

ORDINANCE NO. 07-03-07

**AN ORDINANCE AMENDING CHAPTER 20
OF THE CLARENDON HILLS VILLAGE CODE
IN REGARD TO CREATING A DOWNTOWN DESIGN REVIEW OVERLAY
DISTRICT AND ESTABLISHING PROJECT REVIEW AND APPROVAL
PROCEDURES IN RELATION THERETO**

WHEREAS, the provisions of Illinois Compiled Statutes, 65 ILCS 5/11-13-1 et seq., grant municipalities the right to regulate zoning within the corporate limits of the municipality; and

WHEREAS, the Village of Clarendon Hills has adopted a Zoning Ordinance and provided for a Zoning Board of Appeals/Plan Commission to recommend the boundaries of districts and appropriate regulations to be enforced therein; and

WHEREAS, the Village of Clarendon Hills has determined that a Downtown Design Review Overlay District and a process for reviewing proposed developments located therein should be established, for properties located within the Downtown Area of the Village of Clarendon Hills, in order to ensure adherence with the adopted Downtown Master Plan and Downtown Design Review Guidelines, to encourage uses that are more appropriate to the Downtown Area of the Village, and to provide for the protection of public health, safety, and welfare; and

WHEREAS, the Zoning Board of Appeals/Plan Commission of the Village of Clarendon Hills held a properly noticed public hearing on January 18, 2007, to review an application for the proposed Zoning Ordinance amendments set forth below and thereafter recommended approval of said Zoning Ordinance amendments; and

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Zoning Board of Appeals/Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Clarendon Hills, DuPage County, Illinois, as follows:

SECTION 1. That the foregoing recitals are made part of this Ordinance, and shall be considered when construing this Ordinance.

SECTION 2. That Chapter 20 of the Clarendon Hills Village Code is hereby amended by adding a new Article 20.13A thereto which shall read in its entirety as follows:

"ARTICLE 13A. DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT

20.13A.1: DESCRIPTION: The purpose of this Article is to establish an overlay zoning district for Downtown Clarendon Hills and its periphery, to be known as the Downtown Design Review Overlay District, as defined and depicted on the Zoning Map (hereinafter the "Downtown Area"). The visual character of the Downtown Area is an important resource that is valued by community

residents. Maintaining this character protects property values and sustains the economic viability of the Downtown Area. All uses, except single family dwellings, shall be subject to the Downtown Design Review process set forth in Section 20.18.6. In the Downtown Area, the underlying zoning district requirements and the approved Downtown Master Plan and the Downtown Design Review Guidelines, prepared by Teska Associates Inc. and dated March 2001, which are hereby adopted as an element of this Chapter, shall apply.

20.13A.2: PERMITTED AND SPECIAL USES: The use provisions of the applicable underlying zoning district shall apply in the Downtown Area.

20.13A.3: HEIGHT, AREA AND SITE RESTRICTIONS: The bulk regulations of the applicable underlying zoning district shall apply in the Downtown Area.

20.13A.4: STANDARDS: All of the property located in the Downtown Area shall be subject to the general standards and regulations of Chapter 20 of the Village Code and the Downtown Design Review Guidelines. To conserve space, these standards and regulations have not been reprinted in this Chapter, but are incorporated herein by reference. Downtown design review as set forth in Section 20.18.6 of this Code, is required for all uses, except single family dwellings, in the Downtown Area.”

SECTION 3. That Chapter 20, Article 18 of the Clarendon Hills Village Code is hereby amended by adding a new Section 20.18.6 thereto, which shall read in its entirety as follows:

“20.18.6: DOWNTOWN DESIGN REVIEW:

- A. Establishment and Purpose of the Downtown Design Review Process: The downtown design review process is hereby established to promote orderly and compatible development and redevelopment within the Downtown Design Review Overlay District, as described in Article 13A of Chapter 20 of this Code, and to ensure that such development or redevelopment complies with the approved Downtown Design Review Guidelines, as adopted by the Board of Trustees.
- B. Applicability: Downtown design review is required for all properties located within the Downtown Design Review Overlay District, except for properties solely occupied by and used for single-family dwellings. Any property occupied by a single-family dwelling that has been converted to a non-residential use shall be subject to downtown design review.
 1. Downtown design approval shall be required:
 - a) prior to the issuance of a sign permit;
 - b) prior to the issuance of a building permit for any construction activity that modifies the exterior of the building;
 - c) prior to the issuance of a permit for any site alteration; and/or
 - d) prior to changing the exterior color or materials on the building.
 2. For applications that also require the approval of a special use permit, variation, and/or

planned unit development by the Board of Trustees, the downtown design review process may be conducted concurrently with the applicable discretionary review process or downtown design approval may be a condition of approval of the special use permit, variation, and/or planned unit development.

3. The type of proposed construction or exterior modification to the building, structure or site shall be classified by the Director of Community Development as falling within one of following three levels for purposes of determining the appropriate level of review. Should an application propose changes that are classified into more than one level, the overall application shall be classified according to the highest (most intensive) review level indicated. The review levels shall consist of the following:

- a) Level 1 changes: Minor modifications to the exterior of an existing building including: painting; installation of awnings, signs, shutters; replacement of existing windows, doors, roofing, plant materials, paving, coping, gutters, downspouts, and trim carpentry with like materials; repairs and general maintenance.
- b) Level 2 changes: Major modifications to the exterior of an existing building including: construction of new, or removal or modification of existing, window or door openings in existing buildings; application of different surface materials to existing buildings or structures (except for surfacing materials on existing flat roofs); removal of plant materials, paving, coping, gutters, downspouts and trim carpentry; installation of lighting, fencing, heating, ventilation and air conditioning equipment, garbage or recycling containers and associated screening.
- c) Level 3 changes: Construction of new buildings or structures; additions to existing buildings or structures; demolition of existing buildings or structures.

C. Application: Where downtown design review approval is specifically required by this Chapter, the owner of the subject property, or an agent, lessee, or contract purchaser authorized by the owner, shall submit sufficient copies the following materials to the Director of Community Development, in addition to the materials required for the building permit application or application for zoning relief:

1. For Level 1, Level 2 and Level 3 applications:

- a) A completed application, on such form as may, from time to time, be prepared by the Community Development Department;
- b) Samples of building materials, if requested by the Director of Community Development; and
- c) Exterior elevations and/or photographs of existing and proposed structures on the subject property, in color, showing the height of buildings.

2. For all Level 3 applications, and for Level 2 applications to the extent that the exhibit is necessary to depict the proposed changes, as determined by the Director of Community Development:
 - a) Lot dimensions, area and easements;
 - b) Locations of existing and proposed buildings, structures and improvements on the subject property, and the proposed uses of said buildings on the subject property;
 - c) Types and locations of existing and proposed utilities, fire hydrants, and lighting facilities;
 - d) Location and description of all machinery, garbage handling equipment, or other materials to be maintained or stored on the property exterior to any building;
 - e) Existing and proposed topography, drainage patterns, and retention or detention facilities, as required by Chapter 10 of this Code;
 - f) Existing landscaping on the subject property, and existing and proposed landscaping and screening, identified by type and height;
 - g) Existing and proposed off-street parking and loading facilities and sidewalks, points of ingress and egress to and from public streets, and location of any parking spaces proposed to be credited toward the off-street parking requirements; and
 - h) Drawings or photographs of all existing and proposed signs.

The Director of Community Development may, at the request of the applicant, waive any of the foregoing items of information if he determines that they are not necessary to depict the nature of the proposed changes, or may request additional information necessary to depict the proposed changes. The Director of Community Development shall determine whether the application for downtown design review approval is complete. If the Director of Community Development determines that the application is not complete, he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

The application shall be scheduled for review by the Downtown Design Review Commission within twenty-one (21) calendar days of the date the Director determines it is complete.

D. Authority and Process:

1. Prior to submitting an application for downtown design review approval, the applicant is strongly encouraged to schedule a pre-application meeting with the Director of Community Development and other Village staff, as appropriate, to discuss the proposed work and to become more familiar with all applicable requirements and

approval procedures of the Village, including other provisions of the Zoning and Building Codes.

