

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
FEBRUARY 11, 2014 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Zoning Ordinance Draft Comprehensive Amendment	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner Community Development Director

**SYNOPSIS**

An ordinance adopting the Village of Downers Grove Zoning Ordinance (Chapter 28 of the Municipal Code) has been prepared.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011-2018 include *Top Quality Infrastructure, Strong and Diverse Local Economy and Continued Innovation*. *Zoning Ordinance Update* is a High-Priority Action Item for 2013.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was presented at the December 17, 2013 and January 14, 2014 Village Council meetings. Staff recommends further discussion by the Council. Based on Council feedback, staff will prepare a final ordinance for adoption in early 2014. At the February 11 Village Council meeting staff will cover the remaining articles in the draft document: Article 7 Parking, Article 8 Landscaping and Screening, Article 10 General Development Regulations, Article 11 Nonconformities, Article 14 Measurements and Article 15 Definitions. Staff also prepared answers to Council Questions (see attached).

**BACKGROUND**

The zoning ordinance update is one of the main tools for implementing the Village’s Comprehensive Plan. The Village’s current zoning ordinance has not undergone a comprehensive update since the 1960s. The project was established by the Village Council as a High Priority Action Item and defined to include amendments to both Chapter 28 (Zoning Ordinance) and Chapter 20 (Subdivision Ordinance). Work on the Subdivision Ordinance is continuing and is intended to conclude in 2014.

In February, 2013, the Village selected Duncan Associates to assist in the Zoning Ordinance Update. The consultant has completed the following:

- Led public meetings beginning in June
- Prepared updates for Plan Commission review each month, with input from staff
- Following several months of public hearings with the Plan Commission, prepared the attached Draft Comprehensive Amendment of the Village of Downers Grove Zoning Ordinance

The goals for the Zoning Ordinance update are to:

- Prepare a simple, attractive and easy-to-use document.
- Incorporate concepts and recommendations found in the Comprehensive Plan.
- Include updates, best practices and requests for changes initiated by the Village.

Additional explanation on how the draft ordinance meets these goals is provided below.

### *Simple, Attractive and Easy-To-Use*

Staff is preparing a new cover design for the Zoning Ordinance, which will likely be available as a stand alone document, part of the online Municipal Code or as an independent link on the website. The ordinance has been reorganized to make greater use of graphics and tables. It relies on hot links to help the user quickly find related topics both within the document and elsewhere in the Municipal Code or other documents online.

### *Comprehensive Plan Changes*

As an implementation tool for the Comprehensive Plan, the changes called for directly or by reference in the Plan are represented within the Zoning Ordinance amendments. The public process reflects a path from initial public input into the Comprehensive Plan and into the draft Zoning Ordinance language.

### *Village-Initiated Changes*

Staff recommended changes to the Zoning Ordinance to clarify confusing language, standards and measures within the current Zoning Ordinance. Staff also made recommendations for changes that would incorporate solutions for variations that are frequently granted under the existing ordinance. In addition, the consultant relied on their nationwide experience to update terminology and processes, as well as to offer newly established best practices.

### *Next Steps*

As with any comprehensive amendment to an ordinance as expansive as the Zoning Ordinance, the changes range in complexity and significance. Because the entire document has been re-worked and re-ordered, it was impractical to provide the traditional lined-through/underlined set of amendments. To help with the review of the proposed Zoning Ordinance, the consultant and staff worked together to supply a reference document, called a Concordance of Notable Changes, which highlights the prominent changes from the current Zoning Ordinance, along with the source for the requested amendments (e.g., the section of Zoning Ordinance coupled with the Comprehensive Plan page reference). The draft ordinance itself also includes notes, footnotes and explanations to aid in your review, typically in a blue font. While copies of these materials and notes will be retained, the adopted Zoning Ordinance will not include the Concordance and the blue explanatory notes.

During the next few months, opportunities will be provided for more discussion regarding the content of the proposed Zoning Ordinance. At the conclusion of the discussion period a final draft will be presented to the Village Council for adoption.

### **ATTACHMENTS**

Draft Comprehensive Amendment to the Zoning Ordinance  
Concordance of Notable Changes  
Staff Responses to Council Questions

# DOWNERS GROVE ZONING ORDINANCE

Consolidated Public Review Draft

(as recommended by plan commission 11.04.2013)

November 11, 2013

## Consolidated Public Review Draft

This draft of Downers Grove's proposed new zoning ordinance was recommended for approval by the village plan commission at their November 4, 2013 meeting.

Footnotes<sup>1</sup> and markings [underline (new/changed material) and ~~strikethrough~~ (deleted material)] included in the initial drafts have been retained in this consolidated public review draft.

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<sup>1</sup> Footnotes have this appearance throughout the document.

# Chapter 28 | Zoning

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### Sec. 1.010 Official Name (Title)

The official name of this chapter (Chapter 28) is the “Zoning Ordinance of the Village of Downers Grove, Illinois.” For convenience, it is referred to throughout this chapter as the “zoning ordinance.”

### Sec. 1.020 Authority

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois law.

### Sec. 1.030 Effective Date

The provisions of this zoning ordinance become effective on [effective date to be inserted], except as otherwise expressly stated.

### Sec. 1.040 Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all public and private development within the village, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance.

### Sec. 1.050 Exempt Utilities

The provisions of this zoning ordinance do not apply to the type, location or use of poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar transmission or distribution equipment (except substations or other similar structures erected above ground level) of a public utility under the jurisdiction of the Illinois Commerce Commission or a municipally owned utility, provided that the installation of such facilities must conform with all other applicable laws and regulations.

### Sec. 1.060 Purposes

This zoning ordinance is adopted for the purposes of:

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<sup>2</sup> The provisions of this article have been reorganized and edited, but no substantive changes are included unless expressly stated.

- A. protecting and promoting the public health, safety and general welfare; and
- B. implementing the policies and goals contained with the comprehensive plan and other officially adopted plans of the village.

**Sec. 1.070 Minimum Requirements**

- A. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purpose and intent.
- B. In addition to the requirements of this zoning ordinance, all uses and development and construction activities must comply with all other applicable ordinances, laws and regulations.
- C. All references in the zoning ordinance to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the village to enforce regulations imposed by other government authorities.

**Sec. 1.080 Compliance Required**

- A. Structures may not be occupied, used, erected, reconstructed, structurally altered, or enlarged, and uses may not be located, commenced or continued, unless such structure or use complies with all applicable provisions of this zoning ordinance.
- B. Building permits, certificates of occupancy, or other required permits or licenses, may not be approved, and permits or licenses may not be issued by any other village department that would authorize the use or change in use of any land or structure contrary to the provisions of this zoning ordinance, or for the erection, moving, alteration, enlargement or occupancy of any structure designed or intended to be used for a purpose or in a manner contrary to the provisions of this zoning ordinance.
- C. Lots improved with a structure may not be divided into 2 or more lots, and portions of any lot that is improved with a structure may not be sold, unless all lots resulting from the division or sale and all improvements on such lots comply with the lot and building regulations of the subject zoning district.

**Sec. 1.090 Conflicting Provisions**

- A. **Conflict with State or Federal Regulations**  
If the provisions of this zoning ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.
- B. **Conflict with Other Village Regulations**  
If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the village, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.
- C. **Conflict with Private Agreements and Covenants**  
This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of

this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern.

**Sec. 1.100 Rules of Language and Construction**

**A. Meanings and Intent**

The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in [Chapter 1](#) of the municipal code or in this zoning ordinance have the specific meanings assigned unless the context indicates another meaning. In cases of conflict between the definitions in Chapter 1 of the municipal code and those of this zoning ordinance, the zoning ordinance definitions govern. Words that are not expressly defined in [Chapter 1](#) of the municipal code or this zoning ordinance have the meaning given in the latest edition of Merriam-Webster’s Unabridged Dictionary.

**B. Public Officials and Agencies**

All employees, public officials, bodies and agencies to which references are made are those of the Village of Downers Grove unless otherwise expressly stated.

**C. Computation of Time**

1. References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular village government working days, excluding Saturdays, Sundays and holidays observed by village government.
2. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by village government, that day is excluded.
3. A day concludes at the close of business of village hall and any materials received after that time will be considered to have been received the following day.

**D. Tenses and Usage**

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The words “must,” “will,” “shall” and “may not” are mandatory.
4. The word “should” is advisory, not mandatory or required.
5. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”
6. The word “person” includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.
7. The words “used” and “occupied” include “intended, designed or arranged to be used or occupied.”

**E. Conjunctions**

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

1. “and” indicates that all connected items or provisions apply; and
2. “or” indicates that the connected items or provisions may apply singularly or in combination.

**F. Headings and Illustrations**

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

**G. Current Versions and Citations**

All references in this zoning ordinance to other village, state or federal regulations refer to the most current version and citation for those regulations, unless otherwise expressly indicated.

**H. Lists and Examples**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

**I. Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the village to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such a delegation.

**Sec. 1.110 Zoning Map**

**A. Establishment<sup>3</sup>**

The location and boundaries of the zoning districts established by this zoning ordinance are shown on a geographic coverage layer entitled “Zoning” that is maintained as part of a geographic information system (GIS) maintained by the village. This “Zoning” geographic coverage layer constitutes the village’s official zoning map. The official zoning map—together with all notations, references, data and other information shown on the map—is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as it would be if it were actually depicted within its pages.

**B. Maintenance, Updates and Publishing**

The community development director is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). Unauthorized persons may not alter or modify the official zoning map. The zoning map must be published annually as required by law.

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<sup>3</sup> This provision has been revised to reflect the digital nature of modern zoning maps.

**C. Map Interpretations**

Where any uncertainty exists about a zoning boundary, the community development director is authorized to refer the matter to the zoning board of appeals for a determination or make an administrative interpretation using the following rules of interpretation:

1. A boundary shown on the zoning map as approximately following lot lines or section lines will be construed as following those lot lines or section lines.
2. A boundary shown on the zoning map as approximately following a street, alley or railroad line will be construed as following the centerline of the street, alley or railroad right-of-way.
3. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.
4. A boundary shown on the zoning map as approximately following the shoreline or centerline of a river, stream, lake or other water body will be construed as following the actual shoreline or centerline of that water body. If, subsequent to the establishment of the boundary, the shoreline or centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the shoreline or centerline of the water body.
5. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

**D. Zoning of Public Ways and Railroad Rights-of-way**

All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, will be deemed to be in the same zoning district as the property in the most restrictive classification immediately abutting the street, alley, public way or railroad rights-of-way. If the centerline of a street, alley, public way or railroad right-of-way serves as a zoning district boundary, the zoning of such areas, unless otherwise specifically designated, will be deemed to be the same as that of the abutting property up to the centerline.

**E. Zoning of Annexed Land**

When land is annexed or otherwise brought into the zoning jurisdiction of the village, it may be automatically classified in the R-1 district or, simultaneously with the petition for annexation, be assigned a zoning classification based on the comprehensive plan, existing land uses, approved development agreements or other relevant land use planning criteria.

**Sec. 1.120 Transitional Provisions**

The provisions of this section address the transition from the previous zoning ordinance (the one in effect before the effective date specified in [Sec. 1.030](#)) to this zoning ordinance.

**A. Applications, Permits and Approvals**

1. Any building, development or structure for which a building permit was issued or a complete permit application had been accepted for processing before the effective date specified in [Sec. 1.030](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building is

not commenced and completed within the time allowed under the original building permit, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

2. Applications for special uses, temporary uses, variations or other zoning approvals that were submitted in complete form and are pending approval on the effective date specified in [Sec. 1.030](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately before the effective date specified in [Sec. 1.030](#). Building permits for construction and development approved under such zoning approvals may be issued even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the building permit, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.
3. When a use classified as a special use under this zoning ordinance exists as an approved special use or permitted use on the effective date specified in [Sec. 1.030](#), that use will be considered a lawfully established special use under this zoning ordinance. When any amendment to this zoning ordinance changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of [Article 11](#).

#### **B. Violations Continue**

1. Any violation of the previous zoning ordinance will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under [Article 13](#).
2. If the use, development, construction or other activity that was a violation under the previous zoning ordinance complies with the express terms of this zoning ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in [Sec. 1.030](#).
3. The adoption of this zoning ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date specified in [Sec. 1.030](#).

#### **Sec. 1.130 Severability**

If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning ordinance and in no way affects or diminishes the validity of the remainder of the zoning ordinance.

## Article 2 | Residential Districts

Sec. 2.010	The Districts .....	2-1
Sec. 2.020	Allowed Uses .....	2-1
Sec. 2.030	Lot and Building Regulations .....	2-1
Sec. 2.040	Generally Applicable Regulations.....	2-4

### Sec. 2.010 The Districts

#### A. List

The village’s residential zoning districts are listed in [Table 2-1](#). When this zoning ordinance refers to “residential” zoning districts or “R” districts, it is referring to the districts in [Table 2-1](#).

*Table 2-1: Residential Zoning Districts*

Map Symbol	District Name
R- 1	Residential Single-family 1
R- 2	Residential Single-family 2
R- 3	Residential Single-family 3
R- 4	Residential Single-family 4
R-5	Residential Two-family
<del>R-5A</del>	<del>Residential Townhouse</del>
R-6	Residential Multi-family

#### B. Description

Downers Grove’s residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential uses are also allowed.

### Sec. 2.020 Allowed Uses

Principal uses are allowed in R districts in accordance with [Table 5-1](#).

### Sec. 2.030 Lot and Building Regulations

The lot and building regulations of [Table 2-2](#) apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Article 14](#). Additional regulations governing accessory uses and structures can be found in [Sec. 6.010](#). See also [Figure 2-1](#).

*Table 2-2: R District Lot and Building Regulations*

Regulations	R-1	R-2	R-3	R-4	R-5	<del>R-5A</del>	R-6
Minimum District Area (square feet)	20,000	15,000	10,500	7,500	87,120	<del>87,120</del>	87,120
<b>L1</b> Minimum Lot Area (square feet)							
Detached house	20,000	15,000	10,500	7,500	7,500	<del>7,500</del>	7,500

Regulations	R-1	R-2	R-3	R-4	R-5	R-5A	R-6
Attached house (applies to development not individual units)	–	–	–	–	8,000 <sup>4</sup>		10,500
Two-unit house	–	–	–	–	10,500	<del>10,500</del>	10,500
Apartment/condo	–	–	–	–	–	–	10,500
Other buildings/uses <sup>5</sup>	20,000	15,000	10,500	7,500	10,500	<del>10,500</del>	10,500
<b>Minimum Lot Area per Dwelling Unit (square feet)</b>							
Detached house	20,000	15,000	10,500	7,500	7,500	<del>7,500</del>	7,500
Attached house	–	–	–	–	4,000	<del>4,000</del>	2,500 <sup>6</sup>
Two-unit house	–	–	–	–	5,250	<del>5,250</del>	5,250
Apartment/condo	–	–	–	–	–	–	1,000
Other buildings/uses	–	–	–	–	–	–	–
<b>L2 Minimum Lot Width (feet)</b>							
Detached house	100	85	75	50	50	<del>50</del>	50
Attached house	–	–	–	–	80	<del>80</del>	80
Two-unit house	–	–	–	–	80	<del>80</del>	80
Apartment/condo	–	–	–	–	–	–	80
Other buildings/uses	100	85	75	50	80	<del>80</del>	80
<b>L3 Minimum Street Frontage</b>	40	40	40	40	40		40
<b>Minimum Building Setbacks</b>							
<b>S1 Street (feet)</b>	40	35	30	25	25	<del>25</del>	25
<b>S2 Side (interior) (% lot width/feet, whichever is greater)</b>	[1]	10/7	10/6	10/5	10/5	<del>10/5</del>	10/5[2]
<b>S3 Rear (feet)</b>	20	20	20	20	20	<del>20</del>	20
<b>Maximum Floor Area Ratio</b>							
Residential	–	–	–	–	–	–	1.50
Nonresidential	0.60	0.60	0.60	0.60	0.80	<del>0.80</del>	1.50
<b>C Maximum Building Coverage (% of lot, principal + accessory)</b>	32	32	32	32	32	<del>32</del>	40
<b>Maximum Building Height (feet)<sup>8</sup></b>							
Overall (highest point)	35	35	35 <sup>9</sup>	35	35	<del>35</del>	35
Eave [3]	25	25	25	25	25	<del>25</del>	–
<b>Minimum Dwelling Unit Floor Area (square feet)</b>							
Detached house	<del>1,200</del>	<del>1,200</del>	<del>950</del>	<del>950</del>	<del>950</del>	<del>950</del>	<del>950</del>
Attached house	–	–	–	–	950	950	950
Two-unit house	–	–	–	–	950	950	950
Apartment/condo							
Studio or 1-bedroom	–	–	–	–	–	–	400
2-bedroom unit	–	–	–	–	–	–	620
3+ bedroom unit	–	–	–	–	–	–	750

Notes to Table 2-2

- [1] R-1 minimum side setback is 10% of lot width or 10 feet, whichever is less, with no side setback less than 7 feet.
- [2] Minimum interior side setback for apartment/condo or nonresidential building on lots abutting R-1 through R-5A districts is 20 feet, plus one foot of additional setback for each foot of building height above 20 feet. See [Figure 2-2](#).

<sup>4</sup> Two-unit attached house projects are not currently expressly allowed in the R-5 district, but the district already allow two-unit residential buildings (duplexes).

<sup>5</sup> Lot area for nonresidential uses not expressly stated under current ordinance.

<sup>6</sup> Current density standard is based on bedroom count: ranges from 1,000 to 3,000 square feet per unit.

<sup>7</sup> This is a very slight change; currently, multi-family and nonresidential buildings require setback equal to 10% of lot width or 7 feet, whichever is less.

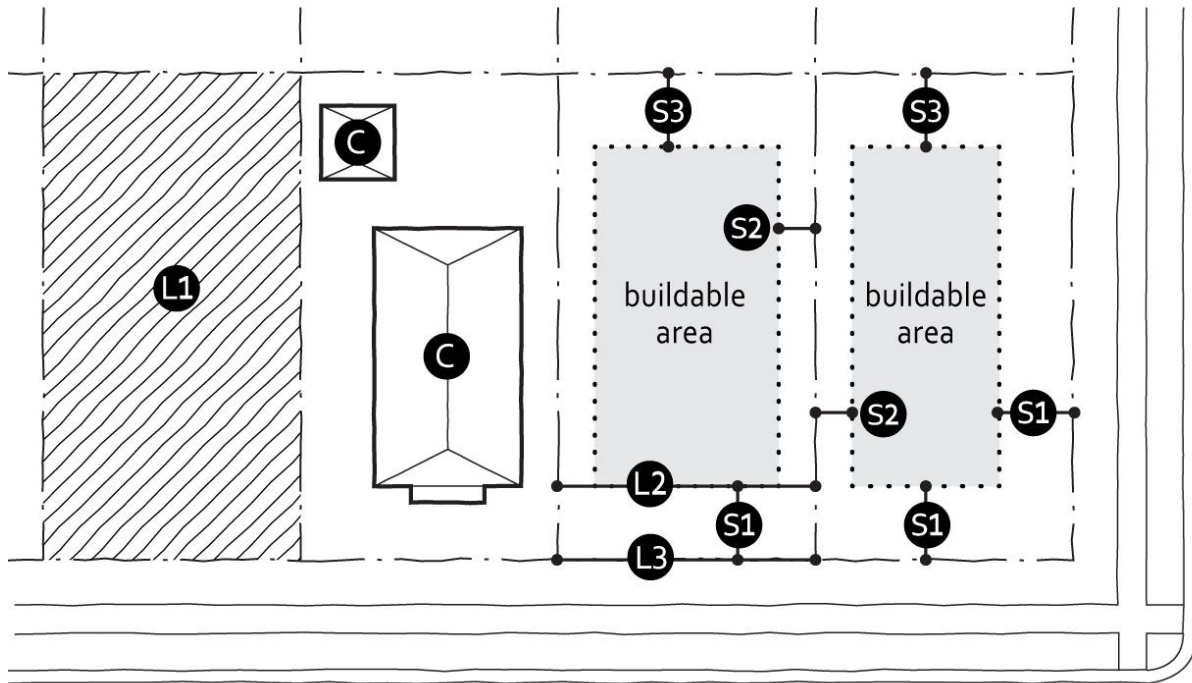
<sup>8</sup> Proposed change. Currently, nonresidential buildings are not subject to height limits but are required to provide additional setbacks if buildings exceed residential height limits.

<sup>9</sup> Height limit in R-3 and R-4 is currently 33 feet.



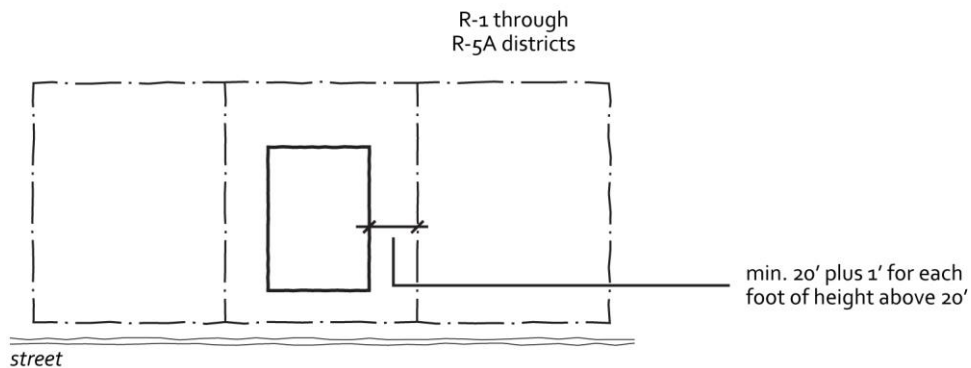
- [3] The maximum eave height regulation does not apply to dormers, provided that individual dormers do not exceed 4.5 feet in width and the combined width of all dormers projecting from a single side of the building does not exceed 25% of the length of that side of the building and the dormers are separated by a distance of at least 5 feet. See [Figure 2-3](#).

Figure 2-1: Lot and Building Regulation Diagram



- L1** Minimum lot area
- L2** Minimum lot width
- L3** Minimum street frontage
- C** Maximum building coverage  
(% of lot, principal + accessory)
- S1** Minimum street setback
- S2** Minimum interior side setback
- S3** Minimum rear setback

Figure 2-2: Apartment/condo and Nonresidential Building Setbacks



*Figure 2-3: Dormer Exception to Eave Height Regulation*



**Sec. 2.040 Generally Applicable Regulations**

Uses and structures in residential zoning districts may be subject to other regulations and standards, including the following.

- A. Nonconformities**  
See [Article 11](#).
- B. Accessory Uses and Structures**  
See [Sec. 6.010](#).
- C. Parking**  
See [Article 7](#).
- D. Fences**  
See [Sec. 10.010](#).
- E. Signs**  
See [Article 9](#).
- F. Landscaping and Screening**  
See [Article 8](#).
- G. Outdoor Lighting**  
See [Sec. 10.030](#).

## Article 3 | Business and Employment Districts

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### Sec. 3.010 The Districts

#### A. List

The village’s business and employment zoning districts are listed in [Table 3-1](#). When this zoning ordinance refers to “business and employment” zoning districts or to “B,” “O” or “M” districts, respectively, it is referring to the districts in [Table 3-1](#).

*Table 3-1: Business and Employment Zoning Districts<sup>10</sup>*

Map Symbol	District Name
B-1	Limited Retail Business
B-2	General Retail Business
B-3	General Services and Highway Business
O-R	Office-Research
O-R-M	Office-Research-Manufacturing
M-1	Light Manufacturing
M-2	Restricted Manufacturing

#### B. Description

Downers Grove's business and employment zoning districts are generally intended to accommodate and promote retail, service, business and employment uses.

##### 1. B-1, Limited Retail Business District

The B-1 district is primarily intended to accommodate small-scale retail and service businesses that serve residents of abutting neighborhoods. It is generally intended to be applied to sites with frontage on a ~~major~~ collector or higher-level street and in locations that can be safely accessed via motorized and nonmotorized transportation.

##### 2. B-2, General Retail Business District

The B-2 district is primarily intended to accommodate retail and service businesses that serve a village-wide or larger trade area. It is generally intended to be applied to sites ~~at the convergence of major traffic arteries~~ with frontage on at least one arterial street.

##### 3. B-3, General Services and Highway Business District

The B-3 district is primarily intended to accommodate very large retail and service establishments, business establishments that generate large volumes of automobile traffic, high-impact commercial and limited manufacturing activities.

<sup>10</sup> The existing downtown districts (DB & DT) are not included here. They are included in the “special districts” article.

4. **O-R, Office-Research District**  
The O-R district is primarily intended to accommodate research & development activities in office-like settings.
5. **O-R-M, Office Research and Manufacturing District**  
The O-R-M district is primarily intended to accommodate research & development and limited manufacturing, processing and assembly activities.
6. **M-1, Light Manufacturing District**  
The M-1 district is primarily intended to accommodate office, research and employment uses, including very low-impact industrial activities.
7. **M-2, Restricted Manufacturing District**  
The M-2 district is primarily intended to accommodate office, research and employment uses, including low-impact industrial activities.

**Sec. 3.020 Allowed Uses**

Principal uses are allowed in business and employment districts in accordance with [Table 5-1](#).

**Sec. 3.030 Lot and Building Regulations**

The lot and building regulations of [Table 3-2](#) apply to all principal uses and structures in B, O and M districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Article 14](#). Additional regulations governing accessory uses and structures can be found in [Sec. 6.010](#). See also [Figure 2-1](#).

*Table 3-2: B, O and M District Lot and Building Regulations*

Regulations		B-1	B-2	B-3	O-R	O-R-M	M-1	M-2
	Minimum District Area (acres)	2	4	4	10	5 <sup>[1]</sup>	6	6
<b>L1</b>	Minimum Lot Area (square feet)	–	–	–	–	20,000	20,000	20,000
	Minimum Lot Area Per Dwelling Unit (square feet)	Same as R6			–	–	–	–
	Maximum Floor Area Ratio (FAR)	0.40 <sup>[11]</sup>	0.75	0.75	0.75 <sup>[2]</sup>	0.80/1.00 <sup>[3]</sup>	1.00	1.00
	Maximum Building Coverage (% of lot)	–	–	–	–	–	60	60
	Building Setbacks (feet)							
<b>S1</b>	Street (see also <a href="#">Sec. 3.040</a> )	25	25	25	75 <sup>[6]</sup> <sup>[12]</sup>	35 <sup>[7]</sup>	35 <sup>[7]</sup>	35 <sup>[7]</sup> <sup>[12]</sup>
<b>S1</b>	Side (interior)	– <sup>[4]</sup>	– <sup>[4]</sup>	– <sup>[4]</sup>	30 <sup>[6]</sup>	10 <sup>[8]</sup>	10 <sup>[8]</sup>	20 <sup>[7]</sup> <sup>[9]</sup>
<b>S3</b>	Rear (residential floors)	30	30	30	–	–	–	–
<b>S3</b>	Rear (nonresidential floors)	– <sup>[5]</sup>	– <sup>[5]</sup>	– <sup>[5]</sup>	50 <sup>[6]</sup>	10 <sup>[8]</sup>	10 <sup>[8]</sup>	20 <sup>[7]</sup> <sup>[9]</sup>
	Min. Landscaped Open Space (% of lot) <sup>[10]</sup>	10	10	10	20	15	10 <sup>[11]</sup>	10
	Maximum Building Height (feet)	35	35	60	112	126/140 <sup>[3]</sup>	35	35

Notes to Table 3-2

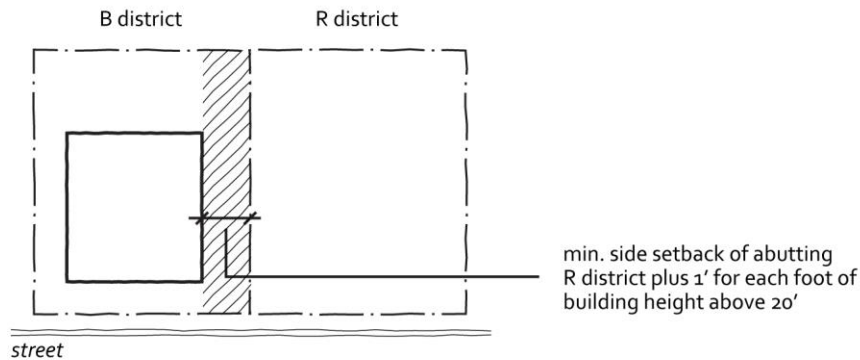
- [1] No min. district area required north of Ronald Reagan Memorial Tollway or to property zoned M-1 or M-2 on 10-25-1982.
- [2] Buildings with a floor area ratio (FAR) in excess of 0.50 are subject to the following: (1) required parking for floor area in excess of 0.50 FAR must be located underground or in parking garage and (2) landscaped open space must be provided on at least 20% of the lot.
- [3] South of Ronald Reagan Memorial Tollway/North of Ronald Reagan Memorial Tollway.
- [4] On lots abutting R districts, minimum side setback of abutting R district must be provided, plus one foot of additional setback for each foot of building height above 20 feet. See [Figure 3-1](#).

