

# Public Hearing Application Special Exception to Parking



## SUBJECT PROPERTY INFORMATION

|   |                         |
|---|-------------------------|
| Property Address:                         |                         |
| Legal Description (note if attached):     |                         |
| Property's Current Zoning:                | Property's Current Use: |
| Statement of Special Exception Requested: |                         |

## FOR INTERNAL USE ONLY

|                             |
|-----------------------------|
| Case #:                     |
| Date Received:              |
| Pre-Application Discussion: |
| Hearing Date:               |
| Assigned to:                |
| Fee Paid:                   |
| Third Party Deposit:        |

## APPLICANT INFORMATION

| Applicant   |        |
|---|--------|
| Applicant's Name:   | Phone: |
| Address (City, State, ZIP):   | Email: |
| Owner   |        |
| Property Owner's Name and Owner's Authorized Representative Name<br>(if the Petitioner is not the legal owner of the property): | Phone: |
| Address (City, State, ZIP):   | Email: |
| Attorney or Representative Council  |        |
| Contact Name:   | Phone: |
| Address (City, State, ZIP):   | Email: |

## PROPERTY OWNER SIGNATURE

By signing, the Property Owner authorizes the Petitioner to seek zoning approval for the Subject Property.

|   |      |   |      |
|---|------|---|------|
| Property Owner or Authorized Representative Signature | Date | Petitioner Signature (If Other Than Property Owner) | Date |
| Sworn to before me this ____ day of _____, 20____.    |      | Sworn to before me this ____ day of _____, 20____.  |      |
| Notary  |      | Notary  |      |

## SUPPLEMENTAL MATERIAL

The following attached items include required forms, templates, and informational material to complete this application.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>- Public Hearing Cost Recovery Form</li> <li>- Affidavit of Title, Covenant, and Warranty Form</li> <li>- Authorization to Enter and Traverse Land Form</li> <li>- Certificate of Compliance for Notice of Pending Land Use Relief Standards for a Planned Development</li> <li>- Certificate of Compliance Form</li> <li>- Notice of Pending Land Use Relief</li> </ul> | <ul style="list-style-type: none"> <li>- Three Steps to Public Notification</li> <li>- Certified Mail Notice Template</li> <li>- City Highland Park Zoning Code, Article 16: Special Exceptions</li> <li>- Affordable Housing Requirement</li> <li>- Plan &amp; Design Commission Schedule &amp; Deadlines</li> </ul> |
|---|---|

## APPLICATION CHECKLIST

Please submit the completed application form and all required materials to:

City of Highland Park  
 Department of Community Development - Planning Division  
 1150 Half Day Road, Highland Park, Illinois 60035

Questions? Contact the Planning Division at 847.432.0867 or visit [cityhpil.com](http://cityhpil.com).

**INCOMPLETE  
 APPLICATIONS WILL NOT  
 BE PLACED ON AN  
 AGENDA**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Completed Application Form*</b> <ul style="list-style-type: none"> <li>- Complete in its entirety</li> <li>- Petitioners' name(s) should be written exactly as on the proof of ownership</li> <li>- Notarized signatures of all owner(s) and petitioner(s) are mandatory</li> </ul> </li> <li><input type="checkbox"/> <b>Application Fee*</b> <ul style="list-style-type: none"> <li>- Make check payable to: City of Highland Park</li> </ul> </li> <li><input type="checkbox"/> <b>Public Hearing Cost Recovery Form &amp; Fee*</b> <ul style="list-style-type: none"> <li>- Make check payable to: City of Highland Park</li> </ul> </li> <li><input type="checkbox"/> <b>Affidavit of Title, Covenant, and Warranty</b> <ul style="list-style-type: none"> <li>- Any form of ownership must be accompanied by a notarized affidavit of title citing date of title and/or trust agreement</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Authorization To Enter And Traverse Land</b> <ul style="list-style-type: none"> <li>- To be signed by owner and City representative</li> </ul> </li> <li><input type="checkbox"/> <b>Certificate of Compliance Form</b> <ul style="list-style-type: none"> <li>- For real estate transactions</li> </ul> </li> <li><input type="checkbox"/> <b>Project Narrative*</b> <ul style="list-style-type: none"> <li>- Describe the Special Exception requested</li> <li>- Address the Special Exception Standards (Section 150.1606)</li> </ul> </li> <li><input type="checkbox"/> <b>Plat of Survey*</b></li> <li><input type="checkbox"/> <b>Site Plan*</b></li> <li><input type="checkbox"/> <b>Other Exhibits*</b> <ul style="list-style-type: none"> <li>- Photos, letters, reports, requested materials, etc.</li> </ul> </li> </ul> |
|---|--|

*\*Items marked with an asterisk are required for a Pre-Application Discussion*

# Public Hearing Cost Recovery Fees

## Third Party Cost Recovery

During the course of reviewing and processing development applications the City of Highland Park often incurs expenses for third party consulting costs. In order to efficiently process zoning applications, every filed petition is subject to certain cost recovery fees (“Cost Recovery Fees”) that are placed in a City escrow account (“Cost Recovery Fee Escrow”), as provided in Section 150.306 of “The Highland Park Zoning Code of 1997” as amended. Cost Recovery Fees are in addition to any and all other filing fees and other charges established by the City. Based on their typical complexity and need for third party consulting services, the Cost Recovery Fees for various projects are:

