

Village of



**The meeting will be in-person, but remote attendance is available via the link below:**  
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## **Zoning Board of Appeals Regular Meeting**

**Monday, January 9, 2023 at 7:00 p.m.**  
Kenilworth Village Hall, 419 Richmond Road

### **Agenda**

- I. Call to Order / Roll Call**
- II. Approval of Minutes – November 28, 2022**
- III. Public Hearing**
  - A. Public Hearing to Consider Amendments to Chapter 153 of the Kenilworth Code of Ordinances Concerning the Plan Commission, Architectural Review Commission, Zoning Board of Appeals, and the Procedures Used to Consider Certain Applications**
- IV. Other Business**
- V. Business from the Public Related to Items Not on the Agenda**

Rules for Public Comment may be viewed at

<https://www.vok.org/DocumentCenter/View/1423/Rules-for-Public-Comment>

- VI. Adjourn**

The Village of Kenilworth is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting or who have questions regarding the accessibility of the meeting or the facilities are requested to contact Patrick Brennan at 847-251-1666 promptly to allow the Village to make reasonable accommodations for those persons.

VILLAGE OF



KENILWORTH, IL

**Zoning Board of Appeals Meeting  
Monday, November 28, 2022**

**Agenda Item I. CALL TO ORDER / ROLL CALL**

A regular meeting of the Zoning Board of Appeals of the Village of Kenilworth in the Kenilworth Village Hall, Kenilworth, Illinois was held at 7:00 p.m. on Monday, November 28, 2022. Chairperson Thompson called the meeting to order at 7:02 p.m.

**Attendance was as follows:**

**Zoning Board of Appeals Members Present:**

Vicki Thompson	Chair, present virtually
Frank Cavalier	Member
Katherine Peterson	Member
Cary Johnson	Member
Hester McCarthy	Member
Jenelle Chalmers	Member

**Zoning Board of Appeals Members Absent:**

Mark Hinkamp	Member
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**A quorum was present.**

**Other Recorded as in Attendance:**

*Village Officials and Staff:*

Heather McFarland	Assistant to the Village Manager
Ruben Shell	Houseal Lavigne, present virtually
Bill Burns	Sergeant

*Others in Attendance:*

Zane Sterrett	Applicant
Healy Rice	Applicant's Architect

Chair Thompson opened the meeting.

**Agenda Item II. APPROVAL OF MINUTES**

The minutes of the Zoning Board of Appeals Meeting of September 12, 2022, were presented to the members. Commissioner Peterson and Chalmers suggested some minor scrivener's errors to be modified and corrected.

**Member McCarthy made a motion to approve the September 12, 2022 Zoning Board of Appeals Meeting Minutes as amended, and Member Cavalier seconded the motion.**

**A roll call vote was taken as follows on the motion:**

**Yea: Johnson, McCarthy, Peterson, Thompson, Cavalier, Chalmers**

**Nay: None**

**Absent: Hinkamp**

**Abstain: None**

**The motion was approved 6 – 0.**

### **Agenda Item III. PUBLIC HEARING**

Chair Thompson administered an oath to everyone who wished to speak on any of the items on the meeting agenda.

#### **A. Public Hearing to consider a Variation from (1) Private Pool Location and (2) Vehicle Parking and Storage Regulations – 100 Woodstock Avenue**

Healy Rice, the architect for the applicant, began by providing a presentation on the existing attached garage and new detached garage at 100 Woodstock Avenue. As part of her presentation, Ms. Rice shared why the applicant believes reconfiguring the garage doors poses a hardship, including reduced space to get cars in and out of the garage, the detached garage being located more in the rear-yard, and the property being a corner lot. Following the presentation, the members discussed the request. Chair Thompson provided some background to the regulation, which was changed in 2005. Ms. Rice added additional context to the request, stating that the size of the garage would make it challenging to rotate the door.

The members continued their discussion of the request, including the prospect of setting a precedent and the hardship causing the request. Member McCarthy did not agree with the stated hardship, and Member Peterson believed it should have been considered beforehand. Zane Sterrett, the applicant, addressed the Board stating that he had seen multiple 3-car garages throughout the Village that appear to be newer than 2005. Mr. Sterrett also reiterated that safety was the main concern with requesting the variance. Ms. Rice asked if it could be interpreted as being in the rear yard. Ruben Shell clarified that he believed regardless of the location on the lot, the garage doors cannot exceed 20' in length.

**Member Johnson made a motion to deny** the request submitted by the petitioner Healy Rice for a variation to allow the existing garage door width of 34 feet on the existing attached and detached garages fronting the side lot line at 100 Woodstock Avenue and directed staff to prepare a written finding of fact in support thereof. **Member Peterson seconded the motion.**

**A roll call vote was taken as follows on the motion:**

**Yea: Peterson, Johnson, Thompson, Cavalier, Chalmers, McCarthy**

**Nay: None**

**Absent: Hinkamp**

**Abstain: None**

**The motion was approved 6 – 0.**

Ms. Rice next provided an overview on the request to locate a hot tub in the front yard of 100 Woodstock Avenue. Ms. Rice explained that the hot tub would be placed on a 9' X 10' slab of pavement within the buildable footprint. Ms. Rice further explained it would be within the required setbacks, and the neighbor was supportive of the request. Chair Thompson confirmed the request met the setback requirements. The members discussed the request and questioned approving an above-ground hot tub when there were no above-ground pools in the Village. Mr. Sterrett explained there had previously been an above-ground hot tub on the property.

Chair Thompson asked about potential screening for the hot tub. Mr. Sterrett explained he is in favor of screening and does not want to see Sheridan Road. Mr. Sterrett explained he is considering walls, as well as trees and plants to screen the hot tub. The members continued their discussion on the hot tub, including its location, and expressed concern over setting precedent by approving it in the front yard. The members further discussed conditions that would ensure the hot tub would be appropriately screened from neighbors.