<sup>11</sup> Existing maximum floor area limit (10,000 sq. ft.) has been eliminated.

<sup>12</sup> Existing ordinance includes a minimum 100-foot setback from residential, which has not included in this draft.

- [5] On lots abutting rear lot line of property in R district, a minimum 20-foot rear setback is required, plus one foot of setback per foot of building height above 20 feet. On lots abutting side lot line of property in R district, minimum side setback of abutting R district must be provided, plus one foot of additional setback per foot of building height above 20 feet.
- [6] Plus one foot of additional setback for foot of building height above 50 feet.
- [7] Plus one foot of additional setback for each 2 feet of building height above 35 feet.
- [8] On lots abutting property in R district, a minimum 30-foot setback is required, plus one foot of additional setback for each 2 feet of building height above 20 feet. Parking must be set back at least 15 feet from abutting R district.
- [9] Minimum 75-foot setback required abutting R district.
- [10] At least 50% of required landscaped open space must be located in the street yard.
- [11] No minimum street yard landscaping required for properties abutting ~~Ronald Reagan Memorial Tollway I-355~~ and frontage along west side of Thatcher Road.

Figure 3-1: Side Setbacks Abutting R Districts



**Sec. 3.040 Special Street Setback Requirements**

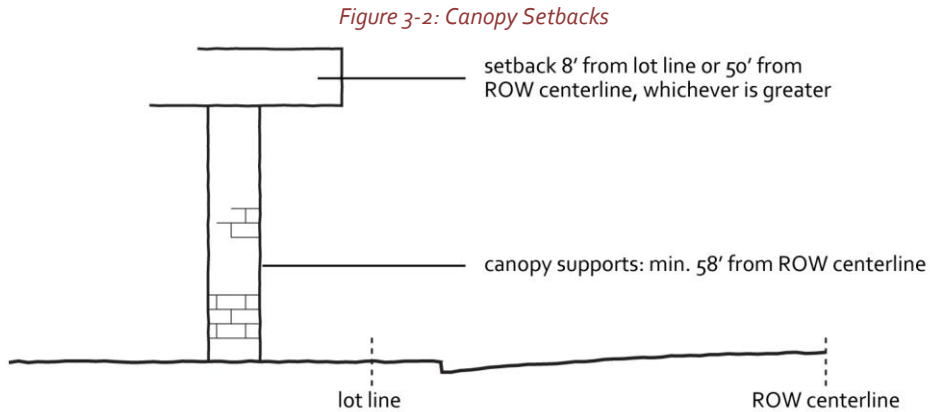
Special street setback requirements are established to reflect existing neighborhood conditions, historical building patterns and other unique context issues. The special street setback requirements of [Table 3-3](#) govern in the case of conflict with the lot and building regulations in [Table 3-2](#).

Table 3-3: Special Street Setback Requirements in B, O and M District

Street Frontage or Area <sup>[1]</sup>	B-1	B-2	B-3	O-R	O-R-M	M-1	M-2
<b>Douglas Road</b> (between Rogers Street and Maple Ave.)	–	–	–	–	–	10	–
<b>Fairview Concentrated Business District</b>	8	8	8	–	–	–	–
<b>Inverness Road, North Side</b> (between Belmont Road and Janes Ave.)	–	–	–	–	–	25	–
<b>Maple Avenue, South Side</b>	–	–	–	–	10	10	–
<b>Ogden Avenue</b> (from ROW centerline)							
Principal and accessory buildings	75	75	75	–	75	75 <sup>[4]</sup>	–
Canopy	50 <sup>[2]</sup>	50 <sup>[2]</sup>	50 <sup>[2]</sup>	–	–	–	–
Other (e.g., parking, fences, light poles)	50	50	50 <sup>[3]</sup>	–	50	50 <sup>[4]</sup>	–
<b>Rogers Street, South Side</b> (between Prospect Ave. and Fairview Ave.)	–	–	–	–	–	10 <sup>[5]</sup>	–
<b>Second Street, North Side</b> (between Fairview Ave. and Wilcox Ave.)	50	–	–	–	–	–	–
<b>Second Street</b> (between Wilcox Ave. and Cumnor Road)	–	–	–	–	–	60	–
<b>Warren Avenue, South Side</b> (between Lee Street and Saratoga Ave.)	–	–	–	–	–	10 <sup>[5]</sup>	–

Notes to Table 3-3

- [1] All setbacks measured in feet from lot line unless otherwise expressly indicated.
- [2] Or 8 feet from lot line, whichever provides the greater setback. Vertical canopy supports subject to 58-foot minimum setback from ROW centerline. See [Figure 3-2](#).
- [3] Setback for parking and vehicle display reduced to 8 feet along non-Ogden (corner) street frontage.
- [4] Setback reduced to 8 feet along non-Ogden (corner) street frontage.
- [5] Applies only to lots that were classified for manufacturing uses as of January 1, 1950.



**Sec. 3.050 Outdoor Display and Storage**

- A. Except as otherwise expressly provided in this zoning ordinance, and except for **authorized** temporary uses authorized in Chapter 4 of the municipal code, all allowed uses must be conducted within completely enclosed buildings.
- B. Outdoor storage is allowed only in the O-R-M, M-1 and M-2 districts.
  - 1. In O-R-M and M-1 districts, outdoor storage areas must be set back at least 150 feet from all property lines and enclosed by a solid fence or wall 8 feet in height, including solid doors or gates.
  - 2. In M-2 districts, outdoor storage areas must be set back at least 500 feet from all R districts and enclosed by a solid fence or wall 8 feet in height, including solid doors or gates.

**Sec. 3.060 Generally Applicable Regulations**

Uses and development in business and employment zoning districts may be subject to other regulations and standards, including the following.

- A. **Nonconformities**  
See [Article 11](#).
- B. **Accessory Uses and Structures**  
See [Sec. 6.010](#).
- C. **Parking**  
See [Article 7](#).
- D. **Fences**  
See [Sec. 10.010](#).
- E. **Signs**  
See [Article 9](#).
- F. **Landscaping and Screening**  
See [Article 8](#).
- G. **Outdoor Lighting**  
See [Sec. 10.030](#).

## Article 4 | Special Purpose Districts

Sec. 4.010	D, Downtown Districts .....	4-1
Sec. 4.020	INP, Institutional and Public Districts .....	4-4
Sec. 4.030	PUD, Planned Unit Development Overlay District .....	4-6

### Sec. 4.010 D, Downtown Districts

#### A. List

The village’s downtown zoning districts are listed in [Table 4-1](#). When this zoning ordinance refers to “downtown” zoning districts or to “D” districts, it is referring to the districts in [Table 4-1](#).

*Table 4-1: Downtown Zoning Districts*

Map Symbol	District Name
DB	Downtown Business
DT	Downtown Transition

#### B. Description<sup>13</sup>

##### 1. DB, Downtown Business

The DB, Downtown Business zoning district regulations are intended to maintain and promote a vibrant and compact central business district area for living, shopping, dining and entertainment. The district regulations are further intended to encourage a broad range of uses and high-quality development. The DB district is designed for the types of development appropriate in the downtown business area. It is intended to be mapped only in the area shown on the zoning map as of June 7, 2005, except that:

- a. the DB Downtown Business District may be mapped on property contiguous to that area on property classified as of June 7, 2005, within the DT district; and
- b. upon a finding by the village council that there exists specific extraordinary circumstances, the DB district may be mapped on property classified within other zoning districts abutting the existing DB District.

##### 2. DT, Downtown Transition

The DT, Downtown Transition zoning district regulations are intended to accommodate and promote transitional land uses and development patterns between the DB zoning district and nearby low-density residential areas. The regulations are intended to help prevent intensive downtown development from encroaching into stable residential areas and to prevent low-density residential development from encroaching into the downtown area. The DT district is intended to be mapped only abutting the DB district.

#### C. Allowed Uses

Principal uses are allowed in downtown districts in accordance with [Table 5-1](#).

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<sup>13</sup> The existing DB district “mapping guidelines” have not been carried over in this draft.

**D. Lot and Building Regulations**

The lot and building regulations of [Table 4-2](#) apply to all principal uses and structures in D districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Article 14](#). Additional regulations governing accessory uses and structures can be found in [Sec. 6.010](#). See also [Figure 2-1](#).

*Table 4-2: D District Lot and Building Regulations*

Regulations		DB	DT
<b>L1</b>	<b>Minimum Lot Area</b> (square feet)		
	Detached house	–	7,500
	Attached house (applies to development not individual units)	–	10,500
	Two-unit house	–	10,500
	Apartment/condo	–	10,500
	Other nonresidential buildings/uses	–	7,500
	<b>Minimum Lot Area per Dwelling Unit</b> (square feet)	800	4,000[1]
<b>L2</b>	<b>Minimum Lot Width</b> (feet)	–	50
	<b>Minimum Building Setbacks</b> (feet)		
<b>S1</b>	Street	–[2]	10[3]
<b>S2</b>	Side (interior)	–[4]	5
<b>S3</b>	Rear	–[5]	20
	<u>Build-to Zone</u>		
	<u>Minimum/maximum (feet)</u>	<u>0/10</u>	<u>–</u>
	<u>Minimum percent of building in primary street BTZ</u>	<u>80</u>	<u>–</u>
	<u>Minimum percent of building in secondary street BTZ</u>	<u>30</u>	<u>–</u>
	<b>Maximum Floor Area Ratio</b>		
	Apartment/condo	–	2.5
	Nonresidential	–	2.5
<b>C</b>	<b>Maximum Building Coverage</b> (% of lot, principal + accessory)	–	–
	<b>Building Height</b> (feet)		
	Maximum	70	60[6]
	<u>Minimum</u>	<u>32</u>	<u>–</u>
	<b>Minimum Dwelling Unit Floor Area</b> (square feet)		
	<del>Detached house</del>	<del>950</del>	<del>950</del>
	<del>Attached house</del>	<del>950</del>	<del>950</del>
	<del>Two-unit house</del>	<del>750</del>	<del>750</del>
	<del>Apartment/condo</del>		
	<del>Studio</del>	<del>400</del>	<del>400</del>
	<del>1-bedroom unit</del>	<del>500</del>	<del>500</del>
	<del>2-bedroom unit</del>	<del>620</del>	<del>620</del>
	<del>3+ bedroom unit</del>	<del>750</del>	<del>750</del>

- [1] Does not apply to detached houses or apartment/condo projects.
- [2] When the extension of a front or street side lot line coincides with a front or street side lot line of an abutting R-zoned lot, a street setback must be provided on the DB-zoned lot. The street setback in such cases must extend at least 35 feet from the abutting R-zoned lot and be at least as deep as the street setback required on the abutting R-zoned lot. A street setback at least 8 feet in depth must be provided along the remainder of the front or street side lot line. See [Figure 4-1](#).
- [3] No street setback required if street lot line abuts DB zoning districts.
- [4] A side setback is required when abutting the side or rear lot line of an R-zoned lot. The setback must be at least as deep as the side setback required on the abutting R-zoned lot, plus one foot of additional setback for each foot of building height in excess of 20 feet. See [Figure 4-2](#).
- [5] A rear setback is required when abutting the side or rear lot line of an R-zoned lot. When abutting the rear lot line of an R-zoned lot, the setback must be at least 20 feet in depth, plus one foot of additional setback for each foot of building height in excess of 20 feet. When abutting the side lot line of an R-zoned lot, the setback must be at least as deep as the side setback required on the abutting R-zoned lot, plus one foot of additional setback for each foot of building height in excess of 20 feet. See [Figure 4-3](#).



[6] Detached houses, attached houses and two-unit houses subject to 35-foot maximum height.

Figure 4-1: DB District Street Setback Abutting R-Zoned Lot

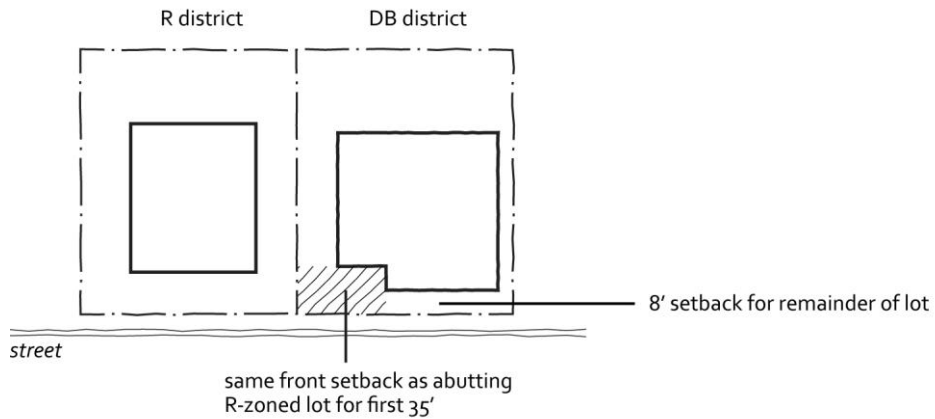


Figure 4-2: DB District Side Setback Abutting R-Zoned Lot

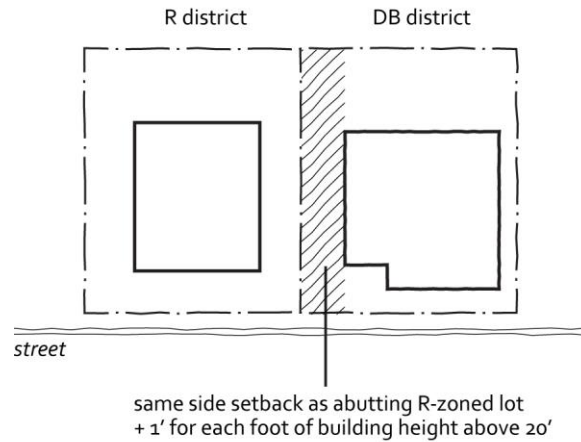
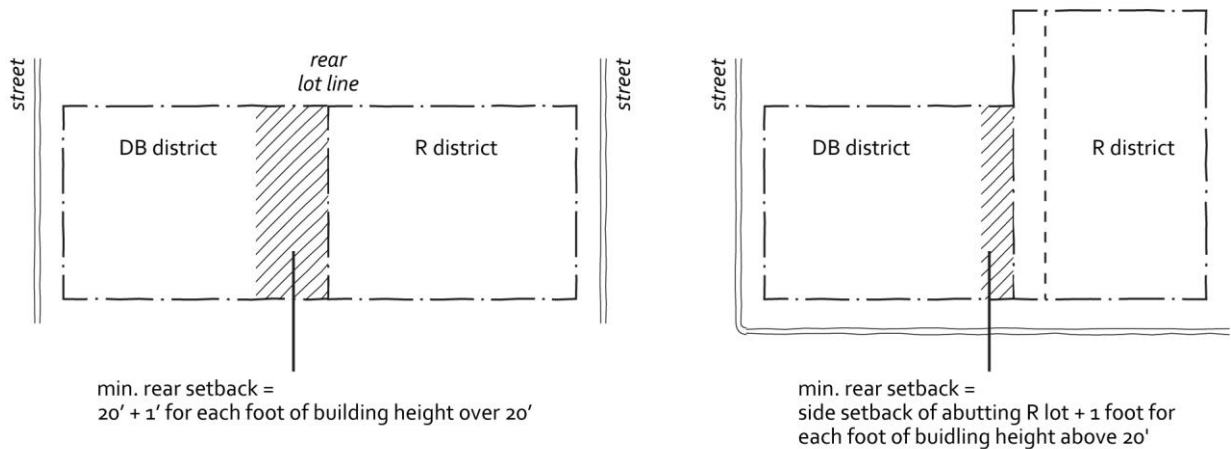


Figure 4-3: DB District Rear Setback Abutting R-Zoned Lot



**Sec. 4.020 INP, Institutional and Public Districts**

**A. Mapping**

The INP, Institutional and Public zoning district designations may be applied regardless of ownership of the land on which the use is located. INP zoning designations are not intended to be applied to land owned by a governmental or institutional entity but used for non-governmental service or non-institutional use.

**B. INP-1, Neighborhood-scale Institutional and Public District**

**1. Purpose**

The INP-1, Neighborhood-scale Institutional and Public district is intended to accommodate small-scale, low-intensity public, civic, and institutional uses that are commonly found in or near residential neighborhoods.

**2. Allowed Uses**

Principal uses are allowed in INP-1 districts in accordance with [Table 5-1](#).

**3. Lot and Building Regulations**

**a. Maximum District Area**

In order to maintain the intended neighborhood-scale character of the INP-1 district, the maximum contiguous INP-1 zoned area may not exceed 4 acres.

**b. Setbacks and Other Lot and Building Regulations**

The size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, except that no minimum lot area, minimum lot width or street frontage requirements apply in an INP-1 district.

**4. Other Regulations**

Development in an INP-1 district is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping, sign and other regulations of general applicability.

**C. INP-2, Campus-scale Institutional and Public District**

The INP-2, Campus-scale Institutional and Public district is intended to accommodate development and expansion of large public, civic and institutional uses, while minimizing the potential for adverse impacts on surrounding areas.

**1. Allowed Uses**

Principal uses are allowed in the INP-2 district in accordance with [Table 5-1](#). Additional uses may be approved in the INP-2 district only if expressly approved as part of an institutional master plan. Multiple principal uses and buildings are allowed on a single lot in the INP-2 district.

**2. Development Review**

**a. Applicability**

Unless otherwise expressly exempted, development review and approval is required before the issuance of any building or development permit in the INP-2 district. To comply with the development review requirements of this section, applicants have the option of:

- (1) securing special use approval for all proposed buildings development activities in the INP-2 district; or
- (2) submitting and securing approval of an overall institutional master plan in accordance with the requirements of this section.

**b. Exemptions**

The following are exempt from the development review requirements of this section:

- (1) development that complies with a valid, approved institutional master plan;
- (2) interior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces; and
- (3) exterior building modifications that will not result in an increase in the number of employees or the creation of or need for additional parking spaces

**3. Lot and Building Regulations**

**a. Transitional Areas**

The size, location, and design of all buildings, structures, activity areas and other site improvements located within 150 feet of the boundary of any R zoning district, are subject the abutting R district's lot and building regulations, except that no minimum lot area, minimum lot width or street frontage requirements apply in the INP-2 district.

**b. Interior Site Areas**

Areas of an INP-2-zoned site located more than 150 feet from the boundary of an R zoning district are governed by the regulations approved at the time of special use or institutional master plan approval, whichever is applicable. Institutional master plans and special use applications must include the applicant's detailed description of the regulations proposed to be used.

**4. Institutional Master Plans**

**a. Purpose**

Institutional master plan requirements provide a framework for development of large public, civic and institutional uses in campus-like settings. Approval of an institutional master plan is intended to protect the character and integrity of adjacent areas while allowing flexibility in site development and design that is not possible when development occurs on a lot-by-lot or building-by-building basis.

**b. Planning Area**

An institutional master plan must include all land located within the proposed INP-2 district and depict all land uses within the area extending out at least 300 feet from the INP-2 district boundary.

**c. Existing Property and Uses**

The institutional master plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the institutional master plan. At a minimum, the following information shall be required:

- (1) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- (2) land and building uses;
- (3) gross floor area;
- (4) building height;
- (5) landscaping and lighting; and
- (6) off-street parking and loading facilities.

**d. Uses and Development Envelope**

The institutional master plan must include a description of all proposed land uses to be allowed and the land area and development envelope within which future development will occur. The development envelope shall be described in narrative and through the use of drawings or models. The plan must include the following in describing the development envelope:

- (1) floor area ratio (far);
- (2) average daily and peak-hour traffic;
- (3) height;
- (4) setbacks;
- (5) total site area of open space; and
- (6) total number of motor vehicle and bicycle parking spaces to be provided.

**e. Transportation Management Plan**

The institutional master plan must include a transportation and parking management plan that identifies any traffic mitigation measures to be used.

**f. Nonmotorized Circulation Plan**

The institutional master plan must include a nonmotorized circulation system plan.

**5. Approval Procedures**

Institutional master plans require review and approval in accordance with the PUD procedures of [Sec. 12.040](#).

**Sec. 4.030 PUD, Planned Unit Development Overlay District**

**A. Purpose**

**1. General**

The PUD, Planned Unit Development Overlay district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards and that result in public benefits that are at least commensurate with the degree of development flexibility provided. Examples of the types of development that may be appropriate for PUD approval include the following:

- a. Enhanced Protection of Natural Resource Areas**  
Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, floodplains, wetlands and woodlands.
  - b. Energy Conservation/Sustainability**  
Developments that achieve extremely high levels of energy conservation and developments that achieve extremely high levels of sustainability, as evidenced by commitment to attain at least LEED Gold or equivalent ratings by recognized green building organizations.
  - c. Housing Variety**  
Developments that offer a range of housing options that offer a variety of lifestyle choices to meet the needs of different age groups and household types.
  - d. Mixed- and Multi-use Developments**  
Developments that contain a complementary mix of residential and nonresidential uses or that provide for a range of land use types.
  - e. Comprehensive Plan**  
Developments that are consistent with and help advance the goals and policies of the comprehensive plan.
- 2. Objectives**  
Different types of PUDs will promote different planning goals. In general, however, PUDs are intended to promote the following objectives:
- a.** implementation of and consistency with the comprehensive plan and other relevant plans and policies;
  - b.** flexibility and creativity in responding to changing social, economic and market conditions allowing greater public benefits than could be achieved using conventional zoning and development regulations;
  - c.** efficient and economical provision of public facilities and services;
  - d.** variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
  - e.** compact, mixed-use development patterns where residential, commercial, civic and open spaces are located in close proximity to one another;
  - f.** a coordinated transportation system that includes an inter-connected hierarchy of facilities for motorized and non-motorized travel;
  - g.** high-quality buildings and improvements that are compatible with surrounding areas, as determined by their arrangement, massing, form, character and landscaping;
  - h.** the protection and enhancement of open space amenities and natural resource features;
  - i.** the incorporation of sustainable development features including green infrastructure practices in landscapes and parking area, to maximize the aesthetic and water quality benefits of best practices in stormwater management; and

- j. attractive, high-quality landscaping, lighting, architecture and signage, including the use of native landscaping that reflects the unique character of the village and the surrounding area.
- B. Procedure**

PUDs must be reviewed and approved in accordance with the procedures of [Sec. 12.040](#).
- C. Zoning Map**

Approved PUDs must be identified on the zoning map by appending the map symbol “PUD” as a suffix to the base zoning district classification, as in “R-4/PUD.”
- D. Developer’s Statement of Intent**

Each PUD application must include a written explanation from the applicant describing how the proposed development provides greater benefits to the village than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district and the comprehensive plan.
- E. Regulations and Standards Eligible for Modification**

Unless otherwise expressly approved by the village council as part of the PUD approval process, PUDs are subject to all applicable standards of this zoning ordinance. The village council is authorized to approve PUDs that deviate from strict compliance with specified zoning regulations and development standards if they determine that the resulting project satisfies the approval criteria of [Sec. 12.040C.6](#).
- F. Lot and Building Regulations**

The lot and building regulations of the base zoning district may be modified as part of the PUD approval.
- G. Allowed Uses**

The uses to be allowed in a PUD must be identified as part of the PUD approval process along with all applicable conditions or supplemental use regulations that apply to such uses. Unless otherwise expressly stated, the village council may, through the PUD approval process, approve use types that are not allowed in the underlying zoning district as a means of accommodating mixed-use developments, housing diversity, economic development opportunities and promoting other village policies.
- H. Parking and Loading**

Off-street parking and loading requirements may be modified when the village council determines that modified requirements are in keeping with projected parking and loading demand of the proposed development, that other means of meeting access demand will be provided or that the requested modifications will better meet the purpose of the PUD overlay.
- I. Infrastructure and Public Improvement Standards**

Alternatives to otherwise “standard” infrastructure and public improvement standards (e.g., streets, sidewalks, stormwater management) may be approved when the village council determines that such alternative designs would better meet the purpose of the PUD overlay.

## Article 5 | Allowed Uses

Sec. 5.010	Allowed Uses .....	5-1
Sec. 5.020	Use Categorization System .....	5-6
Sec. 5.030	Residential Use Category .....	5-7
Sec. 5.040	Public, Civic and Institutional Use Category .....	5-8
Sec. 5.050	Commercial Use Category .....	<del>5-11</del> 5-10
Sec. 5.060	Wholesale, Distribution & Storage Use Category .....	5-16
Sec. 5.070	Industrial Use Category .....	5-16
Sec. 5.080	Recycling Use Category .....	5-17
Sec. 5.090	Agricultural Use Category .....	<del>5-18</del> 5-17
Sec. 5.100	Other Use Category .....	5-18

### Sec. 5.010 Allowed Uses

#### A. Use Table

Principal uses are allowed in base zoning districts in accordance [Table 5-1](#).

#### B. Understanding the Use Table

##### 1. Uses

Uses are listed in the first column of [Table 5-1](#). See [Sec. 5.020](#) for an explanation of the use categorization system.

##### 2. Permitted and Special Uses

- a. Uses identified with a “P” are permitted as-of-right in the subject zoning district.
- b. Uses identified with an “S” may be allowed in the subject zoning district if reviewed and approved in accordance with the special use procedures of [Sec. 12.050](#).
- c. Permitted and special uses are subject to compliance with identified supplemental regulations and all other applicable regulations of this zoning ordinance.

##### 3. Prohibited Uses

Uses identified with an “-” are prohibited. Uses that are not listed in the table and that cannot reasonably be interpreted to fall within one of the use categories described in [Sec. 5.020](#) are also prohibited.

##### 4. Supplemental Regulations and Specific Limitations

The “supplemental regulations” column identifies additional regulations that apply to some uses. In addition, some uses may be subject to “specific limitations,” which are identified by a bracketed number (e.g., “[1]”). Corresponding limitations are listed immediately following the table in [Sec. 5.010D](#). Compliance with supplemental regulations and specific limitations is required for permitted and special uses.

#### C. Accessory Uses

Allowed accessory uses, such as home occupations, are not identified in [Table 5-1](#). Customary accessory uses are permitted in conjunction with allowed principal uses, subject to compliance with all applicable accessory use regulations of [Sec. 6.010](#).

Table 5-1: Allowed Uses<sup>14</sup>

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations		
Subcategory Specific use (See <a href="#">Sec. 5.020</a> )																					
P = use permitted as of right   S = special use approval required   - = not allowed																					
<b>RESIDENTIAL</b>																					
<b>Household Living</b>																					
Detached house	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	=	=			
Attached house																					
2-unit	-	-	-	-	P		P	-	-	-	-	P	-	-	-	-	=	=			
3+-unit	-	-	-	-	-	P	P	-	-	S <sup>15</sup>	-	P	-	-	-	-	=	=			
Two-unit house	-	-	-	-	P	P	P	-	-	-	-	P	-	-	-	-	=	=			
Apartment/condo	-	-	-	-	-	-	P	P	P	S	S	S	-	-	-	-	=	=			
<del>Manufactured housing unit (in mobile home park only)</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	
<del>Mobile home park</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	
<b>Group Living<sup>16</sup></b> (except for the following uses)	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	S	S	
Group home, small (8-person max. occupancy)	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	
Group home, large (9 or more occupants)	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	S	S	
Nursing home	S	S	S	S	S	S	S	P	P	S	-	-	-	-	-	-	-	-	=	S	
Sheltered Care	S[7]	S[7]	S[7]	S[7]	S[7]		S[7]														
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>																					
Aircraft Landing Area	-	-	-	-	-	-	-	-	S	S	-	-	S	S	S	S	=	S			
College or University	S[1]	S[1]	S[1]	S[1]	S[1]	<del>S[1]</del>	S[1]	-	-	-	S	S	S	S	-	-	=	S			
Community Center	S	S	S	S	S	S	S	-	-	-	S	S	-	-	-	-	=	P			
Fraternal Organization	S[2]	S[2]	S[2]	S[2]	S[2]	<del>S[2]</del>	S[2]	P	P	P	S	-	-	-	-	-	=	S			
Governmental Facility	S[2]	S[2]	S[2]	S[2]	S[2]	<del>S[2]</del>	S[2]	P	P	P	P	P	-	-	-	-	=	P			
Hospital	S[3]	S[3]	S[3]	S[3]	S[3]	<del>S[3]</del>	S[3]	-	P	P	-	-	-	-	-	-	=	S			
Library	=	=	=	=	=	=	=	=	=	S	S	S	S	S	S	S	=	S			
Museum or Cultural Facility	=	=	=	=	=	=	=	=	=	S	S	S	S	S	S	S	=	S			
Natural Resource Preservation	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P		
Parks and Recreation	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	P	P	
Religious Assembly	S	S	S	S	S	S	S	S	P	P	S[6]	S	P	S	-	-	=	S		<a href="#">Sec. 6.100</a>	
Safety Service <sup>17</sup>	S	S	S	S	S	S	S	S	P	P	S	S	P	P	P	P	P	P	P		

<sup>14</sup> The use table presented in this section reflects the current zoning ordinance, except as indicated.