- Application Involving a Special Use: \$1,500
- Application Involving a Special Use w/exceptions: \$2,500
- Application Involving a Planned Unit Development: \$10,000
- Amendment to a PUD: \$5,000
- Application Involving a Special Exception to Zoning: \$2,000
- Application Involving a Subdivision: \$750
- Application Involving a Major Subdivision: \$5,000
- Other Projects Not Herein Defined: Determined by Director of Community Development

The following items denote costs incurred by the City in processing a petition that would be deducted from the Cost Recovery Fee Escrow:

- Publication of notices
- Court reporter (if necessary)
- Professional and technical consultant services
- Document recordation Process
- Corporation Counsel, or other City retained attorney or law firm, consultation, meeting attendance, document preparation and review
- Copy reproduction

## Process

Every petition must be accompanied by the required petition fee and Cost Recovery Fee. Cost Recovery Fees will be forwarded to the Finance Division and deposited in a Cost Recovery Fee Escrow.

Within 90 days following final action on a petition, a final accounting will be made and any remaining funds in the Cost Recovery Fee Escrow after payment of the total actual costs due will be returned to the owner or petitioner.

In cases where the Cost Recovery Fees exceed the original deposit, Community Development staff will notify the petitioner and request additional funds in increments of \$1,000. Such funds will be forwarded to Finance and added to the Cost Recovery Fee Escrow. The City shall maintain an accurate record of all drawings from the Cost Recovery Fee Escrow.

Failure to pay any portion of the Cost Recovery Fee or replenish the Cost Recovery Fee Escrow within 30 days of the mailing of notice shall be grounds for refusing to process a petition and for denying or revoking any permit.

## Petitioner Agreement

By signing below, the owner or petitioner acknowledges that it is subject to all of the provisions contained in Section 150.306 of the Zoning Code and agrees to pay, and to have consented to, (i) the Cost Recovery Fees, (ii) any costs of collection that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, and (iii) any additional Cost Recovery Fees assessed. No petition filed shall be considered complete unless and until all fees and deposits have been paid. Every approval granted and every permit issued, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of Cost Recovery Fees as required pursuant to City ordinance.

Responsible Party Signature: \_\_\_\_\_ Date: \_\_\_\_\_

| Billing and Refund Information                             |                   |
|--|-------------------|
| This information will be used for all billing and refunds. |                   |
| Name:  | Phone:            |
| Address  | City, State, ZIP: |
| Email:   |                   |

# Affidavit of Title, Covenant, and Warranty

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STATE OF ILLINOIS  
COUNTY OF LAKE

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the City of Highland Park:

- 1) That affiant has an interest in the real estate described below:

\_\_\_\_\_  
\_\_\_\_\_

- 2) The following mortgagees, firms, corporations or persons are holders of liens against the above described real estate:

\_\_\_\_\_  
\_\_\_\_\_

- 3) That since the title date of \_\_\_\_\_, \_\_\_\_\_ in the policy of title insurance issued by \_\_\_\_\_ affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment note or other instrument that can result in a judgment or decree against affiant within five days from the date hereof.

- 4) That this instrument is made to induce the City of Highland Park to accept for review the affiant's application for a variation request.

- 5) Affiant further states:

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(SEAL)

# Authorization to Enter and Traverse Land

**AUTHORIZATION TO ENTER AND TRAVERSE LAND  
FOR RESEARCH OF REQUESTED ZONING RELIEF  
OR OTHER MATTERS**

This Authorization is dated as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the “Authorization”) by and between \_\_\_\_\_, (“Owner”) as Owner of the property located at \_\_\_\_\_, Highland Park, Illinois (“Subject Property”), and the CITY OF HIGHLAND PARK, an Illinois Municipal Corporation (the “City”).

**SECTION ONE. GRANT OF AUTHORIZATION.**

A. The Owner grants and conveys to the City, its employees, the City Council, and the members of the Zoning Board of Appeals, Plan Commission, Design Review Commission, Historic Preservation Commission, Lakefront Commission and/or other City Commissions \_\_\_\_\_ (collectively, “City Representatives”), authorization and a right to enter on, over, across, and upon the Subject Property, for the purpose of researching the requested relief for the Subject Property that is the subject of an application to the City for one or more of the following types of zoning relief: i) variation; ii) special use; iii) special exception; iv) conditional use; v) planned unit development; vi) amendment; vii) sign variance (collectively, “Zoning Relief”), and for other purposes incidental thereto (“Zoning Relief Research”). The Owner also grants the City Representatives with authorization and a right to enter on, over, across, and upon any property owned or controlled by the Owner that is located adjacent to the Subject Property, if any, for the purpose of providing access to the Subject Property for the Zoning Relief Research.

B. The Owner represents that it has the authority and power to grant this Authorization.

C. The Owner shall not take, or cause or permit any other party to take, any action that will impair, prevent, or prohibit the City Representatives’ use of the Subject Property for the purposes stated in this Authorization.

**SECTION TWO. DUTY TO WARN.**

The Owner shall notify the City Representatives of the presence of any items located on the Subject Property that require protection or may cause injury to the City Representatives.

