



# Village of WILLOWBROOK

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Proud Member of the  
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## A G E N D A

A JOINT PLAN COMMISSION AND VILLAGE BOARD MEETING OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON TUESDAY, OCTOBER 25, 2022, AT 5:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM WEBINAR FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

**Dial in Phone Number:** (312) 626-6799

**Meeting ID:** 886 2662 7410

Written public comments can be submitted by 5:00 pm on Tuesday, October 25, 2022 by emailing [shalloran@willowbrook.il.us](mailto:shalloran@willowbrook.il.us).

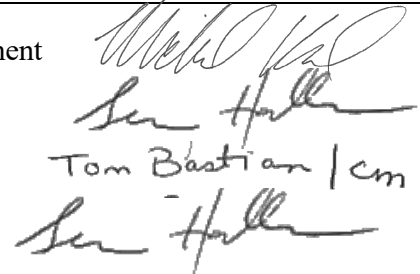
1. CALL TO ORDER
2. ROLL CALL
3. VISITOR'S BUSINESS
4. DISCUSSION – ZONING CODE UPDATE
5. ADJOURNMENT

# VILLAGE OF WILLOWBROOK

## JOINT PLAN COMMISSION/BOARD OF TRUSTEES MEETING AGENDA ITEM – HISTORY/COMMENTARY

**ITEM TITLE:****ZONING CODE UPDATE****AGENDA NO. 4****AGENDA DATE: 10/25/2022****STAFF REVIEW:** Michael Krol, Director of Community Development

Sean Halloran, Village Administrator

**LEGAL REVIEW:** Tom Bastian, Village Attorney**RECOMMENDED BY:** Sean Halloran, Village Administrator

Michael Krol  
Sean Halloran  
Tom Bastian / cm  
Sean Halloran

**ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)**

In 2021, the Village Board approved a contract with Houseal Lavigne Associates for the update to the zoning code. As the Board is aware, the Village has never comprehensively updated its zoning code since its founding in 1960. Since the Board's approval last summer, staff and the steering committee have been working with representatives from Houseal Lavigne to review and provide guidance. The most recent meeting that staff had with Houseal Lavigne and members of the Plan Commission and Board of Trustees took place in September 2022.

At that meeting, staff received direction on the structure and intent of the zoning code from Commissioners and Trustees on Chapters 5 and 6 of the updated code. Since that meeting, staff has met with the Joint Committee of the Plan Commission and Board of Trustees several times to review the chapters of the proposed zoning code update. The attached report is Houseal Lavigne and staff's first draft language for Chapters 7-10 of the proposed zoning code. The remaining chapter, Chapter 11, Definitions, will be reviewed by the Plan Commission and the Board of Trustees in November 2022.

**ACTION PROPOSED:**

Provide feedback to staff.

## Chapter 7. Subdivision Standards and Procedures

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### 9-7-01: Purpose and Intent

The purpose and intent of this chapter is to provide reasonable regulations for the design of subdivisions and re-subdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements and for the establishment of reasonable requirements for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment and the further development of standards to lessen the hazards of flood and to prevent or limit the construction of structures in areas prone to flooding.

All such rules, regulations and requirements are deemed to be nominal requirements for the preservation and promotion of the health, safety, welfare and convenience of the residents of the Village and adjacent areas.

### 9-7-02: Jurisdiction

This chapter has been adopted pursuant to **65 Illinois Compiled Statutes 5/11-12-5**, as amended, and is intended to apply to the subdivision and re-subdivision of property and to planned developments pursuant to chapter 8 of this UDORDO, located or to be located within the corporate limits of the Village and, upon the proper adoption and recording of the Village Comprehensive Plan, to the property located within one and one-half (1.5) miles of the existing corporate limits of the Village provided said property is not located within the corporate limits of any other municipality.

Should the Village enter into a boundary line agreement with any other municipality having a valid Comprehensive Plan pursuant to **65 Illinois Compiled Statutes 5/11-12-5**, as amended, then the terms and provisions of this chapter shall apply within such adjacent unincorporated areas as provided in any applicable boundary line agreement.

Notwithstanding any provision contained in this chapter to the contrary, the exemption from compliance with this chapter and the **"Subdivision Act" as provided for in 765 Illinois Compiled Statutes 205/1(b)9 of the "Subdivision Act" 1** shall not be applicable to any division or partitioning of land subject to the jurisdiction of the Village.

### 9-7-03: Design and Layout Standards

- A. **Streets.** Streets shall conform minimally to the requirements of the standard specifications incorporated by reference in this UDORDO and other conditions set forth by the Village Board. All proposed subdivisions shall conform to the street classification plan. Whenever a tract to be subdivided embraces any part of a regional major or minor arterial, so designated on the street classification plan, such part of such proposed public way shall be platted and dedicated by the subdivider in the location

and of the width indicated on the street classification plan, or in conformance with Illinois Department of Transportation standards, where applicable.

**1. Location and Arrangement.**

- a. The proposed subdivision shall conform to the various elements of the Comprehensive Plan and shall be considered in relation to the existing and planned arterials, collector and local streets, and such streets shall be platted and dedicated in the location and the width indicated on such plan.
- b. The street layout shall provide for continuation of collector streets in adjoining subdivisions, and/or for the proper projection of streets when adjoining property is not subdivided.
- c. The street layout shall include local streets so laid out that their use by through traffic shall be discouraged.
- d. Should a proposed subdivision border on or contain any existing or proposed arterial, the Plan Commission may require reverse frontage with screen planting contained in a nonaccess easement along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- e. Should a proposed subdivision border on or contain a tollway, expressway or other limited access highway right-of-way, including, but not by the way of limitation, I-55, U.S. Route 83 and 75th Street, the Village Board may require the location of a frontage road approximately parallel to and on each side of such right-of-way at a distance suitable for the development of any appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separations.
- f. Half streets shall be prohibited.
- g. Private streets may be permitted subject to the review by the Plan Commission and approval by the Village Boards. Such streets shall be constructed in conformance with the standard specifications and shall be further subject to all other terms of this UDO.

**2. Right-of-Way and Easement Widths.** Street right-of-way widths shall conform minimally to the following requirements:

<b>Table 9-7-03(A)(2) Right-of-Way and Easement Widths</b>			
<b>Street Classification</b>	<b>Right-of-Way Widths</b>	<b>Easement Widths</b>	<b>Total Widths</b>
<i>Regional Arterials</i>	200 feet	n/a	200 feet
<i>Major Arterial</i>	100 feet	n/a	100 feet
<i>Minor Arterial</i>	100 feet	n/a	100 feet
<i>Residential Collector</i>	80 feet	n/a	80 feet
<i>Nonresidential Collector</i>	60 feet	20 feet	80 feet
<i>Residential Local</i>	60 feet	n/a	60 feet
<i>Nonresidential Local</i>	60 feet	20 feet	80 feet

3. **Cul-de-Sacs.** Rights-of-way for cul-de-sacs shall conform minimally to the following requirements. Cul-de-sac length shall be measured as the distance, measured along the centerline of the cul-de-sac, beginning at the edge of pavement of the connecting street to the furthest edge of pavement of the cul-de-sac ball.

Table 9-7-03(A)(3) Cul-De-Sacs			
Street Classification	Single-Family Detached	Other Residential	Nonresidential
<i>Right-of-Way Width</i>	60 feet	60 feet	60 feet
<i>Easement Width</i>	n/a	n/a	20 feet
<i>Total Width</i>	60 feet	60 feet	60 feet
<i>Maximum Length</i>	500 feet	250 feet	250 feet
<i>Minimum Radius</i>	60 feet	60 feet	80 feet

4. **Street Grades.** For adequate drainage, the minimum street grade shall not be less than five-tenths of one (0.5) percent. The maximum street grade shall be five (5) percent for all arterial and collector streets and seven (7) percent for all local and cul-de-sac streets.
5. **Minimum Radii of Curvature on The Centerlines.** Curvature measured along street centerlines shall have the following minimum radii:
- Arterials.** A minimum radius of one thousand (1,000) feet.
  - Collector Streets.** A minimum radius of three (300) hundred feet.
  - Other Streets.** A minimum radius of two hundred fifty (250) feet.
6. **Tangents.** Between reverse curves there shall be not less than a minimum tangent for:
- Arterials.** Three hundred (300) feet.
  - Collector Streets.** One hundred (100) feet.
  - Other Streets.** Fifty (50) feet.
7. **Intersections.**
- All residential street intersections shall have a minimum curb return radius of twenty five (25) feet . All other residential and nonresidential street intersections shall have a minimum curb return radius of forty (40) feet.
  - At all street intersections with arterials and collector streets, an easement shall be established within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty five (25) feet from their point of intersection.
  - At alley intersections, the curbs and paving shall be rounded by an arc of at least twenty five (25) feet in radius.
  - All streets intersecting an arterial or collector street shall do so at right angles or as nearly as possible. Intersection angles of less than sixty (60) degrees shall not be permitted.
  - Curved streets, intersecting with arterials and streets, shall do so with a tangent section of centerline fifty (50) feet in length measured from the right-of-way line of the arterial or collector street.
8. **Street Jogs.** Any street which jogs with arterials, collectors or nonresidential streets with centerline offsets of less than two hundred twenty five (225) feet shall not be permitted; any street which jogs between other residential streets with centerline offsets of less than one hundred twenty five (125) feet shall not be permitted.

