

**VILLAGE OF KENILWORTH  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1024**

**AN ORDINANCE AMENDING THE KENILWORTH ZONING ORDINANCE, 1969,  
AS AMENDED, REGARDING DEFINITIONS, OFF-STREET AUTOMOBILE PARKING  
REQUIREMENTS AND PLANNED UNIT DEVELOPMENTS**

Passed by the Board of Trustees this 10th day of August, 2009

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Village Clerk

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**AN ORDINANCE AMENDING THE KENILWORTH ZONING ORDINANCE, 1969,  
AS AMENDED, REGARDING DEFINITIONS, OFF-STREET AUTOMOBILE PARKING  
REQUIREMENTS AND PLANNED UNIT DEVELOPMENTS**

**WHEREAS**, the Village has initiated an application to amend the Kenilworth Zoning Ordinance, 1969, as amended ("**Zoning Ordinance**"), to modify the parking regulations and to add provisions for planned unit developments in the Business District; and

**WHEREAS**, the Kenilworth Comprehensive Plan, adopted January 14, 2008, sets forth a plan to (i) encourage the development of the Green Bay Road Commercial Corridor into a vibrant and attractive mixed-use pedestrian-oriented district; (ii) provide opportunities for alternative housing options for residents; and (iii) maximize revenue opportunities to diversify and strengthen the Village's tax base; and

**WHEREAS**, in order to advance toward the goals of the Green Bay Road Commercial Corridor found in the Comprehensive Plan, the Plan Commission recommends amending the Zoning Ordinance to allow tandem parking for multi-family dwellings located in the "B" Business District and to establish a process for creation of planned unit developments in the "B" Business District; and

**WHEREAS**, pursuant to public notice published in the *Wilmette Life* on March 19, 2009, the Plan Commission commenced a public hearing on April 6, 2009 and continued the public hearing to May 4, 2009, June 1, 2009 and July 6, 2009 to consider various proposed changes to the Zoning Ordinance; and

**WHEREAS**, on July 6, 2009, the Plan Commission recommended to the Village Board that the proposed changes are appropriate for adoption (collectively, "**Proposed Amendments**") at this time; and

**WHEREAS**, the President and Board of Trustees of the Village of Kenilworth have reviewed the recommendations of the Plan Commission and all of the materials, facts, and circumstances related to the Proposed Amendments included in this Ordinance, and find that it is in the best interests of the Village and the public to amend the Zoning Ordinance in the manner provided in this Ordinance;

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF KENILWORTH, COOK COUNTY, ILLINOIS**, as follows:

**SECTION 1. RECITALS.** The recitals listed above are incorporated in this Ordinance as the findings of the President and Board of Trustees.

**SECTION 2. AMENDMENT TO SECTION 2.2.** Section 2.2, entitled "Definitions" of Article II, entitled, "Construction and Definitions" of the Zoning Ordinance is amended to add the following new definitions in alphabetical order:

***Parking, Tandem:*** The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space.

**Planned Unit Development.** A development guided by a total integrated design plan in which one or more of the regulations set forth in Articles IV, VII, XIV and XV of this Ordinance, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines that accrue benefits to the Village and the public interest for any construction, reconstruction, erection, or structural alteration of any building or structure, or combination of buildings or structures meeting the standards of Section 17.7(c) of this Ordinance.

**SECTION 3. AMENDMENT TO SECTION 7.1.** The use table in Section 7.1, entitled “Permitted and Special Uses in "B" Business District” of Article VII, entitled, “"B" Business District Regulations” of the Zoning Ordinance is amended to add the following row at the end of the "Miscellaneous" section:

DESCRIPTION	CATEGORY
Planned Unit Developments	S

**SECTION 4. AMENDMENTS TO ARTICLE XIV.**

A. Section 14.3 entitled “Parking Areas and Driveways” of Article XIV, entitled, "Off-Street Automobile Parking Requirements” of the Zoning Ordinance is amended as follows: [additions are **bold and double-underlined**; deletions are ~~struck through~~]