**SECTION THREE. INSURANCE AND INDEMNIFICATION.**

The City agrees to indemnify and hold harmless the Owner from all claims, losses, or damages of any kind, including legal and other expenses incidental to the investigation, defense, and settlement of such claims or losses to the extent such claims or losses result on the Subject Property from either the negligent or willful acts or omissions of the City Representatives in performing the Zoning Relief Research.

**SECTION FOUR. EXPIRATION.**

This Authorization shall expire immediately upon the final action of the City in its consideration of the Zoning Relief requested on the Subject Property.

**SECTION FIVE. NO OBLIGATION OF CITY.**

The City Representatives shall be under no obligation to exercise any of the rights granted to any of them in this Agreement. The failure of the City Representatives, or any one of them, to exercise at any time any such right shall not be deemed or construed to be a breach of this Authorization, nor shall such failure void or affect the City Representatives’ right, or that of any one of them, to enforce such right or any other right.

# 2431517\_v5

OWNER

By: \_\_\_\_\_

CITY OF HIGHLAND PARK

By: \_\_\_\_\_

Director of Community Development or Designee

# Information: Certificate of Compliance for Notice of Pending Land Use Relief

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Section 150.308 of the City of Highland Park Zoning Code requires that if a property is the subject of an application for a special use permit, variation, map amendment, Zoning Code text amendment, or plat of subdivision, there must be written disclosures made as part of any real estate sales contract or promotional sales literature. The seller must prove to the City that it has complied with the Code as well, before the relief can be granted.

If the subject property is subject to a real estate transaction while seeking a special use permit, variation, map amendment, Zoning Code text amendment, or plat of subdivision, the seller must sign the Certificate of Compliance Form (page 8 of this application) and provide a written disclosure such as the template provided (page 9 of this application).

## **SEC. 150.308 PENDING LAND USE APPLICATION DISCLOSURE NOTICE.**

(A) Notice Required. A disclosure notice in the form and content set forth in this Section shall be required in connection with all applications seeking any of the following land use relief:

- (1) A variation from the regulations of this Chapter, in accordance with Article XII of this Chapter;
- (2) A Special Use Permit, in accordance with Article XIV of this Chapter; or
- (3) An amendment to either the text of this Chapter or the Official Zoning Map, in accordance with Article XV of this Chapter.

(B) Notice Location and Form. The applicant shall cause a disclosure notice of a pending application for land use relief, on a form to be provided by the City, to be attached to (1) any contract for the sale of any portion of the real property that is the subject of the pending application; (2) all promotional, sales, and advertising literature; and (3) all information packets distributed to prospective purchasers; provided, however, that no disclosure notice shall be required to be attached to, or made part of, advertisements in newspapers, magazines, and other similar forms of print media

(C) Notice Content. The disclosure notice shall, at a minimum, include the following information:

- (1) The existing zoning classification of the real property;
- (2) The name of, and contact information for, the applicant;
- (3) A brief description of the nature of the land use relief requested; and
- (4) The following statement: “This property is the subject of an application for land use relief initially filed with the City of Highland Park on [DATE]. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.”

(D) Demonstration of Compliance. Prior to the approval by the City Council or the Zoning Board of Appeals, as the case may be, of any or all of the land use relief requested, the applicant shall provide evidence of compliance with the requirements set forth in this Section to the City Director of Community Development.

(E) Responsibility for Compliance. The obligation set forth in this Section shall be the sole responsibility of the applicant for the requested relief. Nothing herein shall be deemed or interpreted as imposing upon the City any responsibility to satisfy the disclosure requirements set forth in this Section. (Section 150.308 added by Ord. 18-07, J. 33, p. 069-072, passed 2/12/07)

# Certificate of Compliance

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CERTIFICATE OF COMPLIANCE  
NOTICE OF PENDING LAND USE RELIEF

I, \_\_\_\_\_, am the (circle one: land owner, developer, other \_\_\_\_\_) of the property described herein as follows:

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I certify that all efforts have been made to comply with the applicable requirements of Section 150.308 of “The City of Highland Park Zoning Ordinance of 1997” and Section 151.112 of “The Highland Park Code of 1968”, and that the required notice has been provided in the following forms (check all that apply):

- Promotional Sales and Advertising Literature
- Attachments to Real Estate Contracts
- Other forms (please specify): \_\_\_\_\_

ATTACH EXAMPLES OF ALL FORMS OF DISCLOSURE NOTICE

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Title of Representative

Subscribed and sworn to before me this \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(SEAL)

# Pending Land Use Relief Disclosure Notice

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**CITY OF HIGHLAND PARK**  
**PENDING LAND USE RELIEF DISCLOSURE NOTICE**

Subject Property Address: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Land Use Relief Requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This property is the subject of an application for land use relief initially filed with the City of Highland Park on \_\_\_\_\_, 20\_\_\_\_. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

State, City ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_



# Legal Notification Information

## STEP 1

### Confirm Names and Addresses

Use the Lake County Website or Township Assessor as a Resource



## STEP 2

### Mail the Public Notices

Via Certified Mail, Return Receipt No Less than 15 days Prior to the Meeting



## STEP 3

### Return Proof of Notification

To Planning Division Prior to the Hearing

### STEP 1: CONFIRM THE NAMES AND ADDRESSES FOR ALL PROPERTY WITHIN 400 FEET

Staff will provide you with a list of addresses within 400 feet of the subject property. Ownership information can be obtained by submitting the subject property address on the Lake County Assessment Office website at:

<http://www.lakecountyiil.gov/376/Search-by-Address>

Please note that property owners do not necessarily live at properties they own.