9. **Grading and Centerline Gradients.** Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than three hundred (300) feet.
  10. **Acceleration-Deceleration Lanes.** Streets which intersect with arterial or collector streets shall be provided with paved acceleration and deceleration lanes and passing lanes on both sides of the roadway. Such lanes shall be provided in keeping with the standards approved, from time to time, by resolution by the President and Village Boards for this type of improvement.
- B. **Blocks.** Blocks within subdivisions shall conform to the following standards:
1. **Sizes.**
    - a. Maximum length for blocks in residential subdivisions shall not exceed eight hundred (800) feet in length, except where in the opinion of the Village conditions may justify a greater distance.
    - b. Maximum length for blocks in nonresidential or mixed use subdivisions shall not exceed one thousand two hundred (1,200) feet in length, except where in the opinion of the Plan Commission conditions may justify a greater distance.
    - c. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
  2. **Public Walkways.**
    - a. Location of public walkways or crosswalks may be required by the Plan Commission to obtain satisfactory pedestrian access to private and public facilities such as, but not limited to, schools and parks, and where blocks exceed nine hundred (900) feet in length.
    - b. Easements for public walkways shall be at least twelve (12) feet in width. Pavement shall be designed and constructed in conformance with standard specifications adopted, from time to time, by resolution of the Village Boards. Typical cross sections of this easement shall be provided.
  3. **Easements.**
    - a. Utility easements along right-of-way lines shall be provided as required in **section 10-4-1** of this chapter.
    - b. Drainage and utility easements shall be provided as follows:
      - i. **Interior Rear Yards.** Ten (10) feet.
      - ii. **Peripheral Rear Yards.** Twenty (20) feet.
      - iii. **Interior Side Yards with Utilities.** Ten (10) feet.
      - iv. **Peripheral Side Yards.** Ten (10) feet.
      - v. **Peripheral Side Yards with Utilities.** Twenty (20) feet.
      - vi. **Interior Side Yards.** Five (5) feet.
    - c. In cases where the subdivider can demonstrate that additional easement areas are adjacent to the subject property, which are located within the Village corporate limits, and which grant proper easement rights to the Village, the subdivider may, at the sole discretion of the Village, be allowed to reduce easement areas. In no case shall easement areas on any property be reduced below five (5) feet.

- d. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the approved preliminary plat to all appropriate public utility agencies.
- 4. **Lots.** Lots within subdivisions shall conform to the following standards:
  - a. **Sizes and Shapes.**
    - i. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
    - ii. Lot areas and widths shall conform to at least the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.
    - iii. Building setback lines shall conform to at least the minimum requirements of the zoning ordinance.
    - iv. Excessive lot depth in relation to width shall be avoided. A depth to width ratio of three to one (3:1) shall normally be considered a maximum.
    - v. Through lots having frontage on two (2) parallel streets are discouraged and shall only be permitted in circumstances where the Village Board determines that the health, safety and general welfare of the affected public will not be adversely impacted.
  - b. **Arrangement.**
    - i. Every lot shall front on a street.
    - ii. Side lot lines shall be at right angles or radial to the street lines.
    - iii. Streets and lots shall be arranged, to the extent possible, so as to assure that dwellings do not face rear or side yards of lots across streets wherever possible. Where such lot relationships are permitted to exist, through lots shall be screened from the street by berms or intensive and obscuring landscaping.
- 5. **Natural Environmental Features.** The natural environmental features and character of lands shall be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels shall be considered by the subdivider and the dedication and provision of adequate barriers where appropriate, shall be required.

## 9-7-04: Improvements

- A. **Public Improvements.** This chapter sets forth the minimum acceptable standard of improvements for all subdivisions, re-subdivisions and planned developments. The required level of improvement shall apply to all improvements whether public or private and shall, to the extent legally permissible, apply to previously approved subdivisions, re-subdivisions and planned developments, where no final engineer approval has been granted. All those improvements for which standards are not specifically set forth shall have said standards set by resolution or published rules of the Village Board. All improvements shall meet the standards set forth in the **Village's Public Improvements Specification Manual** or other resolution or published rules of the Village Board.
- B. **Streets.** All streets and appurtenances shall be constructed in accordance with details and specifications approved by the Village Board as follows:
  - 1. **General Requirements.**
    - a. A registered professional engineer acting for the subdivider shall present sufficient data and information relative to the proposed street improvements to ensure satisfactory grading and drainage.

- b. Street profile plans for all streets in subdivisions shall be prepared by a registered professional engineer in accordance with the requirements of this UDO and the Village Administrator or their designee. The engineer shall be responsible for establishing the proper lines and grades for all earthwork and drainage.
  - c. All grading shall be done in a workmanlike manner to grades established by the subdivider's professional engineer and approved by the Village Administrator or their designee.
2. **Street Pavement Width Standards.** All streets to be constructed pursuant to these regulations shall be minimally constructed to the widths set forth in the following schedule. All widths shall be deemed to be measured from back of curb to back of curb. All taper sections at intersections, acceleration, deceleration, bypass and other turning lanes shall be in addition to the requirements set forth in this subsection.
  3. **Curbs and Gutter.** All streets are to be designed and constructed with curbs and gutters in accordance with standard specification adopted, from time to time, by resolution of the Village Board.
  4. **Street Pavements.** All streets pavements shall be designed and constructed in accordance with standard specifications adopted from time to time, by resolution of the Village Board.
  5. **Unpaved Areas.** All unpaved areas within dedicated rights-of- way shall be graded and sodded in accordance with standard specifications adopted, from time to time, by resolution of the President and Village Board.

**C. Utilities.**

1. **Requirements For Underground Wiring.** All lines for telephone, electric, television and other similar services distributed by wire or cable are to be placed underground entirely throughout a subdivided area. Such conduits or cables shall be placed within dedicated rights-of-way or, where applicable, easements. All such facilities placed in dedicated rights-of-way or easements shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Illinois Commerce Commission, and in conformance with the franchise of said utilities. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the subdivider.
2. **Storm Drainage System and Other Drainage Improvements.** Storm drainage and other drainage improvements as required by this UDO shall be designed and constructed in accordance with standard specifications adopted, from time to time, by resolution of the Village Board.
  - a. All paved and unpaved areas within dedicated rights-of-way shall incorporate design and management elements which will reduce the pollutorial content of road stormwater runoff in a manner consistent with the regulations contained in **section 208, Water Quality Plan, Public Law 92-500, Federal Water Pollution Control Act as amended.**
3. **Public Water Supply and Distribution Systems and Sanitary Sewerage Systems.** All lots shall be improved with a public water supply and distribution, including fire protection capacity, and sewerage systems which shall be designed and constructed in accordance with standard specifications adopted, from time to time, by resolution of the Village Board. The requirements of this section shall not apply to those lots, parcels or uses specified in **section 9-3-13** of this UDO.
4. **Private Water Supply and Private Sanitary Sewage Systems.** Private water supply and private sanitary sewage systems (all systems not under the jurisdiction of the Illinois Environmental Protection Agency) when permitted, shall comply with the provisions of applicable Federal, State and County UDOs and regulations and the provisions of this UDO.

**D. Other Improvements.**

1. **Sidewalks.** In all subdivisions created after the effective date of this section, sidewalks shall be provided on the sides of all street rights-of-way adjacent to and contained within the subdivision being developed.



- a. All lots contained within a legal subdivision created prior to the effective date of this section shall be improved with sidewalks in compliance with the requirements hereof, provided, however, that this requirement shall not apply to previously existing legally subdivided lots which are intended to be improved with single-family detached dwellings. The requirement contained in this paragraph shall be applied at the time application is made for a building permit.
    - b. All sidewalks shall be designed and constructed in accordance with standard specifications adopted, from time to time, by the Village Board.
  2. **Public Walkways.** Public walkways shall be provided in accordance with the provisions of this UDO. Planting pockets shall be provided in public walkways for tree and shrub plantings. The planting and landscaping plan shall meet with the approval of the Plan Commission. Fences or other improvements may also be required if the Plan Commission determines they are necessary to protect adjacent property owners.
    - a. All improvements required in this section shall be designed and constructed in conformance with standard specifications adopted, from time to time, by resolution, of the Village Board.
  3. **Plantings.** All unpaved areas within the street right-of-way shall be seeded or sodded. Before the release of the twelve (12) month maintenance bond can be recommended by the Village Engineer, all unpaved areas between the edge of the road pavement and the right-of-way line must support an adequate mat of grass. Provision shall be made to assure growth of all landscaping. Street trees shall be planted on both sides of each proposed street except where there are existing trees present and preserved. Street trees newly planted shall be no further apart than fifty (50) feet or one tree per inside lot and two (2) trees on corner lots, whichever is greater. The types of trees shall be limited to those varieties as approved by the Plan Commission. Newly planted street trees shall not be less than three (3) inches in caliper, measured one (1) foot from the ground. The species of trees so planted shall be alternated so that trees of the same species shall not be planted consecutively. The planting schedule and sequence shall be subject to the approval of the Plan Commission. The planting of species identified as invasive by the State of Illinois Department of Natural Resources shall be prohibited.
    - a. Protective screen planting may be required to secure a reasonably effective physical barrier between residential property and adjoining uses to minimize adverse conditions of sight and sound. The screen plantings shall be prepared, submitted and shall meet the approval of the Village Board.
  4. **Street Lighting.** The subdivider shall provide street lighting in all subdivisions which shall be designed and constructed in accordance with standard specifications adopted, from time to time, by resolution by the Village Board.
  5. **Street Signs.** Each subdivider shall erect street name signs at each intersection indicating the names of streets as shown on the final plat, including the numbering sequences as established in the Village address ordinance. The signs shall be clearly legible to persons approaching the intersection from any direction and shall be designed and constructed in accordance with the standard specifications adopted, from time to time, by resolution by the Village Board.
  6. **Commercial, Industrial, Officer Research and Multi-Family and Parking and Lighting.** The subdivider shall provide parking and parking lots and site lighting in all developments which shall be designed and constructed in accordance with standard specifications adopted, from time to time, by resolution of the Village Boards.
- E. **Acceptance of Public Improvements.** Upon completion of any public improvements in any area or phase of development, and further, upon the submission to the Village of a certification from the engineering firm employed by the subdivider affirming that said public improvements or portions or segments thereof have been completed in conformance with this UDO and all engineering plans and specifications submitted pursuant thereto, the Village shall within twenty (20) days after written notice from the subdivider either: a) accept said improvement, or, b) designate in writing to the subdivider all alterations which shall be required to obtain final acceptance of said public improvements, specifically citing the sections of the appropriate UDO or the standard specifications adopted pursuant thereto relied upon by the Village in declining acceptance. After acceptance of any public improvement by the Village, any letter of credit, cash deposit, completion bond

or other guaranty required by this UDO securing the construction of said public improvement shall be remitted or released to the subdivider in accordance with the terms of the subdivision improvement agreement. Upon completion and acceptance by the Village, owners shall convey and transfer said public improvements or any part thereof so accepted to the Village by appropriate bills of sale or other documents.