**Member Peterson made a motion to approve** the request submitted by the petitioner Healy Rice, for a variation to allow the construction of an above-ground hot tub between the residence and the front lot line at 100 Woodstock Avenue in accordance with the plans submitted to the Village on November 19, 2022 and on condition(s) that appropriate evergreen screening at least 3 feet tall. The variation requested by the petitioner shall be granted conditioned upon the petitioner's strict compliance with the 100 Woodstock Avenue plans prepared by Healy M Rice, dated November 19, 2022, consisting of three sheets. Any subsequent revisions to these plans that affect the scope of the variation granted or that the Code Official determines to be a material change will require the petitioner to resubmit an application for the requested variation. **Member Cavalier seconded the motion.**

**A roll call vote was taken as follows on the motion:**

**Yea: Peterson, Thompson, Cavalier, Chalmers**

**Nay: Johnson, McCarthy**

**Absent: Hinkamp**

**Abstain: None**

**The motion was approved 4 – 2.**

#### **Agenda Item IV. OTHER BUSINESS**

The 2023 meeting dates of the Zoning Board of Appeals were presented to the members.

**Member McCarthy made a motion to approve the 2023 Zoning Board of Appeals Meeting Schedule as presented, and Member Johnson seconded the motion.**

**A roll call vote was taken as follows on the motion:**

**Yea: Johnson, McCarthy, Peterson, Thompson, Cavalier, Chalmers**

**Nay: None**

**Absent: Hinkamp**

**Abstain: None**

**The motion was approved 6 – 0.**

**Agenda Item V. BUSINESS FROM THE PUBLIC RELATED TO ITEMS NOT ON THE AGENDA**

The members all thanked Member Johnson for his service on the ZBA and wished him the best.

**Agenda Item VI. ADJOURN**

**Member Cavalier made a motion to adjourn and Member Chalmers seconded the motion.**

**A roll call vote was taken as follows on the motion:**

**Yea: Johnson, McCarthy, Peterson, Thompson, Cavalier, Chalmers**

**Nay: None**

**Absent: Hinkamp**

**Abstain: None**

**The motion was approved 6 – 0.**

**The meeting was concluded at 8:20 p.m.**

Respectfully Submitted,

Heather McFarland  
Assistant to the Village Manager



## Request for Commission Action

**Agenda Item:** III.A.

**Considered By:**  
Zoning Board of Appeals

**Date:**  
01/09/23

**Staff Contact:** Heather McFarland, Asst. to the Village Manager

**Subject:** Public Hearing to Consider Amendments to Chapter 153 of the Kenilworth Code of Ordinances Concerning the Plan Commission, Architectural Review Commission, Zoning Board of Appeals, and the Procedures Used to Consider Certain Applications

**Summary:** Members of the Zoning Board of Appeals (ZBA) recently received a memo that provided an overview of the Village’s current commission structure, application review process, and potential modifications to both. The memo was prepared by the Village Attorney as part of a presentation to the Village Board of Trustees at their August 15, 2022 meeting to gather interest and direction on whether further discussion on the subjects was warranted. Based on the direction received from the Village Board, the ZBA has been asked to consider Zoning Text Amendments that seek modifications to current commission structure and how certain applications for relief are considered. It is recommended that the ZBA review the background related to this request and consider amendments to the Zoning Code as outlined in the draft ordinance.

**Background:** The Village Board has expressed interest in evaluating the Village’s current commission structure and application review process for zoning and development applications to identify if opportunities exist to increase productivity and efficiency. Following a review by the Village Attorney, several potential changes were identified to help achieve these goals. The potential changes include modifications to the Village’s Zoning Code (Chapter 153), which may be reviewed by the ZBA for recommendation to the Village Board.

To assist with the ZBA’s consideration, an overview of the Village’s current commission structure; discussion of the steps applicants, staff, and the public must take to navigate the Village’s review process; and several options the ZBA can consider to increase productivity and efficiency during the application review process are included below.

### I. Current Commission Structure

Excluding the Village Board, the Village Code currently designates 4 different commissions responsible for reviewing zoning and development applications: (1) the Zoning Board of Appeals (“ZBA”); (2) the Plan Commission (“PC”); (3) the Architectural Review Commission (“ARC”); and (4) the Building Review Commission (“BRC”). Table 1 below provides an overview of each commission and their respective authority concerning zoning and development applications.

**TABLE 1: COMMISSION OVERVIEW**

Body	Membership	Authority Over Applications
ZBA	7 members (1 vacancy)	a) Decide appeals from staff interpretations b) Decide zoning code variance applications

		<ul style="list-style-type: none"> <li>c) Offer recommendations to Village Board regarding special use permit applications in all zoning districts other than the B Business Zoning District ("<b>B District</b>")</li> <li>d) Offer recommendations to Village Board regarding map amendment (<i>i.e.</i>, rezoning) and text amendment applications</li> <li>e) Hear other matters referred by the Village Board</li> </ul>
<b>PC</b>	7 members (2 vacancies)	<ul style="list-style-type: none"> <li>a) Offer recommendations to Village Board regarding special use permit applications in the B District</li> <li>b) Offer recommendations to Village Board regarding subdivision applications</li> <li>c) Hear other matters referred by the Village Board</li> </ul>
<b>ARC</b>	7 members (3 vacancies)	<ul style="list-style-type: none"> <li>a) Decide certificate of appropriateness applications</li> <li>b) Offer recommendation to the Village Board on certificate of appropriateness applications associated with a special use permit request</li> </ul>
<b>BRC</b>	7 members (2 vacancies)	Review demolition permit applications

The Village's current commission structure has created several challenges. **First**, there is an understanding that the Village has historically struggled to fill commission vacancies. The Village has benefitted from several long-serving commission members; however, the Village should not expect each member to accept a lifetime appointment. Prolonged commission vacancies can make it difficult to hold meetings and conduct business, which, in turn, can slow the Village's progress toward its economic development goals. The Village is not alone; many communities with smaller populations struggle with commission vacancy issues. This situation has been aggravated by recent changes to Statement of Economic Interest filing requirements. The State's new filing requirements have generally had a cooling effect on willingness to serve.

**Second**, several commissions meet infrequently. In some cases, a commission may meet only once or twice a year. Infrequent meetings are partially attributable to the narrow scope of authority some commissions have. This can make it difficult for a commission to build institutional knowledge and conduct meaningful and efficient meetings. It can also result in commission decisions or recommendations that fail to sufficiently focus on relevant review criteria. Commission decisions that rely on irrelevant factors provide the Village Board with less helpful guidance and, in some cases, could expose the Village to potential liability.