<sup>15</sup> Currently requires 200 feet street frontage. Requirement has not been carried over.

<sup>16</sup> This is a change. The current ordinance lists nursing homes, sheltered care facilities, large group homes (9+), convents and monasteries as allowed special uses.

<sup>17</sup> Ordinance currently lists only fire stations.



USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
<b>Subcategory</b> Specific use (See <a href="#">Sec. 5.020</a> )																				
P = use permitted as of right   S = special use approval required   - = not allowed																				
<b>School</b> <sup>18</sup>	S	S	S	S	S	S	S	-	-	-	-		-	-	-	-	S	S		
<b>Utilities and Public Service Facility</b>																				
Minor	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	S		
<b>Wireless Telecommunications</b>																				
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	P		<a href="#">Sec. 6.150</a>
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		<a href="#">Sec. 6.150</a>
<b>COMMERCIAL</b>																				
<b>Adult Entertainment Establishment</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	=	=		<a href="#">Sec. 6.020</a>
<b>Animal Service</b>																				
Boarding or shelter	-	-	-	-	-	-	-	-	S	P	-	-	-	-	P	P	=	=		
Grooming	-	-	-	-	-	-	-	P	P	P	P	-	-	-	P	P	=	=		
Veterinary care	-	-	-	-	-	-	-	-	P	P	S	-	-	-	P	P	=	=		<a href="#">Sec. 6.140</a>
<b>Assembly and Entertainment (except for the following uses)</b>	-	-	-	-	-	-	-	-	-	P	S	-	-	-	-	-	=	S		
Auditorium	-	-	-	-	-	-	-	-	P	P	S	-	-	-	P	-	=	=		
Cinema	-	-	-	-	-	-	-	-	P	P	S	-	-	-	-	-	=	S		
Theater	-	-	-	-	-	-	-	-	P	P	S	-	-	-	-	-	=	=		
<b>Commercial Service</b>																				
Building service	-	-	-	-	-	-	-	-	S	P	S	-	-	-	P	-	=	=		
Business support service	-	-	-	-	-	-	-	P	P	P	P	-	-	-	P	-	=	=		
Consumer maintenance and repair	-	-	-	-	-	-	-	P	P	P	P	-	-	-	P	-	=	=		
Personal improvement service	-	-	-	-	-	-	-	P	P	P	P	P[15]	-	-	-	P	=	=		
Research service	-	-	-	-	-	-	-	-	-	P	S	-	P	P	P	P	=	=		
<b>Day Care</b>																				
Day care home	P	P	P	P	P		P	=	=	=	=	P	=	=	=	=	=	=		<a href="#">Sec. 6.030</a>
Day care center	-	-	-	-	S	S	S	P	P	P	S	S	P	P	P	P	S	-		<a href="#">Sec. 6.030</a>
<b>Eating and Drinking Establishment</b>																				
Restaurant	-	-	-	-	-	-	-	P	P	P	P	-	S[12]	P[8]	-	-	=	=		
Wine boutique	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	=	=		
<b>Financial Service</b>	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	=	=		
<b>Funeral or Mortuary Service</b>	=S	=S	=S	=S	=S	S	=S	S	S	S	-	-	-	-	-	-	=	=		

<sup>18</sup> This draft combines public and private schools and treats both as a special use. Currently, public schools are permitted and private schools are special uses.

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
<b>Subcategory</b> Specific use (See <a href="#">Sec. 5.020</a> )																				
P = use permitted as of right   S = special use approval required   - = not allowed																				
<b>Lodging</b>	-	-	-	-	-	-	-	-	P	P	S	-	-	P	-	-	=	=		
<b>Office</b>																				
Business and professional office	S	S	S	S	S	S	S	P	P	P	P	S	P	P	P	P	=	=	<a href="#">Sec. 6.070</a>	
Medical, dental and health practitioner	-	-	-	-	-	-	S[4]	-	P	P	P/S[9]	S	P	P	P	P	=	=		
<b>Parking, Non-Accessory</b>	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	=	=		
<b>Retail Sales</b>																				
Convenience goods	-	-	-	-	-	-	-	P	P	P	P/S[14]	-	-	-	-	-	=	=		
Consumer shopping goods	-	-	-	-	-	-	-	P	P	P	P/S[14]	P[16]	-	-	-	-	=	=		
Guns and firearm supplies <sup>19</sup>	-	-	-	-	-	-	-	P[13]	P[13]	P[13]	-	-	-	-	S	-	=	=		
Building supplies and equipment	-	-	-	-	-	-	-	P	P	P	P/S[14]	-	-	-	-	-	=	=		
<b>Self-service Storage Facility</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	=	=	<a href="#">Sec. 6.110</a>	
<b>Studio, Instructional or Service</b>	-	-	-	-	-	-	-	P	P	P	P	S	-	-	-	-	=	=		
<b>Trade School</b>	-	-	-	-	-	-	-	P	P	P	S	-	S	S	S	S	=	=		
<b>Vehicle Sales and Service</b>																				
Commercial vehicle repair and maintenance	-	-	-	-	-	-	-	-	-	S	-	-	-	S	P	-	=	=		
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	-	=	=		
Fueling station	-	-	-	-	-	-	-	-	S	S	S	-	-	S	S	-	=	=	<a href="#">Sec. 6.040</a>	
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	-	S[10]	S	-	-	-	S	S	-	=	=	<a href="#">Sec. 6.080</a>	
Personal vehicle sales and rentals	-	-	-	-	-	-	-	-	S[10]	S	S	-	-	-	S	-	=	=		
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	=	=		
<b>WHOLESALE, DISTRIBUTION &amp; STORAGE</b>																				
<b>Equipment and Materials Storage, Outdoor</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	=	=		
<b>Trucking and Transportation Terminals</b>	-	-	-	-	-	-	-	-	-	S	-	-	-	S	P	P	=	=		
<b>Warehouse</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	=	=		
<b>Wholesale Sales and Distribution</b>	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	=	=		
<b>INDUSTRIAL</b>																				
<b>Artisan Industrial</b>	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	=	=		
<b>Limited Industrial</b>	-	-	-	-	-	-	-	-	-	P[11]	-	-	-	P	P	P	=	=		
<b>General Industrial</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	=	=		
<b>Intensive Industrial</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	=	=		
<b>Junk or Salvage Yard</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	=	=		

<sup>19</sup> This row is new; currently allowed as part of sporting goods store.

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
Subcategory Specific use (See <a href="#">Sec. 5.020</a> )																				
P = use permitted as of right   S = special use approval required   - = not allowed																				
<b>RECYCLING</b>																				
Recyclable Material Drop-off Facility	-	-	-	-	-	-	-	S	S	<u>S</u>	-	-	-	S	S	S	=	=	<a href="#">Sec. 6.090</a>	
Recyclable Material Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	=	=		
<b>AGRICULTURE</b>																				
<u>Animal Agriculture (except as allowed under Chapter 5 of the municipal code)</u>	=	=	=	=	=		=	=	=	=	=	=	=	=	=	=	=	=	=	
<u>Crop Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	=	=	=	=	=	=	=	=	=	=	=	=	
Community Garden <sup>20</sup>	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>		
<b>OTHER</b>																				
Drive-in or Drive-through Facility	-	-	-	-	-	-	-	-	S	S	S[17]	-	S[18]	S[18]	S[18]	-	=	=		

**D. Specific Limitations**

- [1] Requires minimum lot area of 40 acres. Maximum 25% building coverage.
- [2] Requires minimum lot area of 10 acres.
- [3] Requires minimum lot area of 25 acres. Maximum 25% building coverage.
- [4] Must be within ~~600~~ 150 feet of a B district.
- [5] Requires special use approval if above one dwelling unit per 4,000 square feet of lot area.
- [6] Only uses that were in existence on June 7, 2005.
- [7] Requires minimum lot area of 5 acres.
- [8] Requires minimum seating capacity of 125 persons.
- [9] Permitted as of right up to 3,000 sq. ft. (gross floor area); larger requires special use approval.
- [10] Must be in a completely enclosed building.
- [11] Maximum 10,000 sq. ft. (gross floor area).
- [12] Allowed only in building occupied by research service or office use.
- [13] Permitted only if ancillary to the following principal uses: sporting goods stores, uniform supply stores and public safety equipment stores.
- [14] Consignment stores and martial arts studios permitted as of right up to 3,000 square feet (gross floor area); larger requires special use approval. Other uses Ppermitted as of right up to 15,000 sq. ft. (gross floor area); larger requires special use approval
- [15] Barber shops, beauty shops and salons only; must be on ground floor and may not exceed 2,500 square feet floor area.
- [16] Art galleries and studios only; must be on ground floor and may not exceed 2,500 square feet floor area.
- [17] Drive-through and drive-in restaurants are prohibited.
- [18] Drive-through banks only.

<sup>20</sup> Currently referred to as “crop farming”

### **Sec. 5.020 Use Categorization System**

This section establishes and describes the use categorization system used to classify principal uses in this zoning ordinance.

#### **A. Use Categories**

This zoning ordinance classifies principal land uses into 8 major groupings. These major groupings are referred to as “use categories.” The use categories are as follows:

1. Residential. See [Sec. 5.030](#).
2. Public, Civic and Institutional. See [Sec. 5.040](#).
3. Commercial. See [Sec. 5.050](#).
4. Wholesale, Distribution and Storage. See [Sec. 5.060](#).
5. Industrial. See [Sec. 5.070](#).
6. Recycling. See [Sec. 5.080](#).
7. Agricultural. See [Sec. 5.090](#).
8. Other. See [Sec. 5.100](#).

#### **B. Use Subcategories**

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

#### **C. Specific Use Types**

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

#### **D. Determination of Use Categories and Subcategories**

1. The community development director is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter.
2. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the community development director is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the community development director must consider:
  - a. the types of activities that will occur in conjunction with the use;
  - b. the types of equipment and processes to be used;
  - c. the existence, number and frequency of residents, customers or employees;
  - d. parking demands associated with the use; and
  - e. other factors deemed relevant to a use determination.

3. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”
4. If the community development director is unable to determine the appropriate use category for a proposed use, the community development director is authorized to deny permits and certificates for establishment of the proposed use. This decision may be appealed to the zoning board of appeals in accordance with appeal procedures of [Sec. 12.100](#).

**Sec. 5.030 Residential Use Category**

This category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

**A. Household Living**

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. The following are household living specific use types:

**1. Detached House**

A detached house is a principal residential building occupied by one dwelling unit located on a single lot with private yards on all sides. Detached houses are not attached to and do not abut other dwelling units.

**2. Attached House**

An attached house is a dwelling unit that is attached to one or more dwelling units, each of which is located on its own lot with a common or abutting wall along the dwelling units’ shared lot lines. Each dwelling unit has its own external entrance.

**3. Two-unit House**

A two-unit is a residential building occupied by 2 dwelling units, both of which are located on a single lot. The dwelling units are attached and may be located on separate floors or side-by-side.<sup>21</sup>

**4. Apartment/condo**

An apartment/condo building is a residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

**5. Manufactured Housing Unit**

A manufactured housing unit is a residential building that complies with the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. §§5401, et seq.).

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<sup>21</sup> This is a slight change to the existing definition, which does not allow units on separate floors.

**6. Mobile Home Park**

A mobile home park is a lot upon which manufactured housing units are available for lease or upon which spaces for manufactured housing units are available for lease. See also the supplemental regulations of [o](#).

**7. Caretaker/Security Dwelling**

A single dwelling unit that is accessory to an allowed use in and that is occupied solely by an individual who is responsible for maintenance or security in association with the principal use of the property.

**B. Group Living**

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, [sheltered care facilities](#), retirement centers, homeless centers, shelters and halfway houses.

**1. Group Home**

A detached house shared by persons with disabilities who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Group homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.

**2. Nursing Home**

A "long-term care facility," as defined in 210 ILCS 45/1-113, that provides skilled nursing care.

**3. Sheltered Care**

A "long-term care facility," as defined in 210 ILCS 45/1-113, that provides maintenance and personal care.

**Sec. 5.040 Public, Civic and Institutional Use Category**

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows.

**A. Aircraft Landing Area**

Areas used or made available for the landing or takeoff of aircraft, including areas classified as a restricted landing areas by the Illinois Department of Transportation Division of Aeronautics, and including any areas that are used or suitable for use for structures or facilities incidental to aircraft services.

**B. Cemetery<sup>22</sup>**

Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

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<sup>22</sup> This use not included in current ordinance.

- C. College or University**  
Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.
- D. Community Center**  
A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization. The authorization for the establishment of a municipal community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.
- E. Fraternal Organization**  
The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.
- F. Governmental Facility**  
Uses related to the administration of local, state or federal government services or functions.
- G. Hospital**  
Uses providing medical or surgical care to patients and offering inpatient (overnight) care.
- H. Library**  
Collections of books, manuscripts and similar materials for free public lending, study and reading.
- I. Museum or Cultural Facility**  
Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.
- J. Natural Resources Preservation**  
Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums and flood management projects.
- K. Parks and Recreation**  
Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, community centers and other facilities typically associated with public park and open space areas. Also includes public and private golf courses and country clubs.
- L. Religious Assembly**  
Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship.

**M. Safety Service**

Facilities provided by the village, state or federal government that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

**N. School**

Schools at the primary, elementary, junior high or high school level that provide basic, compulsory state-mandated education.

**O. Utilities and Public Service Facility**

**1. Minor**

- a.** Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.
- b.** The production, collection or distribution of renewable energy, water or other similar resources at a neighborhood, district or campus scale are classified as minor utilities and public service facilities. This includes distributed energy facilities that produce or distribute energy from renewable sources and neighborhood stormwater facilities.
- c.** Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid.

**2. Major**

Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.

**P. Wireless Telecommunications**

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are specific types of wireless telecommunications uses:

**1. Freestanding Towers**

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals including monopoles and guyed and lattice construction steel structures.



2. **Building or Tower-Mounted Antennas**

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

**Sec. 5.050 Commercial Use Category**

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

**A. Adult Entertainment Establishment**

Adult entertainment establishments are defined in the village’s adult use licensing ordinance (see [Chapter 8](#) of the municipal code).<sup>23</sup>

**B. Animal Service**

Uses that provide goods and services for care of companion animals.

1. **Grooming**

Grooming of dogs, cats and similar companion animals, including dog bathing and clipping salons and pet grooming shops.

2. **Boarding or Shelter**

Animal shelters, care services and kennel services for dogs, cats and companion small animals, including boarding kennels, pet resorts/hotels, pet day care, pet adoption centers, dog training centers and animal rescue shelters.

3. **Veterinary Care**

Animal hospitals and veterinary clinics.

**C. Assembly and Entertainment**

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include arenas, billiard centers, video game arcades, auditoriums, bowling centers, cinemas, stadiums and theaters. All of the following are excluded from the assembly and entertainment use subcategory and are expressly prohibited within the village, regardless of any underlying or overlay zoning designation:

1. off-track wagering locations (as defined in 230 ILCS 5/1); and
2. hookah lounges.<sup>24</sup>

**D. Broadcast or Recording Studio**

Uses that provide for audio or video production, recording or broadcasting.

**E. Commercial Service**

Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.

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<sup>23</sup> This is different approach, but it should not result in substantive change. The current zoning ordinance contains an incomplete and inconsistent list of definitions.

<sup>24</sup> The express prohibition of hookah lounges is new.

1. **Building Service**  
Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.
2. **Business Support Service**  
Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, caterers, telephone answering services and photo developing labs.
3. **Consumer Maintenance and Repair Service**  
Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."
4. **Personal Improvement Service**  
Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs, yoga studios and martial arts studios. Businesses and individuals providing or purporting to offer fortune-telling services, psychic services, or tattooing are expressly prohibited in the village (regardless of any underlying or overlay zoning designation) and are not classified as personal improvement services. Businesses and individuals providing massage or massage therapy services are expressly prohibited in the village (regardless of any underlying or overlay zoning designation) and are not classified as personal improvement services, except that massage as a therapeutic service may be provided as an ancillary service to the following principal uses: hair or nail salons, day spas, health clubs or medical, dental or health practitioner's offices.<sup>25</sup>
5. **Research Service**  
Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

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<sup>25</sup> The express prohibition of fortune-telling services, psychic services, tattoo shops and massage therapy services is new.

**F. Day Care**

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs and adult day care facilities. Day care expressly includes state-accredited adult day care facilities and facilities for child care, as defined in the *Illinois Child Care Act*.

**1. Day Care Center**

A facility licensed by the State of Illinois that provides day care for more than 8 children or any number of adults.

**2. Day Care Home**

A dwelling unit licensed by the State of Illinois in which day care is provided for a maximum of 8 children, excluding all natural, adopted and foster children of the residents of the dwelling unit.

**G. Eating and Drinking Establishments**

**1. Restaurant**

Uses that prepare and serve food and beverages for on- or off-premise consumption as their principal business. Typical uses include cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments, which may include accessory use bars that are customarily incidental and subordinate to the principal use as an eating establishment.

**2. Wine Boutique**

An establishment where the retail sale of wine, wine tastings and wine education seminars/classes are conducted on a regular basis and on-site consumption of wine and beer is allowed subject to provisions of the wine boutique license classification (see [Chapter 3](#) of the municipal code).

**H. Financial Service**

Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions and consumer loan establishments. All of the following are excluded from the financial service use subcategory and are expressly prohibited within the village, regardless of any underlying or overlay zoning designation:

1. pawnshops and pawn brokers (as defined in 205 ILCS 510 and in [Chapter 8](#) of the municipal code);
2. establishments that provide (vehicle) title-secured loans or payday loans (as defined in 815 ILCS 122) and similar services; and
3. establishments primarily engaged in buying gold or other precious metals (e.g., cash-for-gold businesses).<sup>26</sup>

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<sup>26</sup> [The express prohibition of these uses is new.](#)

**I. Funeral and Mortuary Service**

Uses that provide services related to the death of a human, including funeral homes, mortuaries, crematoriums and similar uses. Also includes crematoriums for companion animals.

**J. Lodging**

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests.

**K. Office**

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Specific use types include:

**1. Business and Professional Office**

Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

**2. Medical, Dental and Health Practitioner**

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories.

**L. Parking, Non-Accessory**

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use.

**M. Retail Sales**

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified.

**1. Convenience Goods**

Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands and florists.

**2. Consumer Shopping Goods**

Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores,

shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops.

**3. Building Supplies and Equipment**

Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

**N. Self-service Storage Facility**

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designated to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.

**O. Studio, Instructional or Service**

Uses in an enclosed building that focus on providing instruction or training in music, dance, drama, fine arts, language or similar activities. Also includes artist studios and photography studios. See also “personal improvement service” in the commercial services use category.

**P. Trade School**

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

**Q. Vehicle Sales and Service**

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

**1. Commercial Vehicle Repair and Maintenance**

Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.

**2. Commercial Vehicle Sales and Rentals**

Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

**3. Fueling Station**

Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.

**4. Personal Vehicle Repair and Maintenance**

Uses engaged in repairing, installing or maintaining the mechanical components of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats. Also includes uses that wash, clean or otherwise protect the exterior

or interior surfaces of these vehicles. Does not include vehicle body or paint finishing shops.

**5. Personal Vehicle Sales and Rentals**

Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational watercraft. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).

**6. Vehicle Body and Paint Finishing Shop**

Uses that primarily conduct vehicle body work and repairs or that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

**Sec. 5.060 Wholesale, Distribution & Storage Use Category**

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows.

**A. Equipment and Materials Storage, Outdoor**

Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

**B. Trucking and Transportation Terminals**

Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

**C. Warehouse**

Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a “self-service storage facility” or a “trucking and transportation terminal.”

**D. Wholesale Sales and Distribution**

Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. This subcategory expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, storage building sales, vending machine sales, auctioneers, frozen food lockers.

**Sec. 5.070 Industrial Use Category**

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

**A. Artisan Industrial**

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor

operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

**B. Limited Industrial**

Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. Uses in this subcategory do not involve the assembly of large equipment and machinery and have very limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.

**C. General Industrial**

Manufacturing and industrial uses that process, fabricate, assemble or treat materials for the production of large equipment and machines as well as industrial uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck/commercial vehicle traffic or other external impacts that are detectable beyond the property lines of the subject property.

**D. Intensive Industrial**

Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic.

**E. Junk or Salvage Yard**

An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

**Sec. 5.080 Recycling Use Category**

This category includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

**A. Recyclable Material Drop-off Facility**

An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable material are classified as “recyclable material processing facilities.”

**B. Recyclable Material Processing**

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

**Sec. 5.090     Agricultural Use Category**

This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops.

**A.    Agriculture, Animal**

The (principal or accessory) use of land for the keeping or raising of farm animals. Animal agriculture is expressly prohibited in the village, except in accordance with Chapter 5 of the municipal code.

**B.    Agriculture, Crop**

The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or horticultural commodities. Crop agriculture does not include community gardens or the raising or keeping of farm animals.

**A-C. Community Garden**

An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is occasional and incidental to the growing and harvesting of food crops. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located at grade (outdoors), on a roof or within a building. Community gardens do not include the raising or keeping of farm animals.

**Sec. 5.100     Other Use Category**

This category includes uses that do not fit the other use categories.

**A.    Drive-in or Drive-through Facility**

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.



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### Sec. 6.010 Accessory Uses

#### A. General Regulations

The general regulations of this subsection apply to all accessory uses and structures unless otherwise expressly stated,

##### 1. Accessory Uses Allowed

Accessory uses and structures are permitted in connection with lawfully established principal uses.

##### 2. Accessory Use Determinations

The community development director is authorized to determine when a use, building or structure meets the criteria of an accessory use or accessory structure. In order to classify a use or structure as “accessory” the community development director must determine that the use or structure:

- a. is subordinate and clearly incidental to the principal structure or principal use served in terms of area and function;
- b. provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use; and
- c. is customarily found in association with the subject principal use or principal structure.

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<sup>27</sup> Except as indicated, the supplemental use regulations in this article have been edited and reorganized, but do not represent a substantive change.

**3. Time of Construction and Establishment**

- a. Accessory uses may be established only after the principal use of the property is in place, unless approved in accordance with the special use procedures of [Sec. 12.050](#).
- b. Accessory buildings may be established in conjunction with or after the principal building. They may not be established before the principal building is in place.

**4. Location**

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

**5. Accessory Buildings and Structures**

**a. Applicable Regulations and Standards**

Accessory buildings and structures are subject to the same regulations and standards as apply to principal uses and structures on the subject lot, unless otherwise expressly stated. Accessory buildings attached to the principal building by a breezeway, passageway or similar means are subject to the building setback regulations that apply to the principal building.

**b. Building Separation**

Accessory buildings must be separated by a minimum distance of 10 feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case no separation is required.

**6. Residential Accessory Buildings**

The following additional regulations apply to buildings that are accessory to (principal) residential uses:

- a. Accessory buildings are prohibited in street setbacks.
- b. No more than 3 detached accessory ~~buildings~~ ~~structures~~ are allowed on any lot.
- c. The aggregate footprint ~~or coverage~~ of all accessory ~~structures~~ ~~buildings~~ on a lot may not exceed 1,000 square feet or the gross floor area of the principal building, whichever is less.
- d. Residential accessory buildings in the R-4 district are subject to minimum side and rear setbacks of 5 feet. In all other R districts, the minimum side and rear setback for accessory buildings is 6 feet.
- e. Residential accessory buildings may not occupy more than 40% of the rear or side yard area.
- f. Residential accessory buildings may not exceed 23 feet in height, as measured to the highest point on the building.

**7. Nonresidential Accessory Buildings**

The following additional regulations apply to buildings that are accessory to (principal) nonresidential uses:

- a. Accessory buildings are prohibited in street setbacks.

- b. Accessory buildings are subject to the lot and building regulations of the subject zoning district.

**B. Air Conditioning Units**

- 1. Air conditioning units and generators, excluding window AC units, are prohibited in street yards.
- 2. Air conditioning units and generators, excluding window AC units, must be set back from side and rear lot lines as indicated in [Table 6-1](#).

*Table 6-1: AC Unit Setbacks*

District	Minimum Side and Rear Setback (feet)
R-1	10
R-2	7
R-3, R-5, <del>R-5A</del> and R-6	6
All other	5

**C. Antennas**

**1. Satellite Dish Antenna**

~~a. In R zoning districts, antennas more than one meter in diameter or diagonal measurement may not be located in any street or side yard and may not be located in any required rear setback. In all other (non-R) zoning districts, antennas more than 2 meters in diameter or diagonal measurement may not be located in any required street, side or rear setback.~~

a. Satellite dish antennas up to one meter (39.4 inches) in diameter are permitted as accessory structures in all districts. They are subject to accessory structure setback standards.

b. Satellite dish antennas over one meter in diameter, up to 3 meters (118.2 inches) in diameter, are permitted as accessory structures in all nonresidential districts, subject to accessory structure setback standards.

c. Satellite dish antennas may be erected on the roof or attached to a principal building, provided the maximum height of the installation does not exceed the maximum allowable height of the subject district or more than 15 feet above the top of the building on which it is to be located, whichever is less.

d. Satellite dish antennas not expressly allowed under this section may be approved as a special use in accordance with the procedures of [Sec. 12.050](#).

**2. Amateur Radio Facilities**

~~a. Antennas located on structures other than telecommunications towers may not extend more than 30 feet above the highest point of the structure.~~ Amateur radio facilities are subject to a maximum overall height limit of 65 feet. Special use approval to exceed 65 feet in height may be granted in accordance with [Sec. 12.050](#) if the village council determines, based on evidence provided by the applicant, that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the FCC.

~~a.~~**b.** Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely matching the color of the supporting structure, in order to make the antenna and related equipment as visually unobtrusive as possible.

**3. Microcell Networks**

- a.** The community development director may authorize installation of cable microcell networks that operate through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technologies that do not require the use of telecommunications towers.
- b.** Signal transmissions may not interfere with any village or other governmental radio signals, including those village, police, fire, emergency dispatch and public works signals.

**D. Donation Drop Boxes**

Donation drop boxes are expressly prohibited in the village.

**E. Electric Vehicle Charging Stations<sup>28</sup>**

**1. General**

- a.** Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
- b.** Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

**2. Parking**

- a.** Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
- b.** Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

**3. Equipment**

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks. Equipment is subject to the lot and building regulations of the subject zoning district unless otherwise expressly stated.

**4. Maintenance**

Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or when other problems are encountered.

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<sup>28</sup> These proposed regulations are entirely new.

## F. Extended Family Accessory Housing

### 1. Where Allowed

Extended family accessory housing units may be approved in R-1, R-2, R-3 and R-4 districts, in accordance with the special use procedures of [Sec. 12.050](#).

### 2. Methods of Creation

An extended family accessory housing unit must be located within the principal detached house. It may not be located in an accessory structure. An extended family accessory housing unit may be created only through the following methods:

- a. converting existing living area within a detached house (e.g., attic or basement);
- b. adding floor area to an existing detached house; or
- c. constructing a new detached house that contains an internal extended family accessory housing unit.

### 3. Regulations

Approved extended family accessory housing units are subject to all of the following regulations.

- a. Only one extended family accessory housing unit is allowed within any detached house.
- b. A separate exterior entrance may be added to ~~door~~ serve an extended family accessory housing unit, provided that door does not face the street. ~~An extended family accessory housing unit may not exceed 700 square feet in size.~~
- c. The principal dwelling unit or the extended family accessory housing unit must be occupied by the legal or beneficial owner of the subject lot.
- d. Only persons related by blood, marriage, or adoption to the occupants of the primary unit may occupy the extended family accessory housing unit. Further, at least one of the units—the principal dwelling unit or the extended family accessory housing unit—must be occupied by a person either 62 years of age or older or by a person with a physical or developmental disability that renders joint occupancy of the detached house medically necessary, beneficial, or desirable. Drug addiction, alcoholism, or similar chemical dependency or substance abuse condition does not qualify as a disability for the purpose of this provision. Applicants for special use approval for extended family accessory housing have the burden of proving that such physical or developmental condition renders the joint occupancy of the detached house medically necessary, beneficial or desirable. Special use approval for any extended family accessory housing unit will remain valid and in effect only such period of time as the occupancy requirements of this section are met.
- e. No additional roomers or boarders are allowed in any detached house occupied by an extended family accessory housing unit.
- f. Detached houses containing extended family accessory dwelling unit must retain the appearance of a detached house. Floor plans and other specifications must be submitted and approved at the time of special use approval. Occupancy of an extended family accessory housing unit is subject to compliance with an approved

floor plan for construction or conversion of the principal and accessory units, and to elevation drawings depicting the exterior appearance of the principal dwelling.