#### 9-7-05: Establishment of Subdivision Procedures

- A. **Major Subdivision.** A major subdivision is any subdivision that does not meet the criteria for a minor subdivision as detailed in 9-7-05(B).
- B. **Minor Subdivision.** A minor subdivision is a subdivision in which any of the following conditions exist:
1. Subdivisions creating fewer than five (5) or fewer lots and the entire property to be subdivided is ten (10) acres or less,
  2. Subdivision solely for the creation of public right of way or other public tracts,
  3. Consolidation of two (2) or more lots into fewer lots on an approved final plat,
  4. Lot line or boundary adjustments to an approved final plat, or
  5. Correction of errors or omissions on an approved final plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections.

## 9-7-06: Major Subdivision Procedures

- A. **Major Subdivision Procedures Outline.** The process for review and approval of a major subdivision shall include the steps and responsible parties outlined in [Table 9-7-06](#) and detailed in [Section 9-7-06\(B-F\)](#).

Table 9-7-05 Major Subdivision Procedures Outline					
Step		Village Administrator	Committee of the Whole	Plan Commission	Village Board
<i>Sketch Plan</i>					
1	Pre-Application Conference	A			
2	Sketch Plan Submittal	A			
3	Sketch Plan Review and Recommendation		R		
<i>Preliminary Plat</i>					
1	Pre-Application Conference	A			
2	Preliminary Plat Submittal	A			
3	Village Administrator Report		R		
4	Revised Preliminary Plat Submittal	A			
5	Plan Commission Hearing and Recommendation			R*	
6	Village Board Hearing and Action				D*
<i>Final Plat</i>					
1	Final Plat Submittal	A			
2	Village Administrator Report		R		
4	Village Board Action				D
5	Post Approval Actions	A			
6	Final Plat Recordation	A			
<i>Key:</i>					
A = Administrative Body					
R = Recommending Body					
D = Decision Making Body					
* = Public Hearing Required					

- B. **Sketch Plan Stage.** An applicant for a major subdivision shall submit a sketch plan. The purpose of the sketch plan is two-fold. First, it provides the Village the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss their development plans, explain how the plans will further the community's vision, and obtain input and direction from the Plan Commission and the Village Board early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision, while minimizing the cost to the applicant.
1. **Pre-Application Conference.** A pre-application conference with the Village Administrator or their designee is required before the applicant may submit a sketch plan. Any comment made by the Village Administrator or their designee at the pre-application conference shall neither be intended or construed as a formal or informal recommendation for the approval of the major subdivision or component thereof, nor shall be intended or construed as a binding decision of the Village. Topics to be discussed at the pre-application conference may include:
    - a. Applicant's goals for the property,
    - b. Village vision and expectations regarding the character and quality of development,
    - c. Infrastructure requirements,
    - d. Community Design and Development Standards,

- e. Village regulations and standards,
  - f. The application and review process,
  - g. Submittal requirements,
  - h. Applicable fees and costs, and/or
  - i. Scheduling issues.
2. **Sketch Plan Submittal.**
- a. The sketch plan, including all information required in the UDO Application Requirements Manual, shall be submitted to the Village Administrator or their designee.
  - b. The Village Administrator or their designee shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
3. **Committee of the Whole Sketch Plan Review and Recommendation.** The Committee of the Whole shall review the sketch plan application and provide comments on the proposed project to the applicant, based on how well the application addresses the standards for review in [Section 9-7-08](#).
4. **Plan Commission Sketch Plan Review and Recommendation.** Following the Committee of the Whole review, the Plan Commission shall review the sketch plan application and provide comments on the proposed project to the applicant, based on how well the application addresses the standards for review in [Section 9-7-08](#).
5. **Village Board Sketch Plan Review and Recommendation.** Following the Plan Commission review, the Village Board shall review the sketch plan and provide comments on the proposed project to the applicant, based on how well the application addresses the standards for review in [Section 9-7-08](#).
6. Any comment made by the Committee of the Whole, Plan Commission, or Village Board at the Sketch Plan Stage shall neither be intended or construed as a formal or informal recommendation for the approval of the major subdivision or component thereof, nor shall be intended or construed as a binding decision of the Village.
- C. **Preliminary Plat.** The purpose of the preliminary plat application is to provide the Village with an overall plan for the proposed development.
1. **Pre-Application Conference.** A pre-application conference with the Village Administrator or their designee is required before the applicant may submit a Preliminary Plat application. Any comment made by the Village Administrator or their designee at the pre-application conference shall neither be intended or construed as a formal or informal recommendation for the approval of the major subdivision or component thereof, nor shall be intended or construed as a binding decision of the Village. Topics to be discussed at the pre-application conference may include:
- a. Village regulations and standards,
  - b. Infrastructure requirements,
  - c. The application and review process,
  - d. Submittal requirements,
  - e. Applicable fees and costs, and/or
  - f. Scheduling issues.
2. **Preliminary Plat Submittal.**

- a. The Preliminary Plat, including all information required in the UDO Application Requirements Manual, shall be submitted to the Village Administrator or their designee.
- b. The Village Administrator or their designee shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies. The Village Administrator or their designee may refer the preliminary grading and drainage plan to the Public Works Director for additional review.
- c. Failure to cure the deficiencies or submit a revised preliminary plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the Village.

**3. Preliminary Plat Report.**

- a. After the determination of completeness, the application shall be reviewed by the Committee of the Whole pursuant to the standards for review in **Section 9-7-08**.
- b. The Village Administrator or their designee shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.

**4. Revised Preliminary Plat Submittal.**

- a. The applicant shall revise the preliminary plat as necessary based on the issues of concern identified by the Village Administrator or their designee in the preliminary plat report.
- b. The revised preliminary plat shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the Preliminary Plat.
- c. The applicant shall submit the revised preliminary plat to the Village Administrator or their designee who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to the Plan Commission. If the Village Administrator or their designee determines that the required information and/or issues of concern have not been addressed, the Village Administrator or their designee shall notify the applicant of such deficiencies.
- d. Failure to cure the deficiencies or resubmit a revised plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the Village.

**5. Plan Commission Preliminary Plat Public Hearing and Recommendation.**

- a. The Preliminary Plat application shall be scheduled for public hearing before the Plan Commission and noticed pursuant to **Section 9-9-03(B)(4)**.
- b. The Plan Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Village Administrator or their designee, and reviewing the application, shall make a recommendation for approval, approval with conditions, or denial of the application to the Village Board, based upon the standards for review in **Section 9-7-08**.

**6. Village Board Preliminary Plat Public Hearing and Action.**

- a. Following the recommendation of the Plan Commission, the Preliminary Plat application shall be scheduled for a public hearing before the Village Board and noticed pursuant to **Section 9-9-03(B)(4)**. Notice for the Plan Commission and Village Board public hearing may run concurrently.
- b. The Village Board, after conducting a public hearing, considering the recommendation of the Plan Commission, and Village Administrator or their designee, and reviewing the application, shall decide, by resolution, to approve, approve with conditions, or deny the application based upon the standards for review in **Section 9-7-08**.

**7. Effect of Approval or Denial.**

- a. If the Village Board denies the preliminary plat application, the applicant shall be required to restart the process at the Pre-Application Conference stage.
  - b. Approval of any preliminary plat shall be effective for a period of one (1) year unless a phasing plan and schedule for final platting is approved with the Preliminary Plat.
  - c. Approval of the Preliminary Plat remains in effect continuously if final plats are being filed and approved in accordance with the approved phasing and schedule.
  - d. In the event that the final plat has not been submitted within the time set forth herein, or subsequent phases are not submitted in accordance with the approved schedule, the Preliminary Plat shall be deemed null and void and the applicant shall be required to restart the Preliminary Plat review.
- D. **Final Plat.** The purpose of the Final Plat application is to complete the subdivision of land consistent with the approved Preliminary Plat.
- 1. **Final Plat Submittal.**
    - a. The Final Plat application shall conform to the Preliminary Plat as approved by the Village Board and shall address all conditions of approval required by the Village Board. Final plat applications may be submitted concurrently with a Preliminary Plat application.
    - b. The Final Plat, including all information required in UDO Application Requirements Manual, shall be submitted to the Village Administrator or their designee.
    - c. The Village Administrator or their designee shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
    - d. Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the Village.
  - 2. **Village Administrator or their designee Final Plat Report.**
    - a. After the determination of completeness, the application shall be reviewed by the Village Administrator or their designee to ensure the application conforms to the approved Preliminary Plat, addresses all conditions of approval required by the Village Boards and meets the standards for review in [Section 9-7-08](#).
    - b. The Village Administrator or their designee shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
  - 3. **Revised Final Plat Submittal.**
    - a. The applicant shall revise the Final Plat as necessary based on the issues of concern identified by the Village Administrator or their designee in the Final Plat Report.
    - b. The revised Final Plat shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the Final Plat.
    - c. The applicant shall submit the revised Final Plat to the Village Administrator or their designee who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to the Plan Commission. If the Village Administrator or their designee determines that the required information and/or issues of concern have not been addressed, the Village Administrator or their designee shall notify the applicant of such deficiencies.
    - d. Failure to cure the deficiencies or resubmit a revised plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the Village.

