

ARTICLE 9
Administration

SECTION 9-100. Administrative and decision-making bodies.

- A. Zoning Administrator. The City Manager of the City of Crystal Lake shall appoint a Zoning Administrator who shall have the following powers and duties:
1. Receive and process all requests for amendments, special uses, temporary uses, variances, subdivisions and appeals pursuant to this Ordinance;
 2. Be responsible for the interpretation of the provisions and regulations of this Ordinance;
 3. Serve as ex-officio member of the Planning and Zoning Commission without a vote;
 4. Publish annually an up-to-date copy of the Zoning Map as provided by Illinois Zoning Statute.
 5. Preside over the administrative variation hearing process and make rulings upon such administrative variation requests as may be authorized by this Ordinance. **[Added 8-2-2016 by Ord. No. 7247]**
- B. Zoning Enforcement Officer. The City Manager of the City of Crystal Lake shall appoint a Zoning Enforcement Officer who shall have the following powers and duties:
1. Issue all zoning certificates and create and maintain a record thereof;
 2. Issue all occupancy certificates and create and maintain a record thereof;
 3. Issue all limited use permits and create and maintain a record thereof;
 4. Issue temporary use permits and create and maintain a record thereof;
 5. Maintain for public inspection, at all times during the hours that his/her office is normally open to the public, a copy of this Ordinance along with the Zoning Map together with all amendments thereto;
 6. Conduct inspections as prescribed by this Ordinance and such other inspections as are necessary to ensure compliance with the various provisions of this Ordinance;
 7. Make a determination from public records or inspection of nonconforming recorded lots, uses, and structures to properly enforce this Ordinance;
 8. Perform such other duties as are delegated to him by the Zoning Administrator or the provisions of this Ordinance generally.
- C. Planning and Zoning Commission.
1. Created: The appointment of members, term, duties and responsibilities of the Planning and Zoning Commission are outlined in Section 11-4 of the City Code. **[Amended 10-6-2020 by Ord. No. 7656]**

2. Membership: The Planning and Zoning Commission shall consist of seven members who are residents of the City of Crystal Lake. **[Amended 8-2-2016 by Ord. No. 7247]**
3. Appointment of members: The members of the Planning and Zoning Commission shall be appointed by the Mayor, subject to confirmation of the City Council.
4. Terms of members: The members of the Planning and Zoning Commission shall be appointed for four-year terms. Any replacement of any member (who resigns or whose seat becomes vacant before expiration of the term) shall serve out the remaining term of office before being reappointed to a four-year term. Members who fail to attend at least 60% of regularly scheduled meetings in a calendar year shall be subject to removal by the Mayor and City Council.
5. Officers: The Mayor shall name one member as Chairperson at the time of appointment. The Planning and Zoning Commission shall elect a Vice Chairperson as may be required.
6. Powers: The Planning and Zoning Commission shall have the following powers and responsibilities:
 - a. To review and recommend to the City Council, after holding a public hearing, on petitions for preliminary planned unit development (PUD), in accordance with the rules and standards prescribed by the Zoning Ordinance and Illinois Compiled Statutes. The Commission shall hold a public meeting and upon its conclusion, shall continue the matter to a certain date, at which time the Commission shall hold a public hearing on the matter. At the conclusion of the public hearing, the Commission shall make a recommendation to the City Council with regards to the petition. The petitioner shall be required to attend both the public meeting and the public hearing.

The exterior architectural aesthetics of a PUD project shall be reviewed using the standards including, but not limited to, Section 4-900, Design standards, as a basis for the Planning and Zoning Commission's discussion and recommendation.
 - b. To review and recommend to the City Council, after holding a public hearing on applications for:
 - (i) Map amendments (rezoning).
 - (ii) Special use permits.
 - (iii) Text amendments to the Unified Development Ordinance.
 - (iv) Variations from the zoning standards of the Unified Development Ordinance.
 - (v) Final PUD amendments.
 - c. To review and recommend to the City Council, after holding a public meeting on applications for:
 - (i) Preliminary and final plats of subdivision.

- (ii) Variations from the subdivision standards of the Unified Development Ordinance.
 - (iii) Comprehensive Plan amendments.
 - (iv) Final planned unit developments.
 - d. To hear, review and comment on conceptual PUD plans, after holding a public meeting.
 - e. To hear any appeals in a public hearing as enumerated in Section 9-200J of the Crystal Lake Unified Development Ordinance and to render a decision thereon.
 - f. To hold public meetings and public hearings and review and make recommendations to the City Council as required by the provisions of the Crystal Lake Unified Development Ordinance and Illinois Compiled Statutes.
 - g. To hear and make recommendations to the City Council on all matters referred to it, and to perform such functions as may be requested of it.
 - h. To hear and make a final vote on administrative variations referred to it by the Zoning Administrator. **[Added 8-2-2016 by Ord. No. 7247]**
- 7. Rules governing procedures: The Planning and Zoning Commission shall adopt rules regulating the procedure of all meetings, provided that there shall be no time limits established by the Commission for the length of the meetings. Such rules shall be filed in the Office of the City Clerk and may be amended at any meeting, such rules to be effective upon filing of the Office of the City Clerk.
- 8. Meetings required; notice: The Planning and Zoning Commission shall hold regular meetings and may hold special meetings as needed. Notice of the time and place of regular and special meetings be given in accordance with the Open Meetings Act (5 ILCS 120) of the State of Illinois.
- 9. Hearings: All hearings required by this section to be conducted by the Planning and Zoning Commission shall be open to the public. Any person may appear and testify at a hearing either in person or through a duly authorized agent or attorney. All testimony shall be given under oath. The Chairperson, or in his/her absence, the Vice Chairperson or Action Chairperson, shall administer oaths. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every decision of the Commission shall be filed immediately in the office of the City Clerk and shall be a matter of public record.
- D. City Council. The City Council, upon receipt of findings and recommendations from the Planning and Zoning Commission, shall act upon all amendments, special uses, planned unit development, subdivisions of land and variations as follows:
 - 1. By ordinance, amend this Ordinance.
 - 2. By ordinance, amend the boundary lines of zoning districts hereby established.