- g. All owners of any extended family accessory housing dwelling are required to permit an annual inspection of the premises to assure continuing compliance with the requirements of this section, and to submit to the village on or before January 31 of each year a sworn affidavit certifying continued compliance with these regulations. The affidavit must identify all owners and the occupants of the principal and accessory units and their relationship to one another. Failure to maintain compliance with these regulations or failure to file the required affidavit will result in lapse of approval of the special use on the 30th day following notice of noncompliance, unless within that 30-day period, the owner of the extended family accessory housing house unit remedies any defects causing noncompliance and obtains village approval that compliance has been established.
- h. Special use approval for an extended family accessory housing unit will also lapse and be of no further effect if the owner occupying one of the units transfers his or her interest to any other person or ceases to occupy the unit, unless the transfer is to a person how meets all applicable criteria and the village is notified of the transfer, or unless the village approves a new special use for the extended family accessory housing unit.
- i. Within 120 days of any expiration of special use approval for an extended family accessory housing unit, the property must be converted to a detached house (that does not contain an accessory housing unit) pursuant to reconversion plans submitted at the time of application for special use approval, unless the reconversion period is extended by the community development director for just cause shown.

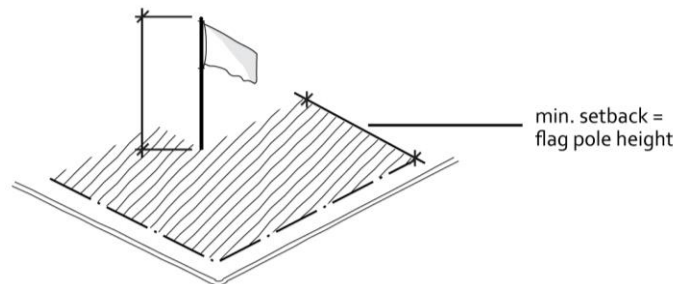
**G. Fences**

See [Sec. 10.010](#).

**H. Flag Poles**

Flag poles must be setback from lot lines a minimum distance equal to the height of the pole and sited so the flag will not extend beyond any lot line. See [Figure 6-1](#).

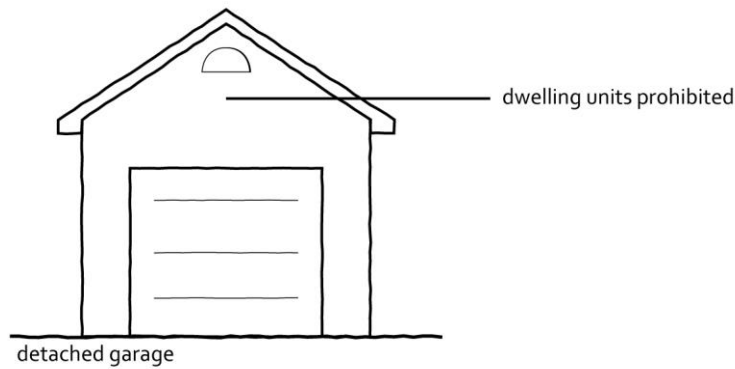
*Figure 6-1: Flag Pole Setback*



**I. Garages**

1. Only one detached garage is allowed per lot in R zoning districts.
2. Dwelling units are expressly prohibited in the space above any detached garage. See [Figure 6-2](#).

Figure 6-2: Space Above Detached Garage



**J. Geothermal Energy Systems<sup>29</sup>**

**1. General**

Geothermal energy systems are permitted as an accessory use in all zoning districts.

**2. Location**

- a. Geothermal energy systems must be located entirely within the lot lines of the subject property or within appropriate easements.
- b. No portion of a geothermal energy system may be located within a stream or required riparian buffer or no-disturbance area.

**K. Home Occupations**

Home occupations are allowed as an accessory use to an allowed household living use, subject to the regulations of this section.

- a. Day care homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Day care homes are allowed as indicated in Sec. 5.010. Supplemental regulations applicable to day care homes can be found in Sec. 6.030.
- 2. The operator of a home occupation must be a full-time resident of the dwelling unit, and ~~Not no~~ more than one ~~(1) person other than members of the immediate family residing in such dwelling shall~~ non-resident may be employed on the premises.
- 3. Floor area devoted to the home occupation may not exceed 25% of the floor area of the dwelling or 400 square feet, whichever is less.
- 4. The home occupation must be conducted entirely within the dwelling and not from a detached or attached garage or other accessory structure. Equipment, materials, samples and vehicles incidental to the home occupation may be stored in a detached or attached garage or other accessory structure, provided that the business activity is confined to the dwelling.

<sup>29</sup> These proposed regulations are entirely new.

5. The home occupation may not involve the sale of goods that are stored and delivered to the buyer on the lot, except as incidental to a permitted service. For the purposes of this provision, the term "sale of goods" does not include the sale of household goods in what is commonly known as a garage sale, provided such sales last for a period no longer than 4 consecutive days and are held no more than 4 times in any calendar year.
6. There may be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
7. No exterior displays or signs are allowed, except for a single sign that complies with the regulations of [Sec. 9.070B](#).
8. No outdoor storage of equipment or materials used in connection with the home occupation are allowed.
9. ~~No mechanical equipment may be used that emits an unreasonable odor, noise, radio interference or other nuisance~~ No equipment or process may be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
10. The home occupation may not involve regular receipt or delivery of merchandise, goods or equipment by any motor vehicle bearing a Division of Motor Vehicles License Class "C" or higher.
11. The home occupation may not result in the simultaneous presence on the subject lot and the adjoining street of more than 3 motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
12. If there is more than one home occupation within the dwelling, the regulations of this section apply to the sum total of the activity related to such home occupations.
13. All of the following uses are expressly prohibited as home occupations:
  - a. animal hospitals, veterinary clinics and kennels;
  - b. eating and drinking establishments;
  - c. retail sales and services;
  - d. business or commercial storage of recreational vehicles, mobile homes, vehicles or mechanical equipment;
  - e. funeral and interment services;
  - f. manufacturing;
  - g. medical or dental offices; and

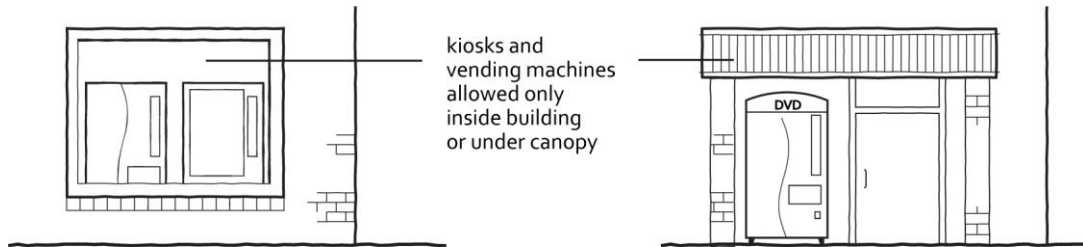


**a-h. automobile, truck or large appliance repair.**

**L. Retail Sales Kiosks and Vending Machines<sup>30</sup>**

Retail sales kiosks and vending machines are allowed only if located entirely within an enclosed building or underneath a weather-protected canopy connected to the principal building. See [Figure 6-3](#).

*Figure 6-3: Vending Machine and Kiosk Location*



**M. Solar Energy Systems<sup>31</sup>**

**1. General**

- a. Accessory solar energy systems must comply with all applicable building and electrical code requirements.
- b. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded with the county recorder of deeds.

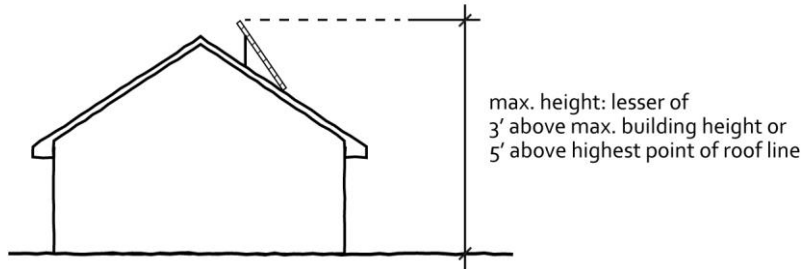
**2. Building-Mounted Solar Energy Systems**

- a. Building-mounted solar energy systems may be mounted on principal and accessory structures.
- b. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with [Sec. 14.100B](#).
- c. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.
- d. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less. See [Figure 6-4](#).

<sup>30</sup> These provisions are entirely new.

<sup>31</sup> These proposed regulations are entirely new.

Figure 6-4: Maximum Solar Panel Height



3. **Ground-Mounted Solar Energy Systems**

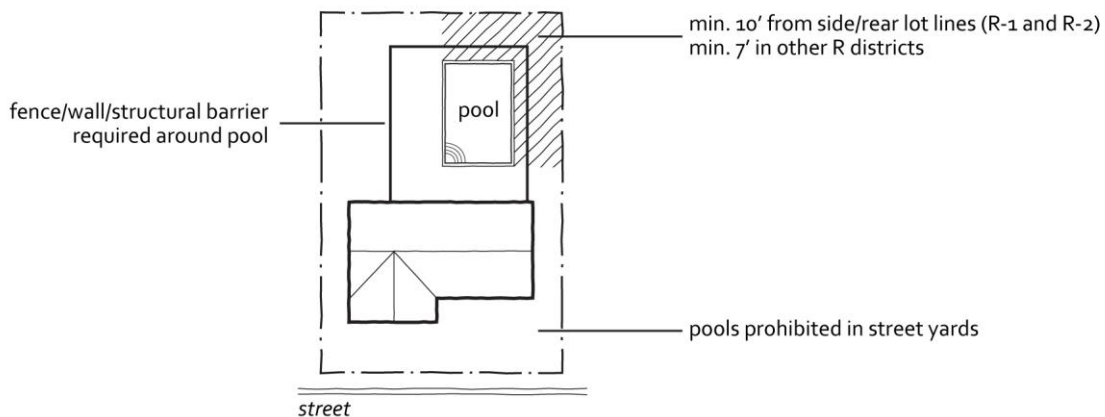
- a. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard area.
- b. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.

**N. Swimming Pools**

The regulations of this section apply to private, accessory swimming pools in residential zoning districts. See [Figure 6-5](#).

- 1. A barrier (fence, wall, structure wall, or combination thereof) must be erected around swimming pools, as required by the building code and other applicable ordinances.
- 2. Swimming pools are prohibited in street yards.
- 3. Swimming pools must be set back at least 10 feet from side and rear lot lines in the R-1 and R-2 districts and at least 7 feet from side and rear lot lines in all other R districts.
- 4. In-ground swimming pools may not be located closer than 10 feet to any principal structure unless engineering plans for protecting the principal structure's foundation are submitted to and approved by the village/

Figure 6-5: Required Barrier



**Sec. 6.020 Adult Entertainment Establishments**

Adult entertainment establishments are subject to [licensing regulations in Chapter 8 of the municipal code](#) and the following regulations:

- A. Except when separated by right-of-way of the Illinois Toll Highway Authority, an adult entertainment establishment may not be located within 1,000 feet of any R zoning district, or, for property located beyond the corporate limits of the village, that is zoned for residential use pursuant to the zoning regulations of the governmental entity having jurisdiction. This separation distance requirement does not apply to any of the following:
  1. property owned, maintained and used by the village and used for any water tower or fire station;
  2. property owned, maintained and used by the Forest Preserve District of DuPage County; or
  3. property owned, maintained and used as part of the Morton Arboretum.
- B. Except when separated by right-of-way of the Illinois Toll Highway Authority, an adult entertainment establishment may not be located within 1,000 feet of a religious assembly use, a school or another adult entertainment establishment.
- C. For the purposes of this section, separation distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure occupied by an adult entertainment establishment, to the nearest lot line of a lot occupied by a religious assembly use or school, or to the nearest boundary of a residentially-zoned lot. See [Figure 6-6](#). The distance between adult entertainment establishments is measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the structure in which each business is located. See [Figure 6-7](#).

Figure 6-6: Required Separation from Protected Uses

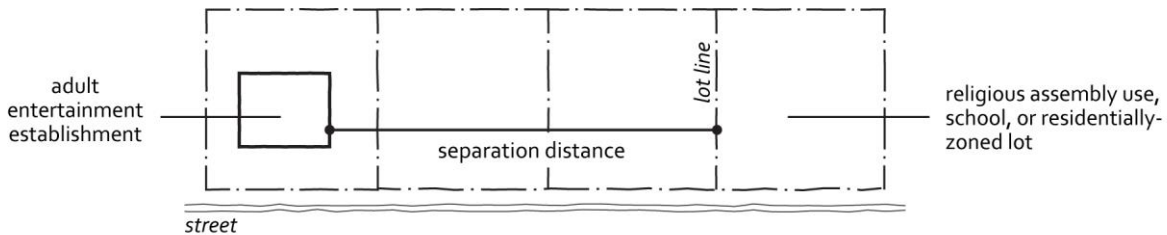
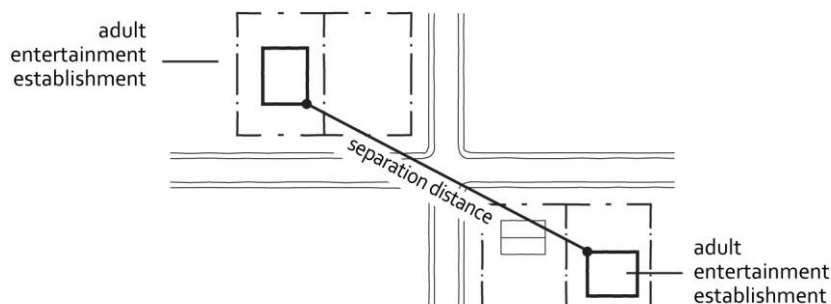


Figure 6-7: Required Separation between Establishments



**Sec. 6.030 Day Care**

- A. Day care centers and day care homes must be licensed by the State of Illinois under the *Illinois Child Care Act* (225 ILCS 10/2.09) or other applicable statute.

- B. Day care homes and day care centers for children in R districts must include an outdoor play area, fenced and screened from view from adjoining properties, with a minimum of 250 square feet of outdoor play area for each child at the facility, based on maximum enrollment of the day care facility.
- C. Day care centers for children located in nonresidential districts must include an outdoor play area, fenced and screened from view from adjoining properties, with a minimum of 75 square feet of outdoor play area for each child in the play area at any one time.

### **Sec. 6.040 Fueling Stations**

Fueling stations are subject to the following regulations:

#### **A.—Location**

~~Lots to be occupied by fueling stations may not have more than one boundary abutting an R-district and no portion the proposed lot may be located within 200 feet of lot occupied by any place of public assembly including religious assembly uses, schools, hospitals, assembly and entertainment uses, community centers and parks and recreation uses.~~

#### **B.—Lot Area**

~~Lots to be occupied by fueling stations must have a minimum area of at least 15,625 square feet plus 2,000 square feet for each pump island in excess of 4 pump islands and an additional 2,000 square feet for each service bay in excess of 3 service bays.~~

#### **C.—Street Frontage**

~~Interior (non-corner) lots to be occupied by fueling station uses must have 150 feet of street frontage. Corner lots to be occupied by fueling station uses must have at least 125 feet of street frontage on each street.~~

#### **D.—Lot Depth**

~~Lots to be occupied by fueling stations must have at least 125 feet lot depth.~~

#### **E.A. Setbacks**

1. Interior side and rear setbacks with a minimum depth of 20 feet must be provided abutting R-zoned lots. Setbacks abutting all other lot lines must comply with district requirements. ~~An opaque fence or wall with a minimum height of 5 feet and a maximum height of 8 feet must be placed along all interior (non-street) lot lines. A solid, ever-green hedge with a minimum height of 5 feet at time of planting may be substituted for the required fence or wall.~~
2. Except for approved driveways, setbacks may not be paved and must be landscaped green space.

#### **F.—Lighting**

~~Exterior lighting must be approved by the village and all exterior lights must directed or shielded so that direct or indirect illumination, measured at any lot line adjacent to an R-district, does not exceed 0.1 foot-candles.~~

#### **G.—Driveways**

1. ~~No more 2 driveways may be located on any one street, plus one additional driveway for each additional 100 feet of street frontage in excess of 125 feet.~~

- ~~2. No curb cut may be located within 5 feet of any lot line or within 15 feet of the right-of-way line of an intersecting street.~~
- ~~3. Driveways may not exceed 30 feet in width measured at the lot line, with a maximum curb cut of 45 feet measured at the lot line.~~
- ~~4. The distance between curb cuts must be at least 35 feet, measured at the curb line.~~
- ~~5. Cross access to abutting commercial developments is encouraged to facilitate good traffic circulation.~~

#### **H.B. Protective Curb**

All landscaped areas must be protected by a raised curb at least 6 inches in height or by a bumper guard of not more than 18 inches in height. Protective curbing at least 6 inches in height must be provided along the edges of all areas accessible to motor vehicles upon adjacent property or street rights-of-way, except that provision may be made for cross-access to abutting commercial development.<sup>32</sup>

#### **Funeral and Mortuary Services<sup>33</sup>**

Funeral and mortuary service uses in R districts are subject to the following regulations:

- ~~I. The use must be located on a lot with frontage on an arterial or collector street.~~
- ~~J. The lot must have a minimum area of 5 acres, except that that a minimum lot area of 2 acres is allowed if any part of the subject lot abuts or is directly across a street or alley from an R-6 district or any O, B, D or M district.~~
- ~~K. The maximum building coverage is 25%.~~
- ~~L. Buildings must be set back at least 50 feet from all lot lines.~~
- ~~M.C. Off street parking areas must be set back at least 30 feet from any side or rear lot line abutting R-zoned lots.~~

#### **Sec. 6.050 Group Homes**

Group homes are subject to the following regulations:

##### **A. Small Group Homes**

Group homes for 8 or fewer persons, including supervisory and oversight personnel, are permitted as of right in all districts that allow household living uses as of right, subject to the following regulations:

1. The use must occupy a detached house, which is consistent in type and general outward appearance with other detached houses in the surrounding area.

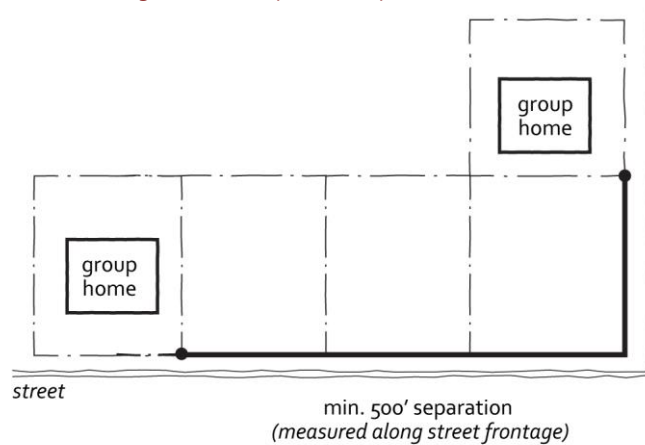
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<sup>32</sup> Existing "parking," "operations," "limitation on use," "tanks," "refuse storage," "disposal and storage or used oil," "car wash," "traffic study" and "revocation" provisions have been deleted. These provisions are thought to be unnecessary and/or outdated.

<sup>33</sup> Use proposed to be eliminated from R zoning districts.

2. The facility must be operated by a governmental, religious or other not-for-profit agency.
3. Occupancy may not exceed one person per room, where “room” means a whole room used for living purposes, including living rooms, dining rooms, kitchens, bedrooms, furnished recreation rooms and enclosed porches suitable for year-round use, but not including strip or Pullman kitchens, bathrooms, open porches, balconies, halls, half-rooms, utility rooms, unfurnished attics, unfinished basements or unfinished storage spaces.
4. A copy of the state license or certification for the group home, if a state license or certification is required must be provided to the village.
5. Each proposed small group home must be separated by a minimum distance 500 feet from any existing group home, as measured in a line along the street frontage onto which the group home lot abuts, commencing at either front corner of the subject lot. See [Figure 6-8](#).

*Figure 6-8: Group Home Separation Distance*



6. An inspection must be conducted by the community development department to ensure that existing building code requirements for residences are met prior to any occupancy or re-occupancy.
7. Small group home uses may not include any formalized counseling for persons other than the residents of the group home and may not include any formalized medical treatment other than physical or occupational therapy for residents only.
8. Small group home uses may not be any type of “long-term care facility,” as defined in 210 ILCS 45/1-113.
9. In order to implement these requirements, a statement of the number of proposed occupants, a copy of the necessary licenses or certificates, if any are required, a floor plan depicting the number, size and location of rooms, and a site plan must be submitted at the time of application for an occupancy permit.

#### **B. Large Group Homes**

Group homes for homes for 9 or more persons, including supervisory and oversight personnel are subject to small group home regulations of [Sec. 6.050A](#) and the following:

1. In order to grant special use approval for a large group home use, the village council must determine that cumulative effect of the use and its operation will not alter the residential character of the neighborhood, will not create an institutional setting and will not have an adverse effect on surrounding properties.
2. The applicant must submit a statement describing the exact nature of the facility and its proposed occupants, the qualifications of the agency that will operate the facility, the number and type of personnel who will be employed and the number of residents who will occupy the facility.

**Mobile Home Parks**<sup>34</sup>

~~No person shall occupy a mobile home or manufactured housing unit for regular overnight living purposes except in an approved mobile home park. Except for the storage or parking of recreational vehicles as permitted by Section 28-1408, no mobile home shall be located on residential lots. Mobile home parks shall be permitted only in the R-1 and B-3 Zoning Districts, and shall be allowed only as special uses in these districts, subject to the special conditions of this Section in addition to the conditions applicable to all special uses. Mobile home parks, where allowed as a special use shall be subject to the following requirements:~~

**~~C.—Location~~**

~~In the R-1 zoning district, no mobile home park shall be permitted except contiguous to, or immediately across a street or alley from, a business or manufacturing district. No mobile home park shall be permitted unless it has direct access to an arterial street designated as such a street on the Downers Grove Future Land Use Map.~~

**~~D.—Size of Mobile home parks~~**

~~Mobile home parks in the R-1 zoning district shall consist of at least forty (40) acres. Mobile home parks in the B-3 zoning district shall consist of at least ten (10) acres.~~

**~~E.—Lot Size~~**

~~Each mobile home lot in an R-1 zoning district shall contain at least four thousand (4,000) square feet, provided that no such lot shall contain less than three thousand two hundred (3,200) square feet. No mobile home lot in a B-3 zoning district shall contain less than two thousand four hundred (2,400) square feet.~~

**~~F.—Lot Width~~**

~~The width of each mobile home lot (measured perpendicularly to either side lot line at its point of intersection with the setback line) shall be at least forty four (44) feet in an R-1 zoning district, and twenty eight (28) feet in a B-3 zoning district.~~

**~~G.—Height~~**

~~No structure or mobile home located in a mobile home park shall exceed the lower of two and a half (2 1/2) stories or thirty five (35) feet in height.~~

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<sup>34</sup> Mobile home parks are proposed to be deleted from the list of allowed uses. They are currently listed as special uses in R zoning districts.

**H.—Location of Mobile Homes in the R-1 Zoning District**

In an R-1 zoning district, no part of any mobile home, or any addition or appurtenance thereto, shall be placed:

- 1.—within twenty (20) feet of any other mobile home, or any addition or appurtenance thereto, or within twenty (20) feet of any other mobile home park;
- 2.—within fifty (50) feet of any accessory or service structure;
- 3.—within seventy-five (75) feet of any principal county, township, village or state highway or arterial street or roadway right-of-way;
- 4.—within fifteen (15) feet from the pavement of streets or roadways within the park in which they are located.

**I.—Location of Mobile Homes in the B-3 Zoning District**

In a B-3 zoning district, no part of any mobile home, or any addition or appurtenance thereto, shall be placed

- 1.—within twelve (12) feet of any other mobile home, addition or appurtenance thereto;
- 2.—within fifty (50) feet of any accessory or service structure;
- 3.—within fifteen (15) feet from the pavement of streets or roadways within the park in which they are located.

**J.—Landscaping/Fencing**

There shall be provided along each lot line of a mobile home park located in an R-1 zoning district, screen fencing or landscape planting which shall be designed or planted, or both, to be fifty percent (50%) opaque at all times when viewed horizontally between two (2) feet and eight (8) feet above ground level. The Director shall determine whether the requirements of this paragraph have been met within one year after issuance of a building permit with respect to such mobile home park.

**K.—Design and Improvements**

In an R-1 District, the design of and improvements to be provided in any mobile home park, including street widths and construction of approach streets or ways, shall conform to the requirements of the Downers Grove Subdivision Control Ordinance for conventional residential subdivision; provided, however, that the street width and construction requirements in such subdivision regulations shall not be applicable to those streets which the Plan Commission determines not to be necessary to service any possible future conventional residential subdivision on such tract of land.

**L.—Common Space**

Each mobile home park in an R-1 zoning district shall provide at least three (3) acres of common space for use as recreational or service facilities, exclusive of the setback as required herein. An additional two hundred (200) square feet of common space shall be provided for each mobile home lot in excess of one hundred and sixty (160) lots contained within such park.

**Sec. 6.060 Nursing Homes**

Nursing homes in R districts are subject to the following regulations:



- A. Building**  
Nursing homes must be located in buildings that were originally designed and constructed for use as a nursing home.
- B. Lot Area**  
Nursing homes must be located on lots with an area of at least 5 acres, except that the lot may contain less than 5 acres but not less than 2 acres if any part of such lot is contiguous to or directly across a street or alley from a zoning district other than R-1, R-2, R-3 or R-4.
- C. Building Coverage**  
No more than 25% of the lot area may be occupied by buildings.
- D. Setbacks**
  - 1. Buildings must be set back at least 50 feet from all lot lines.
  - 2. No off-street parking area may be located within 30 feet of any interior side or rear lot line abutting R-zoned property.
- E. Landscaping and Screening**  
All outdoor recreation or rehabilitation areas must be screened from view by a wall, fence or densely planted, compact hedge not less than 4 feet and no more 6 feet in height.
- F. Vehicle Access**  
Facilities for vehicular access to the lot must be designed so as not to interfere with normal traffic movement.
- G. Rehabilitation Therapy Services**  
Rehabilitation therapy and similar services may be provided for residents, and as an accessory use for others who do not require hospital services or admission to a nursing home. Rehabilitation therapy may include physical, speech, occupational or similar types of therapy for patients who, through injury or disease, require rehabilitation services to recover, function, or make adaptation in one or more basic life abilities, such as speech, ambulation, short-term memory, personal grooming, simple housekeeping, or motor skills. Rehabilitation therapy does not include treatment for mental illness, alcohol or substance abuse, maternity or communicable diseases. Off-street parking requirements for any floor area devoted to accessory rehabilitation therapy or services must be based on the parking requirements for medical office use.

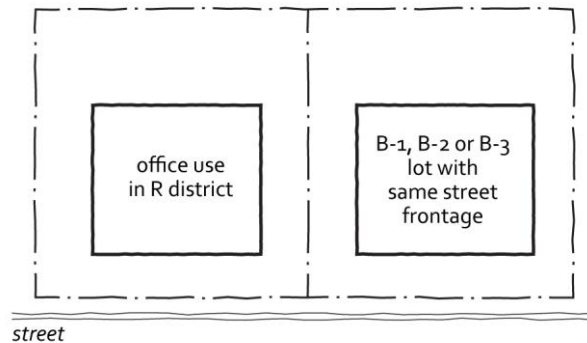
**Sec. 6.070 Offices**

Office uses in R districts are subject to the following regulations:

- A.** Office uses may be approved as a special use in an R district only if located on lots that abut property zoned as B-1, B-2, or B-3 or lots occupied by existing office uses.
- B.** ~~The structure housing such use shall be located entirely within one hundred and fifty (150) feet, or no more than three platted lots, of an existing B-1, B-2 or B-3 Business District, whichever is less, provided that the measurement of any such distance shall not include or extend across a street.~~ The entire building to be occupied by the office use must be located within 150 feet of the B-1, B-2 or B-3 zoning district or within 150 feet of the lot occupied by the existing office use.

- C. ~~The structure housing such use, and the lot on which it is to be located shall front on the same street as the building housing a permitted use in the existing B-1, B-2 or B-3 Business District, as required in subparagraphs 1 and 2 hereof, or if the property in such Business District is vacant, on the same street as that on which the front lot line is located in such Business District.~~ The lot to be occupied by the office use must have street frontage on the same street as the B-1, B-2 or B-3 zoned lot or on the same street as the lot occupied by the existing office use. See Figure 6-9.

Figure 6-9: Office Use in R District (R lot must be within 150' of B district and front on same street as B)



- D. The lot and building to be occupied by the office use must have frontage on a collector or arterial street.
- E. As part of the special use application, a site plan must be submitted depicting the location of all structures, any landscaping or off-street parking provided
- F. Elevation drawings must also be submitted depicting the design of the building to be located on the site. Building designs must be consistent with or complimentary to residential buildings in the area.

### Sec. 6.080 Personal Vehicle Repair and Maintenance

Personal vehicle repair and maintenance uses are subject to the following regulations:

- A. Repair and service activities must be conducted within a completely enclosed building.
- B. No outdoor storage is allowed, except for customer vehicles waiting to be repaired or waiting for pick up.
- C. All repair and maintenance activities must be screened with a solid fence or wall with a minimum height of 6 feet and a maximum height of 8 feet.