**(e) Private Garages; Driveways Located Below Grade.**

**Except in the “B” Business District.** ~~No~~ building or part of a building shall be constructed or structurally altered to create any private garage or other place for the storage or parking of automobiles if any part of an automobile stored or parked in such space would be below the natural, unaltered adjoining grade of the lot on which such building is situated. **Except in the “B” Business District,** ~~No~~ part of any driveway or other impervious surface leading to a private garage shall be constructed so the surface thereof is below the natural, unaltered adjoining grade of the lot on which it is situated, except to the extent that the Administrative Official shall have determined that the topography of the lot requires all or any part of the driveway to be below the natural, unaltered adjoining grade of the lot and such driveway would not present undue risks to public safety or create excessive additional burdens upon village sewer systems for drainage of storm water.

B. Section 14.7 entitled “Requirements of Size, Access and Marking of Spaces,” of Article XIV, entitled, "Off-Street Automobile Parking Requirements” of the Zoning Ordinance is amended as follows: [additions are **bold and double-underlined**, deletions are ~~struck through~~]

**14.7 REQUIREMENTS OF SIZE, ACCESS AND MARKING OF SPACES.**

For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening its doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more

automobiles shall have individual spaces marked, and shall be so designated, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. **Tandem parking is permitted in the “B” Business District for multiple-family dwellings.**

C. Section 14.8 entitled “Schedule of Parking Requirements,” of Article XIV, entitled, “Off-Street Automobile Parking Requirements” of the Zoning Ordinance is amended as follows: [additions are **bold and double-underlined**; deletions are struck through]

#### **14.8 SCHEDULE OF PARKING REQUIREMENTS.**

The following minimum off-street parking facilities shall be provided. **When the determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall require one (1) additional space.**

***Single Family Dwelling and Single Family Attached Dwelling.*** At least one parking space.

***Multiple Family Dwelling.*** At least three parking spaces for each two dwelling units.

***Church on a New Site.*** At least one parking space for each ten seating spaces in the main auditorium.

***School on a New Site.*** At least three parking spaces for each two rooms in which classes are conducted.

***Library.*** At least one parking space for each 1,000 square feet of floor area open to the public.

~~***Business or Professional Offices, Building Containing Multiple Offices, and Public Administration Building.***~~ At least one parking space for each 350 square feet of floor area.

~~***Automobile Service Station.***~~ At least one parking space for each two employees, plus one additional space for each service motor vehicle kept on or used in the operation of the premises.

~~***Retail Store.***~~ At least one parking space for each 250 square feet of floor area.

~~***Restaurants.***~~ At least one parking space for each 100 square feet of floor area in the entire restaurant, including service and storage areas, but excluding basement storage areas.

**Non-residential uses in the “B” Business District. At least one parking space for each 600 square feet of floor area above the ground floor.**

**SECTION 5. AMENDMENT TO ARTICLE XVII.**

A. Article XVII, entitled "Zoning Administration, Applications and Procedures," is amended by adding a new Section 17.7, entitled "Planned Unit Developments":

**17.7 PLANNED UNIT DEVELOPMENTS.**

(a) **Authority.** The Board of Trustees may, in accordance with the procedures and standards set forth in this Section, and by ordinance duly adopted, grant special uses authorizing the development of planned unit developments pursuant to the provisions of this section for the development or redevelopment of any parcel of land, or group of contiguous parcels of land that are located in the "B" Business District.

(b) **Purpose and Intent.**

(i) Purpose. The purpose of this Section is to make available a special use procedure that departs from the strict application of the specific zoning requirements of the "B" Business District in an effort to promote excellence in project design on the part of owners, builders, architects and applicants and to produce developments which are in keeping with the overall land use, open space and other objectives of the Kenilworth Comprehensive Plan.

(ii) Intent. This Section is intended to assure that the following land use and development objectives are accomplished, in addition to the general land use and development objectives set forth in Article XVII of this Ordinance:

(A) To facilitate a development pattern that is consistent with the objectives of the Kenilworth Comprehensive Plan and with the purpose as defined in this Article, which promotes compatible land uses with surrounding neighborhood.

(B) To permit a creative approach to the development and redevelopment of land in the "B" Business District.

(C) To achieve a more desirable physical environment by allowing greater flexibility in building design and site plan layout than would be possible through the strict application of the generally applicable zoning and subdivision regulations.

