapter if they impose unnecessary rigidities on the proposed development or redevelopment of a parcel or parcels of land that require an individual, planned approach.

The “RIO” District promotes the efficient use of land with a flexible set of regulations that meet these highly specific needs in a manner that is intended to achieve and balance the objectives of:

- A. Maximizing the predictability of land use and public benefits as a result of the development and use of property;
- B. Providing public amenities including schools, open space, and recreational facilities;
- C. Enhancing the character and vitality of RIO District properties in harmony with adjacent uses and residential neighborhoods;
- D. Preserving natural, cultural, and historic features;
- E. Minimizing the regulatory time and expense burden on the property owner; and,
- F. Facilitating development in harmony with the Village’s Comprehensive Plan.

10-16-2 PRIOR ZONING RELIEF IN THE RIO DISTRICT

- A. **Continued Effect.** Any applicable conditions of a prior variation, special use permit, or other zoning relief previously granted to property in the RIO District shall remain in full force and effect, even when the prior authorized use no longer requires a special use permit or when the prior improvements would not require zoning relief under the regulations of the RIO District.
- B. **Changes.** Where the approval of a RIO Development Plan, pursuant to Section 10-16-7, conflicts with the conditions of prior zoning relief, the terms of the RIO Development Plan approval shall prevail. Additionally, a property owner subject to the conditions of prior zoning relief may, in conjunction with an application for RIO Development Plan, request termination of, amendments to, or restatements of these prior conditions.

10-16-3 PERMITTED AND SPECIAL USES

No building or lot shall be used within the RIO District for any purpose other than those permitted and special uses identified in the zoning use table at Section 10-13-3 of this title.

10-16-4 BULK REGULATIONS

The following bulk regulations shall apply to all principal and accessory structures within the RIO District:

- A. **Front and Rear Yards.** Each front and rear yard shall have a minimum depth of 10 percent of the depth of the lot; but in no case shall a required front or rear yard be less than 20 feet or greater than 50 feet.
- B. **Side Yards.** Each side yard shall have a minimum depth of 10 percent of the width of the lot; but in no case shall a required side yard be less than 20 feet or greater than 50 feet.
- C. **Highway Buffer Yards.** In addition to any other yards required by this Section, where any lot abuts upon a U.S. or state public highway, there shall be a minimum setback from any such highway of not less than 100 feet for each side bordering or abutting on such highway.
- D. **Residential Buffer Yards.** In addition to any other yards required by this Section, whenever property in the RIO District abuts residentially zoned property, a yard with a minimum depth of 30 feet shall be provided from each lot line bordering or abutting such residentially zoned property.
- E. **Height.** No building or structure in the RIO District shall exceed 30 feet in height, nor shall any building or structure in the RIO District exceed two stories.
- F. **Lot Coverage.** The maximum ground area occupied by all buildings, including accessory buildings, shall be not more than 30 percent of the area of the lot.

10-16-5 PARKING

- A. **Parking Regulations.** The regulations for parking in the RIO District shall be identical with regulations in the “CBD” Central Business District (CBD) set forth in Sections 10-6A-8.A through 10-6A-8.C of this code.
- B. **Minimum Required Spaces.**
 1. **For Specified Uses.** For the following uses, the following minimum number of on-site parking spaces shall be provided:

Schools and Day Cares		1 space per employee
Churches, Houses of Worship, and other Assembly Spaces		1 space per 6 seats in the main auditorium or largest room in the building, whichever is greater
Recreation	Indoor participatory (e.g. community centers)	1 space per 3 occupants of area used by participants or per 3 maximum number of likely participants at any one time, whichever is less

	Outdoor participatory (e.g. tennis courts, swimming pools)	2/3 of the maximum number of participants at any one time
	Outdoor passive (e.g. playgrounds, trails, shelters)	No minimum

“Occupants” shall refer to the maximum legal occupancy permitted pursuant to the Village’s building regulations set forth in Title 9 of this Code.