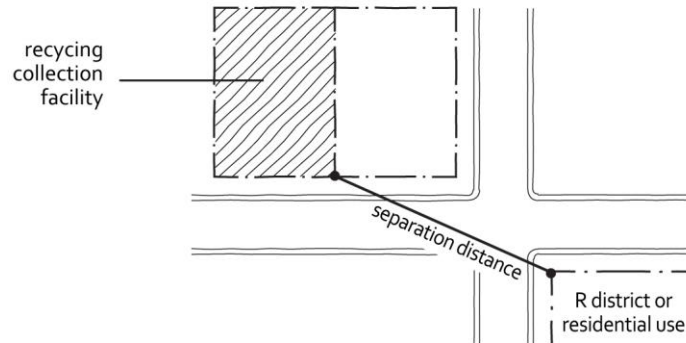
### Sec. 6.090 Recyclable Material Drop-off Facilities

Recyclable material drop-off facilities are subject to the following regulations:

- A. **Location and Area**
1. Drop-off, collection and storage area locations are restricted to those shown on a site plan approved by the village council as a condition of approval. Any area outside of a building may not exceed 2,000 square feet in area.
  2. Except where separated by right-of-way of the Illinois Toll Highway Authority, a recycling collection facility may not be located within 1,320 feet of any R zoning district, or,

for property located beyond the corporate limits of the village, that is zoned for residential use pursuant to the zoning regulations of the governmental entity having jurisdiction. This separation distance requirement does not apply to property owned, maintained and used by the village and used for any water tower or fire station. Measurement of separation distance requirements must be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the lot used as a part of the premises where a recycling, collection facility is conducted, to the nearest lot line of a lot zoned residential and used as residential property. See [Figure 6-10](#).

*Figure 6-10: Recycling Facility Separation from Residential*



#### **B. Ownership**

The organization or corporation operating the facility must file with the community development department the name and address of its current registered agent or other person responsible for receiving notices on behalf of the operator. Any other provision of this zoning ordinance notwithstanding, the applicant for the special use may be a lessee or licensee, provided that proof of the property owner's permission for such use accompanies the application.

### **Sec. 6.100 Religious Assembly**

#### **A. Location Criteria**

1. Religious assembly uses may be approved as a special use in an R district only if located on lots of at least 2 acres in area that have frontage on an arterial or collector street or that abut a B, M, or O-R-M zoning district on at least one side.
2. Religious assembly uses may be approved as a special use in DT, O-R and O-R-M districts only if located on lots of at least 4 acres in area.

#### **B. Lot and Building Regulations**

1. The maximum allowed building coverage on lots occupied by religious assembly uses is 40%. All other lot and building regulations of the subject zoning district apply.
2. Modifications of applicable lot and building regulations may be approved as part of the special use approval process if the village council determines that strict compliance with applicable lot and building regulations substantially burdens the exercise of religion, except that no modification is allowed if the village council determines that the burden (1) is in furtherance of a compelling governmental interest and (2) is the least restrictive means of furthering that compelling governmental interest.

3. In the event that a substantial burden (on the exercise of religion) is claimed, the applicant for religious assembly special use approval must submit materials and evidence describing:
  - a. the alleged burden in detail, including why such burden is of such a substantial nature so as to justify modification of the zoning regulations;
  - b. efforts employed by the applicant to avoid or reduce the burden;
  - c. the minimal modification requested to avoid or reduce the burden;
  - d. any adverse impacts of the requested modification on the area involved and efforts to reduce such impact; and
  - e. other information or factors the applicant may deem relevant or as requested by the community development director, the plan commission or the village council related to the alleged burden or requested modification.
4. If the village council determines that there is a substantial burden, and that the regulation at issue is not in furtherance of a compelling governmental interest or is not the least restrictive means of furthering that compelling governmental interest, the plan commission may recommend and the village council may authorize modification of the lot and building regulations of the subject zoning district, subject to the following:
  - a. The modification must be the smallest adjustment needed so that the regulation no longer substantially burdens the exercise of religion.
  - b. The modification may be permitted only to the extent that and for the period of time that, the lot is used for religious assembly purposes. A covenant must be recorded with the DuPage County recorder of deeds, in a form acceptable to village attorney, stating that the property owner will bring the property into compliance with the affected regulation when the property ceases to be used for religious assembly uses.
  - c. Conditions and restrictions may be imposed as appropriate to mitigate any adverse impact of the modification.

**Sec. 6.110 Self-service Storage Facilities**

Self-service storage facilities are subject to the following regulations:

- A. Location**

The subject lot may not have more than one boundary abutting an R district.
- B. Landscaping**

Portions of the site not occupied by buildings or paving must be landscaped in accordance with a landscape plan approved by the village.
- C. Screening**

Any portion of the site abutting an R district must be visually screened from the R zoned area by an 8 foot fence.
- D. Outdoor storage**

No outdoor storage is allowed, and all refuse and garbage must be stored inside a building or in areas that are completely screened from view.

**E. Driveways**

All driveways and parking areas must be paved.

**F. Security**

The site must be completely fenced and accessed via a locked security gate.

**Sec. 6.120 Temporary Real Estate Offices**

**A. General**

The community development director is authorized to issue a temporary use permit to allow a temporary real estate offices in any zoning district. Temporary real estate offices, where allowed, may be used for sales office purposes in connection with the construction, sales, or rental structures or for building construction activities in conjunction with an ongoing and permitted development or construction project.

**B. Application**

A written application for a temporary real estate sales office permit must be submitted to the community development director. The application must be signed by the owner of the subject lot and describe in detail the purpose, use and location of the proposed office. The application must be accompanied by an express agreement by the owner to discontinue the temporary real estate office use immediately upon the expiration or cancellation of the permit.

**C. R-1, R-2, R-3 and R-4 Districts**

Temporary real estate sales offices in R-1, R-2, R-3 and R-4 zoning districts are subject to the following regulations:

1. No more than 25% of the gross floor area of a dwelling may be used for sales office purposes. The remainder of the building may be used for displaying styles of architecture, construction work, interior decoration and similar matters related to real estate sales.
2. Sales of lots or structures outside of the subject subdivision are prohibited, except that sales involving lots in an adjacent subdivision under the same ownership and control as the subject subdivision are allowed.
3. No sales office is permitted for residential subdivisions containing fewer than 10 lots.
4. In any subdivision in which more than one builder or general contractor is offering to construct residential buildings, a separate sales office may be maintained by each such general builder or contractor, provided that there may not be more than one sales office for 10 lots in the subdivision, and in no event may there be more than 5 total sales offices in any single subdivision.
5. Permits for temporary sales offices cease and terminate automatically with no further action on behalf of the village, when (i) building permits for 85% or more of the total number of lots in the subject subdivision have been issued by the village, or (ii) fewer than 6 lots remain in the subdivision for which building permits have not been issued or applied for, whichever occurs later.

**D. R-5, R-5A and R-6 Districts**

Temporary real estate sales offices in R-5, ~~R-5A~~, and R-6 zoning districts are subject to the following regulations:

1. Sales may be conducted in a model dwelling unit (apartment or condominium) situated within the same building as the subject dwelling unit, or within another building or temporary building on the same lot or in the same development.
2. Not more than one dwelling unit may be used for office purposes in any single building or development.
3. No sales office is permitted in any building or development containing fewer than 12 dwelling units.
4. Permits for temporary sales offices cease and terminate automatically with no further action on behalf of the village, when (i) building permits for 85% or more of the total number of dwelling units in the building or development have been issued by the village, or (ii) fewer than 6 dwelling units remain for which no occupancy permit has been issued, whichever occurs later.

**E. Term of Permit**

A temporary real estate sales office permit is valid for the period stated in the permit, not to exceed one year. The permit may be renewed before its expiration for an additional period of not more than one year if a building or occupancy permit for at least one lot within the same subdivision, or an adjacent subdivision under the same ownership and control, has been issued before expiration of the temporary real estate sales offices permit.

**F. Revocation of Temporary Real Estate Sales Offices Permits**

Temporary real estate sales office permits are subject to revocation by the community development director for violation of any provision of this zoning ordinance. If the community development director determines that a violation exists, the director must give the permit holder written notice of the violation. If the violation is not corrected within 5 days after the notice is sent, the permit must be revoked.

**G. Construction Offices**

Mobile homes may be used as temporary offices or shelters incidental to construction until construction is completed, when final grading is approved, or upon granting of an occupancy permit, provided that the mobile home must be located on the premises undergoing construction.

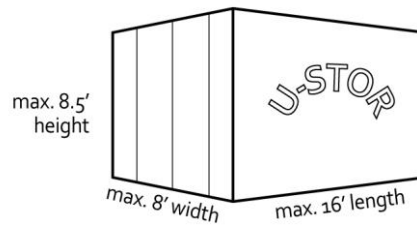
**Sec. 6.130 Portable Storage Containers**

**A. Residential Districts**

Portable storage containers in R zoning districts are subject to the following regulations:

1. Containers may be temporarily stored for a period not exceeding any aggregate of 90 days (which may or may not be consecutive) within any period of 12 consecutive months. At the sole discretion of the community development director, an additional maximum of 90 days may be granted.
2. No more than one container may be located on any lot.
3. Containers may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height. See [Figure 6-11](#).

Figure 6-11: Maximum Container Size in Residential Districts



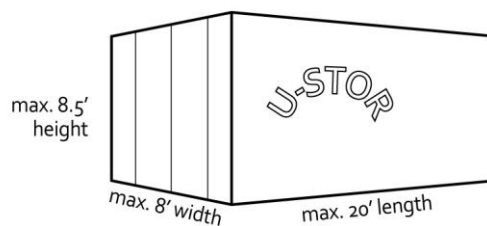
4. Containers must be setback at least 5 feet from all property lines.
5. Containers must be placed on an improved hard, dust-free surface, generally asphalt, brick pavers, or concrete. Containers are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

#### B. Nonresidential Zoning District

Portable storage containers in nonresidential zoning districts are subject to the following regulations:

1. Containers may be temporarily stored for a period not exceeding any aggregate of 90 days (which may or may not be consecutive) within any period of 12 consecutive months. At the sole discretion of the community development director, an additional maximum of 90 days may be granted.
2. No more than 3 containers may be located on any lot.
3. Containers may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See [Figure 6-12](#).

Figure 6-12: Maximum Container Size in Nonresidential Districts



4. Containers must comply with all setback requirements that apply to principal buildings and be separated by at least 10 feet from principal buildings.
5. Containers may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
6. Vertical stacking of containers and stacking of any other materials or merchandise on top of any portable storage container is prohibited. No running gear or transport trailer may be left underneath any portable storage container.
7. Containers must be placed on an improved hard, dust-free surface, generally asphalt, brick pavers, or concrete. Containers are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions,

constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

**Sec. 6.140 Veterinary Care**

Veterinary care uses are subject to the following regulations:<sup>35</sup>

- A. All medical care and boarding must be conducted within a completely enclosed principal building.
- B. Bio-hazard and/or medical waste must be disposed of pursuant to the medical waste disposal regulations of the Occupational Safety and Health Administration.
- C. The treatment of animals must be primarily limited to companion animals.
- D. Any treatment of dangerous or vicious animals is subject to all applicable regulations of [Chapter 5](#) of the municipal code.

**Sec. 6.150 Wireless Telecommunications**

**A. Purpose and Intent**

The wireless telecommunication regulations of this section are intended to:

1. protect residential areas and land uses from potential adverse impacts of telecommunications towers;
2. encourage the location of telecommunications towers in nonresidential areas;
3. minimize the total number of telecommunications towers in the village;
4. promote the joint use of new and existing telecommunications tower sites as a primary option rather than construction of additional single-use telecommunications towers;
5. encourage users of telecommunications towers to locate them in areas where the adverse impact on the community is minimal;
6. encourage users of telecommunications towers to design and configure them in a way that minimizes the adverse visual impact of the telecommunications towers;
7. ensure the ability of telecommunications services providers to provide such services to the community quickly, effectively, and efficiently; and
8. avoid potential damage to adjacent properties from telecommunications tower failure through engineering and careful siting of telecommunications tower structures.

**B. Applicability**

The regulations of this section apply to all new telecommunications towers, except for amateur radio facilities and receive-only antennas that do not exceed 70 feet in height ~~and receive-only television, direct broadcast satellite and wireless cable antennas not more than one meter in diameter, which may be located on posts not more than 12 feet in length.~~

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<sup>35</sup> These currently apply only in B-2.



**C. Federal Law**

The wireless communication facility regulations of this section must be applied within the constraints of the Telecommunications Act of 1996 and Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012.

**D. Neighbor Communications**

Applicants for telecommunication tower permits must comply with the neighbor communications requirements of [Sec. 12.010C](#).

**E. Permit Required**

1. A permit is required for the construction or installation of a telecommunications tower. Telecommunication service providers are encouraged to submit a single application for approval of multiple telecommunications tower sites.
2. Permit applications must be filed with, and in a form as prescribed by, the community development director, and will be considered complete only upon the community development director's determination that all required fees, information and documents have been submitted.
3. The permit application must include such submittals, material and information as may be required by the community development director to establish that the request meets the standards and requirements of this section. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, must be certified by a licensed professional engineer. Information required to be submitted may include any or all of the following:
  - a. An inventory of the applicant's existing telecommunications towers, antennas, or sites approved for telecommunications towers or antennas, that are either within the corporate limits of the village or within 1.5 miles of the village's corporate limits. This inventory must include such information as the community development director may direct, including specific information about the location, telecommunications tower height, and design of each telecommunications tower. The community development director may share such information with other persons seeking to locate a telecommunications tower or antenna within the jurisdiction of the village.
  - b. A scaled site plan clearly indicating the location, type and telecommunications tower height of the proposed telecommunications tower and/or antenna, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), zoning classification of the site and all properties within the applicable separation distances set forth in this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed telecommunications tower and any other structures, topography, parking, and other information deemed by the community development director to be necessary to assess compliance with this section.
  - c. Legal description of the parent tract and leased parcel (if applicable).
  - d. The setback distance between the proposed telecommunications tower and the nearest R-zoned properties.

- e. The separation distance from other telecommunications towers described in the inventory of existing sites submitted pursuant to this section must be shown on an updated site plan or map. The applicant must also identify the type of construction of the existing telecommunications tower and the owner/operator of the existing telecommunications tower, if known.
- f. A landscape plan showing specific landscape materials.
- g. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination, if any.
- h. A statement indicating compliance with the regulations of this section and all applicable federal, state or local laws.
- i. A notarized statement by the applicant indicating whether construction of the telecommunications tower will accommodate co-location of additional antennas for future users.
- j. Identification of the entities providing the backhaul network for the telecommunications tower described in the application and other cellular sites owned or operated by the applicant in the village.
- k. A description of the availability and suitability of the use of existing telecommunications towers, other structures, or alternative technology, not requiring the construction or use of a new telecommunications tower.
- l. A description of the feasible locations of future telecommunications towers or antennas within the village based upon existing physical, engineering, technological or geographical limitations in the event the proposed telecommunications tower is erected.

## **F. Telecommunications Tower Requirements**

### **1. Lot Size**

For purposes of determining whether the installation of a telecommunications tower complies with the lot and building regulations of the subject zoning district, the dimensions of the entire lot must be used, even though the telecommunications tower may be located on leased parcels within such lot.

### **2. Appearance**

Telecommunications towers must be maintained in a clean condition, free from corrosion or rust, and subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. At a telecommunications tower site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

### **3. Lighting and Illumination**

Telecommunications towers may not be illuminated, unless required by the FAA or other applicable authority. If lighting is required, the lighting design must cause the least disturbance to surrounding views.

**4. State or Federal Requirements**

All telecommunications towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications towers. If such standards and regulations are changed, then the owners of the telecommunications towers governed by this section must bring the telecommunications tower into compliance with the revised standards and regulations within 6 months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring telecommunications towers into compliance with such revised standards and regulations constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

**5. Building Codes; Safety Standards**

To ensure the structural integrity of telecommunications towers, the owner of a telecommunications tower must ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for telecommunications towers that are published by the American National Standards Institute. If, upon inspection, the village concludes that a telecommunications tower fails to comply with applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the telecommunications tower, the owner will have 30 days to bring such telecommunications tower into compliance with such standards. Failure to bring the telecommunications tower into compliance within the 30-day period constitute grounds for the removal of the telecommunications tower or antenna at the owner's expense.

**6. Signs**

Advertising signs are prohibited on an antenna or telecommunications tower.

**7. Buildings and Support Equipment**

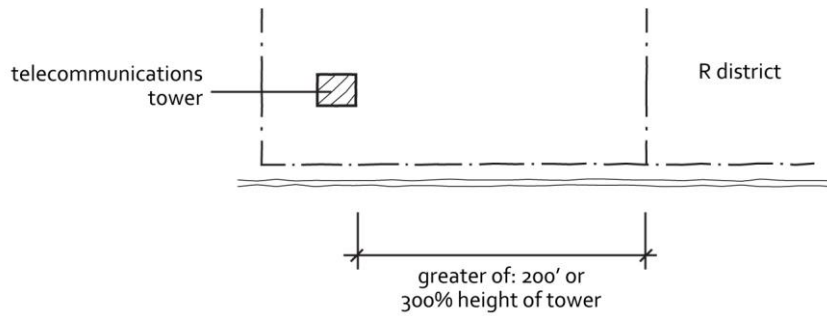
Buildings and support equipment associated with antennas or telecommunications towers must comply with all applicable regulations.

**G. Setbacks and Separations**

The following setback and separation requirements apply to telecommunications towers:

1. For purposes of measurement, telecommunications tower setbacks and separation distances must be calculated and applied to facilities located in the village irrespective of municipal and county jurisdictional boundaries.
2. Guys and accessory buildings must comply with minimum zoning district setback requirements.
3. Telecommunications towers in nonresidential zoning districts must be separated from R districts by a distance of 200 feet or 300% of height of telecommunications tower, whichever is greater. See [Figure 6-13](#) ~~Figure 6-13~~.

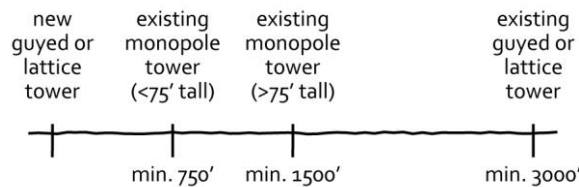
Figure 6-13: Tower Separation from R Districts



4. Telecommunications towers in R zoning districts must be separated from all other telecommunications towers as provided in this paragraph. The minimum required separation distances between the proposed telecommunications tower on R-zoned property and any other preexisting telecommunications towers must be measured by drawing or following a straight line between the base of the existing telecommunications tower and the base of the proposed telecommunications tower. Minimum required separation distances (listed in linear feet) are based on the height and type of telecommunications tower, as follows:

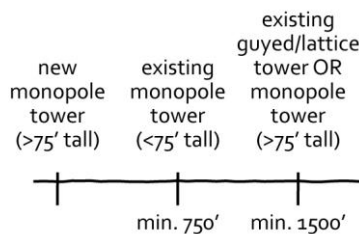
- a. Guyed or lattice telecommunications towers must be separated by at least 3,000 feet from any pre-existing lattice or guyed telecommunications towers; by at least 1,500 feet from any monopole 75 feet in height or greater; and by at least 750 feet from any monopole less than 75 feet in height. See [Figure 6-14](#).

Figure 6-14: Required Separations for Guyed and Lattice Towers



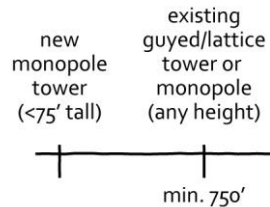
- b. Monopole telecommunications towers 75 feet in height or greater must be separated by a distance of at least 1,500 feet from any pre-existing lattice or guyed telecommunications towers; by at least 1,500 feet from any monopole 75 feet in height or greater; and by at least 750 feet from any monopole less than 75 feet in height. See [Figure 6-15](#).

Figure 6-15: Required Separations for Monopole Towers with a Height of 75' or More



- c. Monopole telecommunications towers less than 75 feet in height must be separated by a minimum distance of 750 feet from any pre-existing lattice or guyed telecommunications towers; by at least 750 feet from any monopole 75 feet in height or greater; and by at least 750 feet from any monopole less than 75 feet in height. See [Figure 6-16](#).

*Figure 6-16: Required Separations for Monopole Towers with a Height less than 75'*



**H. AM Array**

For purposes of implementing this section, an AM array, consisting of one or more telecommunications tower units and supporting ground system that functions as one AM broadcasting antenna, is considered one telecommunications tower. Measurements of setbacks and separation distances must be measured from the outer perimeter of the telecommunications towers included in the AM array. Additional telecommunications tower units may be added within the perimeter of the AM array as of right.

**I. Security Fencing**

Unless waived by the community development director as provided in this section, a security fence is required to enclose a telecommunications tower to protect the telecommunications tower and the public. This fencing requirement may be waived or modified for locations where the security and protection of the public and telecommunications tower is otherwise provided.

**J. Landscaping**

The following requirements govern the landscaping surrounding telecommunications towers.

1. Telecommunications tower facilities must be landscaped with a visual buffer of plant materials that effectively screens the view of the telecommunications tower compound from property used for residential purposes. The standard buffer must consist of a landscaped strip at least 4 feet in width outside the perimeter of the compound.
2. Existing mature tree growth and natural land forms on the site must be preserved to the maximum extent possible. In some cases, such as telecommunications towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
3. The landscaping requirements of this subsection may be waived or modified by the community development director for locations where the visual impact of the telecommunications tower would be minimal, or where an alternative telecommunications tower structure is used.

**K. Height**

Telecommunications towers are subject to the following height requirements:

1. **Residential Districts**

The maximum height of telecommunications towers in R zoning districts may not exceed 90 feet for a single user; 110 feet for 2 users; or 130 feet for 3 or more users.

2. **Business Districts**

The maximum height of telecommunications towers in B-1, B-2 and B-3 zoning districts may not exceed 100 feet for a single user; 120 feet for 2 users; or 140 feet for 3 or more users.

3. **Office and Manufacturing Districts**

The maximum height of telecommunications towers in O-R, O-R-M, M-1 and M-2 zoning districts may not exceed 125 feet for a single user; 150 feet for 2 users; or 174 feet for 3 or more users.

**L. Availability of Suitable Existing Telecommunications Towers, Other Structures, or Alternative Technology**

No new telecommunications tower may be approved unless the applicant demonstrates that no existing telecommunications tower, structure or alternative technology that does not require the use of a new telecommunications tower or structures can accommodate the applicant's proposed antenna. Such demonstration may consist of evidence or information that establishes any of the following:

1. No existing telecommunications towers or structures are located within the geographic area that meet applicant's engineering or coverage requirements.
2. Existing telecommunications towers or structures are not of sufficient height to meet applicant's engineering or coverage requirements.
3. Existing telecommunications towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing telecommunications towers or structures, or the antenna on the existing telecommunications towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing telecommunications tower or structure or to adapt an existing telecommunications tower or structure for sharing are unreasonable. Costs exceeding those of installing a new telecommunications tower are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing telecommunications towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of telecommunications towers or structures is unsuitable. Costs of alternative technology that exceed new telecommunications tower or antenna development will not be presumed to render the technology unsuitable.

**M. Interference with Governmental Radio Signals Prohibited**

Signal transmission may not interfere with any village or other governmental radio signals, including village police, fire, emergency dispatch and public works signals.

**N. Location in Residential Districts Restricted**

Location of telecommunications towers in R zoning districts is discouraged. To that end, and in addition to other provisions of this section, no telecommunications tower may be approved in an R district unless one of the following is established:

1. There are no sites within nonresidential zoning districts that will accomplish substantially the same coverage and that the proposed R-zoned site is necessary, from a technical perspective.
2. Because of unique circumstances, such as the location of the property and proximity of residential structures, the proposed telecommunications tower will not have a significant adverse impact on existing or reasonably anticipated residential uses or property values in the area of the proposed tower.

**O. Community Development Director Approval**

1. Except in those districts where telecommunications towers are classified as a special use, the community development director must review the application for a permit under this section and determine if the application and the proposed telecommunications tower complies with the provisions of this section. Within 60 days following receipt of a complete application, the community development director must do one of the following:
  - a. approve the application as submitted and issue a permit;
  - b. approve the application and issue a permit, subject to such conditions and restrictions as the community development director may direct to ensure compliance with this section; or
  - c. deny approval of the application.
2. A telecommunications tower that is modified or reconstructed to accommodate the co-location of an additional antenna must be of the same telecommunications tower type as the existing telecommunications tower, unless the community development director allows reconstruction as a monopole.
3. To accommodate the co-location of additional users, the community development director may approve modifications or rebuilding of an existing telecommunications tower to a taller telecommunications tower height, not to exceed the maximum height limits of this section. The telecommunications tower's pre-modification height will be used to calculate separation distance requirements; no additional separation distance will be required for the additional allowed co-location height.
4. To accommodate the co-location of an additional antenna, the community development director may authorize a telecommunications tower that is being rebuilt to be moved up to 50 feet from its existing location. After the telecommunications tower is rebuilt to accommodate co-location, only one telecommunications tower may remain on the site and the relocated telecommunications tower will continue to be measured from the original telecommunications tower location for purposes of calculating separation distances; no additional separation distance will be required for the authorized movement.

5. To encourage co-location, the community development director may authorize locating additional antennas on existing telecommunications towers.

**P.—Security Fund**

- ~~1.—On or before the date of issuance of any building permits for a telecommunications tower, the applicant must establish a “security fund” with the village, in the form of an unconditional letter of credit, surety bond or other instrument, in form and substance acceptable to the village attorney. The amount of the security fund must be set by the community development director at a level sufficient to fund any costs incurred by the village in removing the telecommunications tower as provided under this paragraph. At a minimum, the letter of credit, surety bond or other instrument must:
  - ~~a.—provide that it may not be canceled without prior notice to the village; and~~
  - ~~b.—not require the consent of any other person other than the proper village official prior to collection by the village of any amounts covered by the security fund. The security fund must be continuously maintained in accordance with this section at owner’s sole cost and expense.~~~~
- ~~2.—The security fund will serve as the owner’s financial guarantee that:
  - ~~a.—compliance will be maintained with all applicable provisions of the municipal code;~~
  - ~~b.—any expenditure, damage or loss incurred by the village occasioned by the owner’s failure to comply with all codes, ordinances, rules, regulations orders, permits, the final plans and specifications and other directives of the village; and~~
  - ~~c.—the payment by the owner of all liens and taxes and all damages, claims, costs or expenses that the village has paid or incurred by reason of any act or default of the owner including any removal or restoration work that the village must perform itself or have completed as a consequence of the owner’s failure to so perform or complete, and all other payments due the village from the owner.~~~~
- ~~3.—Within 14 days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the owner must restore the security fund to the amount specified by the community development director.~~
- ~~4.—If the owner fails to pay to the village any damages, claims, costs or expenses that the village has been compelled to pay or incur by reason of any act or default of the owner, then, after 10 days’ advance written notice from the village clearly stating the reason for withdrawal and its intention to exercise its rights under this subsection if not paid by the owner and the failure of the owner to pay the monies due, the village may withdraw the specified amount from the security fund.~~
- ~~5.—Upon any termination of use and removal of the telecommunications tower, all remaining security funds must be returned to the owner.~~
- ~~6.—The rights reserved to the village with respect to the security fund are in addition to all other rights of the village, whether reserved by this section or authorized by law, and no action, proceeding or exercise of a right with respect to the security fund affects any other right the village may have.~~



**Q.P. Removal of Abandoned Antennas and Telecommunications Towers**

Any telecommunications tower or antenna located on a tower that is not operated for a continuous period of 12 months will be considered abandoned. If there are 2 or more users of a single telecommunications tower, then the telecommunications tower will not be deemed abandoned until all users cease using the telecommunications tower for a continuous period of 12 months or more. The owner of any abandoned antenna or telecommunications tower must remove the antenna and tower within 90 days of receipt of notice from the village notifying the owner of abandonment. If the abandoned antenna or telecommunications tower is not removed within the required 90-day period, the village has the right, but not the obligation, to enter the property and remove the facility. All costs incurred by the village in causing removal must be promptly paid by the owner. In addition, the village has the right to ~~withdraw funds from the security fund to pay costs of removal.~~ place liens on the property to recover the costs of removal.

**R.Q. Preexisting Telecommunications Towers**

Preexisting telecommunications towers are allowed to continue their usage as they presently exist without meeting the requirements of this section, other than compliance with the federal and state requirements and applicable building and safety codes. Routine maintenance of such preexisting towers is permitted. In addition, telecommunications towers that are installed in accordance with the provisions of this section will not be deemed to constitute the expansion of a lawful nonconforming use or structure. New construction other than routine maintenance on a preexisting telecommunications tower must comply with the requirements of this section.

## Article 7 | Parking

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### Sec. 7.010 General

#### A. Purpose<sup>36</sup>

1. The regulations of this article are intended to help ensure provision of off-street motor vehicle parking facilities, bicycle parking areas and other motorized and non-motorized transportation circulation facilities in rough proportion to the generalized demands of different land uses. By requiring such facilities, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from unnecessarily large parking and vehicular use areas.
2. The provisions of this article are also intended to help protect the public health, safety and general welfare by:
  - a. promoting multi-modal transportation options and enhanced safety and convenience for non-motorized travel; and
  - b. providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the village.