4. **Plan Commission Final Plat Recommendation.** The Plan Commission, considering the recommendation of the Village Administrator or their designee, and reviewing the application, shall make a recommendation for approval, approval with conditions, or denial of the application to the Village Board, based upon the standards for review in [Section 9-7-08](#).
5. **Village Board Final Plat Action.** Following the recommendation of the Plan Commission, considering the recommendation of the Plan Commission, and Village Administrator or their designee, and reviewing the application, shall decide, by resolution, to approve, approve with conditions, or deny the application based upon the standards for review in [Section 9-7-08](#).

**E. Post Approval Actions.**

1. The applicant must comply with the requirements of the Village Board and this UDO within one hundred eighty (180) calendar days of Village Board approval, or the final plat approval shall be void and must be resubmitted to the Village for Village Board approval.
2. The applicant shall submit the following items to the Village Administrator or their designee:
  - a. **Electronic File.** An electronic (digital) version of the Final Plat in a format acceptable to the Public Works Director, with survey data referenced to the State Plane Coordinates.
  - b. **Development Agreement.** An executed development agreement, as provided by the Village and in a form acceptable to the Village Attorney.
  - c. **Chapter Commitment.** A chapter insurance commitment or policy issued by a chapter insurance company, certified to date of final Village Board approval of the final plat, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the Final Plat. The applicant shall cause to be joined on said plat those parties necessary to give unencumbered fee simple chapter to all public rights-of-way contained therein.
  - d. **As-Built Drawings.** Provide three (3) copies of as-built drawings for all improvements within sixty (60) days of the final walk-through inspection.

- F. **Final Plat Recordation.** Prior to recording of the final plat, the applicant shall supply the Village Administrator or their designee with one (1) print of each page of the final plat, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final revisions have been made, the applicant shall supply three (3) original mylar versions of the final plat, each containing the signatures of the property owner(s), any signatures necessary to give the Village unencumbered fee chapter to public rights of way, the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the Village Administrator or their designee shall cause the signatures of the Village Administrator and the Village Clerk to be affixed to the mylars. One (1) original mylar of the final plat shall be recorded by the Village Clerk in the office of the DuPage County Clerk. The recording fee for the approved plat and supplementary documents as required shall be paid by the applicant.

## 9-7-07: Minor Subdivision Process

- A. **Minor Subdivision Process Outline.** The process for review and approval of a minor subdivision shall include the steps and responsible parties outlined in [Table 9-7-07](#) and detailed in [Section 9-7-07\(B\)](#).

Table 9-7-06 Minor Subdivision Procedures Outline				
Step		Village Administrator	Plan Commission	Village Board
<i>Minor Subdivision Plat</i>				
1	Pre-Application Conference	A		
2	Minor Subdivision Plat Submittal	A		
3	Village Administrator Report	R		
4	Revised Minor Subdivision Plat Submittal	A		
5	Plan Commission Hearing and Recommendation		R*	
6	Village Board Action			D
<b>Key:</b>				
A = Administrative Body				
R = Recommending Body				
D = Decision Making Body				
* = Public Hearing Required				

B. **Minor Subdivision Plat.**

1. **Pre-Application Conference.** A pre-application conference with the Village Administrator or their designee is required before the applicant may submit a Minor Subdivision Plat application. Any comment made by the Village Administrator or their designee at the pre-application conference shall neither be intended or construed as a formal or informal recommendation for the approval of the major subdivision or component thereof, nor shall be intended or construed as a binding decision of the Village. Topics to be discussed at the pre-application conference may include:
  - a. Village regulations and standards,
  - b. Infrastructure requirements,
  - c. The application and review process,
  - d. Submittal requirements,
  - e. Applicable fees and costs, and/or
  - f. Scheduling issues.
2. **Minor Subdivision Plat Submittal.**
  - a. The Minor Subdivision Plat, including all information required in the UDO Application Requirements Manual, shall be submitted to the Village Administrator or their designee.
  - b. The Village Administrator or their designee shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
  - c. Failure to cure the deficiencies or submit a revised Minor Subdivision Plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the Village.
3. **Village Administrator or their designee Minor Subdivision Plat Report.**
  - a. After the determination of completeness, the application shall be reviewed by the Village Administrator or their designee pursuant to the standards for review in [Section 9-7-08](#).



- b. The Village Administrator or their designee shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.

**4. Revised Minor Subdivision Plat Submittal.**

- a. The applicant shall revise the Minor Subdivision Plat as necessary based on the issues of concern identified by the Village Administrator or their designee in the Minor Subdivision Plat report.
- b. The revised Minor Subdivision Plat shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the Minor Subdivision Plat.
- c. The applicant shall submit the revised Minor Subdivision Plat to the Village Administrator or their designee who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to the Plan Commission. If the Village Administrator or their designee determines that the required information and/or issues of concern have not been addressed, the Village Administrator or their designee shall notify the applicant of such deficiencies.
- d. Failure to cure the deficiencies or resubmit a revised plat within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the Village.

**5. Presentation to the Committee of the Whole.** The Village Administrator or their designee shall present the application to the Committee of the Whole prior to scheduling the Plan Commission public hearing.

**6. Plan Commission Minor Subdivision Plat Public Hearing and Recommendation.**

- a. The Minor Subdivision Plat application shall be scheduled for public hearing before the Plan Commission and noticed pursuant to **Section 9-9-03(B)(4)**.
- b. The Plan Commission, within thirty (30) days of conducting a public hearing, considering the recommendation of the Village Administrator or their designee, and reviewing the application, shall make a recommendation for approval, approval with conditions, or denial of the application to the Village Board, based upon the standards for review in **Section 9-7-08**.

**1. Village Board Minor Subdivision Plat Action.** Following the recommendation of the Plan Commission, considering the recommendation of the Plan Commission, and Village Administrator or their designee, and reviewing the application, shall decide, by resolution, to approve, approve with conditions, or deny the application based upon the standards for review in **Section 9-7-08**.

**C. Post Approval Actions.**

- 1. The applicant must comply with the requirements of the Village Board and this UDO within one hundred eighty (180) calendar days of Village Board approval, or the Minor Subdivision Plat approval shall be void and must be resubmitted to the Village for Village Board approval.
- 2. The applicant shall submit the following items to the Village Administrator or their designee:
  - a. **Electronic File.** An electronic (digital) version of the Final Plat in a format acceptable to the Public Works Director, with survey data referenced to the State Plane Coordinates.
  - b. **Development Agreement.** An executed development agreement, as provided by the Village and in a form acceptable to the Village Attorney.
  - c. **Chapter Commitment.** A chapter insurance commitment or policy issued by a chapter insurance company, certified to date of final Village Board approval of the Minor Subdivision Plat, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the Minor

Subdivision Plat. The applicant shall cause to be joined on said plat those parties necessary to give unencumbered fee simple chapter to all public rights-of-way contained therein.

- d. **As-Built Drawings.** Provide three (3) copies of as-built drawings for all improvements within sixty (60) days of the final walk-through inspection.
- D. **Minor Subdivision Plat Recordation.** Prior to recording of the Minor Subdivision Plat, the applicant shall supply the Village Administrator or their designee with one (1) print of each page of the Minor Subdivision Plat, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final revisions have been made, the applicant shall supply three (3) original mylar versions of the Minor Subdivision Plat, each containing the signatures of the property owner(s), any signatures necessary to give the Village unencumbered fee chapter to public rights of way, the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the Village Administrator or their designee shall cause the signatures of the Village Administrator and the Village Clerk to be affixed to the mylars. One (1) original mylar of the Minor Subdivision Plat shall be recorded by the Village Clerk in the office of the DuPage County Clerk. The recording fee for the approved plat and supplementary documents as required shall be paid by the applicant.

#### 9-7-08: Subdivision Standards for Review

The Village shall use the following standards of review to evaluate applications for Major and Minor Subdivisions.

- A. **UDO Compliance.** Unless otherwise approved as a Variance per **Section 9-9-04** or as a Planned Development per **Chapter 8**, the subdivision shall conform to all regulations of this UDO.
- B. **Comprehensive Plan Alignment.** The subdivision shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the Village.

## Chapter 8. Planned Development Standards and Procedures

9-8-01:	Intent and Purpose .....	1
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### 9-8-01: Intent and Purpose

The purpose of the regulations, standards, and criteria contained in this Chapter is to provide an alternate procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Chapter. The objective of the planned development process is to accommodate a higher level of design and amenity than is possible to achieve under otherwise applicable UDO regulations. The end result can be a product which fulfills the objectives of Village plans and policies, including but not limited to the Comprehensive Plan, while departing from the strict application of the regulations of this UDO. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- A. To promote long term planning pursuant to the Village of Willowbrook Comprehensive Plan and other relevant plans and Village policies.
- B. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- C. To provide more efficient use of land.
- D. To preserve natural features and provide open space areas and recreation areas in excess of that required under this UDO.
- E. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- F. To unify buildings and sites through design.

### 9-8-02: General Provisions

- A. The following must be approved as a planned development in accordance with this UDO:
  - 1. Any multifamily, mixed use, or nonresidential development on a lot or lots greater than ##### square feet.
  - 2. Any development with more than one (1) principal building per lot.
- B. Any development other than development comprised solely of single-family detached residential uses may be approved as a planned development.
- C. Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development solely upon an already existing planned development.
- D. The burden of providing evidence and persuasion that any planned development is necessary and desirable shall rest solely with the applicant.

### 9-8-03: Planned Development Relation to Base District Standards

- A. A planned development, if approved, shall be applied as special use, and all base district designations shall be maintained.
- B. A planned development, if approved, may allow for modifications to the base district standards. All such modifications shall be referred to as site development allowances.
- C. Notwithstanding any limitations on variations which can be approved as contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance in the planned development application and demonstrates how each site development allowance:
  - 1. Would be compatible with surrounding development;
  - 2. Is necessary for proper development of the site; and
  - 3. Is aligned with a minimum of one (1) of the modification standards detailed in **Section 9-1-04**.
- D. All approved site development allowances shall be delineated in the ordinance approving the planned development and shall be considered the standards of the planned development overlay district as it applies to the subject property.

