

## **Lake Overlay Zoning District**

### DESCRIPTION

The Village of Round Lake Beach enjoys the privilege of having within its borders a portion of the lake of Round Lake. The lake has unique qualities and characteristics and a strong impact on the overall character of the Village. The lake's distinctive characteristics deserve special protection, and the appropriate development and use of lakefront property requires special rules and regulations. The Lake Overlay Zoning District is established to protect and preserve the special qualities and characteristics of the lake and thereby preserve the quality of its impact on the Village.

### DESIGNATION OF THE OVERLAY DISTRICT

The Lake Overlay District appears on the Zoning Map as an "Overlay District," imposed on top of other base (or underlying) zoning districts created by the Zoning Ordinance. Development of properties in the Lake Overlay District must comply both with the regulations of the Lake Overlay District and with the regulations of the base district in which they are located. When there is any conflict between the regulations of the Lake Overlay District and the regulations of the base district, the regulations of the more restrictive regulation shall control.

### PERMITTED AND SPECIAL USES

Permitted and special uses allowed in the Lake Overlay Zoning District shall be consistent with those authorized by the regulations of the base zoning district, subject to the limitations placed thereon by this Section.

### SITE AND STRUCTURE PROVISIONS

Each permitted or conditional use lawfully established in the Lake Overlay Zoning District shall meet the following minimum lot area and lot width requirements based upon the applicable underlying zoning district as follows:

<u>Underlying Zoning District</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Area</u>
E-R	150 feet	40,000 square feet
R-2	75 feet	10,000 square feet
R-3	75 feet	10,000 square feet

Conditional uses may be required to meet more restrictive site and structure provisions if the Village Board, upon considering a recommendation of the Planning and Zoning Commission, determines that such requirements are necessary for public health, safety and general welfare purposes.

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\_\_\_\_\_ EXTERIOR APPEARANCE REVIEW

~~No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted on property zoned in the Lake Overlay District except after approval of an exterior appearance review. The provisions of the Lake Overlay District may apply to the following construction and development activities on any currently platted or proposed zoning lot within the Lake Overlay District, and no such construction or development shall be permitted on any ssuch zoning lot unless and until the owner of any such lots obtains exterior appearance review approval:~~

- ~~1. All new structures and developments;~~
- ~~2. All new uses of land, including new structures and developments occurring on vacant land;~~
- ~~3. Except as otherwise provided in this Section \_\_\_\_\_, all new structures and uses of land on sites of demolished structures; and~~
- ~~4. All uses of land or structures legally existing as of \_\_\_\_\_, 2007, which are expanded in floor area, lot coverage, parking, or any other expansion of use by more than \_\_\_\_\_%.~~

GENERAL PROVISIONS

- A. Authority The Board of Trustees, in accordance with the procedures and standards set out in this Section, may grant exterior appearance approval.
- B. Purpose The exterior appearance review process is intended to protect, preserve, and enhance the character and architectural heritage and quality of the lake front area, and to protect, preserve, and enhance property values.
- C. Parties Entitled to Seek Exterior Appearance Review Applications for building permits requiring exterior appearance review and approval pursuant to this Section may be filed by the owner of, or any person having a contractual interest in, the subject property.

PROCEDURE

- A. Applications for exterior appearance approval shall be filed with the Building Official. In addition to architectural information regarding the subject building, such application shall include the following materials:
  1. Survey of Adjacent Properties A survey of structures within 250 feet of the subject property which evaluates the architectural character of those structures in relation to the standards and considerations set forth in this Section.
  2. Statement of Proposed Improvements A written statement detailing how the proposed improvements meet the applicable standards and consideration for exterior appearance review.
- B. Other Approvals Required Prior to Approval In any case where the proposed work requires the issuance of a special use permit, variation, or other approval, no exterior appearance approval shall be granted unless and until such special use permit, variation, or other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to exterior appearance approval.