#### B. Applicability

##### 1. General

Unless otherwise expressly stated, the regulations of this article apply to all districts and uses.

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<sup>36</sup> Purpose statement is entirely new. No equivalent provisions in current ordinance.

**2. New Uses and Development**

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

**3. Enlargements and Expansions<sup>37</sup>**

a. Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.

b. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address a lawful, existing parking deficit.

**4. Change of Use**

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance. In other words, “credit” is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning and development code, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

**5. Existing**

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

**Sec. 7.020 Maximum Requirements<sup>38</sup>**

Commercial uses requiring 100 or more parking spaces may not provide more than 4.5 spaces per 1,000 square feet of floor area unless otherwise approved through the special use approval process of [Sec. 12.050](#). The special use permit application must include a parking study prepared by professional transportation planner or traffic engineer.

**Sec. 7.030 Minimum Motor Vehicle Parking Ratios<sup>39</sup>**

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with [Table 7-1](#).

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<sup>37</sup> Numbers 3 and 4 are new.

<sup>38</sup> This “maximum” requirement is new.

<sup>39</sup> Minimum ratios are from existing ordinance unless otherwise indicated.

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY	Minimum Motor Vehicle Parking
<b>Subcategory</b> Specific use (See <a href="#">Sec. 5.020</a> )	
<b>RESIDENTIAL</b>	
<b>Household Living</b> (except for the following uses)	2 spaces per dwelling unit
Apartment/condo in DB zoning district	1.4 spaces per dwelling unit
Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
<b>Group Living</b>	0.5 spaces per bed
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>	
<b>Aircraft Landing Area</b>	per <a href="#">Sec. 7.040G</a>
<b>College or University</b>	per <a href="#">Sec. 7.040G</a>
<b>Community Center</b>	1 space per 4 occupants (maximum capacity)
<b>Fraternal Organization</b>	4 spaces per 1,000 square feet
<b>Governmental Facility</b>	per <a href="#">Sec. 7.040G</a>
<b>Hospital</b>	7 spaces per bed
<b>Library</b>	5 spaces per 1,000 sq. ft.
<b>Museum or Cultural Facility</b>	2 spaces per 1,000 sq. ft.
<b>Natural Resource Preservation</b>	None
<b>Parks and Recreation</b>	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
<b>Religious Assembly</b>	
Existing as of 01-14-1991 and located within 1,000 feet of DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
<b>Safety Service</b>	per <a href="#">Sec. 7.040G</a>
<b>School</b>	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
<b>Utilities and Public Service Facility</b>	
Minor	None
Major	per <a href="#">Sec. 7.040G</a>
<b>Wireless Telecommunications</b>	None
<b>COMMERCIAL</b>	
<b>Adult Entertainment Establishment</b>	per <a href="#">Sec. 7.040G</a>
<b>Animal Service</b>	3.5 spaces per 1,000 sq. ft.
<b>Assembly and Entertainment</b> (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
<b>Commercial Service</b> (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Barber shop beauty salon	3 spaces per chair/treatment station
Health club, fitness facility	5 spaces per 1,000 square feet
Research service	1.17 spaces per 1,000 sq. ft.
<b>Day Care</b>	<del>4</del> 2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
<b>Eating and Drinking Establishment</b> (except for the following uses)	<del>16-10</del> spaces per 1,000 sq. ft. or 1 space per 4 seats, which is greater
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	<del>22-5</del> 12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, which is greater
<b>Financial Service</b>	<del>4</del> 3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130

USE CATEGORY	Minimum Motor Vehicle Parking
Subcategory Specific use (See <a href="#">Sec. 5.020</a> )	
Funeral or Mortuary Service	<del>15</del> 12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other affiliated uses
Office	
Business and professional office	<del>3.33</del> 3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
<del>Discount superstore, club</del>	<del>3.33 spaces per 1,000 sq. ft.</del>
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	<del>6.0</del> 4.0 spaces per 1,000 sq. ft.
<del>Home improvement superstore</del>	<del>4.5 spaces per 1,000 sq. ft.</del>
<del>Pharmacy</del>	<del>4.0 spaces per 1,000 sq. ft.</del>
Shopping center ( <u>multi-tenant</u> )	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Studio, Instructional or Service	3.5 spaces per 1,000 sq. ft.
Trade School	1 space per employee + 0.33 per student
Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 per service bay
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area
Personal vehicle repair and maintenance	1 per service bay
Car wash	2 spaces plus 0.5 spaces per employee
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay
<b>WHOLESALE, DISTRIBUTION &amp; STORAGE</b>	0.67 spaces per 1,000 sq. ft.
<b>INDUSTRIAL</b>	1.17 spaces per 1,000 sq. ft.
<b>RECYCLING</b>	
Recyclable Material Drop-off Facility	per <a href="#">Sec. 7.040G</a>
<b>AGRICULTURE</b>	
Community Garden	None
<b>OTHER</b>	
Drive-in or Drive-through Facility	Stacking spaces per <a href="#">Sec. 7.130</a>

**Sec. 7.040 Calculation of Required Parking<sup>40</sup>**

The following rules apply when calculating the required number of off-street parking spaces:

**A. Multiple Uses**

Unless otherwise expressly allowed in accordance with the shared parking regulations of [Sec. 7.050B](#), lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

<sup>40</sup> These calculation rules are entirely new. No equivalent provisions in current ordinance.

**B. Fractions**

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

**C. Area Measurements**

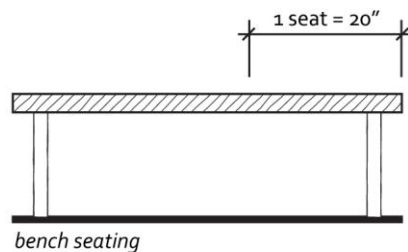
Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or dwelling uses.

**D. Bench Seating**

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See [Figure 7-1](#).

[Figure 7-1](#).

*Figure 7-1: Bench Seating Measurement*

**E. Occupancy- or Capacity-based Standards**

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

**F. Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the community development director is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [Sec. 7.040G](#).

**G. Establishment of Other Parking Ratios**

The community development director is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in [Sec. 7.040F](#)), on parking data provided by the applicant or information otherwise available to the community development director. Park-

ing data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

## **Sec. 7.050 Parking Exemptions and Reductions**

### **A. Downtown**

In the DB zoning district, nonresidential uses, except for medical, dental or health practitioner offices, are exempt from off-street parking requirements. Parking provided voluntarily must comply with the parking area design and parking lot landscape regulations of this zoning ordinance.

### **B. Shared Parking<sup>41</sup>**

#### **1. Purpose**

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

#### **2. Applicability**

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different periods of peak parking demand, subject to approval by the community development director. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

#### **3. Methodology**

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

- a.** Multiply the minimum parking required for each individual use, as set forth in [Sec. 7.030](#) by the percentage identified for each of the 6 designated time periods in [Table 7-2](#).
- b.** Add the resulting sums for each of the 6 columns.
- c.** The minimum shared parking requirement is the highest sum among the 6 columns resulting from the above calculations.
- d.** Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

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<sup>41</sup> This is new/revised. Shared parking outside of downtown currently requires review and approval by the plan commission or the village council.

Table 7-2: Shared Parking Calculations

Land Use	Weekday			Weekend		
	Midnight–7:00 a.m.	7:00 a.m. –6:00 p.m.	6 p.m. –Midnight	Midnight–7:00 a.m.	7:00 a.m.–6:00 p.m.	6 p.m. –Midnight
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating and Drinking	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail & Comm. Service	5%	70%	90%	0%	100%	60%

**4. Other uses**

If one or more of the land uses proposing to make use of shared parking arrangement do not conform to the land use classifications in [Table 7-2](#), as determined by the community development director, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the community development director is authorized to determine the appropriate shared parking requirement, if any, for such uses.

**5. Alternative Methodology**

As an alternative to the shared parking methodology established in [Sec. 7.050B.3](#), the community development director is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute’s or the Institute of Transportation Engineer’s shared parking model or based on studies prepared by professional transportation planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

**6. Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of [Sec. 7.070D](#).

**C. Motorcycle Parking<sup>42</sup>**

In parking lots containing over 20 motor vehicle parking spaces, motorcycle or scooter parking may be substituted for up to 5 automobile parking spaces or 5% of required motor vehicle parking, whichever is less. For every 4 motorcycle or scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle and scooter space must minimum dimensions of 4 feet by 8 feet. This provision applies to existing and proposed parking lots.

**D. Car-Share Service<sup>43</sup>**

For any development, one parking space or up to 5% of the total number of required spaces, whichever is greater, may be reserved for use by car-share vehicles. The number of required motor vehicle parking spaces is reduced by one space for every parking space that is leased by a car-share program for use by a car-share vehicle. Parking for car-share vehicles may also be provided in any non-required parking space.

<sup>42</sup> This is entirely new

<sup>43</sup> This is entirely new.



**Sec. 7.060 Bicycle Parking<sup>44</sup>**

**A. Minimum Requirements**

Bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 7-3](#).<sup>45</sup>

*Table 7-3: Minimum Bicycle Parking Ratios*

USE CATEGORY	Minimum Bicycle Parking Spaces (% of Motor Vehicle Parking)
<b>Subcategory</b> Specific use (See <a href="#">Sec. 5.020</a> )	
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>	
<b>Community Center</b>	10% or 2 spaces, whichever is greater
<b>Library</b>	10% or 2 spaces, whichever is greater
<b>Museum or Cultural Facility</b>	10% or 2 spaces, whichever is greater
<b>Parks and Recreation</b>	10% or 2 spaces, whichever is greater
<b>School</b>	
Elementary and Junior High	10% or 2 spaces, whichever is greater
Senior High	5% or 2 spaces, whichever is greater
<b>COMMERCIAL</b>	
<b>Assembly and Entertainment</b>	
<b>Commercial Service</b>	
Health club, fitness facility	10% or 2 spaces, whichever is greater
<b>Eating and Drinking Establishment</b>	5% or 2 spaces, whichever is greater
<b>Financial Service</b>	5% or 2 spaces, whichever is greater
<b>Office</b>	5% or 2 spaces, whichever is greater
<b>Retail Sales</b>	5% or 2 spaces, whichever is greater
<b>Studio, Instructional or Service</b>	10% or 2 spaces, whichever is greater

**B. Upset Limit**

The minimum bicycle parking ratios of [Table 7-3](#) notwithstanding, no use is required to provide more than 25 bicycle parking spaces.

**C. Location**

Bicycle parking spaces must be located in highly visible, illuminated areas that do not interfere with pedestrian movements. Bicycle parking spaces must be located within 100 feet of a customer entrance.

**D. Design**

Bicycle parking spaces must:

1. consist of bike racks or lockers that are anchored so that they cannot be easily removed;
2. be of solid construction, resistant to rust, corrosion, hammers, and saws;
3. allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
4. be designed so as not to cause damage to the bicycle;

<sup>44</sup> These bicycle parking provisions are entirely new.

<sup>45</sup> The number of uses for which bike parking is required has been expanded (currently required for Retail and Personal, Offices, Restaurants and Cultural, Entertainment, and Sports Facilities). Also, the ratios have been changed (most uses currently require "1 rack of 5 spaces per 50,000 sq. ft.).

5. facilitate easy locking without interference from or to adjacent bicycles; and
6. have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

## **Sec. 7.070 Location of Off-Street Parking**

### **A. General**

Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

### **B. Setbacks**

Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks of the subject zoning district.

1. Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway that is improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.
2. Off-street parking spaces accessory to any religious assembly use that was in existence before April 19, 1965 may be located in a required street setback, provided they are set back at least 5 feet from the right-of-way.
3. Off-street parking spaces for M-1 zoned lots that are located on the west side of Thatcher Road and also abut the Illinois State Tollway right-of-way may be located in the required street setback, provided they are set back at least 5 feet from the right-of-way. Such spaces must be improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.
4. Off-street parking spaces for M-1 zoned lots with frontage on Douglas Road between Rogers Street on the north and Maple Avenue on the south may be located in the required street setback on the Douglas Road frontage, provided that such spaces are improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.

### **C. Downtown**

Parking is prohibited in the street yard of any lot located within a DB or DT zoning district except that parking is allowed on approved driveways serving detached houses, attached houses and two-unit houses.

### **D. Off-Site Parking<sup>46</sup>**

#### **1. When Allowed**

All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and parking required for residential uses may not be located off site.

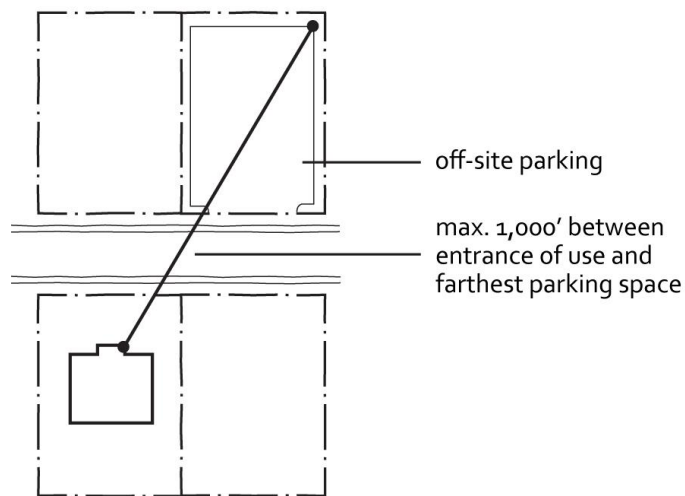
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<sup>46</sup> These off-site parking provisions are entirely new. Most off-site parking currently requires review and approval by the plan commission or the village council.

**2. Location**

Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit the principal use to be served by the off-site parking spaces, unless approved as a special use. See [Figure 7-2](#).

*Figure 7-2: Off-Site Parking Location*



**3. Design**

Off-site parking areas must comply with all applicable parking area design and parking lot landscape regulations of this zoning ordinance.

**4. Control of Off-Site Parking Area**

The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided, in a form approved by the village attorney, guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

**Sec. 7.080 Use of Off-Street Parking Areas**

- A.** Required off-street parking facilities may be used only for the temporary parking of licensed passenger motor vehicles by residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.
- B.** Off-street parking spaces may not be leased to uses not on-site, including but not limited to schools and commuter parking, unless approved by a special use or shared parking agreement. Property owned by the village, state or federal government is exempt from this provision.

- C. Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of R-zoned property from displaying vehicles for sale on the property's off-street parking facilities provided the vehicle is owned by the owner or occupant of the residential property. Except for flagrant or repeated violations, the village will endeavor to obtain voluntary compliance with the restrictions on displaying cars for sale prior to initiation of enforcement proceedings.
- D. No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in a residential or business zoning district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises. The sale of gasoline and motor oil in conjunction with off-street parking facilities is not permitted in any residential zoning district.
- E. No vehicle with a gross weight in excess 8,000 pounds may be stored overnight on a lot in a business or employment zoning district unless the vehicle is being used in connection with a business currently operating on such lot, if the vehicle is serving a particular business on such lot or if the vehicle is providing a service to or activity upon such lot.
- F. No vehicle with a gross vehicle weight in excess of 8,000 pounds, except vehicles registered as recreational vehicles under the Illinois Motor Vehicle Code; and no contractor's equipment, materials, supplies and tools, including the trailers used to haul such items and snow plow blades, may be stored or parked on any lot in any residential zoning district, unless:
  - 1. the vehicle, equipment, supplies or tools are located within a completely enclosed building, or
  - 2. the vehicle, equipment, supplies or tools are being used in connection with a legitimate service actually being rendered for the benefit of the subject lot.

**Sec. 7.090 Parking of Recreational Vehicles and Equipment**

- A. Recreational vehicles, recreational equipment and utility trailers located on a zoning lot on or before December 31, 2007 are subject to the following regulations:
  - 1. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district. The vehicles and equipment must ~~comply with the principal building setback requirements of the subject zoning district, and be located no closer than~~ be set back at least 2.5 feet from any side or rear lot line. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft or not more than 2 snowmobiles, personal watercrafts or specialty prop-crafts. Recreational vehicles, recreational equipment and utility trailers may not be stored in the required street setbacks~~front yards~~.
  - 2. Notwithstanding the regulations of Sec. 7.090A.1, recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard or in the street yard if stored on a driveway, provided that the community development director is given prior notice of the dates for such temporary parking. For purpose of this

provision, temporary parking is the parking of vehicles or equipment during any period not exceeding 10 days in aggregate (which may or may not be consecutive) within any period of 30 consecutive days.

3. All recreational vehicles, recreational equipment and utility trailers parked in residential zoning districts must be parked on an improved area constructed of a hard dustless material, generally asphalt, brick pavers or concrete.
  4. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.
- B.** Recreational vehicles located on a zoning lot after December 31, 2007 are subject to the following regulations:
1. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district. The vehicles and equipment must comply with the principal building setback requirements of the subject zoning district. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft or not more than 2 snowmobiles, personal watercrafts or specialty prop-crafts. Recreational vehicles, recreational equipment and utility trailers may not be stored in the ~~required~~ street yard.
  2. Notwithstanding the regulations of [Sec. 7.090B.1](#), recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard or in the street yard if stored on a driveway, provided that the community development director is given prior notice of the dates for such temporary parking. For purpose of this provision, temporary parking is the parking of vehicles or equipment during any period not exceeding 10 days in aggregate (which may or may not be consecutive) within any period of 30 consecutive days.
  3. All recreational vehicles, recreational equipment and utility trailers parked in residential zoning districts must be parked on an improved area constructed of a hard dustless material, generally asphalt, brick pavers or concrete.
  4. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.
  5. Any recreational vehicle, recreational equipment or utility trailer stored in a rear or side yard of a residential district must be screened on at least 3 sides by a single row of evergreens a minimum of 4 feet in height at the time of planting or by a 6-foot privacy fence. The screening must be placed so that the equipment is screened from view of all abutting property owners.
  6. The recreational vehicle, recreational equipment, or utility trailer must be properly licensed.
  7. No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground so as to prevent its ready removal.

8. No parked or stored recreational vehicle may be used for living, sleeping or business purposes.

**Sec. 7.100 Parking Area Design**

**A. Tandem and Valet Parking Arrangements<sup>47</sup>**

Parking areas must be designed and constructed to allow unobstructed movement into and out of required parking spaces without interfering with fixed objects or vehicles except in the case of allowed tandem and valet parking, as follows.

**1. Tandem Parking**

Tandem parking spaces may be used to satisfy residential parking requirements if the tandem spaces are assigned to the same dwelling unit.

**2. Valet Parking**

Valet parking may be used to satisfy minimum off-street parking requirements for non-residential uses if an attendant is present during all hours of operation. Valet parking arrangements may involve the stacked parking of vehicles (i.e., requiring one or more vehicles to be moved to obtain access to other parked vehicles). Valet parking is not subject to the off-site parking distance limit of [Sec. 7.070D.2](#). See also the valet parking regulations in [Chapter 14](#) (Article XI) of the municipal code.

**B. Stall Sizes and Parking Lot Geometrics**

1. Off-street parking areas must be designed and constructed in accordance with the regulations of [Table 7-4](#). See also [Figure 7-3](#).

*Table 7-4: Parking Area Dimensions*

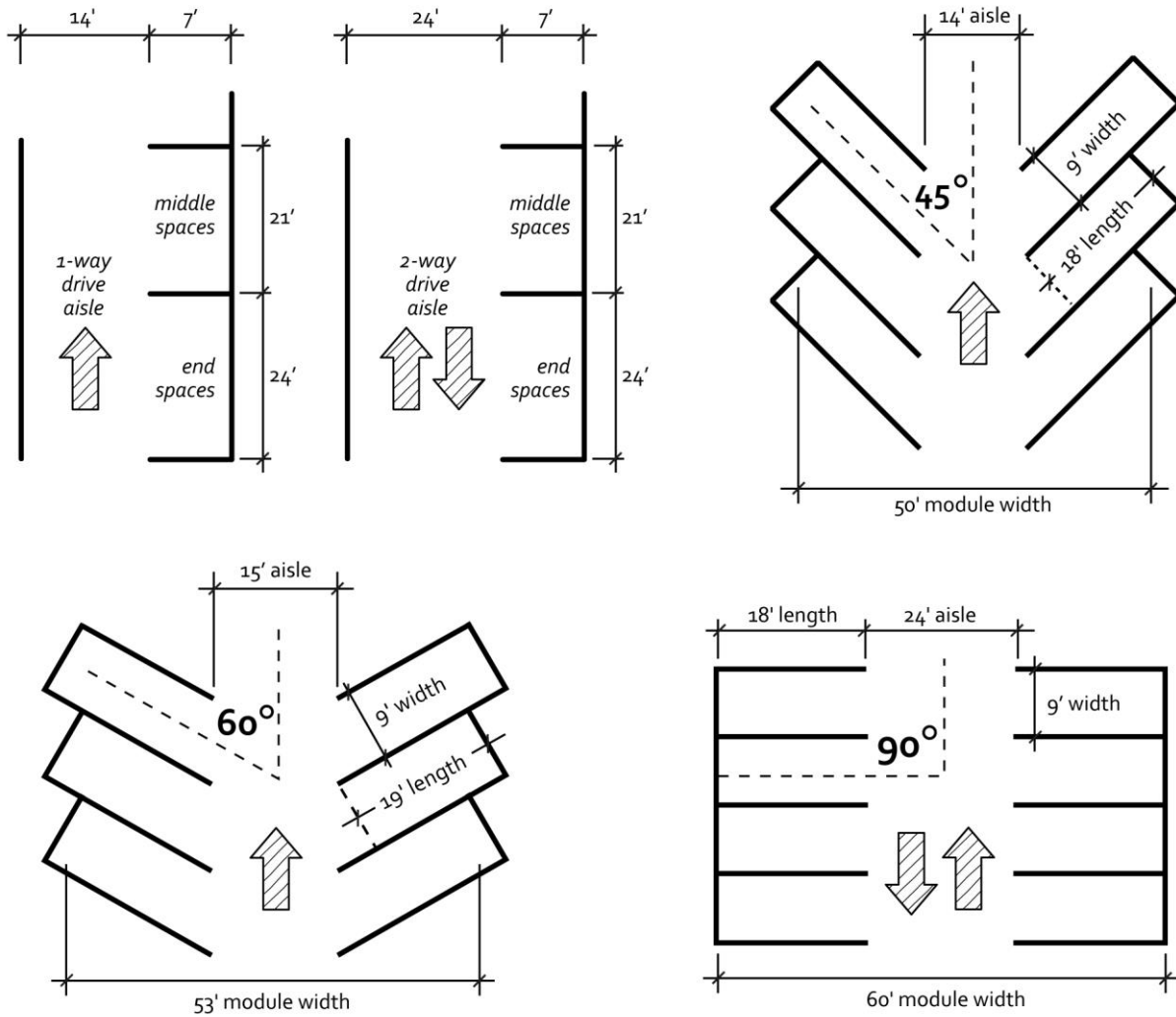
	Angle of Parking			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	21 (middle), 24 (ends)	18	19	18
Aisle Width (feet)	14 (one-way), 24 (two-way)	14	15	24
Module Width (feet)		50	53	60

Note: Dimensions must be measured from the centerline of the stripe delineating the space.

2. Stall dimensions may be reduced by up to 6 inches in width and length in parking lots containing more than 50 parking spaces. Office and institutional uses, excluding medical offices, and commuter parking spaces that require more than fifty (50) total parking spaces may be reduced by six (6) inches in length and width, except for parallel parking spaces, if a parking study demonstrates that parking activity is projected at medium to low turnover conditions, defined as Class B or C by the Institute of Transportation Engineers (ITE), and that the typical parking space in such lot or structure will be occupied by no more than one ~~(1)~~ or ~~two (2)~~ different vehicles during the course of the business day. Stall size reductions are not allowed for parallel spaces.

<sup>47</sup> New

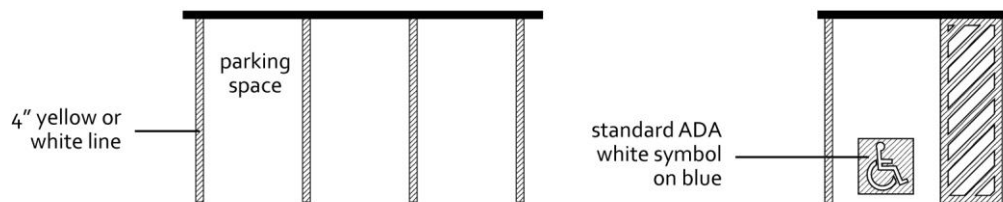
Figure 7-3: Parking Area Dimensions



**C. Striping**

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted with the standard ADA white symbol on blue background. See [Figure 7-4](#).

Figure 7-4: Parking Lot Markings



**D. Surfacing**

All outdoor parking spaces ~~except those accessory to detached houses~~ must be properly engineered and improved with a compacted stone base and surfaced with asphaltic concrete, or other comparable all-weather, dustless material. Plans and materials must be approved by the public works director.

**E. Wheel Stops**

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas. Plans must be approved by the public works director.

**F. Curb and Gutter**

Combination concrete curb and gutter or concrete barrier curbs are required around the perimeter of all parking lots containing 5 or more parking spaces and around all landscape islands and divider medians. Alternatives to curb and gutter that comply with the village's best management practices for stormwater may be approved at the sole discretion of the public works director.

**G. Drainage**

The recommended slope of a parking lot to the drain is a minimum 1%, with a 1.5% or 2% recommended minimum in all directions.

**H. Landscaping**

All off-street parking lots containing 5 or more spaces must be landscaped in accordance with Sec. 8.020 and Sec. 8.030.

**I. Lighting**

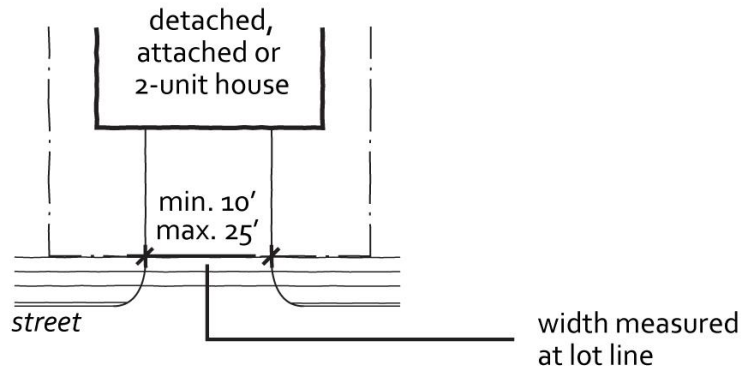
See the outdoor lighting regulations of Sec. 10.030.

**J. Access**

1. Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space.
2. All off-street parking are must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.
3. Driveways leading to detached garages or parking areas serving a detached house, attached house or two-unit house must be at least 10 feet in width. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed 25 feet in width, excluding any flared pavement portion, as measured at the lot line. See Figure 7-5.



Figure 7-5: Driveway Width



4. All other uses must be designed with appropriate means of vehicular access from the street, as approved by the public works director.

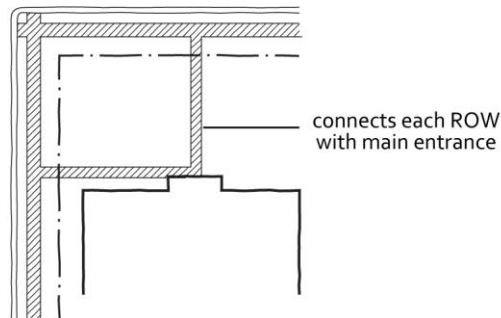
**Sec. 7.110 Pedestrian Circulation<sup>48</sup>**

An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the following requirements of this section. These pedestrian circulation requirements do not apply to lots occupied by detached houses, two-unit houses or attached houses.

**A. Connection to the Street**

The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users. See [Figure 7-6](#).

Figure 7-6: Connecting Building Entrances to Street

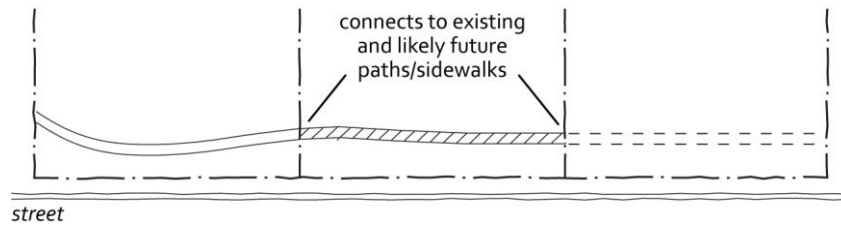


**B. Connection to Abutting Properties**

The on-site pedestrian circulation system must provide at least one connection to existing paths and sidewalks on abutting properties or to the likely location of future paths or sidewalks on those properties. When the community development director determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, no such connection is required. See [Figure 7-7](#).

<sup>48</sup> These provisions are entirely new.