2. Action by the Director of Community Development. Prior to issuance of a sign permit, building permit, or permit allowing development of a site, the Director of Community Development shall review all complete applications for properties located within the Downtown Design Review Overlay District, except for single-family dwellings, to determine compliance with all applicable zoning requirements and the approved Downtown Design Review Guidelines. The Director shall determine whether the proposed change qualifies as a Level 1, Level 2, or Level 3 change. Where there are any conflicts between the applicable zoning requirements and the Downtown Design Review Guidelines, the more restrictive shall control. The Director of Community Development may also waive the downtown design review process, when in his/her opinion the proposed work is of such limited scope so as not to require review.
3. For Level 1 changes, the Director of Community Development may approve, or approve with conditions, applications for downtown design review approval which, in his/her determination, comply with the Downtown Design Review Guidelines. If after the applicant has been provided the opportunity to amend the application to comply, the Director of Community Development shall forward Level 1 change applications that do not fully comply with the Guidelines for review by the Downtown Design Review Commission. The decision of the Director of Community Development and any conditions shall be issued in writing within twenty-one (21) days of receiving a complete application.
4. Action by the Downtown Design Review Commission. The Downtown Design Review Commission shall consider complete applications for Level 2 and Level 3 changes, and applications for Level 1 changes that have been determined by the Director of Community Development to not be in full compliance with the approved Downtown Design Review Guidelines. A meeting to review the application shall be held within thirty (30) days of receiving a request to appear before the Downtown Design Review Commission from the Director of Community Development. The applicant shall be notified of the meeting date at least seventy-two (72) hours in advance. In considering applications, the Downtown Design Review Commission shall consider the following factors:
 - a) The degree to which the proposed development or change complies with the Downtown Design Review Guidelines.
 - b) Compatibility of the proposed development with neighboring properties;
 - c) Whether strict adherence to the guidelines is reasonable and/or achievable for the application in question; and/or
 - d) Whether, although not in full compliance with the Downtown Design Review Guidelines, the application as proposed will substantially improve the appearance and function of the building and/or site and will enhance the character of the downtown.

5. The Downtown Design Review Commission may, upon a concurring vote of a majority of a quorum, approve, approve with conditions, or deny applications for downtown design review for Level 1 changes appealed from a decision by the Director of Community Development, or Level 2 changes. The Downtown Design Review Commission may make a recommendation on applications for downtown design review approval for Level 3 changes, which shall be forwarded to the Board of Trustees. The decision or recommendation of the Downtown Design Review Commission and any conditions shall be issued in writing. An appeal from the decision of the Downtown Design Review Commission on a Level 1 or Level 2 change must be filed within thirty (30) days of the issuance of the written decision.
 6. Action by the Board of Trustees: Appeals from the decision of the Downtown Design Review Commission on applications for Level 1 or 2 changes and recommendations of the Downtown Design Review Commission on Level 3 changes shall be forwarded to the Board of Trustees for review within twenty-one (21) days of the Downtown Design Review Commission's decision or recommendation. The Board of Trustees may affirm, reverse, wholly or in part, or modify the decision of the Downtown Design Review Commission. Where a request for approval of a Level 3 change or an appeal from a decision on a Level 1 or 2 change is filed for a property that is also under consideration for a special use permit, planned unit development, and/or variation, the appeal may be heard concurrently by the Board of Trustees as part of the discretionary review process where downtown design review is conducted concurrently with other review processes. The Board of Trustees decision and any conditions shall be issued in writing.
 7. Continuances and Delays: Any of the aforementioned scheduling periods may be extended in the event that the applicant requests a delay or continuance in the consideration, or if the reviewing Village authorities require an extension for good cause, including the cancellation or postponement of a meeting due to lack of a quorum, the failure of the applicant to submit requested additional or revised information, documentation or exhibits in a timely manner for consideration, or an emergency requiring the time and attention of the Village authorities involved in the process.
- F. Review Standards: Decisions by the Director of Community Development, the Downtown Design Review Commission or the Board of Trustees shall be based on the applicable Downtown Design Review Guidelines contained within the adopted Downtown Design Review Guidelines document. Evaluation of the design of a project shall also be based on the following standards with respect to the design and its relationship to the pattern and character of development on surrounding properties:
1. With regard to building design:
 - a) All sides of a structure shall receive design consideration; and
 - b) Where the side or rear of the structure faces a street, a residential use, or a property located in a residential zoning district, the exterior materials used on the side or rear shall be similar to the exterior materials used on the façade of the structure; and