3. By ordinance, cause to be issued a special use permit, including any conditions found necessary to accomplish the purposes of this Ordinance.
4. By ordinance, cause to be approved a planned unit development, including any conditions found necessary to accomplish the purposes of this Ordinance.
5. By ordinance, cause to be issued a variation from the specific regulations, including conditions found necessary to accomplish the purposes of this Ordinance.
6. By ordinance, cause to be issued a plat of subdivision, including any conditions found necessary to accomplish the purposes of this Ordinance.

SECTION 9-200. Specific standards and other requirements for applications for development approval.

A. Required submittals. All applications for development approval shall include the following:

1. Application fee, per the requirements of this section.
2. Application form.
3. Ownership information.
4. Notification papers and documents as necessary to meet the requirements of Section 9-200L, Notice, of this Ordinance.
5. Additional submittals as required for specific requests in this Ordinance.
6. Additional information and/or materials as determined to be necessary by the City of Crystal Lake to meet the goals and objectives of this Ordinance, as detailed in the relevant development application handouts available through the Community Development Department. **[Amended 6-3-2014 by Ord. No. 7034]**

B. Amendments.

1. Application. **[Amended 6-3-2014 by Ord. No. 7034]**

Refer to the "Development Application - Map Amendments (Rezoning)" handout, available through the Community Development Department, for specific explanations of submittal requirements and for review procedures. **[Amended 6-3-2014 by Ord. No. 7034]**

The following persons or public bodies shall have standing to initiate an amendment to this Ordinance together with the Zoning Map:

- a. Any person owning real property in the City of Crystal Lake may file a petition with the Zoning Administrator to amend either the Map or the text of the Ordinance, as it affects his or her property. Such petition shall be accompanied by an accurate description of the property, a statement of any proposed map amendment, statement of any proposed amendment to the text, the reasons therefore, and by paying the proper filing fee.
- b. The City Council as provided in this section.

- c. The Planning and Zoning Commission as provided in this section.
2. Public hearing and notice. Upon receipt of a petition for a map amendment, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission, allowing adequate time for proper notice. Upon receipt of a petition for a text amendment, the City Council shall schedule a public hearing before the Planning and Zoning Commission, allowing adequate time for proper notice. Notice shall be given as provided in Section 9-200L, Notice. **[Amended 10-6-2020 by Ord. No. 7656]**
 3. Standards. In recommending approval or conditional approval of an amendment, the Planning and Zoning Commission shall transmit to the City Council written findings of fact that all of the conditions below apply to the application:
 - a. The existing uses and zoning of nearby property;
 - b. The extent to which property values are diminished by a particular zoning classification or restriction;
 - c. The extent to which the destruction of property value of a petitioning property owner promotes the health, safety, morals, or general welfare of the public;
 - d. The relative gain to the public as opposed to the hardship imposed on a petitioning property owner;
 - e. The suitability of the subject property for its zoned purposes;
 - f. The length of time the property has been vacant as zoned, considered in the context of land development in the area;
 - g. The Comprehensive Plan designation and the current applicability of that designation; and
 - h. The evidence or lack of evidence, of community need for the use proposed.
 4. Report. **[Amended 10-6-2020 by Ord. No. 7656]**

Within 45 days, or as soon as the agenda schedule permits, after all pertinent information has been received from the petitioner, and as necessary from the City departments, the petition shall be placed on the Planning and Zoning Commission agenda. The Planning and Zoning Commission shall review the proposed petition and report its findings to the City Council as provided in this article.

If the Planning and Zoning Commission fails to conclude the public hearing within 60 days from the date that the petition is scheduled for a Planning and Zoning Commission public hearing, for whatever reason, the petitioner's request shall be deemed to have received a negative recommendation from the Planning and Zoning Commission, unless the time is specifically extended by a request from the petitioner. If the Planning and Zoning Commission fails to conclude the public hearing within the time allotted, the petition will be forwarded to the City Council for action.

5. Recommendations. Within 45 days following the public hearing, excluding any continuation of such hearing or extensions requested by the petitioner, the Planning and Zoning Commission shall forward its recommendations to the City Council.