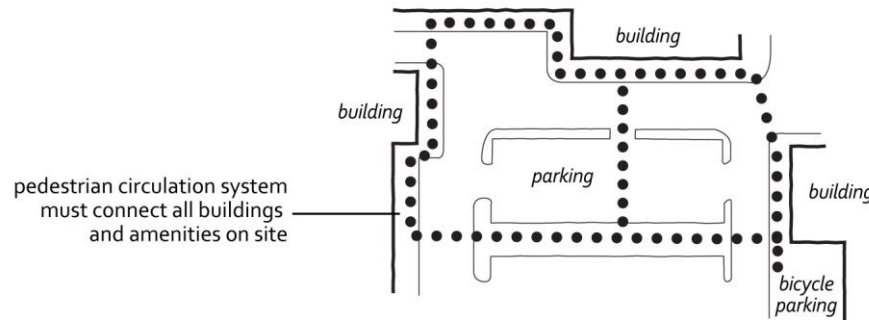
Figure 7-7: Connections to Abutting Properties



**C. Internal Connections**

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreational areas, common outdoor areas, plazas and similar amenity features. See [Figure 7-8](#).

Figure 7-8: Internal Site Connections

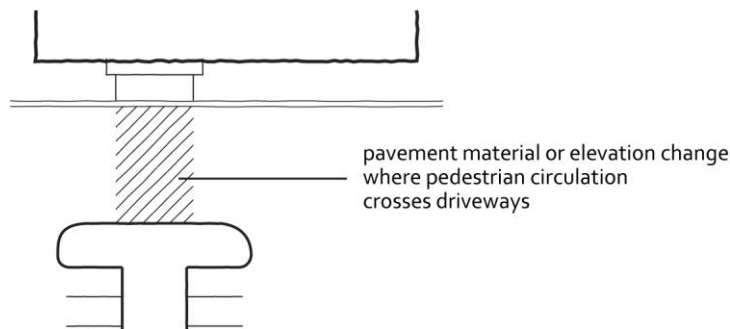


**D. Design**

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

1. The on-site pedestrian circulation system must be hard-surfaced, with a dust-free material and be at least 5 feet in width.
2. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material or other equally effective methods. Striping does not meet this requirement. See [Figure 7-9](#).

Figure 7-9: Driveway Crossing



3. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
4. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

**Sec. 7.120 Accessible Parking for People with Disabilities**

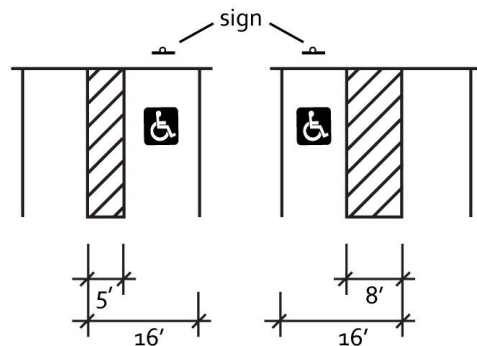
- A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Illinois Accessibility Code.
- B. Accessible spaces must be provided in accordance with [Table 7-5](#).

*Table 7-5: Minimum Accessible Parking Space Ratios*

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

- C. Accessible parking spaces count towards the total number of parking spaces required.
- D. Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See [Figure 7-10](#).

*Figure 7-10: Accessible Parking Spaces*



- E. Accessible parking spaces must be signed in compliance with applicable state law and must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by village council.
- F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

**Sec. 7.130 Drive-through Facilities<sup>49</sup>**

**A. Purpose**

These regulations of this section are intended to help ensure that

1. there is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
2. vehicles awaiting service do not impede traffic on abutting streets; and
3. impacts on surrounding uses are minimized.

**B. Applicability**

The regulations apply to new developments, the addition of drive-through facilities to existing developments and the relocation of existing drive-through facilities.

**C. Stacking Spaces Required**

Stacking lanes must be provided in accordance with the minimum requirements of [Table 7-6](#).

*Table 7-6: Stacking Space Requirements*

Use	Minimum Number of Stacking Spaces Required
Day care	1 drop-off/pick-up space per 1,000 square feet, with no more than 10 spaces required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
<u>Gasoline pump</u>	<u>2 spaces per pump per side</u>
Restaurant	8 total spaces, with at least 3 spaces between order and pick-up station, <del>plus an "escape" lane</del>
Other	3 spaces per lane, ordering station or machine

**D. Stacking Lane Dimensions, Design and Layout<sup>50</sup>**

1. Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 10 feet.

<sup>49</sup> These are entirely new.

<sup>50</sup> Except for the 10-foot minimum width, paragraphs D, E, F and G are new.

2. All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs.

**E. Setbacks**

Stacking lanes must be set back at least 50 feet from any abutting residential zoning districts and at least 25 feet from all other lot lines.

**F. Noise**

Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses.

**G. Site Plans**

Site plans must show the location of drive-through windows and associated facilities (for example: communications systems and access aisles), as well as adjacent residential uses.

**Sec. 7.140 Off-Street Loading**

**A. Minimum Ratios**

Off-street loading spaces must be provided in accordance with [Table 7-7](#).<sup>51</sup>

*Table 7-7: Off-street Loading Requirements*

Use Type	Minimum Loading Spaces Required
<b>Multi-unit or Mixed-use Residential</b>	
Under 60 units	None
60+ units	1 space per 60 units
<b>Nonresidential</b>	
Under 20,000 square feet	None
20,000–99,999 square feet	1
100,000+	1 space per 100,000 square feet

**B. Design and Location**

1. Off-street loading spaces must be at least 12 feet in width and 35 feet in length unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet.<sup>52</sup> All loading spaces must have a minimum vertical clearance of 14 feet.
2. All loading spaces must be located on the subject lot and include sufficient maneuvering space on to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the community development director.
3. All loading spaces must be located on the subject lot, provided that the community development director is authorized to approve central off-street loading spaces for a group of contiguous lots as a substitute for loading berths on individual lots if the following conditions are met:

<sup>51</sup> These minimum loading ratios have been simplified, consolidated and reduced.

<sup>52</sup> Current ordinance requires that all spaces be 55 feet in length.

- a. each lot served must have direct access to the central loading area without at-grade crossings streets or alleys;
  - b. no lot served may be more than 500 feet from the central loading area; and
  - c. the passageway connecting the central loading area with the lot served shall be at least 7 feet in width and have a vertical clearance of at least 7 feet.
4. All loading areas must include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the community development director.
5. All loading spaces for ~~vehicles over 2 tons capacity shall~~ semi-tractor trailer combinations must be set back at least 25 feet from the nearest point of intersection of any 2 street rights-of-way and at least 50 feet from all residential zoning districts. Loading spaces may be located within 500 feet of a residential zoning district if completely enclosed by a building wall or fence at least 6 feet in height.
6. All off-street loading areas must be properly engineered and improved with a compacted stone base and improved with an all-weather, dustless material, generally asphalt or concrete.
7. Plans for the location, design and construction of all loading area are subject to approval by the community development director.
8. Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.<sup>53</sup>

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<sup>53</sup> The loading dock slope requirements have not been carried over.

## Article 8 | Landscaping and Screening

Sec. 8.010	Purpose .....	8-1
Sec. 8.020	Parking Lot Perimeter Landscaping .....	8-1
Sec. 8.030	Parking Lot Interior Landscaping .....	8-5
Sec. 8.040	Screening .....	8-6
Sec. 8.050	Landscape Plans .....	8-8
Sec. 8.060	Landscape Material and Design.....	8-8
Sec. 8.070	Alternative Compliance.....	8-10

### Sec. 8.010 Purpose<sup>54</sup>

The landscaping and screening regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this ordinance and specifically to:

- A. enhance quality of life for residents and visitors;
- B. protect property values;
- C. enhance the quality and appearance of new development and redevelopment projects;
- D. mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;
- E. promote the preservation, expansion, protection and proper maintenance of existing trees and landscaping
- F. help ensure wise use of water resources;
- G. improve air quality;
- H. protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
- I. moderate heat by providing shade; and
- J. reduce the impacts of noise and glare.

### Sec. 8.020 Parking Lot Perimeter Landscaping

#### A. Applicability

The parking lot perimeter landscaping requirements of this section apply to all of the following:

1. the construction or installation of any new surface (open) parking lots containing 6 or more parking spaces; and

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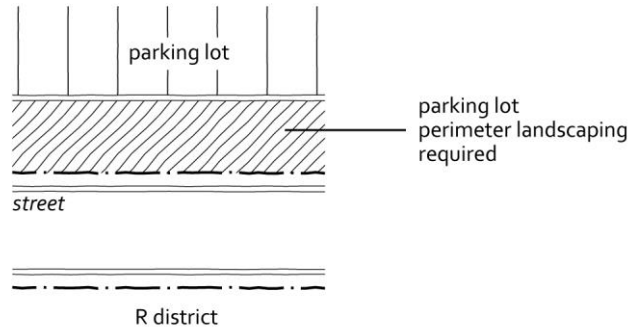
<sup>54</sup> This is new.

2. the expansion of any existing surface (open) parking lot if the expansion would result in 6 or more total parking spaces, in which case the requirements of this section apply only to the expanded area.<sup>55</sup>

**B. Street Yards**

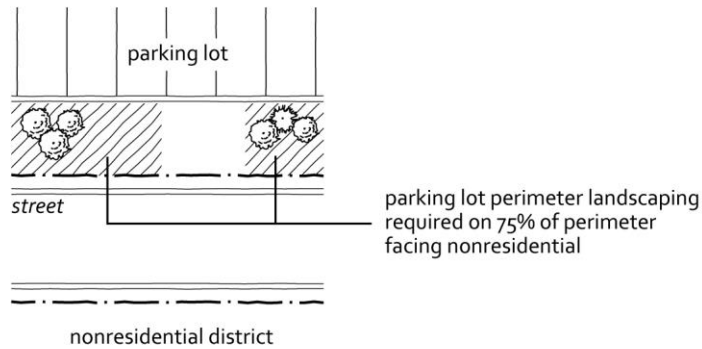
1. When a parking lot is located across the street from a residential zoning district, parking lot perimeter landscaping must be provided along the street frontage opposite the residential zoning district. See [Figure 8-1](#).

*Figure 8-1: Street Yard Perimeter Landscaping Opposite R Zoning*



2. When a parking lot is located across the street from a nonresidential zoning district, parking lot perimeter landscaping must be provided along at least ~~50~~<sup>75</sup>% of the parking lot perimeter opposite the nonresidential zoning district. See [Figure 8-2](#).

*Figure 8-2: Street Yard Perimeter Landscaping Opposite Nonresidential Zoning*

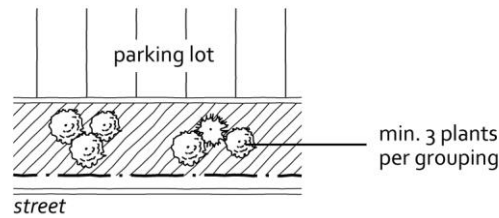


3. Required parking lot perimeter landscaping must be provided in plant groupings of at least 3 live plants. See [Figure 8-3](#).

<sup>55</sup> Number 2 is new.

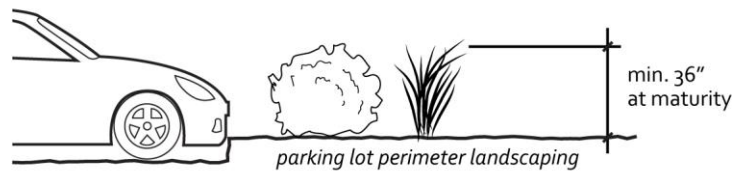


Figure 8-3: Plant Groupings within Perimeter Landscape Area



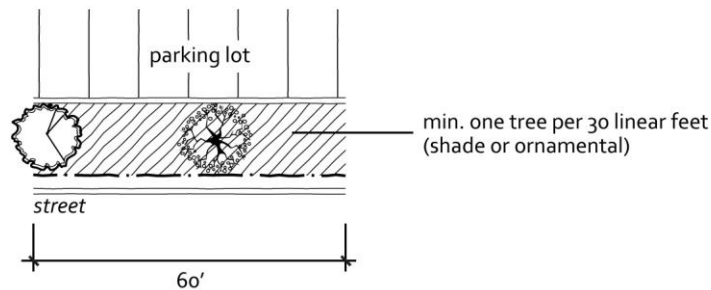
4. Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennial plants, all of which must reach a minimum height of ~~36~~ 39 inches at maturity. See [Figure 8-4](#).

Figure 8-4: Perimeter Landscaping Plant Height



5. Shade or ornamental trees must be provided within required parking lot perimeter landscape areas at a rate of at least one tree per ~~40~~ 30 linear feet of street frontage, rounded to the nearest whole number. Parkway trees may be counted toward satisfying parking lot perimeter tree planting requirements. See [Figure 8-5](#).

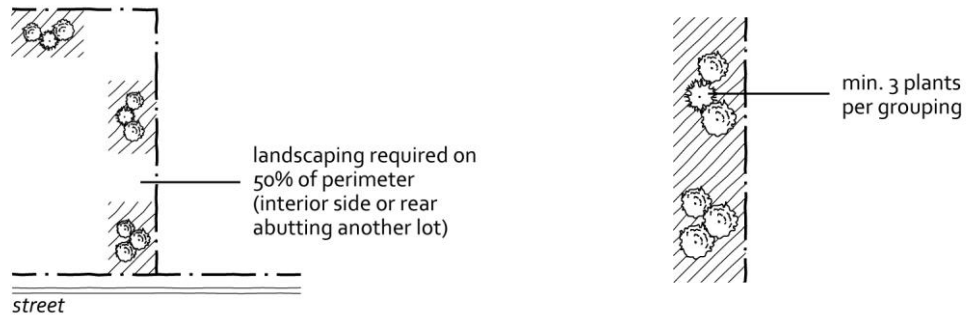
Figure 8-5: Trees within Street Yard Perimeter Landscape Areas



### C. Interior Yards

1. When a parking lot is located in the interior side or rear yard of a lot abutting another lot, parking lot perimeter landscaping must be provided as follows:
  - a. Landscaping provided in plant groupings of no less than 3 live plants must be provided along at least 50% of the parking lot perimeter along the abutting interior side and rear lot lines. See [Figure 8-6](#).

Figure 8-6: Perimeter Landscaping within Interior Yards



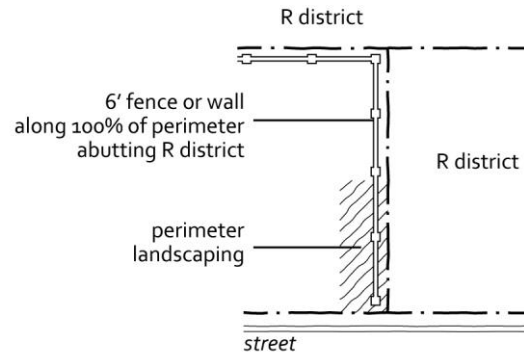
- b. Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennials, all of which must reach a minimum height of 36 inches at maturity. See [Figure 8-7](#).

Figure 8-7: Perimeter Landscaping Plant Height



2. When a parking lot is located in the interior side or rear yard of a lot abutting a residential zoning district, the parking lot perimeter landscaping required by [Sec. 8.020C.1](#) must be supplemented by installation of a solid wood fence, wall, or comparable visual barrier with a minimum height of 6 feet along 100% of the parking lot perimeter immediately abutting the R- zoned property. See [Figure 8-8](#).

Figure 8-8: Supplemental Wall or Fence Abutting R-zoned Property



#### D. General

1. Landscape material used to satisfy the parking lot perimeter landscaping requirements of this section are subject to the landscape material and design regulations of [Sec. 8.060](#).
2. Parking lot perimeter landscape areas that meet the requirements of this section ([Sec. 8.020](#)) may be counted toward satisfying zoning district landscaped open space requirements.

**Sec. 8.030 Parking Lot Interior Landscaping**

**A. Applicability**

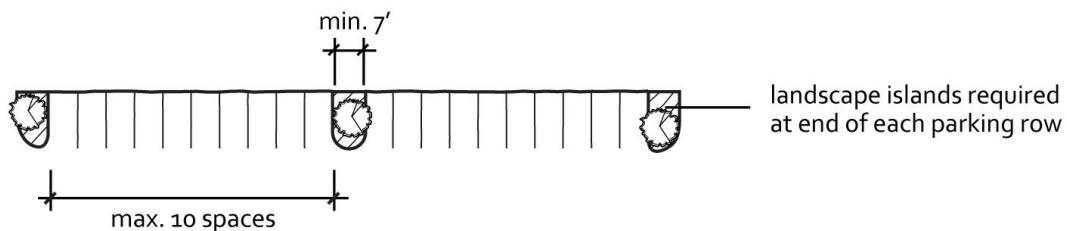
The parking lot interior landscaping requirements of this section apply to all of the following:

1. the construction or installation of any new surface (open) parking lots containing 6 or more parking spaces; and
2. the expansion of any existing surface (open) parking lot if the expansion would result in 6 or more total parking spaces, in which case the requirements of this section apply only to the expanded area.<sup>56</sup>

**B. Landscape Islands**

1. Landscape islands must be located at the end of each parking row and within each parking row so that the distance between islands is no greater than 20 parking spaces. See [Figure 8-9](#).

*Figure 8-9: Parking Lot Landscape Islands*



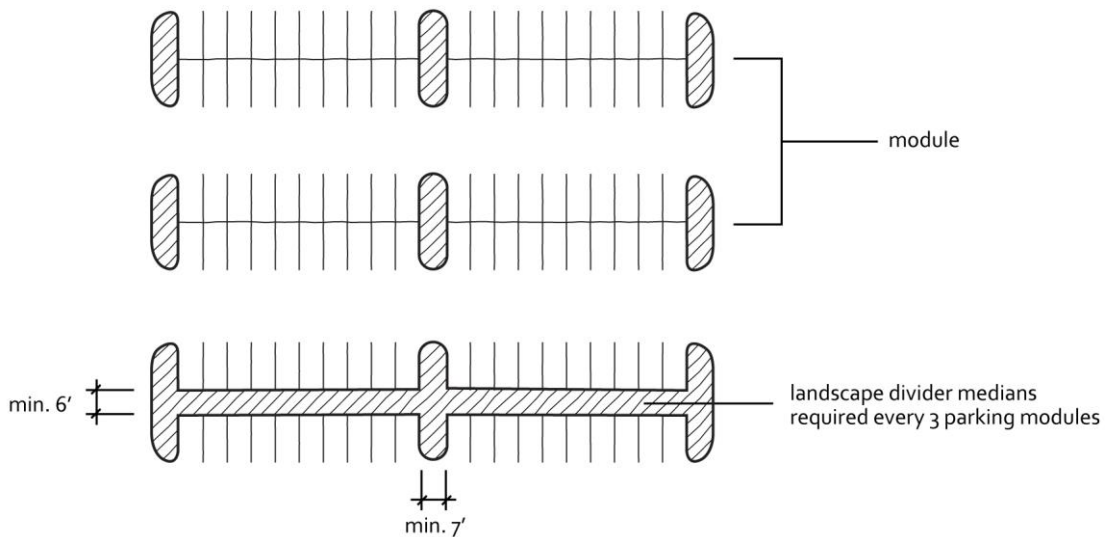
2. Landscape islands must be a minimum of ~~120~~ 150 square feet in area when located in a single row of parking spaces and 300 square feet in area when located within a double row of (face-face) parking spaces. Islands must be at least 7 feet in width, as measured from the back of curb to back of curb.
3. At least one shade tree must be provided for each ~~120~~ 150 square feet of landscape Island, rounded to the nearest whole number.

**C. Landscape Divider Medians**

1. Landscaped divider medians must be provided between at least every 3 parking modules. Divider medians must be least 6 feet in width. See [Figure 8-10](#).

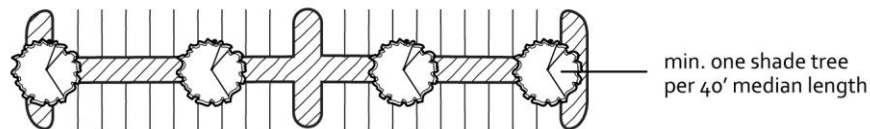
<sup>56</sup> Number 2 is new.

Figure 8-10: Parking Lot Landscape Divider Medians



2. At least one shade tree must be provided for each 40 feet of median length, rounded to the nearest whole number. See [Figure 8-11](#).

Figure 8-11: Tree Planting within Medians



#### D. General

1. Landscape material used to satisfy the parking lot interior landscaping requirements of this section are subject to the landscape material and design regulations of [Sec. 8.060](#).
2. All landscaped islands and divider medians must be crowned to provide positive drainage or designed to comply with the village’s best management practices for storm-water.
3. At least 50% of every landscape island and landscape divider median must be planted with live plant material, such as perennials, ground cover, shrubs, or turf grass to a maximum height of 30 inches at maturity.
4. Interior landscape islands and divider medians that meet the requirements of this section ([Sec. 8.030](#)) that have a surface area of 500 square feet or more, as measured from the back of curb to back of curb, may be counted toward satisfying zoning district landscaped open space requirements.

### Sec. 8.040 Screening

#### A. Applicability; Features to be Screened

When located on lots occupied by multi-unit residential or nonresidential uses, the following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes, as specified in this section.

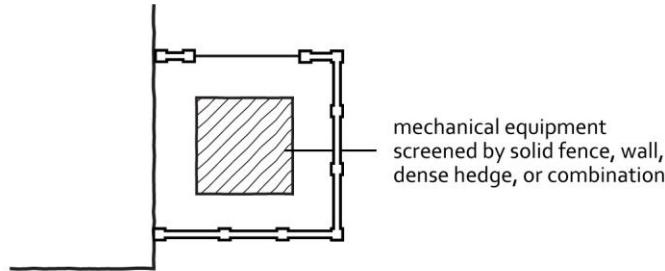
1. ground-mounted mechanical equipment;

2. roof-mounted mechanical equipment;
3. refuse/recycling/grease containers; and
4. outdoor storage of materials, supplies and equipment.

**B. Ground-mounted Mechanical Equipment**

All ground-mounted mechanical equipment over 30 inches in height must be screened from view by a solid fence, solid wall, dense hedge, or combination of such features. The hedge, fence or wall must be tall enough to screen the equipment. See [Figure 8-12](#).

*Figure 8-12: Screening of Ground-mounted Equipment*

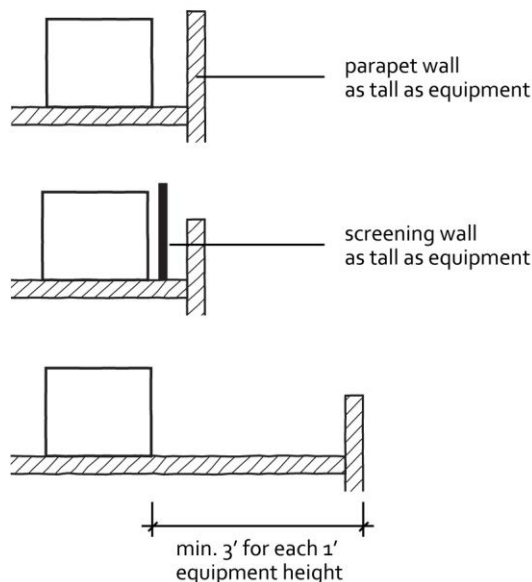


**C. Roof-mounted Mechanical Equipment**

Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) over 30 inches in height must be screened from ground-level view in one of the following ways (and as illustrated in [Figure 8-13](#)):

1. a parapet that is as tall as the tallest part of the equipment;
2. a solid screen around the equipment that is at least as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or
3. an equipment setback from roof edges that is at least 3 feet in depth for each one foot of equipment height.

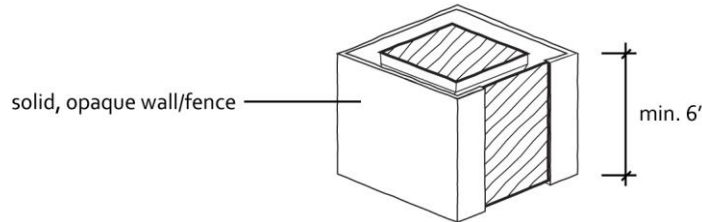
*Figure 8-13: Screening of Roof-mounted Equipment*



**D. Refuse/Recycling Containers**

Refuse/recycling and similar containers must be located on an appropriately designed concrete pad and apron and screened from view of streets and all abutting lots with a solid wall or opaque, commercial-grade fence at least 6 feet in height. Refuse/recycling containers may not be located in street yards. Enclosure doors must be located and designed so that, to the maximum extent possible, they do not face towards an abutting property, sidewalk, or street. Residential dwellings utilizing curbside pick-up service are exempt from these screening requirements. See [Figure 8-14](#).

*Figure 8-14: Screening of Refuse/Recycling Containers*



**E. Outdoor Storage of Materials, Supplies and Equipment**

All stored materials, supplies, merchandise, vehicles, equipment, or other similar materials not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by a fence, wall, dense hedge, or combination of such features with a minimum height of 6 feet at the time of installation.

**F. Landscape Materials and Design**

Landscape material used to satisfy the screening requirements of this section are subject to the landscape material and design regulations of [Sec. 8.060](#).

**Sec. 8.050 Landscape Plans**

All applications for development and construction activities that are subject to the landscape and screening regulations of this article must be accompanied by a landscape plan. No building permit or similar authorization may be issued until the village forester determines that the landscaping and screening regulations of this article have been met.

**Sec. 8.060 Landscape Material and Design<sup>57</sup>**

**A. Landscaping with Required Landscape Areas**

All required landscape areas must be sodded or seeded with turf grass or appropriate ground cover. Alternatives that comply with the village’s best management practices for stormwater are also allowed. Areas not required to be covered with live plant material must be covered with organic, biodegradable mulch.

<sup>57</sup> This section includes mostly existing size requirements, with some new proposed detail.

**B. Existing Trees and Vegetation**

Existing non-invasive trees may be counted toward satisfying the landscaping and screening regulations of this article if they are located within the subject area and they comply with the plant height and size requirements of this section.

**C. Plant Selection**

1. Trees and plants selected for required landscape areas must be well-suited to the microclimate and on-site soil conditions.
2. Trees and plant material must comply with the specifications found in American Standards for Nursery Stock (ANSI).
3. Invasive species may not be used to meet landscape requirements.
4. All plant materials are subject to the approval of the village forester.

**D. Trees**

**1. Ornamental**

Ornamental trees used to satisfy the requirements of this article must be at least 4 feet in height at time of installation.

**2. Shade**

Shade trees used to satisfy the requirements of this article must be a minimum ~~2.5~~-inch caliper at time of installation.

**E. Shrubs**

Shrubs used to satisfy the requirements of this article must be at least 18 inches in height at time of installation.

**F. Ornamental Grasses and Perennials**

Ornamental grasses and perennials used to satisfy the requirements of this article must be at least 12 inches in height at time of installation.

**G. Curbs and Vehicle Barriers**

Landscaped areas in or abutting parking lots must be protected by concrete curbing, anchored wheel stops, or other durable barriers approved by the village forester. Alternative barrier designs that provide improved infiltration or storage of stormwater are encouraged. Curbs protecting landscape areas may be perforated, have gaps or otherwise be designed to allow stormwater runoff to pass through them.

**H. Installation**

1. All landscaping must be installed in a sound manner and in accordance with accepted landscape planting practices.
2. Newly planted trees may not be staked or guyed unless they are unable to stand upright without support. Any staking and guying materials must be removed within one year of installation.

**I. Maintenance<sup>58</sup>**

The property owner, occupant, tenant and respective agent of each, if any, are jointly and severally responsible for the maintenance and protection of all required landscaping, in accordance with all of the following regulations.

1. Landscaping must be kept reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.
2. Landscaping must be mowed or trimmed in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise.
3. All landscaping must be maintained to minimize property damage and public safety hazards, including removal of invasive species, dead or decaying plant material, and removal of low-hanging branches next to sidewalks and walkways obstructing street lighting.
4. All pruning must be done in accordance with ANSI A300 (part 1) "Standards for Tree Care Operations—Pruning." Tree topping is prohibited. Crown reduction pruning may be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree planting requirements.
5. Failure to maintain landscaping is a violation of this ordinance.

**Sec. 8.070 Alternative Compliance<sup>59</sup>**

In order to encourage creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, the village forester is authorized to approve alternative compliance landscape plans when the village forester determines that one or more of the following conditions are present:

- A. the site has space limitations or an unusual shape that makes strict compliance impossible or impractical;
- B. conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this article;
- C. safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
- D. creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this article.

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<sup>58</sup> This section has been expanded.

<sup>59</sup> This is entirely new.



## Article 9 | Signs

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### Sec. 9.010 General

#### A. Purpose

The sign regulations of this article are established to create a comprehensive but balanced system of sign regulations to promote effective communication and to prevent placement of signs that are potentially harmful to motorized and non-motorized traffic safety, property values, business opportunities and community appearance. This article is adopted for the following specific purposes:

1. to preserve, protect and promote public health, safety and welfare;
2. to preserve the value of private property by assuring the compatibility of signs with surrounding land uses;
3. to enhance the physical appearance of the village;
4. to enhance the village's economy, business and industry by promoting the reasonable, orderly and effective display of signs, and encouraging better communication between an activity and the public it seeks with its message;
5. to protect the general public from damage and injury, that may be caused by the faulty and uncontrolled construction and use of signs within the village;
6. to protect motorized and non-motorized travelers by reducing distraction that may increase the number and severity of traffic accidents; and
7. to encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of street signs.