**9-8-04: Modification Standards**

An applicant seeking a site development allowance shall be required to justify each request through the provision of tangible benefits to the Village of Willowbrook by meeting a minimum of one (1) of the modification standards detailed below per requested site development allowance.

- A. **Landscape Conservation and Visual Enhancement.** The planned development preserves and enhances existing landscape, trees, and natural features such as rivers, streams, ponds, groves, and landforms.
- B. **Sustainable Design.** The planned development is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, and landscaping design capable of reducing energy consumption and improving onsite stormwater management.
- C. **Public Gathering Space.** The planned development includes public gathering space, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, pedestrian scale, and celebratory lighting such as string or Tivoli lights, and/or other features. The public gathering space is integrated into the overall design of the planned development and has a direct functional or visual relationship to the main building(s) and is not of an isolated or leftover character.
- D. **Placemaking.** The planned development has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, open spaces, etc.
- E. **Affordability.** The planned development includes residential dwellings that are deed restricted for households that make less than or equal to eighty (80) percent of the area median income as defined by the US Department of Housing and Urban Development.
- F. **Universal Design.** The planned development includes buildings designed with accessible features such as level access from the street and/or zero entry thresholds.
- G. **High Quality Building Materials.** The planned development utilizes time and weather tested building materials that are of a higher quality than what is otherwise required by this UDO.

**9-8-05: Standards for Review**

The following standards for review shall be utilized in the review of a planned development application as a whole, including any requested site development allowances and the modification standards proposed to justify those requests. No application for a planned development shall be approved unless the Village Board finds that the application meets all of the following standards:

- A. **Plan and Policy Alignment.** The planned development is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the Village.
- B. **Integrated Design with Identifiable Centers and Edges.** The planned development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- C. **Public Welfare.** The planned development is 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.
- D. **Compatibility with Adjacent Land Uses.** The planned development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
- E. **Impact on Public Facilities and Resources.** The planned development is designed so that adequate utilities, road access, stormwater management, and other necessary facilities will be provided to serve it. The planned development shall include such impact fees as may be reasonably determined by the Village Board. These required impact fees shall be calculated in reasonable proportion to the impact of the planned development on public facilities and infrastructure.
- F. **Archaeological, Historical or Cultural Impact.** The planned development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.

## 9-8-06: Procedures

### A. Pre-Application and Sketch Plan Stage.

1. Any owner or representative of land within or adjacent to the Village may submit to the Village Administrator or their designee a sketch plan setting forth the information required in the UDO Application Requirements Manual in order to obtain the views of the appropriate Village officials for the purpose of providing such owner and/or agent guidance in the development of their property under the terms of this chapter.

### B. Preliminary Plan and Plat Stage.

1. Following the sketch plan and preapplication stage, the owner or their representative, hereafter referred to as the applicant, shall submit to the Village Administrator or their designee a completed application, along with the requisite number of copies of the PUD plan, and associated preliminary (tentative) plat, containing such information and in such form as required UDO Application Requirements Manual. Upon determining that the application is complete, the Village Administrator or their designee shall forward a copy of said application to the Village Board.
2. The Plan Commission shall, after public notice, hold a public hearing on the application for a special use permit for the planned unit development, and after consideration of the public comment and based on the Standards for Review, recommend to the Village Board:
  - a. Approval,
  - b. Approval with modification, or
  - c. Denial of the petition based on specific findings of fact.
3. The Plan Commission may call additional witnesses and/or receive independent testimony as they may deem necessary; and may continue said hearing from time to time in order to explore all outstanding questions and to achieve thorough findings of fact.
4. Notwithstanding any provisions contained herein to the contrary, should the Plan Commission not forward a recommendation to the Village Board within eighteen (18) months from the date of the public hearing, as a result of any action or inaction by the applicant, it will be necessary for the applicant to refile their application or an amended form of said application and follow the same procedure as required for a new application, including the payment of all required fees.
5. The Village Board shall receive the recommendation of the Plan Commission, and other recommendations of staff and officers as have been requested; and shall either:
  - a. Approve,
  - b. Approve with modification, or
  - c. Deny the application.
6. If the Village Board elects to approve the application in any form, the Village Board may establish a special use within the ordinance.
7. If authorized in the ordinance granting the special use permit, a planned development may be final platted, planned and developed in phases.
8. Notwithstanding any provisions contained herein to the contrary, the Village Board shall not take final action on an application for preliminary planned development plat approval if the property that is the subject of the application is determined by the Village Administrator or their designee to be in violation of any provision of this UDO.

9. No building permit, zoning certificate, or occupancy certificate can be issued until the recording of the final planned development plat and the final plat of subdivision.

**C. Final Plan of Development and Plat Stage.**

**1. Filing.**

- a. Within one (1) year after the adoption of the ordinance establishing a special use permit for the planned development, the applicant or their agent shall file with the Village Administrator or their designee the requisite number of copies of the final plan of development, and the associated final plat of subdivision.
- b. Upon determining that the application is complete, the Village Administrator or their designee shall forward a copy of said application to the Village Board.
- c. Notwithstanding any provision contained herein to the contrary, when the Village Board has approved the phasing of any planned unit development, the final plan and final plat for each phase shall be filed within the time frames established by the Village Board.

2. **Review.** The Village Board shall refer said plan and plats to the Plan Commission for review; and to any other officers or staff as they deem necessary in order to provide review and comment to the Plan Commission.

**3. Sufficient Plan And Plat.**

- a. If the final plan and plat are, in the opinion of the Plan Commission, deemed to be sufficient, in compliance with all applicable Village ordinances, and in substantial conformity with the approved preliminary plan and plat, they shall be approved by the Plan Commission and recommended to the Village Board.
- b. Copies of the final plan and plat, along with a letter of transmittal and recommendation, shall be transmitted by the Plan Commission to the Village Board.

**4. Action By The Village Board.**

- a. Upon receipt of the Plan Commission's recommendation, the Village Board shall either:
  - i. Accept the Plan Commission's recommendation and approve the final plat,
  - ii. Receive the Plan Commission's recommendation approve the plat with modifications, or
  - iii. Receive the Plan Commission's recommendation and deny the final plat.
- b. In the event the Village Board denies the final plat, it shall refer the final plat back to the Plan Commission with specific findings as to how the final plat is not in conformance with the associated preliminary plat and all other ordinances of the Village.
- c. Notwithstanding any provision contained herein to the contrary, the Village Board shall not take final action on an application for final planned development plat approval if the property that is the subject of the application is determined by the Village Administrator or their designee to be in violation of any provision of this UDO.

5. **Changes In The Final Plat And Plan Before Approval.** If the final plat and plan are substantially different from the approved preliminary plat and plan, the Plan Commission shall not approve the final plat, and instead shall require a new preliminary plat and plan and authorizing ordinance for the special use permit.

6. **Changes In The Recorded Final Plan Of Development And Final Plat.** Changes to the recorded final plan and plat of a planned development shall be categorized as either a major change or a minor change as follows:



- a. **Major Changes.** Any of the following shall be considered major changes and shall require a new application for preliminary and final plat of a planned development, unless otherwise restricted by the ordinance granting the special use for the planned development:
  - i. A greater than five (5) percent increase in density, gross floor area or building height.
  - ii. A greater than five (5) percent decrease in the number of parking spaces, landscaped area, or open space.
  - iii. Changes in the location of points of ingress or egress.
  - iv. A greater than twenty (20) foot change in the location of principal buildings, roadways or parking areas.
  - v. Changes in the types of permitted land use.
  - vi. Changes in the approved development schedule.
  - vii. Increases in the approved deviations.
- b. **Minor Changes.** Shall include all changes not defined as a major change. A minor change shall be subject to the approval of the Village Board by ordinance without the requirement of any further public hearing; provided, however, if the Village Administrator or their designee deems advisable, in their sole discretion, any minor amendment may require submission to the Plan Commission for review and recommendations, without a public hearing, prior to submission to the Village Board for approval. Minor changes shall require applicable zoning application and plan review fees be paid on a prorated share based on the area of the effected planned unit development.

#### 9-8-07: Maintenance and Use of Planned Developments

Every planned development shall at all times be maintained, used, and kept in full conformance with the provisions of this UDO and those plans, specifications, and special conditions expressly incorporated in any ordinance or resolution specifically governing the construction and development of the planned development.

## Chapter 9. Zoning Procedures

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### 9-9-01: General Application Requirements

#### A. Authorization.

1. An application for any zoning procedure, except for amendments, may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application.
2. An application for an amendment may be filed by an owner, lessee, agent or contract purchaser of property located in the Village or by the Village Board, Plan Commission, or the Village Administrator or their designee.

#### B. Filing.

1. An application for any zoning procedure shall be filed with the Village Administrator or their designee.
2. The application shall be on forms provided by the Village and shall be filed in such number as the instructions provide.
3. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.
4. The application shall include all information, plans, and data, specified in the UDO Application Requirements Manual.

#### C. Completeness.

1. The Village Administrator or their designee shall determine whether the application is complete.
2. If the application is not complete, the Village Administrator or their designee shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied.
3. Once the Village Administrator or their designee has determined that the application is complete, the application shall be reviewed and acted upon by the Village Administrator or their designee or scheduled for consideration at the appropriate meeting.

#### D. Fees.

1. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the Village Board.

2. The failure to pay such fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.
  3. No fees shall be waived, and no fees shall be refunded except those authorized by the Village Board.
  4. The Village Board shall adopt the Village Fee Schedule by resolution.
- E. **Withdrawal of Application.** An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a Village official, commission, or board. Such withdrawal shall be in writing.
- F. **Successive Applications.**
1. A subsequent application shall not be reviewed or heard within one (1) year of the date of denial unless there is substantial new evidence available or if a significant mistake of law or of fact affected the prior denial.
  2. Such subsequent application shall include a detailed statement of the grounds justifying its consideration.
  3. The Village Administrator or their designee shall make a determination as to whether the subsequent application is substantially the same as the original application.
  4. If the Village Administrator or their designee finds that there are no grounds for consideration of the subsequent application, they shall summarily and without hearing deny the request.