6. Action by the Council. The City Council, upon receipt thereof, may adopt, with or without modification, reject or deny, the report and recommendations of the Planning and Zoning Commission, or may refer any matter back to the Planning and Zoning Commission for further consideration. In addition, when a motion to recommend the denial of a map amendment or text amendment is approved by 2/3 of all Planning and Zoning Commission members then holding office, or such motion to recommend denial is approved unanimously by all members present, such map amendment or text amendment shall not be approved by the Mayor and City Council except by a favorable vote of 2/3 of all of the Corporate Authorities then holding office. **[Amended 10-6-2020 by Ord. No. 7656]**

C. Variations and simplified residential variations.

1. Application. Any property owner in the City of Crystal Lake may submit an application along with the appropriate filing fee to the Zoning Administrator for a variation from the requirements of this Ordinance as it applies to his/her property. Refer to the "Development Application - Variations," or the "Simplified Residential Variation Application" handout, available through the Community Development Department, for specific explanations of submittal requirements and review procedures. **[Amended 6-3-2014 by Ord. No. 7034]**

2. Public hearing and notice. Upon receipt of a petition for a variation, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission, allowing adequate time for proper notice. Notice shall be given as provided in Section 9-200L, Notice.

3. Standards.

When evidence in a specific case establishes that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because: **[Amended 10-6-2020 by Ord. No. 7656]**

- a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.
- b. Also, that the variation, if granted, will not alter the essential character of the locality.

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

- a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;
- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

- d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.
 4. Recommendations. Within 45 days following the public hearing, excluding any continuation of such hearing or extensions requested by the petitioner, the Planning and Zoning Commission shall forward its recommendations to the City Council.
 5. Conditions. The Commission may recommend and the City Council, in granting any variation, may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such variation upon other properties in the neighborhood, and thus secure substantial justice.
 6. Action by the Council. The City Council, upon receipt thereof, may adopt, with or without modification, reject or deny the report and recommendation of the Planning and Zoning Commission or refer any matter back to the Commission for further consideration. In addition, when a motion to recommend the denial of a variation is approved by 2/3 of all Planning and Zoning Commission members then holding office, or such motion to recommend denial is approved unanimously by all members present, such variation shall not be approved by the Mayor and City Council except by a favorable vote of 2/3 of all of the Corporate Authorities then holding office. **[Amended 10-6-2020 by Ord. No. 7656]**
- D. Special use permits. The following procedures shall be followed in granting special use permits required through this Ordinance.
1. Application.

The following persons or public bodies shall have standing to initiate a special use permit:

 - a. Any person owning real property in the City of Crystal Lake may file a petition for a special use permit subject to the general provisions of this Ordinance. The petition shall be made in writing and shall be accompanied by maps, plans and other information as required in Section 9-200A, Required submittals, and by paying the proper filing fee.
 - b. The City Council as provided in this section.
 - c. The Planning and Zoning Commission as provided in this section.

Application for a special use permit shall be made to the Zoning Administrator, in writing, by the owner of the property in question and shall be accompanied by the following information plus any specific information required under Section 2-400:

- a. A petition requesting the special use permit. Refer to special use permit review procedure handout available through the Community Development Department.
- b. A site plan, drawn to scale, indicating the proposed site and the surrounding zoning and land uses, adjacent, within 200 feet, to the property in question.
- c. A landscape plan, where applicable.

- d. Building elevations.
- e. A plat of survey for the existing site and proof of ownership (title report or search, most recent tax bill, deed, etc.).
- f. Review fees.
- g. Additional information, as required, for administrative processing of the petition.
- h. Additional information indicating compliance with the regulations of this chapter and all other applicable City ordinances.

Refer to the "Development Application" handout, available through the Community Development Department, for specific explanations of submittal requirements, and for review procedures.

[Amended 6-3-2014 by Ord. No. 7034; 10-6-2020 by Ord. No. 7656]

- 2. Procedure. Upon receipt of a petition for a special use permit or a resolution by the City Council authorizing a hearing upon a proposed amendment, the Zoning Administrator shall forward copies of application or resolution to the Council, the members of the Planning and Zoning Commission.
- 3. Public hearing and notice. Upon receipt of a petition for a special use, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission, allowing adequate time for proper notice. Notice shall be given as provided in Section 9-200L, Notice.

- 4. Report. **[Amended 10-6-2020 by Ord. No. 7656]**

Within 45 days, or as soon as agenda schedule permits, after all pertinent information has been received from the petitioner, and as necessary from the City Staff, the petition shall be placed on the Planning and Zoning Commission agenda. The Planning and Zoning Commission shall review the proposed petition and report its findings to the City Council as provided in this section.

If the Planning and Zoning Commission fails to conclude the public hearing within 60 days from the date that the petition is scheduled for a public hearing, for whatever reason, the petitioner's request shall be deemed to have received a negative recommendation from the Planning and Zoning Commission, unless the time is specifically extended by a request from the petitioner. If the Planning and Zoning Commission fails to conclude the public hearing within the time allotted, the petition shall be forwarded to the City Council for action. In the case of a special use permit for a planned unit development, the procedure established in Section 9-200E, Planned unit development, shall be followed.

- 5. Recommendations. Within 45 days following the public hearing, excluding any continuation of such hearing or extensions requested by the petitioner, the Planning and Zoning Commission shall forward its recommendations to the City Council.
- 6. Conditions. The Planning and Zoning Commission may recommend and the City Council, in granting any special use, may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such special use upon other properties in the neighborhood.

