

CHAPTER 1160 LIMITED OVERLAY DISTRICT

1160.01 PURPOSE.

This district is established to address situations where the underlying straight zoning district is overly broad in terms of permitted or conditional uses or where increasing one or more of the minimum development standards or adding conditions for items not covered in the underlying zoning would be appropriate. The use of this district, which is voluntary on the part of the applicant, is designed to address situations where special circumstances or conditions exist as to a particular parcel of land that do not generally apply to other parcels within the same underlying zoning districts.

Further, the objective is to provide an alternative to a Planned Unit Development District where the applicant is seeking to limit the uses or increase the minimum development standards as set forth above.

All standards of the underlying zoning district shall be applicable unless specifically superseded by the Limited Overlay District text contained within the ordinance establishing such a zoning district for any particular real estate parcel within the Village.

(Ord. 16-99. Passed 6-15-99.)

1160.02 APPLICATION.

An applicant for a Limited Overlay District shall file an application as to any lot proposed to be rezoned to any of the zoning districts set forth in Chapters 1129 through 1154 of the Zoning Code, on a form provided by or otherwise approved by Village Staff. This application will be processed together with the application to rezone the subject property and will be reviewed in the same manner as the rezoning application by Staff, the Municipal Planning Commission and Village Council.

(Ord. 16-99. Passed 6-15-99; Ord. O-04-2022 . Passed 3-1-22.)

1160.03 LIMITED OVERLAY DISTRICT DEVELOPMENT PLAN.

- (a) In addition to filing the underlying rezoning application, an applicant shall provide a signed, dated Limited Overlay District Development Plan composed of the text and site plan, as required by Staff, setting forth the reasons justifying the rezoning to this district and specifically identifying the following:
 - (1) Any and all limitation(s) to be imposed on the existing conditional or permitted uses set forth in the underlying zoning district;
 - (2) Any and all increases in the minimum development standard(s) for the underlying zoning district;
 - (3) Any additional limitations or conditions to be imposed.
- (b) All of the standards set forth in the underlying zoning district shall be applicable within this district unless the Limited Overlay District Development Plan specifically stipulates a more stringent standard. This Limited Overlay District Development Plan shall be used only to increase the standards within the underlying district and shall not be utilized or construed so as to grant a variance from or to in any way decrease the standards or requirements set forth within the underlying zoning district.

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- (c) The Limited Overlay Development Plan shall set forth with specificity each characteristic of the proposed limitations and conditions and shall be specifically referenced in the body of the ordinance establishing a limited overlay for the subject site.

(Ord. 16-99. Passed 6-15-99.)

1160.04 PROJECT SCOPE.

An application may include more than one lot provided that all lots in a specific application are contiguous to each other. For the purpose of this section, lots separated only by a public highway, street or alley are considered contiguous.

(Ord. 16-99. Passed 6-15-99.)

1160.05 PERMITTED USES.

In accordance with all other pertinent Code provisions within the Limited Overlay District, the premises or building may be used in accordance with the underlying zoning, unless the normal range of permitted or conditional uses is specifically limited by the Development Plan referenced in the ordinance passed by Council, in which event, only the more limited use or range of permitted or conditional uses shall apply.

(Ord. 16-99. Passed 6-15-99.)

1160.06 STANDARDS.

Any use of a lot within a Limited Overlay District shall meet or exceed each development standard of the underlying zoning classification unless more limited standards are specifically identified in the Limited Overlay Development Plan referenced in the ordinance passed by Council, in which event, the more limiting standard shall apply.

The Limited Overlay District standards shall in all cases be reasonable related to the accomplishment of the specified goals in the planning process and all related planning documents and shall be clear, understandable and enforceable.

(Ord. 16-99. Passed 6-15-99.)

1160.07 CONDITIONS AND LIMITATIONS.

The use of any lot subject to a Limited Overlay District shall conform to each and every condition or limitation specifically identified and imposed in the development plan referenced in the ordinance passed by Council. These conditions or limitations shall be strictly construed.

(Ord. 16-99. Passed 6-15-99.)

1160.08 AMENDMENT.

The procedures set forth in Chapter 1111, "Amendments" and all other general procedures for amending the Zoning Ordinance shall be applied to amendment of any Limited Overlay District.

(Ord. 16-99. Passed 6-15-99.)

1160.09 EFFECT OF APPROVAL OF LIMITED OVERLAY DISTRICT DEVELOPMENT PLAN.

A development plan approved pursuant to the provisions set forth herein shall run with the land to the same nature and extent as the underlying zoning.

(Ord. 16-99. Passed 6-15-99.)