(D) To allow more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.

(E) To encourage land uses that promote public health, safety and welfare.

(F) To allow the relaxation of certain otherwise applicable substantive requirements based upon procedural protections that provide for the detailed review of individual proposals for more significant multi-family and commercial developments.

(c) **Requirements and Standards.** All planned unit developments shall be subject to the requirements and standards of this section.

- (i) Special Use Standards. No special use for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection (g) entitled "Standards" of Section 17.6 entitled "Special Uses" of this Article.
- (ii) Minimum Area of Development. The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives of planned unit developments pursuant to this Section.
- (iii) Unified Ownership Required. The entire property proposed for planned development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All the owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owner and all tracts.
- (iv) Compliance with Village Code Required. Construction and improvements with any planned unit development shall comply with all applicable Village ordinances. Any proposed deviation from Village standards or requirements must be clearly listed on the Preliminary Plan application and fully justified as being both necessary to the proper development of the property and consistent with the objectives set forth in the applicable section of the Village Code.
- (v) Design Requirements. The planned unit development as a whole, as well as the individual buildings and site improvements constructed as part of the planned unit development, shall be in conformity with the Village of Kenilworth Appearance Plan as found in Article IV, Chapter 2B of the Kenilworth Village Code.
- (vi) Compatibility of Uses and Design. The uses permitted in the planned unit development shall be compatible with each other and with existing land uses in the surrounding area. Uses shall be deemed compatible if all of the following criteria are met:

- (A) The individual uses in the planned unit development must be permitted uses or permitted special uses in the “B” Business District. Any individual use that is permitted only as a special use in the “B” Business District must individually meet the standards for the granting of special use permits, as established in Section 17.6 of this Ordinance.
  - (B) The uses must be designed and located in conformity with the surrounding development and adjacent properties.
  - (C) The uses, buildings and site layout of the planned unit development, considered as a whole, must meet the standards for the granting of special use permits, as established in Section 17.6 of this Ordinance.
- (vii) Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned unit development shall provide that they may not be modified, removed or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.
- (viii) Public Open Space and Contributions. Whenever the Kenilworth Comprehensive Plan or Official Map indicates that development of a planned unit development will create a need for land for public purposes of the Village within the proposed planned unit development, the Board of Trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition, the Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned unit development.
- (ix) Common Open Space.
- (A) Amount, Location and Use. When common open space is provided in a planned unit development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned unit development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

- (B) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
- (C) Ownership and Maintenance. The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the Village.
- (x) Property Owners' Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:
  - (A) The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded must be approved as part of the Final Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this Subparagraph.
  - (B) The association must be established and all covenants and restrictions recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements.
  - (C) The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
  - (D) Membership in the association must be mandatory for each property owner, and any successive owner, having a right to the use or enjoyment of such open space or improvements.
  - (E) Every property having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an

assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.

- (F) The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than 51 percent of the members voting on the issue.
- (G) The Village must be given the right to enforce the covenants.
- (H) The Village must be given the right, after ten days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.
- (xi) Landscaping and Perimeter Treatment. Any area of a planned unit development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned unit development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures; setbacks; screening; or natural or manmade buffers.
- (xii) Utilities. All utility lines shall be installed underground.
- (xiii) Number of Units. The number of residential units in a planned unit development shall not exceed the number permitted by the maximum building height and minimum unit size requirements of the "B" Business District.
- (xiv) Building Height. The maximum building height permitted in the planned unit development shall not exceed 35 feet except where a special use permit is approved by the Board of Trustees for a height not to exceed the height limit established in Section 7.1, following consideration of the goals of the Kenilworth Comprehensive Plan.
- (xv) Parking. Each individual use in a planned unit development shall comply with the parking requirements in the "B" Business District.
- (xvi) Traffic Plan. The Final Plan for the planned unit development shall include a traffic plan that identifies points of ingress and egress, streets, alleys and interior circulation routes. The traffic

plan shall be designed to minimize traffic congestion in the public streets adjoining the planned unit development and to facilitate the free flow of both vehicular and pedestrian traffic, within the planned unit development. The streets, alleys and other traffic thoroughfares approved in planned unit development shall comply with the minimum requirements of the Village's ordinances, rules and regulations.