**Third**, depending on the application, the commission review process can be fragmented. Certain aspects of an application for a single development are considered by one commission, while other portions of the same application are considered by a different commission. Reviewing applications in this manner can result in conflicting recommendations from different commissions. This provides less helpful guidance to the Village Board. It also requires the applicant, the public, and staff to spend significantly more time and resources on the application as it proceeds through a review process that involves numerous meetings with several commissions. This can serve as an impediment to the Village accomplishing its economic

development goals and frustrate residents who aren't familiar with each commission's scope of review.

## **II. Application Review Process**

Generally, the Village's commission structure adequately handles development applications seeking a single form of relief. For example, a resident applying for a variance to reduce a setback to accommodate an addition to their home only needs to attend a hearing with the ZBA. Residents seeking to comment on the proposal would likewise only be required to attend a ZBA meeting.

The commission review process is more complex and far less efficient for applications that involve multiple forms of relief. For example, the recent Assembly Hall application included requests for rezoning, a special use permit, and a subdivision. This resulted in the Village conducting 5 public meetings to consider this request – 1 PC meeting, 1 ZBA meeting, and 3 Village Board meetings. Had the applicant not agreed to consolidate its tentative subdivision plat and final subdivision plat approval requests, this application would have required 7 meetings. It's worth noting this application – unlike many others – did not require ARC review. ARC involvement would have resulted in more meetings, time, and resources.

The ARC regularly plays a role in the development application review process. The ARC is generally responsible for reviewing the appearance of proposed buildings and structures and either (1) offering feedback and recommendations to the PC, the Village Board, or staff, or (2) deciding whether to issue a certificate of appropriateness. Recognizing most development proposals involve material exterior changes to a building, the ARC commonly weighs in on development applications.

The ARC's role reviewing a development's aesthetics often overlaps with the PC or ZBA's review of a special use permit application. In many communities, the commission considering a special use permit application concurrently evaluates the development's aesthetics. The Village's current process truncates the PC and ZBA's aesthetic review by assigning that job to the ARC for consideration at a separate meeting. This process adds time and obligates additional resources.

It's worth noting the Village has been discussing its development review process for some time. As recently as 2019, the Village discussed the steps associated with its development review process and, at that time, prepared the attached summary detailing the 7 meetings that must be conducted before the Village can approve a Planned Unit Development ("PUD"). That 7-meeting process involved the ARC, the PC, and the Village Board each conducting multiple meetings. It also assumed each body would have sufficient information to make a decision at the meeting. Requests for additional information would result in more than 7 meetings.

## **III. Potential Commission Modifications**

Below is a list and discussion of several changes the Village can consider making to its commission structure and development review process. This list is not exhaustive. Instead, it's intended to highlight some changes best designed to promote a meaningful and efficient development review process.

1. Subdivision Plat Referral. Currently, the Village Code requires the Village Board to refer a subdivision plat application to the PC for review. At the Village Board meeting where



the referral is made, the Village Board does not review the plat or otherwise evaluate the merits of the application. The Board simply votes to allow the PC to perform that work. This step adds no apparent benefit to the review process and could be eliminated without compromising the Village's legal authority to review subdivision applications.

2. PC and ARC Consolidation. Currently, the PC and the ARC perform analogous functions. The PC regularly reviews aesthetic variables when considering special use permit applications, despite the ARC having authority to do so. Vesting the PC with authority to discharge the ARC's duties would (a) allow the PC to consider and discuss an entire application, including aesthetic components, at a single meeting; (b) increase the frequency of PC meetings, thus fostering institutional knowledge and stronger recommendations; and (c) provide a chance to increase the PC's architectural experience and comfort level. The type of review currently provided by the ARC would continue to be provided; it would just be the PC's responsibility conduct that review.
3. Applications Involving Multiple Requests. Vesting the PC with the ARC's responsibilities will reduce – but not eliminate – the need for applicants and the public to appear before numerous commissions to have an application heard. The Code would still require some applications to appear before the PC and ZBA before proceeding to the Village Board. For example, a resident seeking approval of a special use permit in the business zoning district and a variance still must be heard by the PC (who considers the special use permit) and the ZBA (who considers the variance). The Village could amend its code to vest one body – likely the PC – to hear and offer a recommendation on applications that involve multiple approval requests. This would encourage consistent decisions and recommendations on entire applications, instead of potentially conflicting decisions on discrete aspects of the project. Using the example above, special use approval may not be necessary if the variance is not also approved.
4. Delegate Sign Approval Authority. The Code currently requires the ARC to conduct a meeting to review and approve signs, even if the sign complies with the Code and does not require a variance. We understand the ARC routinely approves these signs. Authorizing staff to review and approve compliant signs would eliminate a procedural requirement that provides limited apparent benefit, but requires the applicant, staff, and public to dedicate time and resources to navigate.
5. Eliminate Ex Officio Members. Currently, the ZBA chairperson serves as an ex officio member of the PC. The PC chairperson also serves on the ZBA. This arrangement can impose additional and significant burdens on the chairpersons, including attending additional meetings and applying review standards that their commission or board may not normally consider. Replacing the ZBA and PC's ex officio members with individuals appointed by the Village President and approved by the Village Board may reduce this burden and enhance the Village's ability to recruit volunteers to serve on its boards and commissions.

#### **IV. Conclusion**

The draft ordinance included in this packet demonstrates how the potential changes described above may be enacted. Members may notice that the modifications impact three sections of Code: Chapters 33 (Boards and Commissions), 152 (Subdivisions), and 153 (Zoning). The ZBA has the authority to recommend amendments to Chapter 153; however, changes to Chapters 33 and 152 may be discussed by the ZBA, but not formally recommended. The ZBA may also choose to

continue the discussion to a date certain if so desired. It is recommended that the ZBA discuss these changes and make a recommendation to the Village Board on amendments to Chapter 153 of the Municipal Code.

