

ORDINANCE NO. 07-10-04

**AN ORDINANCE AMENDING APPENDIX A, ARTICLE VIII OF THE
CODE OF ORDINANCES ESTABLISHING THE
LAKE OVERLAY (L-1) DISTRICT AND REGULATIONS THEREFOR**

WHEREAS, the Village of Round Lake Beach is a home rule municipality as provided in the Illinois Constitution of 1970 and the Illinois Municipal Code;

WHEREAS, a significant portion of the body of water known as Round Lake is within the Village of Round Lake Beach. Round Lake has been and continues to be the primary environmental amenity which has drawn visitors, summer residents, and year round residents to the Village. These visitors and residents have generated significant growth and development in the Village, including development in and around Round Lake. The development around Round Lake and the expectation of additional development pressures in the future risk degrading the environmental quality of the lake and creating dense development patterns will decrease available open space and public access, and harm the architectural aesthetic in the vicinity of Round Lake.

The Village desires to protect the environmental quality and aesthetic of Round Lake and ensure for a better managed development process, including architectural quality. In late 2006, the Village began to consider regulations to promote these goals and objectives. In an effort to protect existing property owners and preserve the underlying zoning regulations in the base districts, the Village's Planning and Zoning Commission conducted a series of public hearings that led to the drafting of overlay zoning regulations to complement and control future development in the three base zoning districts around Round Lake. The Board of Trustees now desire to establish a Lake Overlay (L-1) District around Round Lake pursuant to the authority set forth in Section 308.0 of Appendix A of the Code of Ordinance, as amended, and its home rule powers;

WHEREAS, a public hearing was advertised in The News Sun on October 24, 2006, and was convened by the Planning and Zoning Commission ("PZC") on November 9, 2006, and continued to December 14, 2006, January 11, 2007, April 12, 2007, May 10, 2007, July 12, 2007 and August 9, 2007, on which date the PZC recommended approval of the proposed establishment of a Lake Overlay (L-1) District.

WHEREAS, the Village Board finds it is in the best interests of the Village to approve this Ordinance for the reasons stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE Mayor and Village Board of the Village of Round Lake Beach, Lake County, Illinois in the exercise of its home rule powers as follows:

Section 1: The above-stated recitals are incorporated herein by reference.

Section 2: AMENDMENT.

Article VIII of Appendix A of the Code of Ordinance is hereby amended by adding a new Section 850.0 as follows:

[Sec.] 850.0. Lake Overlay (L-1) District.

850.1 *Findings and purpose:* 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.

850.2 *Designation of Lake 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.

850.3 *Applicability of Lake Overlay District:* Except as otherwise provided in this Section 850.0, the Lake Overlay District lot size and exterior appearance review requirements shall apply to the following construction and development activities on any currently platted or proposed zoning lot within the Lake Overlay District:

- A. All new structures and developments;
- B. All new uses of land, including new structures and developments occurring on vacant land;
- C. Except as otherwise provided in this Section 850.0, all new structures and uses of land on sites of demolished structures; and
- D. Whenever any proposed improvements require any relief provided in Article III of this Appendix A.

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

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

Underlying Zoning District	Minimum Lot Width (feet)	Minimum Lot Area (square feet)
E-R	150	40,000
R-2	75	10,000
R-3	75	10,000

Special 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.

850.6 *Exterior appearance review – general provisions:*

- D. *Authority:* The Board of Trustees, in accordance with the procedures and standards set out in this Section, may grant exterior appearance approval.
- E. *Purpose:* The exterior appearance review process is intended to protect, preserve, and enhance the character and quality of architectural heritage and to protect, preserve, and enhance property values in the Lake Overlay Zone.
- F. *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, or any person having a contractual interest in, the subject property.

850.7 *Exterior appearance review – procedures:*

- C. *Applications:* 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:
 - 3. *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.
 - 4. *Statement of proposed improvements:* A written statement detailing how the proposed improvements meet the applicable standards and consideration for exterior appearance review.
- D. *Other approvals required prior to approval:* In any case where the proposed improvements require any relief provided in Article III of this Appendix A, or any other approval, no exterior appearance approval shall be granted unless and until such relief has been granted by the Board of Trustees or other required approvals have been obtained. The granting of any such relief or issuance of any other approval shall not establish any right to exterior appearance approval.