- (xvii) Range of Uses. The planned unit development shall provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor.
- (xviii) Enhancing Community. The planned unit development shall promote a strong community identity and opportunities to interact while building a healthy commercial tax base.
- (xix) Public Benefit. The planned unit development shall provide a benefit to the Village and the public by maintaining the essential quality, viability and attractiveness of Kenilworth's business district while encouraging new economic development consistent with the character of the Village.

**(d) Supplemental Standards.** The appropriateness and viability of a planned unit development may also be evaluated by the Plan Commission and the Board of Trustees based on the following supplemental criteria:

- (i) additional landscaping, buffering or screening within or around the perimeter of the planned unit development;
- (ii) location and screening of parking facilities;
- (iii) community amenities (such as, but not limited to, public art and gardens, public transportation shelters);
- (iv) inclusion of sustainable design and green architecture;
- (v) preservation of environmental features; and
- (vi) preservation of historic features.

**(e) Procedural Requirements.**

- (i) General Requirements. All applications for planned unit developments shall be subject to the standards and procedures established in Article XVII of this Ordinance.

(ii) No Precedent. No planned unit development approval shall be deemed to establish any precedent requiring the approval of any subsequent application.

(f) **Pre-Application Conference.** Prior to filing an application for a planned unit development, the prospective applicant shall request an informal conference with the Administrative Official to discuss the proposed planned unit development. The pre-application conference does not require either the payment of an application fee or the filing of an application.

(g) **Neighborhood Meeting.** The prospective applicant shall schedule, provide notice of, conduct, and attend a meeting with the persons required to be notified under Section 17.10 of this Ordinance, provided, however, that the applicant need not provide mail notice by certified mail for this preliminary neighborhood meeting. The purpose of such meeting shall be to broadly acquaint the neighboring owners and residents with the applicant's proposal and to provide the applicant with any preliminary view or concerns that neighboring owners and residents may have at a time when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for formal application.

A copy of the notice and the mailing list shall be filed with application along with a written summary of any comments, suggestions or recommendations regarding the preliminary application made at the meeting.

(h) **Procedures for Preliminary Plan Approval.**

(i) Application Review. Upon receipt of a properly completed application for approval of a preliminary planned unit development plan, the Administrative Official shall review the application for compliance with all applicable requirements. Completed applications will be then be forwarded to the Plan Commission and the Architectural Review Commission for their respective reviews and recommendations.

(ii) Plan Commission. The Plan Commission shall hold a public hearing in accordance with Article XVII of this Ordinance. Notices for the public hearings shall be issued in the manner provided in Section 17.10 of this Ordinance.

(iii) Architectural Review Commission. The Architectural Review Commission shall review and provide consulting recommendations on the application for Preliminary Plan approval at a public meeting. The Architectural Review Commission shall provide comment and recommendations to the Board of Trustees as to whether the building design, landscape plan and other

proposed exterior aspects of the planned unit development are in conformity with the Kenilworth Appearance Plan.

(iv) Findings and Recommendations.

(A) Within 30 days following the date of the completion of the Architectural Review Commission meeting on the application for Preliminary Plan approval, the Architectural Review Commission shall forward a written copy of its recommendations to the Plan Commission.

(B) Within 30 days after receiving the Architectural Review Commission's recommendations and the conclusion of the Plan Commission's public hearing, whichever is later, the Plan Commission shall forward to the Board of Trustees (1) a written copy of the Architectural Review Commission's recommendations on the factors in Subparagraph (h)(iii) above, and (2) the Plan Commission's recommendation to either approve the Preliminary Plan, approve the preliminary plan with modifications, or deny approval of the Preliminary Plan.

(C) The Plan Commission shall enter written findings on the standards for planned unit development approval as set forth in this Article. The findings of the Plan Commission shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, record made in the proceedings before that body, and matters of public record. The Plan Commission shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including, but not limited to, the operations of the planned unit development, that it deems necessary to assume the protection of public health, safety, comfort, morals or welfare.