**Attachment:**  
Draft Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AN AMENDMENT TO  
KENILWORTH CODE OF ORDINANCES CHAPTERS 33, 152, AND 153 CONCERNING THE  
PLAN COMMISSION, ARCHITECTURAL REVIEW COMMISSION, ZONING BOARD OF  
APPEALS, AND THE PROCEDURES USED TO CONSIDER CERTAIN APPLICATIONS**

Passed by the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Printed and published in pamphlet form by  
authority of the President and Board of Trustees this \_\_\_\_ day of \_\_\_\_, 2023

VILLAGE OF KENILWORTH, ILLINOIS

\_\_\_\_\_  
Village Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AN AMENDMENT TO  
KENILWORTH CODE OF ORDINANCES CHAPTERS 33, 152, AND 153 CONCERNING THE  
PLAN COMMISSION, ARCHITECTURAL REVIEW COMMISSION, ZONING BOARD OF  
APPEALS, AND THE PROCEDURES USED TO CONSIDER CERTAIN APPLICATIONS**

**WHEREAS**, the Village of Kenilworth ("**Village**") is an Illinois municipal corporation organized and operating under the Illinois Municipal Code ("**Code**"); and

**WHEREAS**, the Code (65 ILCS 5/11-13-14) authorizes the Village to modify the regulations found in Chapter 153 of the Kenilworth Code of Ordinances ("**Zoning Ordinance**"); and

**WHEREAS**, at several meetings during the last year, the Village Board discussed reorienting parts of the Village's development review processes, including, among other things, consolidating the Architectural Review Commission ("**ARC**") with the Plan Commission, modifying permit review procedures for certain code-compliant signs, and altering the subdivision review process; and

**WHEREAS**, regulations governing the Village's development review procedures are currently found in the Zoning Ordinance and in Kenilworth Code of Ordinance Chapters 33 and 153; and

**WHEREAS**, pursuant to notice published in the \_\_\_\_\_ on December \_\_\_\_, 2022, the Village of Kenilworth Zoning Board of Appeals ("**ZBA**") conducted a public hearing on January 9, 2023 to consider the Village's proposal to amend the Zoning Ordinance to address the Village's development review procedures; and

**WHEREAS**, at the conclusion of the public hearing, the ZBA recommended amending the Zoning Ordinance in accordance with this Ordinance; and

**WHEREAS**, the President and Board of Trustees find and determine that amending the Zoning Ordinance in accordance with this Ordinance is in the Village's best interests and that approving this Ordinance will promote the public health, safety, and welfare;

**NOW, THEREFORE, 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.** **Chapter Amended.** Kenilworth Code of Ordinances Chapter 33 is amended as follows (additions underlined and deletions ~~struck through~~):

**§ 33.016 APPOINTMENT AND TERM OF MEMBERS.**

~~(A) Except as provided in Subsection (B), the~~The Plan Commission shall consist of seven members, ~~one of which shall be the Chair of the Zoning Board of Appeals, who shall be an ex-officio member of the Commission.~~ All members ~~other than the ex-officio member~~ shall be appointed by the President and Board of Trustees, voting jointly, and shall hold office for the following terms: three for two years, and three for three years and the

successor to each member so appointed shall hold office for a term of three years. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled in the same manner. The Chair shall be appointed by the President and Board of Trustees, voting jointly. Members shall demonstrate interest or expertise in design, architecture, architectural history, landscape design, building construction and rehabilitation, local history and planning, and other criteria deemed relevant by the Village President and Board of Trustees.

(B) On and after \_\_\_\_\_, 2023, the Plan Commission shall consist of the seven members identified in Subsection (A) plus the four members serving on the Architectural Review Commission immediately before \_\_\_\_\_, 2023. Upon the expiration of the current term of office of a member of Architectural Review Commission serving on the Plan Commission pursuant to this Subsection (B), the Plan Commission's membership shall decrease by one.

### **§ 33.017 POWERS AND DUTIES.**

The Plan Commission shall have the following ~~has~~ powers and duties:

(A) Powers and duties as are now or may hereafter be given to it by statute;

(B) and any additional powers Powers and duties as may be granted by ordinance;

(C) To consult with and cooperate with village departments and any other municipal or governmental bodies on matters affecting the appearance of the village;

(D) To study exterior design drawings, building materials and landscape and site plans for any building or structure in the non-residential districts of the village or any residential district of the village that is also subject to a special use, and to make recommendations to the Board of Trustees or the Village Manager, as to the architectural or aesthetic aspects thereof;

(E) To review applications for permanent signs that (1) are not exempt signs under §§ 153.045 through 153.060 and/or (2) do not comply with the provisions of the Kenilworth Sign Code;

(F) Subject to the provisions of § 153.242, to hold meetings or hearings, when required, on the issuance of certificates of appropriateness as provided in § 153.242, in connection with questions pertaining to applications for building permits, and to issue or deny such certificate of appropriateness pursuant to the provisions of § 153.242; and

(G) To review and hear applications seeking approval of a (1) variation involving property located in the B Business Zoning District, (2) a map amendment involving property located in the B Business Zoning District, and/or (3) a text amendment involving property located in the B Business Zoning District, provided, however, the Plan Commission may only review and hear the foregoing if the application seeks approval of more than one entitlement request filed pursuant to Chapter 152 or Chapter 153 of this Code.

The Village Board shall, however, retain the power to prepare or originate an official plan, and to amend, revise or modify that plan from time to time as it may deem necessary or desirable.

### **§ 33.018 COMPENSATION.**

The members of the Plan Commission, ~~other than the ex officio members thereof~~, shall receive compensation for their services as may be fixed by the Village Board.

**SECTION 3. Chapter Amended.** Kenilworth Code of Ordinances Chapter 152 is amended as follows (additions underlined and deletions ~~struck through~~):

**§ 152.02 PROCEDURE.**

(A) *General.* The procedure for obtaining the approval of the Plan Commission and Board of Trustees of a plat of subdivision shall be as follows. A tentative plat shall be submitted to the Administrative Official~~Village Board~~, and shall be referred to the Plan Commission for detailed examination, change or amendment and for approval or disapproval. If approved, a final plat embodying the details of the approved tentative plat shall then be prepared and submitted to the Plan Commission. Upon approval of this final plat, the Commission shall recommend it to the Village Board for final approval. Upon obtaining final approval by the Village Board, the Village Clerk shall endorse on the original and on the duplicate the fact that the same has been approved and shall attach his or her signature and the corporate seal of the village thereto, whereupon the plat of subdivision shall be entitled to record or registration as provided by law.

\* \* \*

**§ 152.03 TENTATIVE PLAT.**

Each tentative plat submitted to the Village Board ~~and referred to the Plan Commission~~ shall be in duplicate and shall meet the following requirements.