- c) Mechanical and service equipment shall be located or screened so as not to be visible from surrounding streets and properties.
2. With regard to the relationship of the structure to the site:
 - a) The scale and the placement of the structure on the site shall be appropriate to the site in terms of the proportion of the site covered by the structure and the location of the structure in relation to lot lines; and
 - b) Building design and placement shall take into consideration natural grade conditions, existing vegetation, and other natural features.
 3. With regard to the relationship of the structure to the surrounding area:
 - a) Excessive similarity or dissimilarity in design in relation to surrounding or adjoining structures, including but not limited to predominant building height, exterior materials, building mass, roof line, and architectural features, shall be discouraged; and
 - b) Design shall take into consideration the relationship to the street and the pedestrian environment; and
 - c) Parking, storage and refuse areas shall be located and screened so as not to negatively affect neighboring properties.
 4. With regard to the landscaping and site treatment:
 - a) Landscaping shall be designed to maintain existing mature trees and shrubs to the maximum extent possible; and
 - b) Landscaping shall enhance safety and privacy and, where applicable, shall provide for the screening of parking, storage, refuse, and utility areas from the street and adjacent residential properties; and
 - c) Selected plant materials shall be suitable to the local climate and to their location on the site; and
 - d) Parking areas shall be designed to minimize dangerous traffic movements and achieve efficient traffic flow.
 5. With regard to signs, the design, color, placement and lighting of signs shall be consistent with the design of the structure, site, and adjoining properties, in terms of materials, height, setback from the street and the sign's scale in proportion to the structure.
 6. With regard to accessory structures and fixtures, exterior lighting, fences, and miscellaneous fixtures shall be consistent with the overall structure and site design, in terms of materials, size and architectural character.

F. Emergency Measures: The downtown design review process is not required when, in the

opinion of the Director of Community Development, there is an actual or immediate danger of collapse or failure of a building or structure, or part thereof, which would endanger life or physically damage adjoining property if the design review process was required.

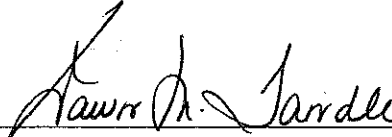
G. Modifications to Downtown Design Approvals: Modifications or changes to a downtown design approval, whether proposed by the property owner or required by the Village to protect the public health, safety and welfare, shall require an application and approval as if for a new application. Submission of a new application is not required when, in the opinion of the Director of Community Development, the proposed modification or change is of such limited scope and in sufficient conformance with the approved design so as not to require a new application, however, the Village may require a new or amended sign, building, or similar development permit.

H. Limitations on Downtown Design Approvals: A downtown design approval shall automatically become null and void unless a building permit is issued and/or construction is actually begun within one (1) year of downtown design approval and is thereafter diligently pursued to completion. However, the Director of Community Development may extend the period by one (1) additional year, upon request of the property owner, for good cause shown."

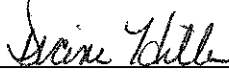
SECTION 4. All Ordinances or parts of Ordinances in conflict or which are inconsistent with this Ordinance shall be repealed to the extent of any such conflict or inconsistency.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the Village President and Board of Trustees of the Village of Clarendon Hills, DuPage County, Illinois, this 19 day of March, 2007.


Dawn M. Tandle
Village Clerk




Diane Hiller
Village President

ROLL CALL VOTE:

AYES: Trustees Alongi, Flood, O'Toole, Pedersen, and Robertson

NAYS: None

ABSENT: Trustee Karaba

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