7. Action by the Council. The City Council, upon receipt thereof, may adopt, with or without modification, reject or deny, the report and recommendations of the Planning and Zoning Commission, or may refer any matter back to the Planning and Zoning Commission for further consideration. In addition, when a motion to recommend the denial of a special use permit is approved by 2/3 of all Planning and Zoning Commission members then holding office, or such motion to recommend denial is approved unanimously by all members present, such special use permit shall not be approved by the Mayor and City Council except by a favorable vote of 2/3 of all of the Corporate Authorities then holding office. **[Amended 10-6-2020 by Ord. No. 7656]**
 8. Termination of a special use permit. The special use runs with the property, not an individual, and can be tied to a specific use. Unless the petitioner, or a successor to the petitioner, has substantially completed construction of the public improvements and/or has commenced establishment of the uses approved in a special use, the special use shall automatically lapse two years after the date of issuance by the City Council. The petitioner shall have the right to petition the City Council for an extension of the special use permit for a period not to exceed one year. Whenever any special use has been discontinued for a period of six consecutive months or whenever there is evidence of a clear intent on the part of the owner to abandon a special use, such use shall not, after being discontinued or abandoned, be reestablished without notice and public hearing as provided for in this section. This section shall not apply to planned unit development special use permits, which are governed by Section 9-200E.
- E. Planned unit development. Planned unit developments (PUD) are special use permits and are held to additional standards, as stated below. A preliminary and final PUD approval is required. **[Amended 11-5-2013 by Ord. No. 6970; 6-3-2014 by Ord. No. 7034; 12-11-2017 by Ord. No. 7419; 10-6-2020 by Ord. No. 7656]**
1. Preapplication conference. Before submitting required materials for a preliminary planned unit development review, a preapplication meeting with the Director of Community Development or his/her assigned designee is recommended. The purpose of the meeting is to informally discuss the general concept of the proposed development, its effects on the surrounding area and the City as a whole, and the feasibility of utilizing City services. The meeting is advisory and is intended to allow both parties to express their concerns and reach mutual conclusions.
 2. Conceptual PUD. Following the preapplication meeting, the petitioner has the option to appear before the Planning and Zoning Commission to informally discuss the initial concept for the proposal. Neither party shall be required to provide a formal position statement on the proposal, and the developer shall not be required to comply with any position statement offered by either party. Refer to the "Development Application" handout, available through the Community Development Department, for specific explanations of submittal requirements, and for review procedures.
 3. Application.

Refer to the "Development Application" handout, available through the Community Development Department, for specific explanations of submittal requirements, and for review procedures.

The following persons or public bodies shall have standing to initiate a planned unit development:

- a. Any person owning real property in the City of Crystal Lake may file a petition for a planned unit development subject to the general provisions of this Ordinance. The petition shall be made in writing and shall be accompanied by maps, plans and other information as required in Section 9-200A, Required submittals, and by paying the proper filing fee.
 - b. The City Council as provided in this section.
 - c. The Planning and Zoning Commission as provided in this section.
4. Public hearing and notice. Upon receipt of a petition for a planned unit development, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission, allowing adequate time for proper notice. Notice shall be given as provided in Section 9-200L, Notice.

5. Report.

Within 45 days, or as soon as agenda schedule permits, after all pertinent information has been received from the petitioner, and as necessary from the City Staff, the petition shall be placed on the Planning and Zoning Commission agenda. The Director of Community Development may require an earlier submittal date, if the proposed PUD is expected to require additional staff review time. Hearing/meeting dates shall not be established until all required submittals are received by the Director of Community Development. The Planning and Zoning Commission shall review the proposed petition and report its findings to the City Council as provided in this section.

If the Planning and Zoning Commission fails to conclude the public hearing within 60 days from the date that the petition is scheduled for a public hearing, for whatever reason, the petitioner's request shall be deemed to have received a negative recommendation from the Planning and Zoning Commission, unless the time is specifically extended by a request from the petitioner. If the Planning and Zoning Commission fails to conclude the public hearing within the time allotted, the petition shall be forwarded to the City Council for action.

6. Recommendations. Within 45 days following the public hearing, excluding any continuation of such hearing or extensions requested by the petitioner, the Planning and Zoning Commission shall forward its recommendations to the City Council.
7. Conditions. The Planning and Zoning Commission may recommend and the City Council, in granting any planned unit development, may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such special use upon other properties in the neighborhood.
8. Action by the Council. The City Council, upon receipt thereof, may adopt, with or without modification, reject or deny, the report and recommendations of the Planning and Zoning Commission, or may refer any matter back to the Planning and Zoning Commission for further consideration. In addition, when a motion to recommend the denial of a planned unit development is approved by 2/3 of all Planning and Zoning

Commission members then holding office, or such motion to recommend denial is approved unanimously by all members present, such planned unit development shall not be approved by the Mayor and City Council except by a favorable vote of 2/3 of all of the Corporate Authorities then holding office.