## 9-9-02: Administrative Review and Approval Procedures

- A. **Village Administrator Authority.** The Village Administrator or their designee shall have the authority to receive applications and make determinations for the following administrative procedures:
1. Site Plan Review
  2. Zoning Compliance Permit
  3. Administrative Exception
  4. Sign Permit
  5. Fence Permit
  6. Temporary Use Permit
  7. Special Event Permit
- B. **Site Plan Review.**
1. **Purpose.** The purpose of Site Plan Review is to certify compliance with all applicable provisions of this UDO.
  2. **Applicability.**
    - a. Every application for a building permit, including new construction and additions equal to or greater than twenty (20) percent of the existing floor area of the building, shall be subject to site plan review and approval.
    - b. Site plan review shall not apply to:
      - I. Building permits for construction that are limited to interior remodeling, exterior modifications or additions less than twenty (20) percent of the existing floor area of the building,
      - II. Building permits for detached single-family dwellings or accessory structures to detached single-family dwellings.

- c. No building permit shall be issued unless and until site plan approval has been granted.

**3. Village Administrator Review and Action.**

- a. The Village Administrator or their designee shall review the site plan review application to determine whether it conforms to all applicable provisions of this UDO.
- b. Based upon their review the Village Administrator or their designee shall:
  - I. Approve the site plan,
  - II. Approve the site plan with conditions,
  - III. Refer the site plan to the Plan Commission for review and approval, or
  - IV. Deny the site plan.

- 4. Concurrent Applications.** A Special Use Permit or Variance application may be processed concurrently with the site plan.

- 5. Expiration and Lapse of Approval.** The applicant shall have twelve (12) months from the date of site plan approval to secure a building permit to carry out the proposed improvements. If a building permit has not been obtained within twelve (12) months of the date of approval, the approval shall expire. An extension of the time requirements may be requested in writing and granted by the Village Administrator or their designee for good cause shown by the applicant, provided a written request is filed with the Village at least four (4) weeks prior to the respective deadline.

**C. Zoning Compliance Permit.**

- 1. Purpose.** The purpose of Zoning Compliance Permit is to certify compliance with all applicable provisions of this UDO. It shall be unlawful for any person to erect, move, add to, or structurally alter any building or structure, or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Compliance Permit has been issued by the Village Administrator or their designee.

**2. Village Administrator Review and Action.**

- a. The Village Administrator or their designee shall review the zoning compliance permit application to determine whether it conforms to all applicable provisions of this UDO.
- b. Based upon their review the Village Administrator or their designee shall:
  - I. Issue the Zoning Compliance Permit,
  - II. Issue the Zoning Compliance Permit with conditions,
  - III. Refer the zoning compliance permit application to the Plan Commission for review and approval, or
  - IV. Deny the Zoning Compliance Permit.

- 3. Concurrent Applications.** A Special Use Permit or Variance application may be processed concurrently with the Zoning Compliance Permit.

- 4. Expiration and Lapse of Approval.** The applicant shall have twelve (12) months from the date of Zoning Compliance Permit issuance to secure a building permit to carry out the proposed improvements. If a building permit has not been obtained within twelve (12) months of the date of issuance, the permit shall expire. An extension of the time requirements may be requested in writing and granted by the Village Administrator or their designee for good cause shown by the applicant, provided a written request is filed with the Village at least four (4) weeks prior to the respective deadline.

**D. Administrative Exception.****1. Purpose.**

- a. Administrative Exception is an administrative process through which certain minor variances may be approved by the Village Administrator or their designee.
- b. Administrative Exceptions are intended to allow a limited amount of flexibility in the standards of this UDO.
- c. The Village Administrator or their designee shall have the authority to grant or deny applications for Administrative Exceptions for such circumstances as this UDO allows, subject to the requirements of this Section.
- d. No site plan shall be approved or building permit issued for a proposal requiring an exception to a zoning standard listed in subsection (2) below unless an Administrative Exception is approved.

**2. Administrative Exceptions Considered.**

- a. An Administrative Exception may be granted for the following circumstances:
  - I. A maximum ten (10) percent reduction of the interior side and/or rear yard setback standard for a new principal or accessory building/structure, or an addition to an existing principal or accessory building/structure in any district,
  - II. A maximum ten (10) percent increase of the height standard for a new principal or accessory building/structure in any district,
  - III. A waiver of the requirement for additional parking when the intensity of a use of any building, structure, or premises increases or when the use of an existing building, structure, or premises changes per **Section 9-5-01(A)**.
  - IV. A waiver of the requirement for cross access per **Section 9-5-01(B)(7)**.
  - V. The approval of additional parking spaces beyond the maximum parking restriction per **Section 9-5-01(E)(2)**.
- b. An Administrative Exception shall not be granted for the approval of any use not otherwise allowed as a permitted, limited, or special use within the subject district.
- c. No Administrative Exception shall be considered where the setback is five (5) feet or less.
- d. In the case of a requested addition to a structure, no exception shall be considered where the existing structure does not meet the minimum setback.
- e. No exception shall be considered for a reduction of a setback for property in any nonresidential districts if the yard in which the setback reduction is requested is adjacent to any residential use.

**3. Administrative Exception Review Criteria.** The Administrative Exception shall be approved if the Village Administrator or their designee finds that the proposed exception meets the following criteria:

- a. Is consistent with the Comprehensive Plan and other adopted Village plans,
- b. Is consistent with the purpose of the underlying district,
- c. Is consistent with adopted building and fire codes,
- d. Will not result in incompatible development,
- e. Will not result in adverse impacts unless adequately mitigated, and

- f. Is of a technical nature and is required to:
  - I. Compensate for an unusual condition,
  - II. Eliminate a minor inadvertent failure to comply with this UDO, or
  - III. To protect a sensitive resource or natural feature.
- 4. **Pre-Application Conference.** The applicant for an Administrative Exception is encouraged to meet with the Village Administrator or their designee prior to submitting an application to discuss the submittal requirements, review criteria, and review process.
- 5. **Village Administrator Review and Action.** The application shall be reviewed by the Village Administrator or their designee to ensure the application conforms to the criteria in **Subsection 3** above. Based upon their review, the Village Administrator or their designee shall:
  - a. Approve the Administrative Exception application,
  - b. Approve the Administrative Exception application with conditions,
  - c. Advance the Administrative Exception application to a Variance, or
  - d. Deny the Administrative Exception application.
- 6. **Expiration.** If a building permit is not issued or a site plan is not approved within six (6) months of the approval of the Administrative Exception, the Administrative Exception approval shall be void.

**E. Sign Permit.**

- 1. **Purpose.** A Sign Permit shall be required prior to the display, construction, erection, or alteration of a sign and its structural components on any property. All signs must comply with Chapter 6, and the applicable sections of the building code as adopted by the Village. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
- 2. **Exemptions.** Signs exempt from a permit are detailed in **Section 9-6-04.**
- 3. **Sign Permit Review Criteria.** To approve the issuance of a Sign Permit, the Village Administrator or their designee shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other Village ordinances are met.
- 4. **Village Administrator Action.** The application shall be reviewed by the Village Administrator or their designee to ensure the application conforms to the criteria in **Subsection 3** above. Based upon their review, the Village Administrator or their designee shall:
  - a. Issue the Sign Permit,
  - b. Issue the Sign Permit with conditions, or
  - c. Deny the Sign Permit.
- 5. **Expiration and Lapse of Approval.** A Sign Permit shall become void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

**F. Fence Permit.**

- 1. **Purpose.** A Fence Permit shall be required prior to the construction or installation of any fence to certify compliance with all applicable regulations of this UDO and the applicable sections of the building code as adopted by the Village.

2. **Fence Permit Review Criteria.** To approve the issuance of a Fence Permit, the Village Administrator or their designee shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other Village ordinances are met.
3. **Village Administrator Action.** The application shall be reviewed by the Village Administrator or their designee to ensure the application conforms to the criteria in **Subsection 2** above. Based upon their review, the Village Administrator or their designee shall:
  - a. Issue the Fence Permit,
  - b. Issue the Fence Permit with conditions, or
  - c. Deny the Fence Permit.
4. **Expiration and Lapse of Approval.** A Fence Permit shall become void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

**G. Temporary Use Permit.**

1. **Purpose.** A Temporary Use Permit shall be required prior to the establishment of a temporary use per Section 9-3-04 of this UDO to certify compliance with all applicable regulations of this UDO and the applicable sections of the building code as adopted by the Village.
2. **Temporary Use Permit Review Criteria.** To approve the issuance of a Temporary Use Permit, the Village Administrator or their designee shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other Village ordinances are met.
3. **Village Administrator Action.** The application shall be reviewed by the Village Administrator or their designee to ensure the application conforms to the criteria in **Subsection 3** above. Based upon their review, the Village Administrator or their designee shall:
  - a. Issue the Temporary Use Permit,
  - b. Issue the Temporary Use Permit with conditions, or
  - c. Deny the Temporary Use Permit.

**H. Special Event Permit.**

1. **Purpose.** A Special Event Permit shall be required prior to the commencement of a special event as defined in this UDO. Special events shall take place on private property only unless specifically allowed on public property or right of ways by an Special Event Permit.
2. **Special Event Permit Review Criteria.** To approve the issuance of Special Event Permit, the Village Administrator or their designee shall make an affirmative finding that the following criteria are met as applicable:
  - a. **Land Use Compatibility.** The special event must be compatible with the purpose and intent of this UDO and the district in which it will be located. The special event shall not impair the normal, safe, and effective operation of a permanent use on the same site, unless otherwise approved by the use operator. The special event shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site, and its relationship to parking and access points.
  - b. **Compliance with Other Regulations.** A building permit or temporary certificate of occupancy may be required before any structure used in conjunction with the special event is constructed or modified. All structures and the site shall meet all applicable building code, UDO, and fire code standards and shall be promptly removed upon the cessation of the special event. Upon cessation of the special event, the site shall be returned to its previous

condition (including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use).