**SECTION 4. Chapter Amended.** The Zoning Ordinance is amended as follows (additions underlined and deletions ~~struck through~~):

**§ 153.048 DEFINITIONS.**

For the purposes of this part, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*

**MASTER SIGN PLAN.** A plan submitted to and approved by the Plan Commission~~Architectural Review Commission~~, describing and depicting a coordinated signage plan for a building or a development with multiple buildings.

\* \* \*

**§ 153.052 REGULATIONS AND STANDARDS FOR PERMANENT ALLOWED SIGNS IN THE "B" BUSINESS DISTRICT.**

(A) *Certificate of appropriateness required for certain permanent commercial message signs.* It shall be unlawful to locate, use, erect, display, construct, install, enlarge, expand, alter, operate or maintain a permanent commercial message sign in the "B" Business District unless and until a building permit for the sign has been issued by the Administrative Official in accordance with the building and construction regulations and, for signs that do not comply with the Kenilworth Sign Code, a certificate of appropriateness has been

issued pursuant to §§ 153.240 through 153.249 of this chapter by the Plan Commission Architectural Review Commission.

(B) *Regulations for permanent commercial message signs.*

\* \* \*

(4) *Wall signs.*

(a) One wall sign is allowed on the first floor front façade of a single occupant building and shall be considered part of the combined sign area for such occupant.

(b) In multi-occupant buildings, one wall sign is allowed on the front façade of each occupant's space, and shall not exceed the allowed combined sign area for each such occupant.

(c) A wall sign may only be installed above the top of first floor glazing and may not be installed higher than the second floor window sill of the building or 14 feet measured from the ground or sidewalk next to the front façade, whichever is lower.

(d) On single occupant corner building fronting on two public streets, an additional wall sign may be allowed with the approval of the Administrative Official Architectural Review Commission, so long as the nearest property is not in a residential district, and the square footage of the additional wall sign does not exceed the allowed combined sign area.

\* \* \*

(5) *Window signs.*

(a) Window signs are allowed on the front façade of a building in the "B" Business District and shall be included in the calculation of the occupant's allowed combined sign area.

(b) On single occupant corner buildings fronting on two public streets, an additional window sign on the first floor façade may be permitted by the Administrative Official Architectural Review Commission, if the nearest property is not in a residential district and the square footage of such additional window sign is included in the calculation of the occupant's allowed combined sign area.

\* \* \*

(E) *Requirement for master sign plan.*

(1) *Master sign plan for new building or development.* For a new building with multiple occupants or a new development with multiple buildings in the "B" Business District, the applicant and/or property owner must submit a master sign plan for review and approval by the Plan Commission Architectural Review Commission. The purpose of a master sign plan is to coordinate signs on multi-occupant buildings or in multi-building developments, to establish a building's or development's overall sign design, and to provide direction to future occupants. A master sign plan must include, at a minimum, criteria and specifications for general appearance, location, lighting, and approved construction materials for signs.

(2) *Master sign plan for existing building.* For existing buildings with multiple occupants, the applicant must submit a master sign plan when:

(a) A change is proposed to any permanent sign for any occupant which requires a building permit and certificate of appropriateness;

(b) A change in any occupant's use of the property necessitates a change in any permanent sign;

(c) One or more new signs are proposed by one or more occupants;

(d) Notice is received from the village that one or more permanent signs on the building are not in compliance with this part by reason of being a prohibited sign, abandoned sign, unsafe sign, or illegal sign or by reason of any other failure of compliance under this part; or

(e) In the case of a legal nonconforming sign, the expiration of the applicable amortization period.

(3) *Content of master sign plan.* A master sign plan for the entire building or development shall be submitted to the Plan Commission Architectural Review Commission for review and approval pursuant to the procedures set forth in §§ 153.240 through 153.249. This master sign plan for a development shall include any and all signs for all buildings on the lot. A master sign plan for a building shall include any and all signs for each occupant's space. All subsequently proposed signs shall conform to the approved master sign plan so that as existing signs are replaced for various reasons, including amortization under this chapter, all new and replacement signs will be cohesive and in compliance with this part.

\*

\*

\*

## **§ 153.053 REGULATIONS AND STANDARDS FOR ALLOWED SIGNS IN ALL DISTRICTS OTHER THAN THE "B" BUSINESS DISTRICT.**

(A) *Permanent institutional signs.*

(1) *Residential districts.* It shall be unlawful to locate, use, erect, display, construct, install, enlarge, expand, alter, operate, or maintain a permanent institutional sign in the "R-1", "R-2", "R-3", and "R-4" Districts unless and until an application for a special use, or a modification or amendment to an existing special use has been approved pursuant to §§ 153.245 and 153.247, and unless and until a building permit and certificate of appropriateness for such sign ~~have~~ has been issued.

(2) *Non-Residential Districts.* It shall be unlawful to locate, use, erect, display, construct, install, enlarge, expand, alter, operate, or maintain a permanent institutional sign in the "P", "S", "M-1", "M-2", and "R" Districts unless and until a building permit has been issued, and, in the case of signs that do not comply with the Kenilworth Sign Code, ~~and a certificate of appropriateness for such sign have~~ has been issued.

(3) *Design criteria.* All permanent institutional signs that do not comply with the Kenilworth Sign Code must obtain a certificate of appropriateness under this section are subject to the design criteria in § 153.052(C).



\* \* \*

**§ 153.054 APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF APPROPRIATENESS.**

No allowed sign for which a building permit and certificate of appropriateness is required shall be located, erected, used, displayed, constructed, installed, enlarged, expanded, altered or relocated within the village unless a building permit certificate of appropriateness has been issued in accordance with this code §§ 153.240 through 153.249. No allowed sign for which a certificate of appropriateness is required shall be located, erected, used, displayed constructed, installed, enlarged, expanded, altered or relocated within the village unless a certificate of appropriateness has been issued in accordance with this code.

**§ 153.055 ADMINISTRATIVE SIGN PERMITS.**

\* \* \*

(D) *Denial by action of Administrative Official.*

If the Administrative Official finds that the application fails to meet the standards for review by the Administrative Official set forth in paragraph (C)(1) above, the applicant shall have the right to submit the application to the Plan Commission Architectural Review Commission as an application for a certificate of appropriateness. The applicant must notify the Commission of its intent to submit such an application within 60 days after the denial of the application by the Administrative Official.