(D) No planned unit development nor waivers shall be recommended for approval unless the Plan Commission shall find that the Preliminary Plan is in conformity with the standards set forth in this Section and with any other applicable regulations of the "B" Business District.

(v) Board of Trustees.

(A) Within 75 days following the receipt of the recommendations of the Plan Commission and the Architectural Review Commission by the Board of Trustees at a public meeting, the Board of Trustees shall either deny the application for approval of the Preliminary Plan; shall remand it back to the Plan Commission for further

consideration of specified matters; or shall, by resolution duly adopted, approve the Preliminary Plan, with or without modifications and conditions to be accepted by the applicant as a conditions of such approval, and refer the matter to the Plan Commission for processing of the Final Plan in accordance with this Section 17.8.

(B) The Board of Trustee's decision to grant or deny an application for Preliminary Plan approval shall be based on the particular facts and circumstances of the proposed planned unit development, as established through the application materials, the record made in all proceedings on the application, matters of public record, and such matters of public policy as the Board deems relevant to its consideration of the application.

(vi) Coordination with Subdivision Regulations. When a subdivision of land subject to the Kenilworth subdivision regulations in the Kenilworth Village Code is proposed in connection with a planned unit development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Preliminary Plan.

**(i) Procedures for Final Plan Approval.**

(i) Application Review. Upon receipt of a properly completed application for a final planned unit development plan, the Administrative Official shall review the application for compliance with all applicable requirements. Completed applications will be forwarded to the Plan Commission and Architectural Review Commission for their respective reviews and recommendations.

(ii) Plan Commission. The Plan Commission shall hold a public hearing in accordance with Article XVII of this Ordinance. Notices for the public hearing shall be issued in the manner provided in Section 17.10 of this Ordinance.

(iii) Architectural Review Commission. The Architectural Review Commission shall consider the application for Final Plan approval at a public meeting. The Architectural Review Commission shall provide comment and recommendations to the Board of Trustees as to whether the building design, landscape plan and other proposed exterior aspects of the planned unit development are in conformity with the Kenilworth Appearance Plan.

(iv) Findings and Recommendations.

(A) Within 30 days following the date of the completion of the Architectural Review Commission meeting on the application for Final Plan approval, the Architectural

Review Commission shall forward a written copy of its recommendations to the Plan Commission.

- (B) Within 30 days after receiving the Architectural Review Commission's recommendations and the conclusion of the Plan Commission's public hearing, whichever is later, the Plan Commission shall forward to the Board of Trustees (1) a written copy of the Architectural Review Commission's recommendations on the factors in Subparagraph (h)(iii) above, and (2) the Plan Commission's recommendation to either approve the Preliminary Plan, approve the preliminary plan with modifications, or deny approval of the Preliminary Plan.
- (C) The Plan Commission shall enter written findings on the standards for planned unit development approval as set forth in this Article. The findings of the Plan Commission shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, record made in the proceedings before that body, and matters of public record. The Plan Commission shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including, but not limited to, the operations of the planned unit development, that it deems necessary to assume the protection of public health, safety, comfort, morals or welfare.
- (D) No Final Plan for a planned unit development shall be recommended for approval, nor waivers from the "B" Business District regulations recommended for approval for a planned unit development, unless the Plan Commission determines that the Final Plan for the planned unit development substantially conforms to the approved Preliminary Plan without a request to amend the Preliminary Plan. No Final Plan for a planned unit development will be presented for final approval if it contains a substantial change from the approved Preliminary Plan. For purposes of this section a substantial change is a change that alters the concept or intent of the planned unit development; changes the plan's density, changes the height of any building, changes proposed open space, makes material changes in architectural design, makes a material change to the development schedule, or changes the governing agreements, provisions, or covenants for the development.

(v) Board of Trustees.

- (A) Within 75 days following the receipt of the recommendations of the Plan Commission and the

Architectural Review Commission by the Board of Trustees at a public meeting, the Board of Trustees shall either deny the application for approval of the Final Plan; shall remand it back to the Plan Commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the Final Plan and any related waivers, with or without modifications and conditions to be accepted by the applicant as a conditions of such approval.