- c. **Hours of Operation and Duration.** The duration and hours of operation of the special event shall be consistent with the intent of the event and compatible with the surrounding land uses. The duration and hours of operation shall be established by the Village Administrator or their designee at the time of approval of the Special Event Permit.
- d. **Traffic Circulation.** The special event, as determined by the Village Administrator or their designee, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.
- e. **Off-Street Parking.** Adequate on-site or off-site off-street parking shall be provided for the temporary use, as determined by the Village Administrator or their designee, and it shall not create a parking shortage for any other use in operation during hours of operation of the special event.
- f. **Public Conveniences and Litter Control.** Adequate on-site restroom facilities and on-site solid waste containers may be required. The applicant shall provide a written guarantee that all litter generated by the special event shall be removed at no expense to the Village.
- g. **Appearance and Nuisances.** The special event shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and shall not impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
- h. **Signs and Attention-Getting Devices.** The Village Administrator or their designee shall review all signage in conjunction with the issuance of the Special Event Permit, although a Sign Permit is not required. The Village Administrator or their designee may approve the temporary use of attention-getting devices. The number and types of signs and attention-getting devices allowed shall be evaluated on the following criteria:
  - I. Type and size of the proposed event or use,
  - II. Safety considerations (sight distance setbacks, sidewalks in area, etc.),
  - III. Lighting considerations (disturbance of nearby residents or adverse effects to traffic on adjacent streets),
  - IV. Aesthetic concerns (appearance, illumination, number, and size of signs and attention-getting devices proposed).
- i. **Other Conditions.** The Village Administrator or their designee may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the special event. Conditions may include, but shall not be limited to:
  - I. Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.
  - II. If the permit applicant requests the Village to provide extraordinary services or equipment or if the Village Administrator or their designee otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the Village a fee sufficient to reimburse the Village for the costs of these services if not provided by the applicant. This requirement shall not apply if the special event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.



3. **Village Administrator Action.** The application shall be reviewed by the Village Administrator or their designee to ensure the application conforms to the criteria in **Subsection 2** above. Based upon their review, the Village Administrator or their designee shall:
  - a. Issue the Special Event Permit,
  - b. Issue the Special Event Permit with conditions, or
  - c. Deny the Special Event Permit.

### 9-9-03: General Board and Commission Review and Approval Procedures

- A. **Summary of Board and Commission Review and Approval Procedures.** Table 9-9-03(A) summarizes the Board and Commission review and approval procedures and identifies the appropriate boards or commissions that serve as recommending and/or decision-making bodies.

Table 9-9-03(A) Summary of Board and Commission Review and Approval Procedures		
Procedure	Plan Commission	Village Board
Variation	R*	D
Special Use Permit	R*	D
Text / Map Amendment	R*	D
Comprehensive Sign Plan		D
<b>Key:</b>		
R = Recommending Body		
D = Decision Making Body		
* = Public Hearing Required		

- B. **Public Notice.**

1. **Cost of Notice.** All costs associated with any form of public notice, as required by this UDO, shall be the sole responsibility of the applicant.
2. **Notice Content.** All forms of public notice required by this UDO shall include the following content:
  - a. The date, time, and place of the scheduled public hearing,
  - b. A description of the property involved in the application by street address if one exists,
  - c. A description of the nature, scope, and purpose of the application,
  - d. The location and source of additional information on the application, and
  - e. Other information as deemed necessary by the Village Administrator or their designee.
3. **Forms of Public Notice.**
  - a. **Mailed Notice.** When mailed notice is required, as detailed in Table 9-9-03(B)(4), the Village Administrator or their designee shall provide notice by first class mail to all owners of record of the subject property and all owners of record within two hundred fifty (250) feet of the outermost property line of the subject property. The notice shall be deposited in the U.S. mail by the Village Administrator or their designee at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing. Ownership information shall be obtained from the records of the DuPage County Assessor.
  - b. **Posted Notice.** When posted notice is required, as detailed in Table 9-9-03(B)(4), the Village Administrator or their designee shall post a sign on the subject property along the fronting street. If the subject property fronts two

(2) or more streets, signs shall be posted along each frontage. The notice shall be posted by the Village Administrator or their designee at least fifteen (15) days and no more than thirty (30) days before the scheduled public hearing.

- c. **Published Notice.** When published notice is required, as detailed in Table 9-9-03(B)(4), the Village Administrator or their designee shall ensure that notice is published in a newspaper of local circulation and on the Village's website, at least fifteen (15) days and no more than thirty (30) days before the date of the scheduled public hearing.

4. **Public Notice Requirements by Procedure.** Table 9-9-03(B)(4) summarizes the requirements for public notice per Board and Commission review and approval procedure.

Table 9-9-03(B)(4) Public Notice Requirement by Board and Commission Review and Approval Procedure			
Procedure	Mailed Notice	Posted Notice	Published Notice
Variation	•	•	•
Special Use Permit	•	•	•
Text Amendment			•
Map Amendment	•	•	•
<b>Key:</b>			
• = Required Form of Public Notice			

5. **Public Notice Issues.** Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the general location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a finding regarding whether there was compliance with the notice requirements of this UDO.

## 9-9-04: Variation

- A. **Purpose.** The variation process is designed to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this UDO that create practical difficulties or particular hardships. Practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations imposed by this UDO, in the instances detailed in subsection 2 below, may, be decided upon by the Village Board.
- B. **Variation Review Criteria.** The Plan Commission shall not recommend, and the Village Board shall not grant variations from the regulations of this UDO unless an affirmative findings of fact shall be made as to all of the review criteria established below, which findings of fact shall be based upon evidence provided by the applicant.
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.
  2. The proposed variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.
  3. The alleged hardship has not been created by any person presently having a proprietary interest in the premises.
  4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
  5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

6. The proposed variation will not alter the essential character of the locality.
  7. The proposed variation is in harmony with the spirit and intent of this UDO.
- C. **Presentation to the Committee of the Whole.** The Village Administrator or their designee shall present the application to the Committee of the Whole prior to scheduling the Plan Commission public hearing.
- D. **Plan Commission Hearing and Recommendation.** The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Village Administrator or their designee and public comment received, either recommend to the Village Board:
1. Approval of the Variation,
  2. Approval of the Variation with conditions, or
  3. Denial of the Variation.
- E. **Village Board Action.** The Village Board shall review the application for a Variation and after consideration of the recommendation of the Plan Commission, recommendation of the Village Administrator or their designee, and public comment received either:
1. Approve the Variation,
  2. Approve the Variation with conditions, or
  3. Deny the Variation.

#### 9-9-05: Special Use Permit

- A. **Purpose.** There exists various uses, which because of their special or unique characteristics may be located in some zoning districts with no disruptive effects, but which may, in other districts, need special consideration and restraints in order to measure and prevent potential adverse impacts upon other uses located in such districts.
- B. **Applicability.** All uses identified as special uses in **Table 9-3-04(B)** shall be allowed only after the adoption of an ordinance by the Village Board authorizing such special use and containing such conditions as the Village Board may deem appropriate.
- C. **Special Use Permit Review Criteria.** The following review criteria shall be met in order for the Village Board to approve a Special Use Permit application:
1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  4. Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
  5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  6. The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission.

- D. **Regulation Compliance.** Notwithstanding any provision contained in this UDO to the contrary, the Village Board shall not take final action on an application for a Special Use Permit if the property that is the subject of the application is determined by the Village Administrator or their designee to be in violation of any provision of this UDO, the building code, or any other ordinance adopted by the Village.
- E. **Presentation to the Committee of the Whole.** The Village Administrator or their designee shall present the application to the Committee of the Whole prior to scheduling the Plan Commission public hearing.
- F. **Plan Commission Hearing and Recommendation.** The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Village Administrator or their designee and public comment received, either recommend to the Village Board:
  - 1. Approval of the Special Use Permit,
  - 2. Approval of the Special Use Permit with conditions, or
  - 3. Denial of the Special Use Permit.
- G. **Village Board Action.** The Village Board shall review the application for a Special Use Permit and after consideration of the recommendation of the Plan Commission, recommendation of the Village Administrator or their designee, and public comment received either:
  - 1. Approve the Special Use Permit,
  - 2. Approve the Special Use Permit with conditions, or
  - 3. Deny the Special Use Permit.

#### 9-9-06: Text / Map Amendments

- A. **Purpose.** The regulations imposed and the districts created by this UDO may be amended from time to time by ordinance, in accordance with the state statutes.
- B. **Applicability.** The amendment process is intended to adjust this UDO in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.
- C. **Text Amendment Review Criteria.** The following review criteria shall be considered in the review and action on Text Amendment applications.
  - 1. The proposed text amendment is consistent with the adopted plans and policies of the Village.
  - 2. The proposed text amendment addresses a particular issue or concern for the Village.
  - 3. The proposed text amendment does not impose an unreasonable hardship on existing uses.
  - 4. Major land uses, conditions, or circumstances have changed since the UDO was adopted or amended.
  - 5. The requested amendment is compatible with the existing uses and development patterns of the Village.
  - 6. The proposed amendments is not detrimental to the health, safety and welfare of the neighborhood or of the Village as a whole.
- D. **Map Amendment Review Criteria.** The following review criteria shall be considered in the review and action on Map Amendment applications.
  - 1. The proposed map amendment is consistent with the adopted plans and policies of the Village.