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- C. Public Meeting After a properly completed application has been filed, a public meeting shall be set, noticed, and conducted by the Plan Commission.
- D. Action by Plan Commission Within 45 days after the conclusion of the public meeting, the Plan Commission shall transmit to the Board of Trustees its recommendation either granting exterior appearance approval, granting the approval subject to conditions, or denying the approval. In reaching its recommendation, the Plan Commission shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set forth in this Section.
- E. Action by Board of Trustees Within 60 days after receipt of the recommendation of the Plan Commission, the Board of Trustees shall, by ordinance duly adopted, grant exterior appearance approval, or shall make modifications acceptable to the applicant and approve such modified application, or shall disapprove the application. In reaching its decision, the Board of Trustees shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set for in this section. The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

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STANDARDS AND CONSIDERATIONS FOR EXTERIOR APPEARANCE APPROVAL

In their consideration of applications for exterior appearance approval, the Plan Commission and the Board of Trustees shall consider and evaluate the propriety of granting the approval in terms of the effect of the application on the purposes for which exterior appearance approval is required. In addition, the Plan Commission and the Board of Trustees shall be guided by the following standards and considerations:

- A. General Quality of Design and Site Development New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development guidelines:
1. Open Spaces The quality of the open spaces between buildings and in setback spaces between street and facade.
  2. Materials The quality of materials and their relationship to those in existing adjacent structures.
  3. General Design The quality of the design in general and its relationship to the overall character of neighborhood.
  4. General Site Development The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.
- B. General Standards for Visual Compatibility New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved shall be visually compatible in terms of the following guidelines:

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1. Height The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
  2. Proportion of Front Facade The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
  3. Proportion of Openings The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
  4. Rhythm of Solids to Voids in Front Facades The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
  5. Rhythm of Space and Building on Streets The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  6. Rhythm of Entrance, Porch, and Other Projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  7. Relationship of Materials and Texture The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
  8. Roof Shapes The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
  9. Walls of Continuity Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
  10. Scale of Building The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
  11. Directional Expression of Front Elevation A building shall be visually compatible with the buildings; public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.
- C. Special Considerations for Existing Buildings For existing buildings, the Plan Commission and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

#### MODIFICATIONS AND CONDITIONS

In approving an application for a exterior appearance approval, the Board of Trustees may approve the plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this Section. Such conditions and modifications shall be set forth in the ordinance granting approval.

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LIMITATION ON APPROVALS

Subject to an extension of time granted by the Village Board, no exterior appearance approval shall be valid for a period longer than six (6) months unless the work authorized by such permit is commenced within such period. It shall be unlawful for any person to deviate from plans approved at the time of exterior appearance approval without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

EXEMPTIONS FROM DESIGN REVIEW; ADMINISTRATIVE REVIEW

A. Blanket Exemptions. Notwithstanding anything to the contrary in this Section \_\_\_\_\_, the following activities, provided such activities do not exceed 15% of the most current assessed valuation of the structure, as determined by the Lake County Assessor's Office, shall be exempt from the design review requirements of this Section \_\_\_\_\_:

1. Like replacement of siding and roofing materials, including gutters and downspouts;
2. Like replacement of architectural features, including gabling, fascia, and masonry details such as keystones and pilasters;
3. Routine maintenance and repair, including repainting with like colors, pitching gutters and downspouts, and repair of storm damaged exterior features;

In addition to the above noted exempt activities, and subject to the requirements set forth in Section 406.0 of this Appendix A, any structure 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 shall be less than 50 percent of the cost of the restoration of the entire building when new, shall be exempt from the regulations and requirements of this Section \_\_\_\_\_.

B. Administrative Review. Notwithstanding anything to the contrary in this Section \_\_\_\_\_, the activities set forth in Subsections \_\_\_\_\_ A.1, \_\_\_\_\_ A.2, and \_\_\_\_\_ A.3, provided such activities are between 15.1% and 25% of the most current assessed valuation of the structure, as determined by the Lake County Assessor's Office, must be approved pursuant to the administrative review provisions set forth below:

1. The person or entity seeking administrative review must obtain and submit an application form provided by the Economic Development Department and pay the application fee, as the fee shall be set from time to time by the corporate authorities. The application shall be submitted to the Economic Development Department with a cost analysis prepared by an Illinois registered architect or engineer showing that the proposed project meets the valuation requirements set forth in this Subsection \_\_\_\_\_ B, as well as all site plans, landscaping plans, drawings, and other information as may be required by the Director of Economic Development;
2. The Director of Economic Development shall conduct a review of the application and submitted materials in accordance with the design review standards set forth in Subsection \_\_\_\_\_. The Director of Economic Development shall notify the applicant in writing of his or her approval, approval with modifications, or disapproval of the proposed project within 30 business days after submittal of the application. In the event that the Director of Economic Development approves with modifications or disapproves the application, he or she shall specifically provide the reasons for approval with modifications or disapproval.

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3. In the event that the applicant desires to appeal the decision of the Director of Economic Development, the applicant may seek an appeal pursuant to Section 307.0 of this Appendix A.