\* \* \*

**§ 153.241 RESERVED. ARCHITECTURAL REVIEW COMMISSION.**

~~—(A) *Statement of purpose and intent.* The purpose of establishing the Architectural Review Commission is to:~~

~~—(1) Promote the public health, safety, morals, comfort and general welfare of the citizens of the village;~~

~~—(2) Enhance the values of the property throughout the village; and~~

~~—(3) Encourage and promote acceptability, attractiveness, cohesiveness and compatibility of new buildings and of remodeled buildings and additions thereto, so as to maintain and improve the established standards of property values within the non-residential districts, as well as in special uses in the residential districts, of the village.~~

~~—(B) *Establishment and membership.* An Architectural Review Commission (herein sometimes referred to as the “Commission”) is hereby established, which shall consist of seven members. All members shall be appointed by the Village President and Board of Trustees, voting jointly, based on their demonstrated interest or expertise in design, architecture, architectural history, landscape design, building construction and rehabilitation, local history and planning, and other criteria deemed relevant by the Village President and Board of Trustees. The seven members shall serve for staggered three-year terms. The terms of the seven members shall continue until their successors have~~

~~been appointed and qualified. All members of the Architectural Review Commission shall serve without compensation.~~

~~—(C) *Chairman.* The President, with the approval of the Board of Trustees, shall appoint one of the members of the Architectural Review Commission to serve as Chairman. The Chairman shall have power to administer oaths.~~

~~—(D) *Meetings, quorum.* Meetings of the Architectural Review Commission shall be held at the call of the Chairman and shall be called whenever an application for certificate of appropriateness is submitted for consideration. Four members shall constitute a quorum. The Chairman shall be entitled to be counted in determining a quorum and to vote as a member. The Architectural Review Commission may adopt its own rules of procedure not inconsistent with this chapter. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions.~~

~~—(E) *Powers and duties.* The Architectural Review Commission shall have the following powers and duties:~~

~~—(1) To consult with and cooperate with the Plan Commission, other village departments, and any other municipal or governmental bodies, on matters affecting the appearance of the village.~~

~~—(2) To study exterior design drawings, building materials and landscape and site plans for any building or structure in the non-residential districts of the village or any residential district of the village that is also subject to a special use, and to make recommendations to the Board of Trustees or the Village Manager, as to the architectural or aesthetic aspects thereof.~~

~~—(3) To review applications for permanent signs that are not exempt signs under §§ 153.045 through 153.060.~~

~~—(4) Subject to the provisions of § 153.242, to hold meetings or hearings, when required, on the issuance of certificates of appropriateness as provided in § 153.242, in connection with questions pertaining to applications for building permits, and to issue or deny such certificate of appropriateness pursuant to the provisions of § 153.242.~~

## **§ 153.242 CERTIFICATES OF APPROPRIATENESS.**

(A) *Certificate required for certain buildings, structures and signs.* No building or other permit otherwise required under any ordinance of the village for any of the following shall be issued by the appropriate village official except upon the granting of a certificate of appropriateness by the Plan Commission Architectural Review Commission:

(1) The erection, construction, alteration or repair of any building or structure in any non-residential district of the village or any residential district of the village that is also subject to a special use; provided, however, that no certificate of appropriateness will be required if the Building Commissioner makes a determination that in any non-residential district and for any special use in any residential district, the appearance plan does not apply, and, in the Business District, the Kenilworth Design Guidelines—Business District do not apply, to the work for which the building or other permit is being sought; and

(2) The location, erection, use, display, construction, installation, enlargement, expansion, alteration, operation or repair of any permanent sign that (a) is as defined in, and not an exempt sign under §§ 153.045 through 153.060 or (b) does not comply with the Kenilworth Sign Code.

A certificate of appropriateness is deemed to authorize only the particular building, structure or sign at the specific location for which it was issued and shall automatically expire and cease to be of any force or effect if such building or, structure or sign shall be removed or relocated.

(B) *Special procedures in connection with other applications.* Whenever any application for a special use or planned unit development is filed pursuant to this chapter as a companion to an application for a certificate of appropriateness, and such companion application requires approval by the Board of Trustees, the authority to hear and decide the application for certificate of appropriateness otherwise delegated to the Plan Commission Architectural Review Commission pursuant to this section shall be reserved to the Board of Trustees. For such purposes, the Board of Trustees shall have all of the authority granted to, and shall be subject to all of the limitations imposed on, the Plan Commission Architectural Review Commission by this section; provided, however, that the provisions governing public notice and hearing of, and action on, the application for special use or planned unit development of this ordinance shall govern.

(C) *Standards for certificates of appropriateness for buildings and structures.* The Plan Commission Architectural Review Commission shall grant a certificate of appropriateness for the erection, construction, alteration or repair of any building or structure in any non-residential district of the village that is in harmony with the general purpose and intent of the standards set forth in the ordinances, codes and regulations of the village and, in any non-residential district and for any special use in any residential district, the appearance plan, and, in the Business District, the Kenilworth Design Guidelines—Business District, which are incorporated in and made a part of this chapter as Appendices A and C, respectively . In the event of a conflict between the provisions of the Kenilworth Design Guidelines —Business District and the remaining provisions of this chapter, the provision that is the most restrictive or imposes the higher standard shall govern and control.

(D) *Standards for certificates of appropriateness for signs.* The Plan Commission Architectural Review Commission shall grant a certificate of appropriateness for the location, erection, use, display, construction, installation, enlargement, expansion, alteration, operation or repair of any permanent sign that is (1) as defined in, and not exempt under, §§ 153.045 through 153.060; or (2) does not comply with the Kenilworth Sign Code, so long as the permanent sign that is in harmony with the general purpose and intent of the standards set forth in the ordinances, codes, and regulations of the village, and, in any non- residential district and for any special use in any residential district, the appearance plan, and, in the Business District, the Kenilworth Design Guidelines —Business District, and the standards of § 153.052(C).

\* \* \*

(G) *Procedures for certificate of appropriateness approval.*

(1) *Application review.* Upon receipt of a properly completed application for approval of a certificate of appropriateness, the Administrative Official shall review the application for compliance with all applicable requirements. Completed applications will then be forwarded to the Plan Commission Architectural Review Commission for a public hearing.