(B) The Village Board, in the exercise of its discretion, may accept, reject or modify any conditions or restrictions that the Plan Commission may recommend. Such conditions shall be expressly set forth in the ordinance approving the Final Plan. The ordinance shall also specify the extent to which the district regulations which would otherwise have been applicable have been waived

(C) The Board of Trustee's decision to grant or deny an application shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, the record made in all proceedings on the application, matters of public record, and such matters of public policy as the Board deems relevant to its consideration of the application.

(D) The Village Board of Trustees shall not grant approval of a Final Plan unless it finds substantial conformity between the Final Plan and the approved Preliminary Plan and further finds the Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Preliminary Plan and with the provisions of this Ordinance and all other applicable federal, state and Village codes, ordinances and regulations.

(vi) Recording of the Final Plan. When a Final Plan is approved, the Village Manager shall cause the Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.

(vii) Engineering Approval. The final plat for a planned unit development will not be processed until detailed engineering plans have been reviewed and approved by the Village Engineer.

**(j) Amendments to Planned Unit Developments**

(i) Major Changes.

- (A) Procedure for major changes. An applicant seeking a major change after a Final Plan has been approved shall seek an amendment to the Final Plan by submitting a new Preliminary Plan and supporting data and following the procedures for preliminary approval, as established in this Section. Major changes to an approved Final Plan may be granted only by the Board of Trustees pursuant to an ordinance approving the amended plan.
- (B) Major changes defined. Changes that alter the concept or intent of the planned unit development; including changes in density, changes in the height of buildings, changes in use, changes of proposed open space, changes to architectural design, material changes in the development schedule, and changes in the final governing agreements, provisions, or covenants shall all be considered major changes to the approved plan.

(ii) Minor Changes.

- (A) Procedure for minor changes. A proposed minor change after a Final Plan has been approved may be presented directly to the Village Board of Trustees for consideration. The Village Board of Trustees may approve minor changes in the planned unit development plan by ordinance duly adopted without further proceedings, provided it finds that the proposed change does not change the concept or intent of the development.
- (B) Minor changes defined. Minor changes are defined as any change to an approved Final Plan that is not defined as a major change and/or does not change the concept or intent of the development.

**(k) Failure to Complete Project According to Plans.**

Each ordinance approving a Final Plan for a planned unit development shall contain such additional conditions regarding the revocation of the Final Plan approval as the Board of Trustees may deem appropriate.

B. Section 17.8, entitled "Application Requirements," of Article XVII, entitled "Zoning Administration, Applications and Procedures," is amended by adding a new Subsection (viii):

**17.8 APPLICATION REQUIREMENTS.**

(viii) Applications for Approval of a Preliminary Plan for a Planned Unit Development. Every application filed pursuant to Section 17.7 of this Ordinance shall, in addition to the data and information required pursuant to Paragraph (iii) above, provide the following information:

(A) Preliminary Plan for a Planned Unit Development Plan. The Preliminary Plan for a planned unit development shall contain the following:

1. Statement of Objectives. The Preliminary Plan shall include a statement of the planning objectives to be achieved by the particular design approach proposed by the applicant, which shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A Statement of Proposed Use. The preliminary plan shall include a statement of the applicant's intention with regard to the future selling or leasing of all or portions of the land or structures and the proposed use thereof.
3. Detailed Planned Unit Development Plan. The Preliminary Plan shall include a detailed drawing of the proposed planned unit development, drawn to scale. The detailed planned unit development plan may consist of one or more sheets and drawings and shall accurately depict:
  - a. Boundary lines, bearings and distances;
  - b. The location, width and purpose of all easements;
  - c. All streets on and adjacent to the subject property, including street name, right-of-way width, sidewalks, and the like;
  - d. Utilities on and adjacent to the site, including the location, size and invert elevations of all sewers, the location and size of water mains and hydrants, and the location of gas, electric, telephone and cable lines;
  - e. The topography of the subject property;