9. Failure to begin the final PUD process. Approval of a preliminary PUD shall be valid for two years after approval by City Council. The City Council may, for good cause, approve an extension of the preliminary PUD. The City Council may grant one-year extensions.
10. Failure to initiate a final PUD plan. Unless the petitioner, or a successor to the petitioner, has substantially completed construction of the public improvements and has commenced construction of the uses approved in the PUD, the PUD special use permit shall automatically lapse two years after the date of approval. The City Council, upon a written petition from the holder of the planned unit development, may for good cause extend for a period of up to one additional year the period for beginning the PUD. The City Council shall be entitled to grant a one-year extension, beyond the original expiration date for the PUD and such additional one-year extensions as the City Council may approve. If the PUD special use permit lapses, under the provisions of this section, the City shall remove the PUD from the Zoning Map and, if the basic zoning classification was approved at the time of approval of the PUD by the City Council, the basic zoning district shall continue in effect.
11. Amendment to a final PUD plan. Except as provided herein, for residential planned unit developments, when amending an approved final PUD plan, unless the homeowners' association, where one is present, is authorized to act on behalf of the entire development, every property owner within the PUD is required to consent to the amendment to the PUD. The following exceptions shall apply: **[Amended 1-19-2021 by Ord. No. 7690]**

Where a planned unit development consists of different categories of dwellings (single-family attached, single-family detached, two-family and multifamily dwellings, or category as identified by the City) any amendment to a final PUD plan relating to one or more category of dwellings shall require the consent of:

- a. Ninety percent of every unit owner of properties within the category of dwellings located within the planned development to which the proposed amendment pertains. Where a homeowners' association is authorized to act on behalf of some or all of owners within such category, such consent by the homeowners' association shall be deemed sufficient with respect to the owners who are members of such consenting homeowners' association; and
 - b. Seventy-five percent of the owners of properties within category of dwellings located within the planned development to which the proposed amendment does not pertain. Where a homeowners' association is authorized to act on behalf of some or all of owners within such category, such consent by the homeowners' association shall be deemed sufficient with respect to the owners who are members of such consenting homeowners' association.
12. Formal subdivision of parcels. Formal subdivision of parcels in a planned unit development will follow the following procedures.

- a. Any parcel designated PUD at the time of adoption of this Ordinance shall not be subdivided into two or more parts for purposes of sale, whether immediate or future, unless and until a final plat of subdivision has been approved by the City Council, as regulated by this Ordinance.
 - b. If a PUD designation is sought for a parcel and no preliminary PUD plans are concurrently presented for consideration, a preliminary plat of subdivision designating the separately zoned segments must be approved by the City Council before the zoning for each segment becomes effective. Rezoning shall follow procedures set forth in this article.
- F. Watershed planned unit development. Watershed planned unit developments are special use permits and are held to additional standards, as stated below:

1. Application. **[Amended 6-3-2014 by Ord. No. 7034]**

Refer to the "Development Application - Watershed Planned Unit Developments" handout, available through the Community Development Department, for specific explanations of submittal requirements, and for review procedures. **[Amended 6-3-2014 by Ord. No. 7034]**

The following persons shall have standing to initiate a planned unit development:

- a. Any person owning real property in the City of Crystal Lake that is zoned W Watershed District in the City, or that is located in the Conservation Overlay (C) District may file a petition with the Community Development Department for a watershed planned unit development subject to the general provisions of this Ordinance. The petition shall be made in writing and shall be accompanied by maps, plans and other information as required in Section 9-200A, Required submittals, and by paying the proper filing fee.



Commentary

Upon approval of the Watershed PUD, by the City Council following recommendations from the Planning and Zoning Commission, the applicant must submit an application for a Preliminary PUD approval. The purpose of the Watershed PUD approval is to generally outline the uses, their general location on-site and density/intensity of the proposed development. The approval of specific densities/intensities for a Watershed PUD are contingent upon the approval of final engineering.

2. Watershed PUD requirements.

The applicant requesting Watershed PUD approval must submit sufficient copies of the submittal materials together with such fees as may be required. The Watershed PUD plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall generally: define the location of the areas to be devoted to particular uses, state the approximate acreage to

be devoted to the particular uses; set forth the proposed density of the dwelling units by use type and of the entire project; show existing and proposed streets and vehicular access areas; show the location of parks, open recreation areas, other open space and all public and community uses;

The applicant shall present any additional graphics or written materials reasonably requested by Planning and Zoning Commission or City Council to assist the City in visualizing and understanding the proposal.

3. Standards for approval. Based upon the following standards, the Planning and Zoning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed watershed planned unit development.
 - a. That the mix of uses and density of residential uses in the proposed Watershed PUD meet the general objectives and intent contained in the Northwest Sub-Area Plan (which is part of the Crystal Lake Comprehensive Land Use Plan), as adopted and amended.
 - b. That judicious effort has been made to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
 - c. That the plans meet (or commit to meet) the requirements of the Crystal Lake Watershed Best Management Practices Manual.
4. Procedure. Upon receipt of an application for a watershed planned unit development, the Zoning Administrator shall forward copies of application or resolution to the Council, the members of the Planning and Zoning Commission.
5. Introductory Planned Unit Development. Prior to the public hearing, the petition for a planned unit development shall be presented to the Planning and Zoning Commission. This meeting should be used to give an overview of the petition to familiarize the Planning and Zoning Commission members with the petition prior to the public hearing. **[Added 12-11-2017 by Ord. No. 7419]**
6. Public hearing and notice. Upon receipt of a petition for a watershed planned unit development, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission, allowing adequate time for proper notice. Notice shall be given as provided in Section 9-200L, Notice.
7. Report. **[Amended 6-3-2014 by Ord. No. 7034; 10-6-2020 by Ord. No. 7656]**

Within 45 days, or as soon as agenda schedule permits, after all pertinent information has been received from the petitioner, and as necessary from the City Staff, the petition shall be placed on the Planning and Zoning Commission agenda. The Director of Community Development may require an earlier submittal date, if the proposed PUD is expected to require additional staff review time. Hearing/meeting dates shall not be established until all required submittals are received by the Director of Community Development. The Planning and Zoning Commission shall review the proposed petition and report its findings to the City Council as provided in this section.