- C. *Public meeting*: After a properly completed application has been filed with the Building Official, a public meeting shall be set, noticed, and conducted by the Planning and Zoning Commission; provided, however, that such public meeting shall not be commenced later than 60-days following the Building Official's receipt of a properly completed application
- D. *Action by Planning and Zoning Commission*: Within 45 days after the conclusion of the public meeting, the Planning and Zoning 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 Planning and Zoning 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 Planning and Zoning Commission, the Board of Trustees shall, by ordinance duly adopted, grant exterior appearance approval, grant exterior appearance approval subject to conditions, or shall disapprove the application. The Board of Trustees may also grant exterior appearance approval with modifications to the proposed improvement design, which the applicant may agree to or reject, in which case such rejection shall serve as a basis, in the sole and absolute discretion of the Board of Trustees, for denial of the application. Any such conditions or modifications shall be made as necessary to achieve the purposes and objectives of this Section 850.0. Such conditions and modifications shall be set forth in the ordinance granting approval. 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 forth 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.

850.8 *Exterior appearance review – standards and considerations*: In their consideration of applications for exterior appearance approval, the Planning and Zoning Commission and the Board of Trustees shall be guided by the purposes of this Section 850.0 and more particularly by the following standards and considerations:

- D. *General quality of design and site development*: New and existing structures and appurtenances thereof subject to these exterior appearance review provisions shall be evaluated under the following quality of design and site development guidelines:
5. *Open spaces*: The quality of the open spaces between structures and in setback spaces between street and facade.
 6. *Materials*: The quality of materials and their relationship to those in existing adjacent structures.
 7. *General design*: The quality of the design in general and its relationship to the overall character of neighborhood.

8. *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.
- E. *General standards for visual compatibility:* New and existing structures, and appurtenances thereof, subject to these exterior appearance review provisions shall be visually compatible in terms of the following guidelines:
 12. *Height:* The height of the proposed structure shall be visually compatible with adjacent structures.
 13. *Proportion of front façade:* The relationship of the width to the height of the front elevation of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 14. *Proportion of openings:* The relationship of the width to height of windows of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 15. *Rhythm of solids to voids in front facades:* The relationship of solids to voids in the front facade of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 16. *Rhythm of space and building on streets:* The relationship of a proposed structure to the open space between it and adjoining structures shall be visually compatible with the structures, public ways, and places to which it is visually related.
 17. *Rhythm of entrance, porch, and other projections:* The relationship of entrances and other projections of a proposed structure to sidewalks shall be visually compatible with the structures, public ways, and places to which it is visually related.
 18. *Relationship of materials and texture:* The relationship of the materials and texture of the facade of a proposed structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.
 19. *Roof shapes:* The roof shape of a proposed structure shall be visually compatible with the structures to which it is visually related.
 20. *Walls of continuity:* The facades and appurtenances of proposed structures 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 structures, public ways, and places to which such elements are visually related.
 21. *Scale of building:* The size and mass of proposed structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.

22. *Directional expression of front elevation:* A proposed structure shall be visually compatible with the structures, 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.

F. *Special considerations for existing buildings:* For existing buildings, the Planning and Zoning Commission and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

850.9 *Exterior appearance review – limitations on approval:* Subject to an extension of time granted by the Board of Trustees, no exterior appearance approval shall be valid for a period longer than six 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.

850.10 *Exterior appearance review – exemption; administrative review:*

A. *Blanket exemptions:* Notwithstanding anything to the contrary in this Section 850.0, 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 850.0:

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; or
4. All uses of land or structures legally existing as of _____, 2007, which are expanded in floor area, lot coverage, off-street parking, or any other expansion of use; provided, however, that any such expansion complies with all bulk regulations of the applicable zoning district.

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 850.0.

B. *Administrative review:* Notwithstanding anything to the contrary in this Section 850.0, the activities set forth in Subsections 850.10A.1, 850.10A.2, 850.10A.3, and 850.10A.4, 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 850.10B, 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 850.8. 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.
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.

Section 3: The L-1 Lake Overlay Zoning District shall consist of that area identified on the map which is attached hereto as Exhibit A. The Village's Zoning Map and Comprehensive Plan shall be amended to depict the -1 lake Overlay District as provided on Exhibit A.

Section 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval.

Section 5: If any part of this ordinance is determined to be invalid, the invalid portion shall be stricken and the remainder shall be in full force and effect.

PASSED this 22nd day of October, 2007.


4 AYES: Trustees Miosi, Butler, Mount, Mattingly

2 NAYS: Trustees Villa, Armstrong

ABSENT: 0

ABSTAIN: 0

APPROVED this 22nd day of October, 2007.



Mayor Richard H. Hill

Attest: 

Nancy Steen, Deputy Clerk

End