Alternatively, property information can be obtained from your township tax assessor's office. By calling and giving them your address, they can provide you the necessary information.

### STEP 2: MAIL THE PUBLIC NOTICE

Staff will send you a copy of the Public Notice for use in the notification mailing. You may also use the "Certified Mail Notice Template" provided in the Public Hearing application packet. No sooner than thirty (30) days and no fewer than fifteen (15) days prior to the meeting, do the following:

Mail via Certified Mail with Return Receipt. From the post office or the U.S. Post Office website ([www.usps.com](http://www.usps.com)), send each property owner a copy of the public notice via Certified Mail with a Return Receipt requested. The names obtained from the Township Assessor's Office or the Lake County website must be used (see Step 1). Retain proof of notification (the original, stamped certified mail receipts from the post office or the e-mail confirmation) for submittal to the Planning Division (Step 3).

### STEP 3: RETURN PROOF OF NOTIFICATION TO THE PLANNING DIVISION

Make sure that all certified mail receipts are returned to Planning Division at the Public Services Building at 1150 Half Day Road no later than fifteen (15) days prior to your scheduled hearing date.

Noncompliance with these requirements may result in a continuance of the hearing until proof that all required property owners have been notified in the time frame specified.

# Notice Template

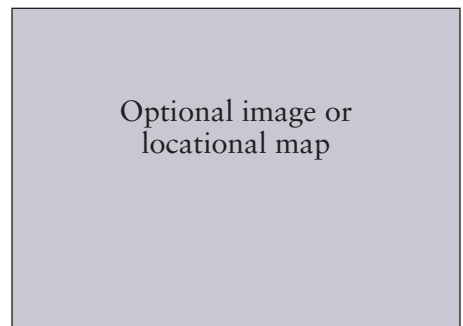
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The template letter below is an example of a notification letter that must be sent out via Certified Mail no sooner than thirty (30) days and no fewer than fifteen (15) days prior to a Public Hearing. This template letter should be used for reference. Staff will provide assistance with drafting your notification letter.

Dear Property Owner:

Notice is hereby given that on **[September 20, 2018]** at 7:30 PM in the Council Chambers in Highland Park City Hall at 1707 St. Johns Avenue, Public Hearing # 18-XX-SUP-XXX will be conducted by the Plan and Design

|                               |   |
|-------------------------------|---|
| Project Title                 | <b>[INSERT TITLE HERE]</b>                          |
| Property Address              | <b>[SUBJECT ADDRESS]</b><br>Highland Park, IL 60035 |
| Legal Description of Property | See attached Legal Notification                     |
| Petitioner                    | <b>[NAME, ADDRESS]</b>                              |
| Legal Representative          | <b>[NAME, FIRM]</b>                                 |
| Property Owner                | <b>[NAME, ADDRESS]</b>                              |



Commission to consider the following request:

**Summary of Application:**

**[DETAILED PROJECT DESCRIPTION HERE]**

Zoning Relief Requested (if any):

**[PROVIDE RELIEF HERE AS APPLICABLE]**

The Plan and Design Commission will also discuss all applicable design review features associated with this application. These may include building design and architecture, lighting and landscaping plans, and sign plans. You are being notified per the direction of City Council that the owners of all properties within four-hundred feet (400') of the legal boundaries of the zoning hearing subject site be notified in person or by Certified Mail, Return Receipt Requested.

At said hearing or any continuation thereof, all interested persons will be afforded an opportunity to be heard in relation to said matter.

Signed,

**[Petitioner or Legal Representative]**  
**[Title]**

Attachments: **[if any]**

## ARTICLE XVI. SPECIAL EXCEPTIONS

**Sec. 150.1601. Purpose.**

In those specific instances enumerated in this Article in which the authorization of an exception from the otherwise applicable zoning restrictions will be consistent with the Master Plan and planning policies and objectives of the City, will promote the welfare of the City (or a part thereof) and its residents, and will not adversely affect the value, use, or enjoyment of any adjacent or nearby property, special exceptions from the particular provisions of this Chapter may be allowed in order to permit the construction or reconstruction of a structure, or a waiver or reduction of applicable zoning restrictions with respect to any use of a structure, or a change in use of an existing structure.

**Sec. 150.1602. Authority to Grant Special Exceptions.**

The City Council shall have authority to grant special exceptions, but only after the Zoning Board of Appeals (and/or the Plan and Design Commission in those instances specified in Section 150.1607 and/or Section 150.1608) shall have held a hearing on the proposed special exception and prepared and submitted to the City Council its written findings of fact, conclusions, and recommendations with respect thereto.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1603. Application for Special Exceptions.**

(A) The petitioner shall file an application for a special exception with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy without delay to the City Clerk for processing of payment and preparation and publication of legal notice.