(2) *Public hearing.* The Plan Commission Architectural Review Commission shall hold a public hearing on an application for a certificate of appropriateness no later than 60 days after receiving a properly completed application from the Administrative Official. The hearing shall be concluded not later than 120 days following the receipt of a completed application unless the applicant shall agree to an extension. Notice for the public hearing shall be issued in the manner provided in § 153.249.

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## § 153.244 VARIATIONS.

### (A) *Purpose.*

(1) Except as provided in Section 153.244(A)(2), the The Board shall grant variances from the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board makes a finding of fact based upon the standards hereinafter presented, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations.

(2) A variation application for a property located in the B Business Zoning District that is eligible for review by the Plan Commission pursuant to Code Section 33.017(G) shall be considered in accordance with the provisions of Code Section 153.244(H).

(B) *Application for variation.* An application for a variation shall be filed with the Administrative Official in the manner prescribed in § 153.247 of this chapter.

(C) *Hearing, notice and decision.* The Board or, as applicable, the Plan Commission, shall fix a reasonable time and place for the hearing of an application for a variation, give public notice thereof as well as due notice to parties in interest, and decide the application within a reasonable time. Any party may appear at the hearing in person or by agent or attorney. The concurring vote of four members of the Board or, as applicable, the Plan Commission, shall be necessary to grant or, in the case of the Plan Commission, recommend approval of, a variation. No order or ordinance granting a variation shall be effective for a period longer than six months unless a building permit is obtained and the construction, alteration or moving of the building covered by the order or ordinance is started within that period.

(D) *Authorized variations.* Variations from the terms of this chapter may be granted only in the following instances and in no other:

(1) To vary any of the requirements of this chapter with respect to minimum sizes of lots, maximum height of buildings and other structures, maximum and minimum size of buildings, maximum lot coverage by structures and other impervious surfaces, and minimum depth and width of yards;

(2) To vary any of the regulations contained in §§ 153.075 through 153.086;

(3) To vary any of the regulations contained in §§ 153.185 through 153.192; and

(4) To vary the following requirements of §§ 153.045 through 153.060, with respect to signs otherwise authorized in that part:

- (a) Sign size;
- (b) Sign height;
- (c) Combined sign area for on-premises commercial message signs;
- (d) Logo size; and
- (e) Location, placement or illumination of signs on a building, or structure, or on the ground.

(E) *Standards for variations.*

(1) The Board shall not grant, and the Plan Commission, as applicable, shall not recommend approval of, a variance from any of the regulations of this chapter, as authorized by subsection (D) above, unless it shall make a finding of fact, based upon the evidence presented to it in a particular case, that:

- (a) In the case of property the principal use of which is for business purposes, the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations applicable to the district in which it is located;
- (b) The plight of the owner is due to unique circumstances; and
- (c) The variation, if granted, will not alter the essential character of the locality.

(2) For the purpose of supplementing the above standards, the Board or, as applicable, the Plan Commission, in making its determination whether the plight of the owner is due to unique circumstances and whether the variation, if granted, may alter the essential character of the locality, shall take into consideration the following factors to the extent they are established by the evidence and deemed relevant by the Board or, as applicable, the Plan Commission:

- (a) The particular physical surroundings, shape or topographical condition of the property in question would result in a practical difficulty or particular hardship upon the applicant for the variation, as distinguished from a mere inconvenience, if the strict letter of the regulation were enforced;
- (b) The conditions upon which the application for variation is based would not be applicable generally to other property in the same district;
- (c) The request for the variation is not based exclusively upon the desire to make more money out of the property;
- (d) The alleged difficulty or hardship has not been created by any person presently having an interest in the property; and
- (e) The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase the run-off of stormwater onto adjacent properties or public streets, or substantially increase congestion in the public streets or increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

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(5) For the purpose of supplementing the above standards with regard to variations for signs, the Board or, as applicable, the Plan Commission, in making its determination or recommendation, shall take into consideration the following factors to the extent they are established by the evidence and deemed relevant by the Board or, as applicable, the Plan Commission:

(a) In the case of a commercial message sign, strict application of the Kenilworth Sign Code would render the applicant unable to yield a reasonable return from its property.

(b) The variation will not endanger the public safety or substantially diminish or impair property values within the neighborhood;

(c) The variation would not result in a sign or master sign plan as required by the Kenilworth Sign Code that:

1. Would not be in harmony with the general and specific purposes for which the Kenilworth Sign Code and the provisions from which a variation is sought were enacted;

2. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of adjacent property or improvements;

3. Would substantially increase congestion in the public streets due to parking or traffic;

4. Would create an unnecessary distraction to vehicle and pedestrian traffic; and

5. Would result in a sign that is not aesthetically consistent with the environment, or not proportional or architecturally compatible with existing land uses and buildings and with any adjacent residential neighborhood.

(F) *Conditions.* The Board may impose and, as applicable, the Plan Commission may recommend, conditions and restrictions upon the premises benefitted by the variance as may be necessary to comply with the standards set out in subsection (E) above to reduce the injurious effect of the variation upon other property in the neighborhood, and better to carry out the general intent of this chapter.

(G) *Prohibited variations.*

(1) *No variation as to use.* Under no circumstances shall the Board grant or, as applicable, the Plan Commission recommend approval of, a variance under this section to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited in the district by this chapter.

(2) *No variation as to prohibited sign.* Under no circumstances shall the Board grant or, as applicable, the Plan Commission recommend approval of a variation ~~a variant~~ under this section to allow a sign prohibited under § 153.050.

(H) Certain variations in the B Business Zoning District.

(1) A variation application that is eligible for review pursuant to Code Section 33.017(G) shall be heard by the Plan Commission in accordance with Code Section 153.244(C).

(2) The Plan Commission shall recommend approval of variances from the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances set forth in this Section 153.244, where the Plan Commission makes a finding of fact based upon the standards set forth in this Section 153.244, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations.

(3) Within 30 days following the date of completion of the public hearing, the Plan Commission shall forward a copy of its written recommendation to the Board of Trustees. The Board of Trustees, upon receipt of the Plan Commission's recommendations and without further public hearing, by ordinance may grant the application for the variation with conditions and restrictions as may be deemed necessary by the Board of Trustees, or deny the application, or refer it back to the Plan Commission for further consideration.