“Maximum number of participants” is calculated based on the maximum number of participants likely to participate in the activity, as determined by the building commissioner. For example, basketball is typically played with two teams of five players. Therefore, the maximum number of participants is likely to be 10 at any one time for a full-size basketball court. As a further example, doubles tennis is typically played by four players. Therefore, the maximum number of participants is likely to be four at any one time for a tennis court. The building commissions shall not factor in spectators and substitute players in establishing the maximum number of participants, but the Village may consider spectators, substitute players, and other likely users of a property when considering whether to require additional minimum parking spaces as provided elsewhere in this Section.

2. **For All Other Uses.** For all other uses not herein defined, there shall be a parking area of sufficient size to provide not less than one parking space for each 600 square feet of the total floor area of any building or buildings, including all accessory buildings erected on the lot.
3. **Fractional Spaces Excluded.** Where determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall not be included in calculating the minimum number of required parking spaces.
4. **Uses in Bluffs and Ravines Excluded.** That portion of any use which lies within a bluff protection area or a ravine protection area shall not be included in calculating the minimum number of required parking spaces.
5. **Credit for Street Parking.** The number of minimum spaces required pursuant to this section shall be reduced by the number of lawful parking spaces available on the public street adjacent to the site and not adjacent to any residential buffer yard.
6. **Imposition of Additional Minimum Parking.** Notwithstanding anything contained in this title to the contrary, if the parking requirements of any use in this district exceeds the ratios as hereinbefore defined, additional parking spaces shall be provided on the lot on which the use is situated. As a condition of RIO Development Plan approval pursuant to Section 10-16-7, the Village may require more on-site parking spaces than may otherwise be required pursuant to this Section to insure that there is adequate on-site parking to minimize traffic and parking congestion on the public streets.

7. **Existing Parking Non-Conformities.** Notwithstanding anything contained in this chapter to the contrary, the legal non-conforming status of any deficiency in the required minimum number of parking stalls shall be protected unless, as a component of RIO Development Plan approval, the Village determines a new use, or an increase in the intensity of an existing use, will generate additional parking demand above that previously existing upon the site.

10-16-6 PERFORMANCE STANDARDS

The performance standards in the RIO District shall be identical with the performance standards for the "L-1" Light Industrial District as set forth in Section 10-7A-7 of this code.

10-16-7 RIO DEVELOPMENT PLAN REVIEW

No person may conduct or shall be entitled to establish a new use or obtain a building permit from the Village or other applicable permitting authority to construct, reconstruct, alter, or move any building or structure on any property within the RIO District without the approval of a RIO Development Plan unless exempt under Section 10-16-7.E of this code.

- A. **Intent.** At the time of the creation of the RIO District, a significant area within the district has pre-existing development and uses that would frustrate the application of traditional "planned development" tools. Accordingly, the RIO Development Plan process is designed to coordinate planning and zoning review so as to accommodate incremental changes to existing buildings and uses. It also may be used by applicants proposing major or phased development proposals over an extended period of time. The Village anticipates that users in the RIO District will, through long range planning and public engagement, work cooperatively to further the public benefits of proposed development outside of this regulatory process.
- B. **Application Requirements.** The application requirements for a RIO Development Plan review shall be the same as those required for Site Plan review pursuant to Section 10-2-8(A) of this code. Upon request, the Building Commissioner may exempt an applicant from including in its application any required items if the Building Commissioner determines that a required item is not applicable or necessary for the consideration of the application. In addition, the Building Commissioner and any reviewing body may request additional information necessary to evaluate the standards set forth herein. Without limitation, this may include the submittal of traffic and parking studies by a qualified professional to ascertain the trip generation and parking demand that would be created by a proposed use or development.
- C. **Procedure.** The procedure and public notice requirements for RIO Development Plan review shall be the same as required for Site Plan review pursuant to Sections 10-2-8(B) and 10-2-8(C) of this code, except that references to the Architectural Board of Review in Sections 10-2-8(B) and 10-2-8(C) shall be deemed references to the Joint Plan Commission and Zoning Board of Appeals.
- D. **Standards.** No RIO Development Plan shall be approved by the Board of Trustees, and the Joint Plan Commission and Zoning Board of Appeals shall not recommend approval of, a RIO Development Plan unless the applicant shall establish that the RIO Development Plan meets the following standards, as each may be applicable:

1. **General Standard.** Development in accordance with the RIO Development Plan will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.
 2. **Land Use Policy.** Development in accordance with the RIO Development Plan is consistent with the general and specific purposes and requirements of the Village's Zoning Regulations, the RIO District, and the Village's Comprehensive Plan.
 3. **Public Facilities.** The property, development in accordance with the RIO Development Plan, will be adequately served by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, and refuse disposal; or the applicant shall provide adequately for such services as a condition of approval.
 4. **Traffic and Parking.** Development in accordance with the RIO Development Plan would generate traffic demand compatible with surrounding uses and road classifications. The RIO Development Plan provides adequate ingress and egress in a manner that minimizes traffic congestion and provides adequate and appropriate parking, access to adjacent properties, and access for emergency vehicles.
 5. **Landscape and Open Space Buffering.** The RIO Development Plan provides for landscaping, public open space, and other buffering features to minimize the visual impact of the development and to protect uses within the development and surrounding properties.
 6. **Pedestrian and Bicycle Access and Circulation.** The RIO Development Plan provides for efficient and comprehensive pedestrian-friendly movement, as well as efficient and comprehensive bicycle access and circulation.
 7. **Sensitive Areas and Features.** The RIO Development Plan protects culturally sensitive areas and features; historic areas and features; and sensitive natural, scenic, and ecological areas features such as ravines, wetlands, and bluffs.
- E. **Authority to Modify Regulations.** The Board of Trustees, as part of the approval of any RIO Development Plan, may modify or waive any provision of this Code or of the Village's Subdivision Ordinance as they apply to the approved RIO Development Plan ("Deviations"), so long as the Board of Trustees finds that the Deviations:
1. Will achieve the purposes for which the RIO Development Plan may be approved pursuant to Section 10-16-1 of this chapter;
 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 chapter 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. If applicable, the proposed use for the property may

itself be considered a compensating amenity when the proposed use is one that is open to the public and provides a benefit to the community as a whole.

No finding of hardship or a unique condition by the Board of Trustees is necessary for the approval of a Deviation of any provision of this Code or of the Village's Subdivision Ordinance.

F. **Exemptions.** Notwithstanding the provisions of this Section, the following activities shall not require RIO Development Plan approval, except where (i) deviations from the Zoning Regulations are necessary to proceed as provided in Subsection D of this Section or (ii) where the activities would result in a "substantial change" as that term is defined in Section 10-16-9:

1. Maintenance to or repair of existing improvements, including, without limitation, any repainting, resurfacing; resealing; restriping; or repaving of existing improvements.
2. Within an existing park, the addition, re-arrangement, or reconfiguration of playground equipment, recreational equipment, or open air shelters with sides no more than 50% enclosed, provided that said activity does not increase the extent of any encroachment upon a residential buffer yard required by this Chapter.
3. Changes to landscaping, except where doing so would reduce the landscape screening provided within a residential buffer yard required by this Chapter.

Exception: The removal of Class D trees or any exotic and invasive species, as those terms are defined in Chapter 11 of the Zoning Ordinance, shall not be considered as a reduction in landscape screening.

4. The addition or reconfiguration of walking trails, paths, and other similar amenities for bicyclists and pedestrians, provided that such improvements do not encroach upon a residential buffer yard required by this Chapter.
5. Changes to signage subject to review by the Architectural Board of Review pursuant to Chapter 10 of this Title.
6. The reconstruction or reduction of the size of a building within the existing footprint of the building, or alterations to the interior of an existing building.
7. The modification or alteration of the façade of a building.
8. An increase to the footprint or size of an existing building or the construction or expansion of an accessory structure, provided such increase does not qualify as a "substantial change," as that term is defined in Section 10-16-9:
9. Other changes of comparable or lesser significance.