(B) The application for a special exception shall contain the following information, as well as such additional information may be prescribed by rule of the Zoning Board of Appeals and/or the Plan and Design Commission, as the case may be:

- (1) The present zoning of the subject property;
- (2) The present use of the subject property;
- (3) A survey of the subject property, including its dimensions, and showing all improvements located thereon;
- (4) A site plan showing the dimensions and location of any proposed new structure, or addition, and/or enlargement to an existing structure together with a statement of the total area of the proposed structure, including any addition and/or enlargement;
- (5) A statement of the special exception requested;
- (6) A legal description of the subject property;
- (7) The commonly known location (address) of the subject property;
- (8) The name and address of the petitioner and the attorney of the petitioner, if any;
- (9) The name and address of the legal owner of the subject property; and

(10) Plans and other data.

(C) All applications shall be verified by the applicant.

(1) In the event application is made by the trustee or beneficiary of any land trust, the application shall identify each beneficiary of such land trust by name and address and define and identify such beneficiary's interest therein.

(2) Each application shall be governed by additional administrative procedures as may be prescribed by the Zoning Board of Appeals and/or Plan and Design Commission, as the case may be.

(D) At the time of filing, the application for a special exception shall be accompanied by:

(1) Proof of ownership or current contract to purchase or lease the subject property, accompanied by proof of authority to file the application of behalf of the owner, since only persons owning or having interest in the subject property may file an application for a special exception; and

(a) Each application shall be signed by the owner of record of the subject property; and

(b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.

(2) Payment of an application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1604. Processing, Notice, and Hearing.**

(A) Upon receipt by the Zoning Administrator of a complete application for special exception that has been duly filed, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Zoning Board of Appeals or the Plan and Design Commission, as the case may be, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All pertinent documents, including but not limited to the application, legal notice, evidence, and transcript of proceedings, if any, shall be placed in the file.

(B) No more than ninety (90) days after the filing of an application, a hearing shall be held on the application.

(C) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date on which the application for special exception is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing, the applicant or his attorney must notify in person or by certified mail (return receipt requested) the owners of all property within two hundred fifty (250) feet (exclusive of rights-of-way) of the legal boundaries of the subject property. Proof of such notification must be presented at the hearing.

Each of the notices required in this Section shall contain:

- (1) The legal description of the subject property;
- (2) The address of the subject property;
- (3) A brief statement of the nature of the requested special exception;
- (4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;
- (5) The name(s) and address(es) of the petitioner(s);
- (6) The name of the legal representative of the petitioner, if any; and
- (7) A statement of the date, time, and place of the hearing for which the notice is being given.

(D) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

- (1) The number and location of signs shall be determined by the Zoning Administrator.
- (2) Each sign must be a minimum of 24 inches × 24 inches in size, have letters a minimum of  $\frac{3}{8}$  inches stroke wide by  $2\frac{1}{2}$  inches high, and contain the following information:
  - (a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and
  - (b) The telephone number of the Zoning Administrator.

(E) Within ten (10) days after the commencement of the public hearing regarding the proposed special exception, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(F) Any interested party may appear in person, by agent, or by attorney, and be heard at the hearing held pursuant to any such application for special exception.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1605. Authorized Special Exceptions.**

Provided findings have been made pursuant to the standards contained in Section 150.1606, the following special exceptions, and no others, may be authorized by the City Council:

- (A) A reduction in the amount of required accessory off-street parking for any new structure; and
- (B) A waiver or reduction of the accessory off-street parking requirements for an existing structure or use or for a change in use of an existing structure.

**Sec. 150.1606. Standards for Special Exceptions.**

No special exception shall be recommended unless the recommendation is accompanied by findings of fact that support the applicable standards set out in this Section.

- (A) With respect to each recommendation to grant a request for a special exception, affirmative findings of fact shall be made that the special exception meets each of the following standards:
  - (1) That the proposed special exception will be consistent with the Highland Park Comprehensive Plan and the planning policies of the City, and further that the proposed special exception will promote or implement achievement of the Comprehensive Plan, and the planning policies and objectives of the City; and
  - (2) That the proposed special exception will not occasion or aggravate parking or traffic congestion on streets adjacent to or in the vicinity of the real estate to which the special exception is proposed to apply (hereinafter referred to in this Article as "Subject Property"); and
  - (3) That the proposed special exception will not have a substantial adverse effect upon the value, use, or enjoyment of property in the vicinity of the Subject Property.
- (B) With respect to a recommendation to grant a request for a special exception entailing the reduction of off-street parking spaces otherwise required for new structures other than additions to or alterations of existing structures, in addition to affirmative findings of fact that the proposed special exception meets the general standards contained in Subparagraph (A) hereinabove, affirmative findings of fact shall be made that the proposed special exception meets with the following standards as well:
  - (1) That, pursuant to a demonstration thereof (by accepted standards or studies of parking demand), the proposed use of the Subject Property will not in fact utilize as much off-street parking as required by the off-street parking provisions of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property; and
  - (2) That strict enforcement of the off-street parking requirements of this Chapter would likely prohibit development of the Subject Property with a use that is consistent with the Comprehensive Plan and planning policies of the City as well as the zoning of the Subject Property.
- (C) With respect to a recommendation to grant a request for a special exception entailing the waiver or the reduction of off-street parking spaces otherwise required for an existing structure including additions and/or alterations thereto, in addition to affirmative findings of fact that the proposed special exception meets the general standards contained in Subparagraph (A) hereinabove, affirmative findings of fact shall be made that the proposed special exception meets the following standards as well:
  - (1) That, when constructed, the existing structure must have been lawful and conforming with respect to the number of off-street parking spaces provided, and is now either conforming or lawfully non-conforming with respect to the number of off-street parking spaces provided; and