If the Planning and Zoning Commission fails to conclude the public hearing within 60 days from the date that the petition is scheduled for a public hearing, for whatever reason, the petitioner's request shall be deemed to have received a negative recommendation from the Planning and Zoning Commission, unless the time is specifically extended by a request from the petitioner. If the Planning and Zoning Commission fails to conclude the public hearing within the time allotted, the petition shall be forwarded to the City Council for action.

8. Recommendations. Within 45 days following the public hearing, excluding any continuation of such hearing or extensions requested by the petitioner, the Planning and Zoning Commission shall forward its recommendations to the City Council.
9. Conditions. The Planning and Zoning Commission may recommend and the City Council, in granting any watershed planned unit development, may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such special use upon other properties in the neighborhood.
10. Action by the Council. The City Council, upon receipt thereof, may adopt, with or without modification, reject or deny, the report and recommendations of the Planning and Zoning Commission, or may refer any matter back to the Planning and Zoning Commission for further consideration. In addition, when a motion to recommend the denial of a watershed planned unit development is approved by 2/3 of all Planning and Zoning Commission members then holding office, or such motion to recommend denial is approved unanimously by all members present, such watershed planned unit development shall not be approved by the Mayor and City Council except by a favorable vote of 2/3 of all of the Corporate Authorities then holding office. **[Amended 10-6-2020 by Ord. No. 7656]**
11. Failure to begin the preliminary PUD process. **[Amended 10-6-2020 by Ord. No. 7656]**

Approval of a Watershed PUD shall be valid for two years after approval by City Council. The City Council may, for good cause, approve an extension of the Watershed PUD. The City Council may grant one-year extensions.

If the Watershed PUD lapses, under the provisions of this section, the City shall remove the PUD from the Zoning Map and the property will remain classified in the W Watershed Zoning District.

12. Changes to the approved Watershed PUD. Any deviations from the approved Watershed PUD plan may occur only as long as they meet the criteria listed in Section 4-500E. Substantive changes from the approved watershed PUD will require the approval of the City Council with recommendations from the Planning and Zoning Commission before a Preliminary PUD application can be submitted.

G. Sign variations. **[Amended 12-20-2011 by Ord. No. 6765]**

1. Application. Any sign owner in the City of Crystal Lake and/or their authorized representative may submit an application along with the appropriate filing fee to the Zoning Administrator for a variation from the requirements of this Ordinance, as it applies to the proposed sign. Refer to the "Sign Variation Application" handout, available through the Community Development Department, for specific explanations

of submittal requirements and review procedures. **[Amended 6-3-2014 by Ord. No. 7034]**

2. Procedure. Upon receipt of a petition for a sign variation, the Zoning Administrator shall first determine that a complete submittal has been received and then schedule the request on the next available City Council agenda.
 3. Standards. The City Council shall determine, when evidence in a specific case establishes that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship, based on the standards below: **[Amended 10-6-2020 by Ord. No. 7656]**
 - a. Unique hardship: The proposed variation, if granted, will not serve merely as a convenience but alleviate some demonstrable and unusual hardship.
 - b. Not harm public welfare: The proposed variation, if granted, will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood and will not be itself, or with other signs, contribute to the creation of visual distraction which may lead to personal injury or a substantial reduction in the value of property.
 - c. Consistent with intent: The proposed variation is in harmony with the intent, purpose and objectives of the Ordinance.
 4. Conditions. The City Council, in granting any variation, may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such variation upon other properties in the neighborhood, and thus secure substantial justice.
 5. Action by Council. Any proposed variation shall be passed upon a favorable vote by a simple majority of the City Council.
- H. Alternate uses. **[Added 6-3-2014 by Ord. No. 7034¹²]**
1. Alternate uses are:
 - a. Intended to allow flexibility in the use of land or structures in the M-L or M District in the City when such uses meet appropriate conditions and performance standards that protect public health, safety and welfare;
 - b. Alternate uses that address a current need or demand but are intended for a limited time period of not more than three years, unless an extension of such time period is approved;
 - c. Judged to be presently acceptable by the City Council, but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or special use allowed within the district;
or
 - d. Reflective of anticipated long-range change to an area and which are in compliance with the Comprehensive Plan, provided that said uses maintain

12. Editor's Note: This ordinance also redesignated former Subsections H through N as Subsections I through O, respectively.

harmony and compatibility with surrounding uses and are in keeping with the architectural character and design standards of existing uses and development.