10-16-8 EFFECT OF RIO DEVELOPMENT PLAN APPROVAL

- A. A RIO Development Plan approval shall be effective for a period of five years from approval or an approval of an amendment thereto, provided that the Village Board may extend such approval for an additional five years upon a request from an applicant provided that the Village Board finds that the RIO Development Plan still satisfies the standards set forth in Section 10-16-7.D of this code.
- B. Except for any approvals required pursuant to Section 10-16-9 of this code, upon approval of a RIO Development Plan, a property owner may develop its property in accordance with an approved RIO Development Plan without seeking additional zoning approvals provided that such development does not require additional Deviations or variations from the Zoning Ordinance or Subdivision Ordinance.

10-16-9 AMENDMENTS TO APPROVED RIO DEVELOPMENT PLAN

A. Substantial Change.

- 1. For purposes of this Section 10-16-10, the following changes in character of any approved RIO Development shall be "substantial changes":
 - a. A change in the land uses on the subject property;
 - b. An increase in the height of buildings on the subject property;
 - c. An increase by more than two percent in floor area or building square footage;
 - d. An increase by more than two percent in the size of approved building pads;
 - e. A reduction of more than two percent in approved common open space;
 - f. A substantial increase in the traffic volume generated by, or traffic circulation of, the proposed RIO Development;
 - g. A reduction in the number of off-street parking or loading spaces below the minimum required pursuant to Section 10-16-5 of this code;
 - h. Any change that, in the opinion of the Village Administrator, would constitute a significant modification to the provision of public utilities to the subject property; or
 - i. Any change for which a variation, modification, or a waiver from any provision of the Zoning Regulations would otherwise be required.
- 2. No substantial change to an approved RIO Development may be implemented except upon the adoption of an amendatory ordinance by the Village Board, which amendatory ordinance may be adopted only after a public hearing by, and recommendation of, the Joint Plan Commission and Zoning Board of Appeals, in the same manner, and subject to the same standards, as an application for a new RIO Development Plan approval pursuant to Section 10-16-7 of this code.

- B. **Minor Change.** The Village Administrator may approve changes to an approved RIO Development that do not, in the sole and absolute discretion of the Village Administrator, constitute a "substantial change" to the RIO Development, in accordance with the following procedure:

1. The Village Administrator may approve the proposed minor change upon making a finding that the change is consistent with the intent and purpose of the approved RIO Development Plan.
 2. The Village Administrator shall notify the Village Board of the approval of a minor change within seven days thereof.
 3. Within 60 days of its receipt of the notice submitted by the Village Administrator, the Village Board shall either (i) ratify the Village Administrator's approval of the minor change, by resolution duly adopted, or (ii) deny the minor change. Any minor change denied by the Village Board pursuant to this Section 10-16-10.C may be reclassified as a "substantial change" and approved in the same manner, and subject to the same standards, as an application for a new RIO Development Plan approval.
 4. The failure of the Village Board to ratify or deny a minor change within 60 days of the date of receipt of notice thereof shall be deemed a ratification of the minor change.
- C. Nothing in this Section 10-16-10 shall be deemed or interpreted as obligating the Village to grant any requested changes or amendments to an approved RIO Development Plan.

10-16-10 ARCHITECTURAL BOARD OF REVIEW SITE REVIEW REQUIRED

All properties in the RIO District are subject to Site Plan Review by the architectural board of review pursuant to Section 10-2-8 of this code. Where RIO Development Plan review is also required pursuant to Section 10-16-8 of this code, these reviews shall be coordinated and acted upon concurrently by the Village Board of Trustees.

10-16-11 FEES

The fees, if any, to be collected by the Village in exchange for its performance of RIO Development Review or ABR site plan review for any property in the RIO District shall be set by the Village Board of Trustees in the Village's Comprehensive Fee Schedule, codified as Section 1-12-3 of the Municipal Code.