

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
April 15, 2026

Agenda Item:

Ordinance No. 2026-03 regarding non-conforming lots

Motion to adopt Ordinance No. 2026-03 on first reading and authorizing the Clerk to advertise the ordinance for public hearing on May 6, 2026.

Background:

Section 9-5 of the Village’s Land Development Code (LDC) addresses the topic of non-conforming lots. When the Village incorporated and created its initial LDC, the Village adopted language from the Lee County Code.

Village staff has identified a provision of § 9-503 (addressing construction on non-conforming lots) which creates confusion as to how it is interpreted. Specifically, this section contains a provision referencing the need to comply with “due process” but no real process is set forth, and the Village Attorney has confirmed that the Village is always subject to the Constitutional Due Process Clause and so the provision at issue is unnecessary and could create confusion in any future litigation involving the provision.

In light of the foregoing, the Village staff and Village Attorney have recommended that this provision be removed from the code. Prior to final adoption of this Ordinance, the Village Planning, Zoning and Design Board will provide its review and comments to the Council.

Action Requested:

Motion to adopt Ordinance No. 2026-03 on first reading and authorizing the Clerk to advertise the ordinance for public hearing on May 6, 2026.

Process and Timeline:

If Council approves, the Village Clerk will advertise the ordinance for second reading on May 6, 2026.

Financial Impact:

There is no impact on Village funds by adoption of this ordinance.

Prepared by: Robert Eschenfelder, Village Attorney

Attachments:

1. Ordinance No. 2026-03.