2. Specific uses are not spelled out as alternate uses in Article 2, Land Use. The Zoning Administrator, upon the applicant's request, can make the initial determination, based on the standards for alternate uses, whether a specific use, not permitted in the zoning district is eligible to seek an alternate use permit.
3. Alternate uses may only be authorized pursuant to an alternate use permit, the consideration of which shall be reviewed according to the standards and procedures for a special use permit as established by Article 9, Administration, of this Ordinance, as well as the standards set forth in this section. Depending upon the specific use requested, an alternate use permit may contain specific conditions relating to such use, including provisions that limit the time during which an alternate use may continue to operate, the location or locations where the alternate use may be permitted, and such other limitations or conditions to carry out the purposes of this Ordinance.
4. Standards for alternate uses. No alternate use permit may be granted unless the City Council determines that the use will comply with the following:
 - a. The general performance standards in Article 2, Land Use, will be met;
 - b. The use will not delay or otherwise inhibit anticipated development or redevelopment of the site;
 - c. The use will not be in conflict with any provisions of the UDO or City Code on an ongoing basis;
 - d. The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;
 - e. The property on which the use will be located is currently in compliance with all applicable Ordinance standards;
 - f. The use will not impose additional unreasonable costs on the public; and
 - g. The owner will provide an appropriate financial surety to cover the cost of removing the alternate use and any structures serving the alternate use upon the expiration of, and to the extent required under the terms of, the alternate use permit.
 - h. The use otherwise conforms to the Comprehensive Plans and zoning regulations as regards to performance standards and other requirements;
 - i. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - j. The applicant will agree in writing to any conditions City may attach to the approval of an alternate use permit to mitigate anticipated adverse impacts associated with the use, to ensure compliance with the standards of the approval, to protect the value of the property, and to achieve the goals and objectives of the Comprehensive Plan.

5. Effect of permit.
 - a. An alternate use will be authorized only for the location specified in the application and set forth in the alternate use permit.
 - b. The issuance of an alternate use permit does not confer on the property any vested right.
 6. Termination.
 - a. An Alternate use permit expires and the alternate use must terminate at the earlier of:
 - (i) Any expiration date in the alternate use permit;
 - (ii) The occurrence of any event identified in the alternate use permit for the termination of the use;
 - (iii) Revocation of the alternate use permit; or
 - (iv) An amendment of the UDO that no longer allows the alternate use.
 - b. An alternate use permit expires one year after approval if the proposed use has not commenced or a building permit for a structure to support the interim use has not been issued.
 - c. An alternate use permit expires if the alternate use ceases operation for a continuous period of at least three months, irrespective of intent.
 7. Revocation or modification. The City Council may direct staff to review an alternate use permit periodically and may revoke a permit upon violation of any condition of the permit, any law of the United States or the State of Illinois, or any City ordinance. If it is discovered after approval of the alternate use permit that the City's decision was based at least in part on false, misleading, or fraudulent information, the City Council may revoke the permit, modify the conditions or impose additional conditions to ensure compliance with this section.
- I. Administrative approvals. **[Added 8-2-2016 by Ord. No. 7247;¹³ amended 10-6-2020 by Ord. No. 7656]**
1. Application. Any property owner in the City of Crystal Lake may file a petition for such administrative approvals as may be authorized by this section of the Ordinance. The petition shall be made in writing and shall be accompanied by maps, plans and other information as required in Section 9-200A.
 2. Standards for approval.
 - a. To be eligible for an administrative variation, the petition shall meet the following standards:

13. Editor's Note: This ordinance also redesignated former Subsections I through O as Subsections J through P, respectively.

- (i) The petitioner is performing maintenance, on a legally permitted structure, which may include removal and replacement, but shall not increase the nonconformity.
 - (ii) The improvement is to meet a building code requirement; such as a stoop or landing for egress purposes that would encroach into the setback, provided the improvement is the minimum necessary to meet the code.
 - (iii) The construction of an accessory structure (deck, fence, etc.) which does not increase the nonconformity as established by the principal structure (e.g., A deck may be constructed off the rear of the house, provided it does not extend farther into the setback than the farthest point of the house. A fence, which does not meet the setback requirement for the proposed height, may be constructed, provided it does not extend farther into the setback than the house.).
 - (iv) The addition/enlargement to a nonconforming structure which does not increase the nonconformity into the setback, as established by the farthest point of the existing structure.
 - (v) The variation is the result of right-of-way taking.
 - (vi) The minimum parking space requirements of Section 4-200 cannot be met and if one of the following is met:
 - 1. The parking requirements of a specific use or development necessitate fewer parking spaces than required by this Ordinance. In support of such request, the applicant must present a trip generation and parking demand study or such other information deemed to be reliable by the Zoning Administrator which demonstrates the reduced parking demand for the development.
 - 2. For existing buildings in the Downtown District and Virginia Street Corridor, when a change of use to a more intensive use makes compliance with the required number of parking spaces impossible because of specific site constraints, the applicant may request to reduce the required number of off-street parking spaces.
 - (vii) The variation cannot be for a setback encroachment in the front yard of a lake lot.
 - (viii) An existing front porch, stoop, or deck can be covered with a roof, provided the sides remain open and the stoop or deck does not exceed a five-foot-by-five-foot area.
- b. To be eligible for an administrative special use permit, the petition shall meet the following standards:
- (i) The business received a special use permit for another location in the City.
 - (ii) The new location would meet the same SUP criteria as the previous location.

- (iii) A cannabis dispensary is not eligible to apply for an administrative special use permit.
 3. Procedure. Upon receipt of a completed application for an administrative approval, the Zoning Administrator shall set a meeting date to review the application.
 4. Notice. Petitioner shall provide a copy of the legal notice by first-class mail to each adjacent property owner. "Adjacent" shall mean across the street and kitty-corner, on either side of the lot and behind, including kitty-corner. The notice will include a letter detailing the process and how to make an objection to the request. The petitioner shall also post a sign on the zoning hearing sign on the subject property.
 5. Action. The Zoning Administrator, upon receiving no objection from the public, shall approve or deny the request. If an objection from the public is received or if the Zoning Administrator determines that the application does not meet the above standards, the request shall be referred to the Planning and Zoning Commission for final action as outlined in Section 9-200C-6h. J. Appeals and stays of proceedings.
- J. Appeals and stays of proceedings.