- (2) That, either:
- (a) The proposed alteration of the existing structure or change in use thereof will not increase or expand the extent to which the existing structure or existing use does not conform to the off-street parking requirements of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property; or
  - (b) In the event the proposed alteration of the existing structure or proposed change in use thereof will either increase the number of required off-street parking spaces and/or increase the extent to which the existing structure or use does not conform to the off-street parking requirements of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property, a demonstration (by accepted standards or studies of parking demand) that the proposed use of the Subject Property will not in fact utilize as much off-street parking as required by the off-street parking provisions of this Chapter.

**Sec. 150.1607. Alternative Review by Plan and Design Commission.**

(A) Upon the filing of any given application for a special exception, the Zoning Administrator shall review the application and if he determines: 1) that the request for a special exception raises planning issues of particular significance or importance, or 2) that the application relates to an existing or proposed Planned Unit Development, the Zoning Administrator shall refer the request to the Plan and Design Commission (in lieu of the Zoning Board of Appeals) to hold a public hearing on the request and submit its findings and recommendations with respect thereto to the City Council.

(B) In the event that, during the course of a hearing before the Zoning Board of Appeals on a request for a special exception, it appears to the said Board that the request involves planning issues of particular significance or importance, the Zoning Board of Appeals may redirect the request for such given special exception to the Plan and Design Commission which shall assume jurisdiction and proceed as though the request for a special exception had been directed to it in the first instance.

(C) In the case of any application for a special exception that is referred to the Plan and Design Commission by the Zoning Administrator, the Plan and Design Commission shall:

- (1) Give notice and conduct a public hearing in accordance with Section 150.1604;
- (2) Apply the standards set forth in Section 150.1606; and
- (3) Have the same authority as is conferred upon the Zoning Board of Appeals by Section 150.1608 to recommend conditions and restrictions of the proposed special exception.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1608. Conditions and Restrictions.**

Within 45 days after the last session of the public hearing on a proposed special exception, the Zoning Board of Appeals (and/or the Plan and Design Commission, as the case may be) may recommend, and thereafter the City Council, in granting any given special exception, may impose, additional conditions and restrictions. The failure of the Zoning Board of Appeals or the Plan and Design Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may,

in writing, agree, shall be deemed a recommendation against the approval of the special exception. Notwithstanding the foregoing, each special exception shall expire upon a change in use of the Subject Property or upon demolition, removal, or major structural alteration of any structure located upon the Subject Property (except for any change in use, or demolition, removal, or structural alteration contemplated by the special exception).

- (A) In the event the City Council authorizes the requested special exception, in lieu of providing the normally required automobile parking spaces, the applicant shall pay a fee for each such parking space not so provided pursuant to such special exception, which payment, pursuant to the provisions of this Section, shall be placed into a City fund to be used by the City for the acquisition and maintenance of public off-street parking and loading facilities to serve the zoning district wherein the Subject Property is located. Upon payment of the fee to the City, the owner of the Subject Property shall be credited (for so long as the special exception exists) by ordinance with the number of spaces for which payment has been received by the City, which ordinance shall be recorded at the expense of the owner with the Lake County Recorder of Deeds.
- (B) Based upon the availability and/or scarcity of land in the several zoning districts, as the case for each such district may be, the fee for each such parking space not so provided pursuant to such special exception shall be established from time to time by resolution of the City Council.

(Ord. 18-04, J. 30, p. 49-54, passed 3/8/04; Ord. 59-15, passed 6/8/15))

**Sec. 150.1609. Action on Special Exceptions.**

The concurring vote of four members of the Zoning Board of Appeals or five members of the Plan and Design Commission, as the case may be, shall be necessary to recommend approval of a request for a special exception.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1610. Duration of Special Exceptions.**

Unless construction, alteration, or change of use of the building is commenced within a one year period pursuant to such special exception, no grant of a special exception shall be effective for more than one year . Upon a request to the Zoning Board of Appeals made by the original applicant for such special exception prior to the expiration of such initial one year period the Zoning Board of Appeals may recommend, and the City Council may approve, for good cause shown, an extension of the one year period as may appear reasonable to the City Council, but not to exceed an additional one year period.

**Sec. 150.1611. Notice of Special Exception.**

At the sole cost of the applicant for such given special exception, a copy of the text of the ordinance adopted by the City Council granting the special exception shall be recorded by the Department of Community Development with the Recorder of Deeds of Lake County, Illinois.