- f. Conditions on adjacent land, including adjacent grades, the character and location of buildings, and the type and location of utilities;
  - g. The zoning classification of the subject property and all adjacent properties;
  - h. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated;
  - i. The location and purpose of each proposed building, and the height of each building in feet and stories;
  - j. Landscaping and tree preservation plan;
  - k. At least two cross-sections through the entire site, to illustrate the bulk and height of all proposed structures in relation to the topography, vegetation and surrounding structures; and
  - l. The name of the development, the north point and scale, the date of preparation and the acreage of the site.
4. Quantitative Summary. A quantitative summary, which shall be broken down into phase components if the development is to be implemented in phases, and which shall include, but not be limited to the following:
- a. Acreage and square footage of the subject property;
  - b. Residential density;
  - c. Total and footprint square footage of principal and accessory buildings;
  - d. Number of parking spaces; and
  - e. Square footage of commonly owned and/or maintained open space.
5. Engineering Survey. The preliminary engineering survey showing the adequacy of existing and proposed sanitary sewer, storm sewer and water distribution systems.

- (B) Plat of Subdivision. If required, preliminary plat of subdivision that meets the requirements of subdivision regulations of the Kenilworth Village Code.
- (C) Architectural Drawings. Architectural drawings, including but not limited to floor plans, exterior building elevations, typical building materials which clearly define all buildings proposed for the planned unit development, including illustrations or depictions showing surrounding properties in relation to the proposed planned unit development.
- (D) Request for Relief. A statement setting forth the specific zoning modifications and exceptions being sought from the underlying zoning requirements as part of the planned unit development.
- (E) Open Space Statement. A statement describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space.
- (F) Traffic and Parking Study. Traffic and parking study prepared by a qualified expert setting forth and analyzing the effect of the proposed planned unit development on traffic and parking in and around the subject property. The traffic and parking study shall not be limited to the effect on adjacent streets but shall extend to all surrounding areas affected by the proposed planned unit development and shall indicate the anticipated points of origin, direction, amount and density of traffic flow to and from the proposed planned unit development.
- (G) Statement of Public Benefit. A statement describing the specific public benefits that are proposed to be contained in or associated with the planned unit development.
- (H) Development Schedule. A development schedule setting forth the approximate dates for beginning and completion of each stage of the development.
- (I) Traffic and Parking Mitigation Study. A construction employee traffic and parking mitigation plan that shall establish specific actions by the owner to limit peak period vehicular traffic and parking generated by construction of the planned unit development.
- (J) Natural Resource Assessment Application. A copy of an application for the Natural Resource Assessment to the North Cook County Soil and Water Conservation District if the subject property is two acres or larger.

- (K) Description of Financial Assurances. A detailed description of the financial assurances to be presented to guarantee completion of all public improvements and private open space to be provided in connection with the proposed planned unit development.
  - (L) Financing Plan. Evidence of the financing plan the applicant proposes to use to complete the proposed planned unit development. The applicant's prior success in completing projects of similar scope may be offered in support of this requirement.
- (ix) Applications for Approval of a Final Plan for a Planned Unit Development.
- (A) Form of Application. Every application filed pursuant to Section 17.7 of this Ordinance shall, in addition to the data and information required pursuant to Paragraph (iii) above, provide the following information:
    - 1. Development and construction schedule;
    - 2. Copies of the plat of the planned unit development, and, as applicable, any subdivision plat, plat of dedication and/or plat of vacation, with original Mylar to be provided promptly following Board of Trustee approval; and
    - 3. A restrictive covenant in a form acceptable to the Village Attorney limiting development of and construction upon the tract as a whole to such development and construction as shall comply with the final development plan granted by the Village Board of Trustees.
  - (B) Time of Filing Application for Approval of Final Plan. Within twelve (12) months following the approval of the Board of Trustees of the Preliminary Plan, the applicant shall initiate the final approval process by filing an application for Final Plan approval with the Plan Commission. The Board of Trustees, in the exercise of its discretion, may extend the time for filing the application for Final Plan approval.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect following its passage, approval, and publication in the manner provided by law.

PASSED this 10th day of August, 2009.

AYES: (5) Trustees Hughes, Terrill, Hastings, Smietana and Thomas

NAYS: (0)

ABSENT: (1) Trustee Nahrwold

ABSTAIN: (0)

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Village President

ATTEST:

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Village Clerk

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