An appeal may be taken from any order, requirement, decision or determination of the Zoning Administrator relating to zoning matters set forth in this Ordinance by any person aggrieved thereby, or by any officer, department, board or commission of the City of Crystal Lake. The appeal shall be taken within the time prescribed by the Commission, by general rule, by filing a notice of appeal in duplicate, specifying the grounds thereof, in the office of the Zoning Administrator who shall transmit forthwith one copy to the Chairman of the Commission along with all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Commission that, by reason of facts stated in the certifications, a stay would cause imminent peril of life or property. In such case, the proceedings shall not be stayed except by a restraining order issued by the Commission or a court of record after notice to the Zoning Administrator and on due cause shown.

The Commission shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to all interested parties and shall render a written decision on the appeal without unreasonable delay. Any person may appear at the hearing and present testimony in person or by duly authorized agent or attorney. The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator.

- K. Withdrawal of application and repeated application.

1. Withdrawal of application. A petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. The application fee would be returned if no staff review has been initiated. Such withdrawal does not prohibit the petitioner from being able to re-file such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees in the same manner as any other new application.

2. Repeated application. If a request has been denied by the City Council, it or one substantially similar may not be resubmitted within 12 months of the denial, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the Zoning Administrator.
- L. Notice. Within a reasonable time following receipt of all papers and documents relating to a petition for a variation, special use, planned unit development, watershed planned unit development, map amendment (rezoning), text amendment, annexation or annexation amendment (which shall follow state statute) the public shall be notified as follows: **[Amended by Ord. No. 6543]**
1. There shall be published in the official Crystal Lake newspaper, as defined by state statutes, a notice of the time and place of a public hearing before the Planning and Zoning Commission. Such notice shall be published, not less than 15 days nor more than 30 days, prior to the hearing; shall contain the common address or location of the property for which the variation, ruling or recommendation is being sought; and shall include a brief description of the nature of the matter being heard. The responsibility for public notice is that of the petitioner.
 2. There shall be a sign posted upon the property involved in the petition, of a size and coloring and with letters of sufficient size as to be clearly legible to the public view on the nearest public way, for at least 15 consecutive days prior to the hearing. The sign shall specify the requested change in zoning, special use or variation applied for and the date of the public hearing or public comment period. The sign will be provided by the City of Crystal Lake as part of the application procedure. It shall be the owners' responsibility to post the sign, within 30 feet of the nearest public way, in front of the property, prior to the hearing or public comment period and to remove the sign within five working days after the hearing or public comment period is concluded. The petitioner shall be responsible for maintaining the visibility of the sign from said public way.
 3. In addition to the above, notice, by means of first class mail, shall be sent, by the petitioner, to the owners of all property adjoining, and within 200 feet adjacent to the property in question. The 200 feet shall not include public rights-of-way or alleys. Such notice shall be given, within 15 days but not more than 30 days, prior the hearing or public comment period. For the purpose of notice, "owner" shall mean the person, to whom the most recent statement of real property taxes on the property in question was sent, or the most current owner of record. Mailing of same shall be certified to the hearing body, as required. The petitioner shall be required to resend the notice when the matter is requested to be continued, at the petitioner's request to either a future meeting date that is at least two months beyond the original meeting date that the notice was published for or when more than three continuations are requested. **[Amended 1-18-2011 by Ord. No. 6641]**
- M. Permits. No application for a building permit, other required permits, license or certificate of occupancy shall be issued or approved which would authorize the use or change in the use of land or building by erection, moving, alteration, enlargement or occupancy, designed or intended, to be used, for a purpose or in a manner contrary, to the provisions of this Ordinance.

1. Building permit. No building or structure shall hereafter be erected or structurally altered, until a building permit shall be issued by the Building Commissioner. The building permit shall state that the building, structure or use of land complies with the regulations of this Ordinance and all applicable ordinances.

All applications for building permits shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Commissioner.

2. Certificate of occupancy.

No building or structure, hereafter erected or structurally altered, shall be occupied and used until a certificate of occupancy has been issued by the Building Commissioner. The certificate of occupancy shall be issued only after the Building Commissioner makes a finding that the building or structural alteration is in conformance with the provisions of this Ordinance and in accordance with a building permit. Evidence attesting to the location of lot lines and the as-built location of improvements shall be submitted to the City for all new buildings and structures before a certificate of occupancy is issued.

Certificates of occupancy shall be applied for or requested by the owner for work conducted in conjunction with a building permit and shall be issued within 10 days after the erection and alterations of such building shall have been satisfactorily completed. A record of all certificates shall be kept on file in the offices of the Building Commissioner and the Zoning Enforcement Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

- N. Fees. The development application fees can be found in the City Code Chapter 241-4. **[Amended by Ord. No. 6543; 1-18-2011 by Ord. No. 6641; 10-6-2020 by Ord. No. 7656]**
- O. Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall be fined not less than \$50 nor more than \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- P. Separability. Should any article, section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