# Affordable Housing Requirement

| Affordable Housing 20% Requirement |                             |                  |                |                  |           | Updated July 2016            |                                      |
|------------------------------------|-----------------------------|------------------|----------------|------------------|-----------|------------------------------|--------------------------------------|
| Total Proposed Units               | Breakdown of Proposed Units |                  | Effective Rate | Affordable Bonus | PUD Bonus | Max Total Units with Bonuses | Effective % Aff WITH Aff Bonus Units |
|                                    | Market Rate Units           | Affordable Units |                |                  |           |                              |                                      |
| 1                                  | 1                           | 0                | 0.0%           | 0                | 0         | 1                            | 0.0%                                 |
| 2                                  | 2                           | 0                | 0.0%           | 0                | 0         | 2                            | 0.0%                                 |
| 3                                  | 3                           | 0                | 0.0%           | 0                | 0         | 3                            | 0.0%                                 |
| 4                                  | 4                           | 0                | 0.0%           | 0                | 0         | 4                            | 0.0%                                 |
| 5                                  | 4                           | 1                | 20.0%          | 1                | 1         | 7                            | 14.3%                                |
| 6                                  | 5                           | 1                | 16.7%          | 1                | 1         | 8                            | 12.5%                                |
| 7                                  | 6                           | 1                | 14.3%          | 1                | 1         | 9                            | 11.1%                                |
| 8                                  | 6                           | 2                | 25.0%          | 2                | 1         | 11                           | 18.2%                                |
| 9                                  | 7                           | 2                | 22.2%          | 2                | 1         | 12                           | 16.7%                                |
| 10                                 | 8                           | 2                | 20.0%          | 2                | 1         | 13                           | 15.4%                                |
| 11                                 | 9                           | 2                | 18.2%          | 2                | 1         | 14                           | 14.3%                                |
| 12                                 | 10                          | 2                | 16.7%          | 2                | 1         | 15                           | 13.3%                                |
| 13                                 | 10                          | 3                | 23.1%          | 3                | 2         | 18                           | 16.7%                                |
| 14                                 | 11                          | 3                | 21.4%          | 3                | 2         | 19                           | 15.8%                                |
| 15                                 | 12                          | 3                | 20.0%          | 3                | 2         | 20                           | 15.0%                                |
| 16                                 | 13                          | 3                | 18.8%          | 3                | 2         | 21                           | 14.3%                                |
| 17                                 | 14                          | 3                | 17.6%          | 3                | 2         | 22                           | 13.6%                                |
| 18                                 | 14                          | 4                | 22.2%          | 4                | 2         | 24                           | 16.7%                                |
| 19                                 | 15                          | 4                | 21.1%          | 4                | 2         | 25                           | 16.0%                                |
| 20                                 | 16                          | 4                | 20.0%          | 4                | 2         | 26                           | 15.4%                                |
| 21                                 | 17                          | 4                | 19.0%          | 4                | 2         | 27                           | 14.8%                                |
| 22                                 | 18                          | 4                | 18.2%          | 4                | 2         | 28                           | 14.3%                                |
| 23                                 | 18                          | 5                | 21.7%          | 5                | 3         | 31                           | 16.1%                                |
| 24                                 | 19                          | 5                | 20.8%          | 5                | 3         | 32                           | 15.6%                                |
| 25                                 | 20                          | 5                | 20.0%          | 5                | 3         | 33                           | 15.2%                                |
| 26                                 | 21                          | 5                | 19.2%          | 5                | 3         | 34                           | 14.7%                                |
| 27                                 | 22                          | 5                | 18.5%          | 5                | 3         | 35                           | 14.3%                                |
| 28                                 | 22                          | 6                | 21.4%          | 6                | 3         | 37                           | 16.2%                                |
| 29                                 | 23                          | 6                | 20.7%          | 6                | 3         | 38                           | 15.8%                                |
| 30                                 | 24                          | 6                | 20.0%          | 6                | 3         | 39                           | 15.4%                                |
| 31                                 | 25                          | 6                | 19.4%          | 6                | 3         | 40                           | 15.0%                                |
| 32                                 | 26                          | 6                | 18.8%          | 6                | 3         | 41                           | 14.6%                                |
| 33                                 | 26                          | 7                | 21.2%          | 7                | 4         | 44                           | 15.9%                                |
| 34                                 | 27                          | 7                | 20.6%          | 7                | 4         | 45                           | 15.6%                                |
| 35                                 | 28                          | 7                | 20.0%          | 7                | 4         | 46                           | 15.2%                                |
| 36                                 | 29                          | 7                | 19.4%          | 7                | 4         | 47                           | 14.9%                                |
| 37                                 | 30                          | 7                | 18.9%          | 7                | 4         | 48                           | 14.6%                                |
| 38                                 | 30                          | 8                | 21.1%          | 8                | 4         | 50                           | 16.0%                                |
| 39                                 | 31                          | 8                | 20.5%          | 8                | 4         | 51                           | 15.7%                                |
| 40                                 | 32                          | 8                | 20.0%          | 8                | 4         | 52                           | 15.4%                                |
| 41                                 | 33                          | 8                | 19.5%          | 8                | 4         | 53                           | 15.1%                                |
| 42                                 | 34                          | 8                | 19.0%          | 8                | 4         | 54                           | 14.8%                                |
| 43                                 | 34                          | 9                | 20.9%          | 9                | 5         | 57                           | 15.8%                                |
| 44                                 | 35                          | 9                | 20.5%          | 9                | 5         | 58                           | 15.5%                                |
| 45                                 | 36                          | 9                | 20.0%          | 9                | 5         | 59                           | 15.3%                                |
| 46                                 | 37                          | 9                | 19.6%          | 9                | 5         | 60                           | 15.0%                                |
| 47                                 | 38                          | 9                | 19.1%          | 9                | 5         | 61                           | 14.8%                                |
| 48                                 | 38                          | 10               | 20.8%          | 10               | 5         | 63                           | 15.9%                                |
| 49                                 | 39                          | 10               | 20.4%          | 10               | 5         | 64                           | 15.6%                                |
| 50                                 | 40                          | 10               | 20.0%          | 10               | 5         | 65                           | 15.4%                                |
| 51                                 | 41                          | 10               | 19.6%          | 10               | 5         | 66                           | 15.2%                                |
| 52                                 | 42                          | 10               | 19.2%          | 10               | 5         | 67                           | 14.9%                                |
| 53                                 | 42                          | 11               | 20.8%          | 11               | 6         | 70                           | 15.7%                                |
| 54                                 | 43                          | 11               | 20.4%          | 11               | 6         | 71                           | 15.5%                                |
| 55                                 | 44                          | 11               | 20.0%          | 11               | 6         | 72                           | 15.3%                                |
| 56                                 | 45                          | 11               | 19.6%          | 11               | 6         | 73                           | 15.1%                                |
| 57                                 | 46                          | 11               | 19.3%          | 11               | 6         | 74                           | 14.9%                                |
| 58                                 | 46                          | 12               | 20.7%          | 12               | 6         | 76                           | 15.8%                                |
| 59                                 | 47                          | 12               | 20.3%          | 12               | 6         | 77                           | 15.6%                                |
| 60                                 | 48                          | 12               | 20.0%          | 12               | 6         | 78                           | 15.4%                                |
| 61                                 | 49                          | 12               | 19.7%          | 12               | 6         | 79                           | 15.2%                                |
| 62                                 | 50                          | 12               | 19.4%          | 12               | 6         | 80                           | 15.0%                                |
| 63                                 | 50                          | 13               | 20.6%          | 13               | 7         | 83                           | 15.7%                                |
| 64                                 | 51                          | 13               | 20.3%          | 13               | 7         | 84                           | 15.5%                                |
| 65                                 | 52                          | 13               | 20.0%          | 13               | 7         | 85                           | 15.3%                                |
| 66                                 | 53                          | 13               | 19.7%          | 13               | 7         | 86                           | 15.1%                                |
| 67                                 | 54                          | 13               | 19.4%          | 13               | 7         | 87                           | 14.9%                                |
| 68                                 | 54                          | 14               | 20.6%          | 14               | 7         | 89                           | 15.7%                                |
| 69                                 | 55                          | 14               | 20.3%          | 14               | 7         | 90                           | 15.6%                                |