2. Major land uses, conditions or circumstances have changed since the UDO was adopted or amended.
  3. Sites do not exist for the proposed use in existing districts permitting such use.
  4. The requested map amendment is compatible with the existing uses, development patterns and zoning of nearby properties.
  5. The present development of the area complies with existing ordinances.
  6. The existing zoning imposes an unreasonable hardship and a reasonable economic benefit cannot be realized from uses permitted by the existing zoning.
  7. The proposed map amendment does not conflict with existing or planned public improvements or will not adversely impact schools, parks or other public facilities.
  8. The environment or traffic patterns in the vicinity will not be adversely affected.
  9. The proposed map amendment is not detrimental to the health, safety and welfare of the neighborhood or of the Village as a whole.
- E. **Presentation to the Committee of the Whole.** The Village Administrator or their designee shall present the application to the Committee of the Whole prior to scheduling the Plan Commission public hearing.
- F. **Plan Commission Hearing and Recommendation.** The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Village Administrator or their designee and public comment received, either recommend to the Village Board:
1. Approval of the Text / Map Amendment, or
  2. Denial of the Text / Map Amendment.
- G. **Village Board Action.** The Village Board shall review the application for a Special Use Permit and after consideration of the recommendation of the Plan Commission, recommendation of the Village Administrator or their designee, and public comment received either:
1. Approve the Text / Map Amendment, or
  2. Deny the Text / Map Amendment.

### 9-9-07: Comprehensive Sign Plan

- A. **Purpose.** The purpose of the comprehensive sign plan is to provide an alternative procedure under which signs can be designed, constructed, and erected with innovation, imagination, and creative architecture. The objective of the comprehensive sign plan is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable sign regulations.
- B. **Applicability.** Any building or development may elect to submit a comprehensive sign plan. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.
- C. **Comprehensive Sign Plan Review Criteria.**
1. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.

2. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
  3. **Size.** All signs shall be no larger than necessary for visibility and legibility but in no instance shall the aggregate sign area per lot exceed three (3) square feet of sign area per lineal foot of frontage. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.
- D. **Village Board Action.** The Village Board shall review the comprehensive sign plan application and, based on the Comprehensive Sign Plan Review Criteria either:
1. Approve the Comprehensive Sign Plan,
  2. Approve the Comprehensive Sign Plan with conditions, or
  3. Deny the Comprehensive Sign Plan.

## Chapter 10. Nonconformities

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### 9-10-01: Purpose

The purpose of this chapter is to provide for the regulation of uses, buildings, and structures, which were legally established but do not conform to the regulations of this UDO and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by Illinois Statutes.

### 9-10-02: Authority to Continue Nonconforming Buildings, Structures, and Uses

Any building, structure, or use which existed lawfully at the time of the adoption of this UDO and at the time of the adoption of the ordinance revising the zoning map of the Village classifying all property in the Village in accordance with these classifications, and which remains or becomes nonconforming by reason of the adoption of this UDO, and/or the revision of the Village zoning map, or because of any subsequent amendment to this UDO or the Village zoning map, may be continued only in accordance with the regulations of this chapter.

### 9-10-03: Repairs and Alterations

Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure and use of the building or structure conform to the regulations of the district in which it is located. Ordinary repairs and alterations shall not exceed fifty (50) percent of the assessed value of the building or structure. .

### 9-10-04: Additions and Enlargements

- A. A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such nonconforming building or structure and use of such nonconforming building or structure is made to conform to all the regulations of the district in which it is located.

- B. A nonconforming building or structure which is nonconforming only as to bulk, may be added to or enlarged, provided such additions or enlargements conform to all regulations of the district in which it is located.

#### 9-10-05: Moving

No building or structure shall be moved in whole or in part to any other location, unless every portion of such building or structure, and the use of such building or structure, are made to conform to all regulations of the district in which the building or structure shall be relocated to.

#### 9-10-06: Restoration of Damaged Nonconforming Buildings or Structures

A building or structure, in whole or in part, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty (50) percent of the total cost of reconstructing the entire building or structure, shall not be restored unless said building or structure and the use of such building or structure shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty (50) percent of the cost of reconstruction of the entire building or structure, no repairs or construction for restoration shall be made unless such work is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.

#### 9-10-07: Discontinuance of Use of Nonconforming Building or Structure

A building or structure, in whole or in part, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and in which the use has ceased by discontinuance or abandonment, on the effective date of this UDO or is abandoned and remains unoccupied, or is not used for a continuous period of one (1) year, shall not be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

#### 9-10-08: Change of Use in Nonconforming Building or Structure

The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the district in which the building or structure is located, or the nonconforming uses of a part of which a building may be extended to the remaining parts of the building but no change or extension of use shall extend or otherwise modify any provision made in this UDO for elimination of such nonconforming building or structure and the use of such building or structure.

#### 9-10-09: Elimination of Nonconforming Buildings, Structures, and Uses

- A. **Buildings, Structures, Uses.** The following nonconforming buildings, structures (including signs), and uses shall be subject to the amortization provisions set forth below:
1. In residential districts, any nonconforming principal and/or accessory building or structure, all or substantially all of which is designed and used or intended for a permitted or special use that is allowed only in a business, office/research or light manufacturing district shall be subject to the amortization provisions of this chapter.
  2. In all other districts, any nonresidential principal and/or accessory building or structure, all or substantially all of which is designed and used or intended for a permitted or special use that is not allowed in that district shall be subject to the amortization provisions of this chapter.
  3. In all districts, any sign which fails to conform to any requirement of the district in which it is located or fails to meet any of the requirements of **chapter 6** of this UDO, shall be nonconforming and shall be removed in accordance with the amortization provisions of subsection (B) of this section.
- B. **Amortization Provisions.** All legally established, nonconforming buildings, structures (including signs), and uses as set forth in subsections (A)1, (A)2 and (A)3 of this section that were nonconforming prior to and remain or become nonconforming upon the adoption of this UDO and any amendments to this UDO, shall be removed and such property shall



be used in conformance with the uses and standards permitted in the districts in which they are located within six (6) months after the applicable amortization period as follows:

1. **Assessed Valuation - More Than Five Thousand Dollars.** In accordance with the types of construction classification set forth in the Building Code of the Village of Willowbrook, Illinois:
  - a. Fireproof construction and noncombustible construction, forty (40) years from the date of original building permit or twenty five (25) years from effective date of this UDO or amendments to this UDO, whichever last occurs.
  - b. Exterior masonry wall construction, thirty (30) years from the date of original building permit or twenty (20) years from effective date of this UDO or amendments to this UDO, whichever last occurs.
  - c. Frame construction, twenty five (25) years from date of original building permit or fifteen (15) years from effective date of this UDO or amendments to this UDO, whichever last occurs.
2. **Assessed Valuation - Not Less Than Two Thousand Dollars But Not More Than Five Thousand Dollars.** Ten (10) years from the date of original building permit or five (5) years from effective date of this UDO or any amendments to this UDO, whichever last occurs. Assessed valuations referred to in subsections (B)1 and (B)2 of this section are the unequalized assessed valuations of improvements of a lot, established for Real Estate Tax purposes, as amended, by DuPage County, Illinois.
3. **Signs.** The Plan Commission shall determine the fair market value of all signs determined to be nonconforming and from time to time existing within the corporate limits of the Village.
  - a. Should the fair market value of any sign which is nonconforming as of the date of the adoption of this UDO or any amendment to this UDO, be one thousand (1,000) dollars or more, such sign shall be presumed to have a normal useful life for amortization purposes of five (5) years.
  - b. Should the fair market value of any sign which is nonconforming as of the date of the adoption of this UDO or any amendment to this UDO, be nine hundred ninety nine (999) dollars ninety nine (99) cents or less, such sign shall be presumed to have a normal useful life for amortization purposes of three (3) years.

#### 9-10-10: Nonconforming Use of Conforming Buildings or Structures

The existing nonconforming use of a part or all of a conforming building or structure may be continued subject to the following provisions:

- A. The nonconforming use of a part of such building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.
- B. If a nonconforming use of such a building or structure is discontinued or abandoned for a period of six (6) months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the premises are located.
- C. Any lawful nonconforming use in a conforming building or structure existing in a residential district on the effective date of this UDO or any amendments to this UDO but is allowed as a permitted or special use only in a business or office/research or light manufacturing district shall be entirely discontinued within twenty (20) years from the effective date of this UDO or any amendments to this UDO.

### 9-10-11: Nonconforming Use of Land

The nonconforming use of land not involving a building or structure, or in connection with any building or structure on such land, and is incidental or accessory to the principal use of land, may be continued subject to the following provisions:

- A. Such nonconforming use shall not be expanded or extended beyond the area it occupies at the effective date of this UDO.
- B. If such nonconforming use of land is discontinued or abandoned for a period of six (6) consecutive months, it shall not be renewed, and the use of land shall conform to the regulations of the district in which the land is located.
- C. No nonconforming use of land shall be changed to another nonconforming use.
- D. The nonconforming use of land shall be discontinued in accordance with the following, except that in R-1, R-2 and R-3 Districts, the allowable term shall be reduced to fifty (50) percent:
  - 1. Where no buildings or structures are employed in connection with such use or land, discontinued within one (1) year from the effective date of this UDO or any amendments to this UDO.
  - 2. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use of land and have an assessed valuation of not more than two thousand (2,000) dollars, discontinued within two (2) years from the effective date of this UDO or any amendments to this UDO.
  - 3. Where the improvements, underground or substantially at ground level, which comprise all or substantially all of the improvements employed in such use of land and which have an assessed valuation of more than two thousand (2,000) dollars, discontinued within five (5) years from the effective date of this UDO or any amendments to this UDO.
  - 4. Where the nonconforming use of land is accessory to the nonconforming use of a building or structure, it shall be discontinued on the same date on which the nonconforming use of the building or structure is discontinued.
- E. Assessed valuations referred to in subsections (B)1 and (B)2 of this section are the unequalized assessed valuations of improvements of a lot, established for Real Estate Tax purposes, as amended, by DuPage County, Illinois.