### § 153.245 SPECIAL USES.

\* \* \*

(H) *Authorization; procedures.*

— ~~(1) Board of Appeals; Plan Commission.~~ Special uses may be recommended by the Board of Appeals or the Plan Commission, as the case may be, after a public hearing called and held in the manner prescribed in this chapter and required by law.

— ~~(2) Architectural Review Commission.~~ Where the application for special use also requires a certificate of appropriateness, the Plan Commission Architectural Review Commission shall review and provide consulting recommendations on the application for special use at a public meeting. In such instances, the ~~Architectural Review Commission~~ shall provide comment and recommendations to the Board of Trustees as to whether the building design and materials, landscape plan and other proposed exterior aspects of the special use are in conformity with, in any non-residential district and for any special use in any residential district, the appearance plan, and, in the Business District, the Kenilworth Design Guidelines—Business District. Within 30 days following the date of the completion of the Plan Commission Architectural Review Commission meeting on anthe application for special use in any zoning district other than the B Business Zoning District, the Plan Commission Architectural Review Commission shall forward a written copy of its recommendations to the ~~Plan Commission or Board of Appeals, as the case may be.~~

\* \* \*

(J) *Action by the Board of Trustees.* The findings of the Board of Appeals or the Plan Commission, as the case may be, on an application for a special use, arrived at after public hearing, shall be submitted to the Board of Trustees with a report and recommendations within a reasonable time. Where the special use also requires a certificate of appropriateness, a written copy of the Plan Commission's Architectural Review Commission's recommendations on the factors in paragraph (H)(2) above shall accompany the finding, report and recommendations of the Board of Appeals or Plan Commission. The Board of Trustees, upon receipt of the report and recommendations and

without further public hearing, by ordinance may grant the application for the special use with conditions and restrictions as may be deemed necessary by the Board of Trustees, or deny the application, or refer it back to the Board of Appeals or the Plan Commission, as the case may be, for further consideration.

\* \* \*

**§ 153.246 PLANNED UNIT DEVELOPMENTS.**

\* \* \*

(H) *Procedures for preliminary plan approval.*

(1) *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.

(2) ~~*Public Hearing Plan Commission.*~~ The Plan Commission shall hold a public hearing in accordance with this subchapter. The Plan Commission shall provide comment and recommendations to the Board of Trustees as to (a) whether the application satisfies the standards set forth in paragraphs (B), (C), and (D) above; and (b) whether the building design, landscape plan and other proposed exterior aspects of the planned unit development are in conformity with the Kenilworth Design Guidelines—Business District. Notices for the public hearings shall be issued in the manner provided in § 153.249.

(3) ~~*Reserved. 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 Design Guidelines—Business District.~~

(4) *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 Plan Commission's Architectural Review Commission's recommendations on the factors in paragraph(H)~~(2)~~(3) above; and~~

~~2. The the Plan Commission's recommendation to either approve the preliminary plan, approve the preliminary plan with modifications or deny approval of the preliminary plan.~~



~~(e)(b)~~ The Plan Commission shall enter written findings on the standards for planned unit development approval as set forth in this subchapter. 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, the 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.

~~(e)(c)~~ 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.

(5) *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 the approval, and refer the matter to the Plan Commission for processing of the final plan in accordance with this section.

\* \* \*

(l) *Procedures for final plan approval.*

(1) *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.

(2) ~~*Public Hearing. Plan Commission.*~~ The Plan Commission shall hold a public hearing in accordance with this subchapter. The Plan Commission shall provide comment and recommendations to the Board of Trustees as to (a) whether the application satisfies the standards set forth in paragraphs (B), (C), and (D) above; and (b) whether the building design, landscape plan and other proposed exterior aspects of the planned unit development are in conformity with the Kenilworth Design Guidelines—Business District. Notices for the public hearing shall be issued in the manner provided in § 153.249.

(3) ~~*Reserved. 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 Design Guidelines—Business District.~~

(4) *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 a written copy of the Plan Commission's Architectural Review Commission's recommendations on the factors in paragraph(H)(2)(3) above; and~~

~~2. The Plan Commission's recommendation to either approve the final preliminary plan, approve the final preliminary plan with modifications or deny approval of the final preliminary plan.~~

~~(b)~~ The Plan Commission shall enter written findings on the standards for planned unit development approval as set forth in this subchapter. 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, the 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.

~~(c)~~ 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.

(5) *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 the approval.

\* \* \*

**§ 153.305 AMENDMENTS OF CHAPTER.**

The regulations imposed and the districts created by this chapter may from time to time be amended by ordinance in the manner provided by the statutes of the state or this Code,

but no amendment shall be made without a public hearing before some commission or committee designated by the President and Board of Trustees of the village which shall report its findings and recommendations to the Board of Trustees.

\* \* \*

## APPENDIX A: APPEARANCE PLAN

### Section I. CRITERIA FOR APPEARANCE.

The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the village environment. Pertinent to appearance is the design of the site, building and structures, planting, signs and miscellaneous other objects which are observed by the public.

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the village.

\* \* \*

#### F. Factors for evaluation.

The following factors and characteristics relating to a development, and which affect appearance, will govern the Plan Commission's Architectural Review Commission's evaluation of a design submissions

Conformance to ordinances and the village plan

Logic of design

Exterior space utilization

Architectural character

Attractiveness

Material selection

Harmony and compatibility

Circulation – vehicular and pedestrian

Maintenance aspects

**SECTION 5. Members Appointed.** In accordance with and pursuant to Ordinance Section 2, the four members serving on the ARC immediately before this Ordinance's Effective Date are hereby appointed and qualified to serve on the PC. Each member shall serve on the PC for the duration of that member's current, unexpired term on the ARC.

**SECTION 6. Superseder.** In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the Village, the terms of this Ordinance shall govern.

**SECTION 7. Severability.** If any part, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining sections, subsections, and clauses shall not be affected thereby.

**SECTION 8. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law. The provisions of the Zoning Ordinance and Kenilworth Code of Ordinances Chapters 33 and 152 amended herein shall be reprinted with the changes.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

ABSTAIN:

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Village President

ATTEST:

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Village Clerk