# Plan & Design Commission Dates & Deadlines

| 2019 Plan & Design Commission Meeting Dates & Deadlines |   |  |
|---|---|--|
| Plan and Design Commission Meeting Date                 | 31-day Application Submission Deadline<br>(With 3rd Party Review) | 21-day Application Submission Deadline |
| No first meeting in January                             |   |  |
| January 15, 2019  | 14-Dec-Fri  | 25-Dec-Tue                             |
| February 5, 2019  | 3-Jan-Thu   | 15-Jan-Tue                             |
| February 19, 2019                                       | 18-Jan-Fri  | 29-Jan-Tue                             |
| March 5, 2019   | 1-Feb-Fri   | 12-Feb-Tue                             |
| March 19, 2019  | 15-Feb-Fri  | 26-Feb-Tue                             |
| April 2, 2019   | 1-Mar-Fri   | 12-Mar-Tue                             |
| April 16, 2019  | 15-Mar-Fri  | 26-Mar-Tue                             |
| May 7, 2019   | 5-Apr-Fri   | 16-Apr-Tue                             |
| May 21, 2019  | 19-Apr-Fri  | 30-Apr-Tue                             |
| June 4, 2019  | 3-May-Fri   | 14-May-Tue                             |
| June 18, 2019   | 17-May-Fri  | 28-May-Tue                             |
| July 2, 2019  | 31-May-Fri  | 11-Jun-Tue                             |
| July 16, 2019   | 14-Jun-Fri  | 25-Jun-Tue                             |
| August 6, 2019  | 5-Jul-Fri   | 16-Jul-Tue                             |
| August 20, 2019   | 19-Jul-Fri  | 30-Jul-Tue                             |
| No first meeting in September                           |   |  |
| September 17, 2019                                      | 16-Aug-Fri  | 27-Aug-Tue                             |
| No first meeting in October                             |   |  |
| October 22, 2019  | 20-Sep-Fri  | 1-Oct-Tue                              |
| November 5, 2019  | 4-Oct-Fri   | 15-Oct-Tue                             |
| November 19, 2019                                       | 18-Oct-Fri  | 29-Oct-Tue                             |
| December 3, 2019  | 1-Nov-Fri   | 12-Nov-Tue                             |
| December 17, 2019                                       | 15-Nov-Fri  | 26-Nov-Tue                             |