

SPECIAL DISTRICTS

ARTICLE VIII

PART V -- REDEVELOPMENT OVERLAY DISTRICT

8-501 PURPOSE

The Redevelopment Overlay District is intended to recognize that private investment undertaken to comply with the requirements of this Code may, in limited areas and circumstances existing in the Village, be counterproductive to the Village's long term land use goals and policies. Inappropriate investment in properties located in areas characterized by underdevelopment, obsolete development or development no longer in harmony with patterns emerging in the vicinity may simply delay the time when economic conditions would warrant total redevelopment of the area or may increase the ultimate cost of public programs designed to foster such redevelopment. It is the purpose of this overlay district to provide the Board of Trustees with discretion to temporarily modify, waive or vary standards of this Code when doing so will prevent such counterproductive private investment.

8-502 OVERLAY DISTRICT

The Redevelopment Overlay District appears on the Zoning Map as an "overlay district" imposed on top of other districts created by this Code and referred to in this Part as "Base Districts." Development of properties in the Redevelopment Overlay District must comply with all regulations of the base district in which they are located except to the extent that any such regulations are modified, waived or varied by a special permit granted in the overlay district. Where there is any conflict between the Redevelopment Overlay District and the base district, the provisions of the Redevelopment Overlay District shall control.

8-503 MAPPING RESTRICTIONS; PLAN REQUIRED

The Redevelopment Overlay District shall not be mapped on the zoning district map except pursuant to application to amend said map filed by the Board of Trustees pursuant to Paragraph 11-601 D(1) of this Code; provided, however, that notwithstanding the provisions of that Paragraph, no such application to map a Redevelopment Overlay District shall be filed unless accompanied by a written and graphic plan of redevelopment for the area proposed to be included in the Overlay District. Such a plan shall show the proposed final redevelopment as well as any intermediate stages or phases of redevelopment. Such a plan shall be attached to, incorporated into and approved as part of any ordinance granting approval of an application to map a Redevelopment Overlay District.

8-504 TIME LIMITATION; EXTENSION FOR CAUSE

In addition to the plan of redevelopment requirements stated in Section 8-503 of this Part, the Board of Trustees, as a part of its application to amend the Zoning Map, also shall determine the period of time the proposed Redevelopment Overlay District shall be mapped, and shall establish a specific date upon which such mapping shall automatically expire. Such period of time shall be not less than three nor more than five years. Such period of time may be extended once by the Board of Trustees for an additional period of time not exceeding 3 years, but only pursuant to an application filed by the Board of Trustees pursuant to this Section and Section 8-503 of this Part and a showing in such application that such extension is necessary and appropriate in furtherance of the purposes stated in this Part.

8-505 NO VESTED RIGHT

Nothing in this Code nor in any ordinance granting zoning for, or a special permit pursuant to, a Redevelopment Overlay District shall be construed as creating any permanent right to obtain or retain such zoning or permit, and every expenditure in reliance upon such zoning or permit shall be made with full knowledge that the Village reserves the unfettered right to grant, extend or repeal, or to refuse to grant, extend or repeal, any such zoning or permit at any time and that such zoning or permit is by its nature intended to be temporary and to create nothing more than a revocable permission to maintain a specified use, except to the extent provided in such an ordinance for zoning or a special permit. Every applicant for any permit pursuant to the provisions of this Part is charged with knowledge of this Section.

8-506 PERMITTED USES

The uses permitted in the base district shall be permitted in the Redevelopment Overlay District unless any one or more of those uses is prohibited as a condition of a special permit granted in the Overlay District.

8-507 ACCESSORY USES AND STRUCTURES

Accessory uses and structures permitted in the base district shall be permitted in the Redevelopment Overlay District unless any one or more of those uses is prohibited as a condition of a special permit granted in the Overlay District.

8-508 TEMPORARY USES

Temporary uses permitted in the base district shall be permitted in the Redevelopment Overlay District unless any one or more of those uses is prohibited as a condition of a special permit granted in the Overlay District.

8-509 SPECIAL PERMIT USES

8-509 A. Uses. Any use may be permitted in the Redevelopment Overlay District subject to the issuance of a special permit as provided in Section 11-602 of this Code; provided, however, that no such permit shall be recommended or granted except in accordance with the following standards and conditions:

1. Consistency with District Purposes and Plan. The relief granted by such permit shall be consistent with the purposes for which Redevelopment Overlay Districts may be established pursuant to Section 8-501 of this Part and with the Redevelopment Plan approved pursuant to Section 8-503 of this Part.
2. Limited Investment. The purpose of granting such permit shall be to allow a use that is intended to avoid the possibility of permanent investment in the subject property for uses, development or improvements found by the Board of Trustees to be inconsistent with the Village's long term goals and policies for the area as shown in the Redevelopment Plan approved pursuant to Section 8-503 of this Part.
3. Temporary Nature. Any use, development or improvement authorized by such a permit that does not comply with the final plan for redevelopment approved pursuant to Section 8-503 of this Code shall be of a temporary nature or limited life in the sense that it could be discontinued or relocated at a cost that the applicant certifies to be negligible and not requiring any compensation in the event its termination or relocation becomes necessary in connection with a private or public program to redevelop the area.
4. Termination. Unless the special permit shall establish a specific date or event upon which the permit shall terminate or the use, development or improvement shall be brought into compliance with the regulations of the base district, every special permit shall be conditioned upon the applicant's agreement to terminate the specially permitted use, development or improvement, and to surrender the special permit, upon not less than 12 months notice to do so given by the Board of Trustees.
5. Other Standards, Considerations and Conditions. Every use, development or improvement authorized by such a permit shall satisfy and comply with all of the standards, considerations and conditions made applicable to special permit uses pursuant to Subsections 11-602 E and 11-602 F of this Code; provided, however, that the prohibition against conditions intended to allow uses of a temporary nature shall not apply in the Redevelopment Overlay District.

8-509 B. Development Regulations. The Plan Commission may recommend and the Board of Trustees may authorize the modification, waiver or variation of the parking and loading requirements; sign regulations; buffer and landscaping requirements; use limitations; and bulk, space and yard requirements applicable in the base district subject to the issuance of a special permit as provided in Section 11-602 of this Code; provided, however, that no such modification, waiver or variation shall be so permitted except in accordance with the standards and conditions set forth in Subsection 8-509 A above.

8-510 PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those requirements is modified, waived or varied pursuant to Subsection 8-509 B of this Section.

8-511 SIGN REGULATIONS

The sign regulations applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those regulations is modified, waived or varied pursuant to Subsection 8-509 B of this Section.

8-512 BUFFERS AND LANDSCAPING

The buffering and landscaping requirements applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those requirements is modified, waived or varied pursuant to Subsection 8-509 B of this Section.

8-513 USE LIMITATIONS

The use limitations applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those limitations is modified, waived or varied pursuant to Subsection 8-509 B of this Section.

8-514 BULK, SPACE AND YARD REQUIREMENTS

The bulk, space and yard requirements applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those requirements is modified, waived or varied pursuant to Subsection 8-509 B of this Section.