#### B. Applicability

The regulations of this article apply to all signs in the village, unless otherwise expressly stated.

**C. Public Health and Safety**

No sign may be designed, constructed or maintained in a manner that presents a danger to the public health, safety or welfare, as determined by the village.

**D. Content and Location**

Except as otherwise expressly provided in this article, the following regulations apply to all signs:

1. The content of signs is limited to the business, service, and activity available or conducted on the subject lot.
2. Signs are subject to setback regulations of the subject zoning district.
3. When a business or service does not have direct access to a public street, signs directing traffic to the subject business or service may be located off premises at the nearest point of access. Such signs are counted as part of the total allowable sign area.

**Sec. 9.020 Prohibited Signs and Sign Characteristics**

The following are expressly prohibited under this ordinance:

- A. any sign or structure that constitutes a hazard to public health or safety;
- B. any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs;
- C. signs, that by their color, location, or design resemble or conflict with traffic control signs or signals;
- D. except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign may be located on the public right-of-way, or affixed to or upon public property. This prohibition includes any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign;
- E. portable signs, except for sandwich board signs that are allowed in the DB, DT and Fairview concentrated business districts;
- F. vehicle signs when the vehicle is not licensed, insured or operational;
- G. advertising off-premise signs;
- H. moving signs;
- I. LED and flashing signs;
- J. signs with bare bulb illumination, except for marquees located in the DB, DT or Fairview concentrated business districts;
- K. attention-getting devices;
- L. signs containing exposed gas tubing, exterior to the building, including argon and neon;
- M. roof signs;
- N. box-type signs in the DB, DT or Fairview concentrated business districts;

- O. any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the previous 30 days;
- P. any sign painted directly on a wall, roof, or fence, except in the DB, DT or Fairview concentrated business district;
- Q. any sign placed or attached to a telecommunications tower, pole or antenna;
- R. signs containing manual changeable copy consisting of more than 2 lines, except that fueling stations, governmental agencies, schools and religious assembly uses have up 4 lines of manual changeable copy. The changeable copy surface area is included in the total surface area allowed;
- S. signs containing electronic changeable copy/message board;
- T. single pole signs with a base of less than 2 feet in width; and
- U. any other sign not expressly permitted in this article.

**Sec. 9.030 Signs Allowed without a Sign Permit**

The following signs do not require a sign permit and are subject to the following regulations:

- A. Governmental signs, public signs and other signs incidental to those signs for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.
- B. Railroad crossing and signs of public utility companies indicating danger or that serve as an aid to public safety or that show the location of underground facilities.
- C. Street address signs up to 4 square feet in area.
- D. Decorations temporarily displayed in connection with a village-sponsored or approved event or a generally recognized or national holiday.
- E. Temporary signs at a residence commemorating a personal event, such as a birth, birthday, anniversary or graduation.
- F. "No trespassing" or similar signs regulating the use of property, provided such signs are no more than 2 square feet in area.
- G. Noncommercial flags of any country, state or unit of local government.
- H. Real estate signs, provided that in residential zoning districts, real estate signs may not exceed 5.5 square feet in area, including all attached tags. In nonresidential zoning districts, real estate signs may not exceed 36 square feet in area. Real estate signs may be used solely for advertising the sale, rental or lease of the property where such sign is located. Real estate signs may not exceed 10 feet in height. No more than one real estate sign is allowed per lot where such lot contains a single use, except on a corner lot one real estate sign is allowed per street frontage. When a lot contains multiple uses one real estate sign is allowed per use. Real estate signs may not be placed in the public right-of-way, except that "open house" signs may be placed in the public right-of-way on Friday, Saturday and Sunday of the weekend that the open house will take place. Such open house signs may be posted only between the hours of 5:00 a.m. Friday to 10:00 p.m. on Sunday, provided that:

1. the open house sign may not exceed 4 square feet in area;
  2. the open house sign must be freestanding, not attached to any utility pole, traffic control sign or other similar structured and must be placed at least 3 feet from the curb or edge of the pavement;
  3. only one open house sign is permitted within 150 feet of another sign that relates to the same address. There may be only one open house sign relating to the same address placed in on a single lot;
  4. no attention-getting or attracting devices may be attached to any open house sign;
  5. each open house sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for placement and removal of the sign; and
  6. a minimum fine of \$75.00, per [Section 1.16\(f\)](#) of the municipal code, will be levied on the person whose name is on the sign if the sign does not comply with the preceding regulations. If no names are found on the sign the fine will be levied on the owner of the property identified on the sign.
- I. Political signs and noncommercial signs, provided that total area of all such signs together may not exceed a maximum area of 12 square feet per lot. Political and noncommercial signs may not be placed in the public right-of-way.
- J. Garage sale, rummage sale, yard sale and estate sale signs, provided that such signs may be placed in the public right-of-way only on Friday, Saturday, Sunday and federal holidays that are observed on Mondays of the weekend that the sale will take place. Such sale signs may be posted only between the hours of 5:00 a.m. Friday to 10:00 p.m. on Sunday, provided that:
1. the sign may not exceed 4 square feet in area;
  2. the sign must be freestanding, not attached to any utility pole, traffic control sign or other similar structured and must be placed at least 3 feet from the curb or edge of the pavement;
  3. only one sale sign is permitted within 150 feet of another sign that relates to the same address. There may be only one sale sign relating to the same address placed in on a single lot;
  4. no attention-getting or attracting devices may be attached to any sale sign;
  5. each sale sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for placement and removal of the sign; and
  6. a minimum fine of \$75.00, per [Section 1.16\(f\)](#) of the municipal code, will be levied on the person whose name is on the sig if the sign does not comply with the preceding regulations. If no names are found on the sign the fine will be levied on the owner of the property identified on the sign.

- K.** Memorial signs and tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other non-combustible material.
- L.** “Help wanted” signs up to 2 square feet in area. The “help wanted” sign text must be the predominant text on the sign. Help wanted signs may only be located on a window or door.
- M.** Public notice signs are permitted on property that is the subject of a public meeting or hearing. Such signs may not exceed 9 square feet in area or 6 feet in height.
- N.** Vehicle signs are allowed when the vehicle to which the sign is attached is licensed, insured, and operational. The vehicle must be used for the operation of the business and may not remain stationary for an extended period of time for the purpose of attracting attention to a business.
- O.** Up to one contractor sign is allowed per lot. Such sign may not exceed 6 square feet in area and must be removed upon completion of related work.

**Sec. 9.040 Temporary Signs**

Temporary signs as identified in this article may be permitted for promoting special community activities, special events, grand openings for businesses, or the activities of nonprofit organizations, subject to the issuance of a sign permit and compliance with the following regulations.

- A.** No more than 8 permits for temporary signs may be issued in any calendar year for a single lot. Permits may be valid for a maximum period of 7 days. Applications for temporary sign permits must be approved by the village and must contain at minimum a general description of the sign, including size and lighting.
- B.** All temporary signs must be properly maintained while displayed and be able to withstand all weather elements.
- C.** Temporary signs may not contain changeable copy.
- D.** Temporary signs may not exceed 32 square feet in area.
- E.** A maximum of one temporary sign may be permitted for each street frontage on a lot.
- F.** All temporary signs must be removed by the person or organization that erected or caused the erection of the sign within 3 days of the end of the event to which they relate, or at the end of the maximum period for which the sign is allowed, whichever date comes first.
- G.** Temporary window signs are exempt from sign permit requirements. However, unless they are promoting an upcoming event of a nonprofit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs.
- H.** Temporary signs may not be located above the first floor in the DB, DT and Fairview Avenue Concentrated Business Districts.
- I.** The following additional regulations apply to all (temporary) development signs.
  - 1.** A sign permit must be obtained before the erection of any development sign. A sign permit may be issued in connection with the following types of developments after the village has issued a final approval for the development.

- a. Residential developments of 3 or more dwelling units.
  - b. Commercial, industrial or institutional developments consisting of at least 20,000 square feet of land area.
2. Only one development sign per street frontage is permitted.
  3. Development signs may not exceed 36 square feet in area.
  4. Development signs must be removed at such time a final certificate of occupancy is issued. If more than one final certificate of occupancy will be issued for the development, the development signs must be removed when at least 75% of the final certificates of occupancy have been issued.
  5. Development signs may display only information pertinent to the entity or entities participating in the development project.

**Sec. 9.050 Sign Regulations Generally**

The regulations of this section ([Sec. 9.050](#)) apply to signs in all areas of the village except the DB and DT zoning districts and the Fairview concentrated business district.

**A. Maximum Total Sign Area**

The maximum allowable sign area may not exceed 1.5 square feet per linear foot of tenant frontage, plus any signs expressly excluded from maximum sign area calculations. Buildings set back more than 300 feet from the abutting street right-of-way are allowed a maximum allowable sign area of 2 square feet per linear foot of tenant frontage, plus any allowed excluding menu boards, window and temporary signs. In no case, may a single tenant exceed 300 square feet in total sign surface area.

**B. Monument Signs and Shingle Signs**

Unless otherwise expressly stated, each lot is allowed either one monument sign or one shingle sign.

**1. Monument Signs**

- a. Monument signs are limited to a maximum of 2 sign faces and are subject to the height and area limitations of [Table 9-1](#).

*Table 9-1: Monument Sign Height and Area Regulations*

Monument Sign Regulations	Lot Size		
	Less than 100 ft. Lot Width	100–259 ft. Lot Width	260 ft. or Greater Lot Width and at Least 2.5 Acres in Area (B-3 District Only)
Maximum Height (feet)	8	10	15
Maximum Area (sq. ft.)	24	36	60

- b. Monument signs must be set back at least 10 feet from all street rights-of-way and at least 25 feet from all other lot lines. Monument signs that are greater than 10 feet in height and 36 square feet must be set back at least 100 feet from interior (non-street) lot lines.
- c. Monument signs are subject to the intersection visibility regulations of [Sec. 10.020](#).

- d. Monument signs must display the address number of the subject property with numbers or characters between 8 and 10 inches in height. Address numbers are excluded when calculating the area of the monument sign.
- e. Lots with more than one street frontage are allowed 2 monument signs, provided the signs are located on different street frontages and separated by a minimum distance of 100 feet.
- f. The base of all monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:
  - (1) Signs must be surrounded by a ~~curbed~~ landscaped area of at least 3 feet in width, measured outward from the face of the sign.
  - (2) Landscaping within the required landscape area must consist of shrubs, evergreens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these monument sign landscaping requirements.
  - (3) Monument sign landscaping is subject to the landscape maintenance provisions of [Sec. 8.060](#).

## 2. Multi-tenant Shopping Centers

- a. Multi-tenant shopping centers located on lots with more than 500 feet of street frontage are allowed 2 monument signs, provided the signs are separated by a minimum distance of 200 feet. Such signs may not exceed 15 feet in height or 60 square feet in area and must contain the names of more than one tenant. A shopping center tenant's panel sign is not counted toward allowable sign surface area.
- b. Multi-tenant shopping centers located on lots with 100 to 500 feet of street frontage are allowed a maximum of one monument sign. The sign may not exceed 10 feet in height or 36 square feet in area and must contain the names of more than one tenant. A shopping center tenant's panel sign is not counted toward allowable sign surface area.
- c. Multi-tenant shopping centers located on lots with less than 100 feet of street frontage are allowed a maximum of one monument sign. The sign may not exceed 8 feet in height or 24 square feet in area and must contain the names of more than one tenant. A shopping center tenant's panel sign is not counted toward allowable sign surface area.

## 3. Tollway Corridor

Signs on lots abutting the right-of-way of I-88 or I-355 are subject to all regulations of this article, with the following exceptions:

- a. In addition to the monument sign otherwise allowed by [Sec. 9.050B](#), one additional monument sign is allowed for lots with a minimum frontage of 100 feet along the tollway or on IDOT frontage along the tollway.

- b. The additional monument sign must be placed adjacent to the tollway and may not exceed 225 square feet in area or 20 feet in height. The additional monument sign will not be counted in calculating the lot's total sign area.
- c. Monument signs must be separated by a minimum distance of 30 feet from any existing tollway signs.

4. **Shingle Signs**

The maximum allowed sign area of a shingle sign is 10 square feet per side. The maximum allowed height is 7 feet. Shingle signs must be set back at least 8 feet from interior lot lines. No street setback applies.

**C. Wall Signs**

- 1. Each business or property owner is allowed to display one wall sign per tenant frontage along a public roadway or drivable right-of-way.
- 2. If the structural support of a wall sign is visible it must be the same color as the exterior building to which it is attached.
- 3. Wall signs may not cover (wholly or partially) any wall opening, and may not extend beyond the perimeter of the wall to which it is attached or extend more than 12 inches from the vertical plane of the wall to which it is attached.
- 4. Buildings with a height of 4 stories or more are allowed one wall sign on up to 3 sides of the building, with a maximum area of 100 square feet per sign. Such wall signs are not counted in calculating maximum allowable sign area.

**D. Menu Boards**

Menu boards for restaurants are allowed on the exterior wall of the business. Such signs may not exceed 4 square feet in area. The menu board area is not counted in calculating maximum allowable sign area. The menu board sign may include menus or notice of special events including community events. All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

**E. Projecting Signs**

1. **First Floor**

Each first floor establishment is allowed one projecting sign. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. First floor projecting signs must be placed to allow at least 8 feet vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

2. **Second Floor**

The second floor of any building is allowed only one projecting sign, which must be located immediately over or within 2 feet of the first floor pedestrian access to the building. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. The projecting signs must be placed to allow at least 8 feet vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.



**F. Awning Signs**

Awning or canopy signs are allowed, subject to the following requirements:

1. Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least 8 feet above the ground directly beneath it.
2. Awning or canopy signs may include only the name, address, and logo of the business conducted within the building. No advertising may be placed on any awning or canopy sign. Lettering must be painted or otherwise permanently affixed to the awning or canopy.

**G. Under-Canopy Signs**

Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy. The face of any such sign may not exceed 12 inches in height or 4 feet in length. Such signs must be placed to allow at least 8 feet vertical clearance above the ground directly beneath the sign.

**H. Window Signs**

1. First floor businesses are allowed permanent and temporary window signs covering a maximum of 25% of each window. The window sign area is in addition to the total maximum allowable sign area.
2. Businesses located above the first floor are allowed permanent window signs of individual letters or etching, covering up to 25% of one window per floor per tenant.

**Sec. 9.060 Sign Regulations for Downtown and the Fairview Concentrated Business District**

The regulations of this section ([Sec. 9.060](#)) apply in the DB and DT zoning districts and the Fairview concentrated business district.

**A. Maximum Total Sign Area**

The maximum allowable sign area may not exceed one square foot per linear foot of tenant frontage or 300 square feet, whichever is less, plus any signs expressly excluded from maximum sign area calculations.

**B. Box Signs Prohibited**

Box-type signs are prohibited.

**C. Monument, Shingle and Freestanding Signs**

Unless otherwise expressly stated, each lot is allowed either one monument sign, one shingle sign or one freestanding sign, subject to the following regulations.

**1. Monument Sign**

Monument signs may not exceed 20 square feet in area per side or a height of 7 feet. Monument signs must be set back at least 8 feet from all interior lot lines. No street setback applies.

**2. Shingle Sign**

Shingle signs may not exceed 10 square feet in area per side or a height of 7 feet. Shingle signs must be set back at least 8 feet from all interior lot lines. No street setback applies.

3. **Freestanding Sign**

Freestanding signs may not exceed 20 square feet in area per side or a height of 7 feet. Freestanding signs must be set back at least 8 feet from all interior lot lines. No street setback applies.

**D. Landscaping**

The base of all freestanding and monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:

1. Signs must be surrounded by a ~~curbed~~ landscaped area of at least 3 feet in width, measured outward from the face of the sign.
2. Landscaping within the required landscape area must consist of shrubs, evergreens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these landscaping requirements.
3. Freestanding and monument sign landscaping is subject to the landscape maintenance provisions of [Sec. 8.060I](#).

**E. Wall Signs**

1. Each business or property owner is allowed to display one wall sign per tenant frontage along a public roadway or drivable right-of-way.
2. If the structural support of a wall sign is visible it must be the same color as the exterior building to which it is attached.
3. Wall signs may not cover (wholly or partially) any wall opening, and may not extend beyond the perimeter of the wall to which it is attached or extend more than 12 inches from the vertical plane of the wall to which it is attached.

**F. Menu Boards**

Menu boards for restaurants are allowed on the exterior wall of the business. Such signs may not exceed 4 square feet in area. The menu board area is not counted in calculating maximum allowable sign area. The menu board sign may include menus or notice of special events including community events. All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

**G. Projecting Signs**

1. **First Floor**

Each first floor establishment is allowed one projecting sign. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. First floor projecting signs must be placed to allow at least 8 feet vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

2. **Second Floor**

The second floor of any building is allowed only one projecting sign, which must be located immediately over or within 2 feet of the first floor pedestrian access to the build-

ing. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. First floor projecting signs must be placed to allow at least 8 feet vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

**H. Awning Signs**

Awning or canopy signs are allowed, subject to the following requirements:

1. Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least 8 feet above the ground directly beneath it.
2. Awning or canopy signs may include only the name, address, and logo of the business conducted within the building. No advertising may be placed on any awning or canopy sign. Lettering must be painted or otherwise permanently affixed to the awning or canopy.

**I. Under-Canopy Signs**

Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy. The face of any such sign may not exceed 12 inches in height or 4 feet in length. Such signs must be placed to allow at least 8 feet vertical clearance above the ground directly beneath the sign.

**J. Window Signs**

1. First floor businesses are allowed permanent and temporary window signs covering a maximum of 25% of each window. The window sign area is in addition to the total maximum allowable sign area.
2. Businesses located above the first floor are allowed permanent window signs of individual letters or etching, covering up to 25% of one window per floor per tenant. Window signs above the first floor may not be illuminated by means of exposed gas tubing including, but not limited to, argon, neon or neon-like substances.

**K. Heritage Signs**

Signs in place in the DB or DT zoning districts or Fairview concentrated business district before January 1, 1965 are hereby deemed to be “heritage signs” and are allowed to remain in place and be maintained in any manner to allow for continued use. In order to be deemed a “heritage sign,” the owner of the sign must provide conclusive evidence to the community development director ~~Code Enforcement Department~~ that the sign was in place before January 1, 1965.

**L. Sandwich Board Signs**

First floor businesses are allowed up to one sandwich board sign, not to exceed 6 square feet in area. They are not counted in calculating the maximum sign area allowed on a lot. Sandwich board signs are allowed within the public right-of-way, provided the following requirements are met:

1. A license agreement must be entered into in a form and amount approved by the village, indemnifying and holding the village harmless from liability and naming the village, its officers and employees as an additional insured on a general liability insurance policy. Such license agreements require the approval and signature of the village manager.

2. Sandwich board signs may be displayed only during business hours and must be removed each day at the end of business.
3. Sandwich board signs may not be placed in any location where the paved area for passage is reduced to less than 6 feet or within 15 feet of any intersection, driveway or crosswalk.
4. Sandwich board signs must be constructed of wood, metal or durable plastic.
5. The minimum fine for a violation of these sandwich board sign regulations is \$750. Each day that such violation continues constitutes a separate fineable offense.

## **Sec. 9.070 Special Sign Types**

### **A. Ornamental Entry Gate Signs**

Ornamental entry gate signs are allowed at the entry to a development along an arterial or collector street, subject to the following regulations:

1. The maximum area of any ornamental entry gate sign in a residential zoning district is 25 square feet, and the maximum height is 8 feet.
2. The maximum area of any ornamental entry gate sign in a manufacturing zoning district is 50 square feet, and the maximum height is 10 feet.
3. In residential zoning districts, the sign may display only the name of the subdivision or development.
4. In manufacturing zoning districts, the sign may display only a directory for an industrial subdivision or an industrial park.
5. One ornamental entry gate sign may be located on each side of the point of ingress to the development, but not in the public right-of-way or otherwise upon public property. Any ornamental entry gate sign on public property before August 1, 2006 may remain in place, subject to approval of a fully executed license agreement with the village.

### **B. Home Occupation Signs**

Permitted home occupations are allowed one sign per lot, subject the following regulations.

1. The sign must be flat-mounted against the principal building.
2. The sign may not exceed 2 square feet in area.
3. The sign may display only the name, address, phone number and occupation.
4. The sign may not be directly or indirectly illuminated, other than by those lights incidental to the residential use of the premises.

### **C. Signs Accessory to Parking Areas**

Signs directing and guiding vehicular ingress and egress to public or private off-street parking areas may not exceed 2 square feet in sign area. No more than 2 such signs are allowed at each point of ingress/egress from the parking area. One sign with a maximum sign area of 4 square feet may be maintained on each street side of a parking area for the purpose of designating the conditions of use or identity of the parking area. Signs accessory to parking areas are not included in calculating the total sign area on a lot. Signs accessory to parking areas must be set back at least 3 feet from the public right-of-way.

**D. Institutional Signs**

Exterior identification signs up to 20 square feet in area and a maximum height of 6 feet are allowed on the site of a public, charitable or religious assembly use. No more than one such sign is allowed per lot. Changeable copy consisting of a maximum of 4 lines is allowed. The changeable copy area is included in calculating the total sign area on a lot.

**E. College and University Signage**

Any educational campus with an area of 40 acres or more is subject to the regulations of this section. Entry monument signs are allowed at the perimeter of the campus on private property. The monument sign may not exceed 6 feet in height or 50 square feet in area, including ornamentation. Entry monument signs must be set back at least 40 feet from all curb lines. Exterior building identification may consist of no more than one monument sign on each side of the primary building entrance.

**Sec. 9.080 Administration and Permits**

Except as otherwise expressly stated, all signs require a permit.

**A. Application**

Any person or activity proposing to erect or display a sign must file an application on a form provided by the village, which must include a spot survey.

**B. Fees**

All applicable permit fees must be paid in full.

**C. Conformance with the National Electrical Code**

All signs in which electrical wiring and connections are required for direct or indirect illumination must comply with all applicable provisions of the National Electrical Code.

**D. Wind Pressure and Dead Load Requirements**

Signs must be designed and constructed to withstand a wind pressure of at least 40 pounds per square foot of net surface area and to receive dead loads as required in the building code.

**E. Insurance and Bond Requirements**

Every applicant for a sign that will extend over a public right-of-way or that is so located that it may fall upon the public right-of-way, must file with the community development director an encroachment license agreement indemnifying the village and holding the village harmless from any liability. The applicant must also provide a liability insurance policy covering all damage or injury that might be caused by such signs, or certificate of insurance therefore, issued by an insurance company authorized to do business in the state of Illinois and satisfactory to the community development director, with limits of liability of not less than \$1,000,000 for property damage and \$1,000,000 for personal injuries. The village, its officers, agents and employees must be named as additional insured. Such liability insurance policy must be maintained in force throughout the life of the permit, and if at any time it is not in full force, the permit must be revoked.

**F. Completion of Authorized Work**

If the work authorized under a sign permit has not been completed within 6 months of the date of issuance, the permit becomes null and void.

**Sec. 9.090 Nonconforming Signs**

Any sign that existed lawfully on the effective date of the sign regulations of this article (INSERT DATE) that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations, or that become nonconforming by reason of annexation to the village of the lot on which the sign is located, are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:

- A.** Ordinary repairs and maintenance, including the removing and replacing of the outer panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.
- B.** Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.
- C.** No repair or alteration that increases the size of the nonconforming sign is permitted.
- D.** No nonconforming sign may be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of these sign regulations.
- E.** If a nonconforming sign is located on property that is sold, with the full ownership of the property being transferred, the nonconforming sign must be brought into conformance with the sign regulations of this article at the time of the transfer unless the business will continue to operate under the same name.
- F.** If a nonconforming sign is abandoned or the described business discontinued for a continuous period of 30 days or more, it must be discontinued and any subsequent sign must conform to all of the sign regulations of this article.
- G.** On or prior to May 5, 2014 all nonconforming signs must be brought into conformance with the sign regulations of this article. This period is for all purposes deemed an appropriate amortization period for each and every nonconforming sign presently located within the corporate limits of the village or hereinafter located within the village by reason of annexation into the village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.
- H.** Paragraph G does not apply to signs previously granted variances by the zoning board of appeals. Such signs are deemed nonconforming signs to which all other provisions of this section apply.

**Sec. 9.100 Illumination**

Except as otherwise expressly stated, internally or externally illuminated signs are allowed, provided they comply with the following requirements:

- A.** Signs may be illuminated only by steady, stationary light sources directed solely at the sign or internal to it so that the light intensity or brightness does not create a nuisance to adjacent property or a traffic hazard.
- B.** Individual letters or logos may be internally illuminated. All other portions of the sign must be opaque.

- C. Signs may not be illuminated by exposed reflective type bulbs, exterior exposed neon, fluorescent, incandescent or strobe lights.

**Sec. 9.110 Maintenance**

All signs must be properly maintained, which includes repair or replacement of all broken or missing parts, elimination of rust or oxidation, elimination of faded or chipped paint, and correcting all similar conditions of disrepair. If a sign is illuminated, the source of such illumination must be kept in a state of safe working order at all times. Failure to properly maintain any sign constitutes a violation of this zoning ordinance.

**Sec. 9.120 Enforcement**

The community development director is hereby authorized and directed to enforce all of the provisions of this article. Upon presentation of proper credentials, village personnel may enter, at reasonable times, any building, structure or premises to perform any duty imposed under this article.

**A. Notice of Violation**

If the community development director finds that any sign has been erected in violation of the provisions of this article, or is unsafe or insecure, the community development director must issue a citation and/or cause the sign to be removed by the village upon 10 days written notice. However, the community development director may cause any sign that poses an immediate threat of harm to persons or property to be removed summarily and without notice. The cost of such removal will be collected from the owner and/or occupant of the property by an action at law or assessed as a lien against the subject property after notice to the property owner.

**B. Temporary Signs**

If the community development director finds that any temporary sign has been erected in violation of the provisions of this article, or is unsafe or insecure, written notice must be provided to the owner and/or occupant of the property on which the sign is located or to the person or organization whose message is on the sign. If the sign is not removed or altered to comply with the provisions of this article within 24 hours of such notice, the community development director must cause such sign to be removed by the village without further notice. The owner and occupant of the property are jointly responsible for the cost of such removal, which may be recovered by the village in an action at law or by filing a lien against the property after notice to the property owner.

## Article 10 | General Development Regulations

Sec. 10.010	Fences .....	10-1
Sec. 10.020	Intersection Visibility .....	10-3
Sec. 10.030	Outdoor Lighting .....	10-3
Sec. 10.040	Operational Performance Standards.....	10-5

### Sec. 10.010 Fences

#### A. General

The general regulations of this subsection apply to all fences.

##### 1. Applicability

All fences, including plants and walls in the nature of a fence, must be erected and maintained in conformance with the requirements of this section.

##### 2. Permits Required

It is unlawful to erect or alter any fence within the village unless a permit has been issued by the community development director. A written application for a fence permit, including applicable fees, must be filed with the community development. A fence permit issued under this section is valid for a term of 6 months.

##### 3. Public Safety

Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using the street, sidewalks or driveways.

##### 4. Structural Elements

All fences must be constructed so that fence posts and structural elements, ~~if any,~~ are located on the side of the fence facing the property ~~on which the fence is constructed~~ being enclosed.

##### 5. Open-Design Fences

Open design fences must be constructed in such a manner that no post or vertical element exceeds a width of 6 inches, and the ratio of open area to closed area does not exceed 1:2, with the open area distributed uniformly over the entire fence surface. Open-design fences include split-rail, post and board and similar designs, expressly excluding chain-link and woven mesh fences.

##### 6. Electrified or Barbed Wire Fences

Electrified or barbed wire fence are prohibited in all zoning districts, except that in business and manufacturing districts electrified or barbed wire fences may be approved through the ~~variance~~ special use process.

#### B. Fences in R Districts

Fences in R zoning districts are subject to the general regulations of [Sec. 10.010A](#) and the R district regulations of this subsection.



1. **Street Yards**

The regulations of this subsection apply to fences in street yards of lots located in R districts.

- a. Open-design fences that do not exceed 4 feet in height are permitted within street yards.
- b. Chain-link and woven mesh fences are prohibited in street yards, except that chain-link fences, including those that are anodized or vinyl-clad, constructed without slats, are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street, provided that the fence does not exceed 4 feet in height and is located only in the area from the rear line of the structure to the rear lot line.
- c. Fences up to 6 feet in height are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street if the rear of the structure faces the rear of a structure that is located on an adjacent corner lot, provided that the fence is located only in the area from the rear line of the structure to the rear lot line. ~~if a driveway passes through such yard or within 15 feet of such yard on the nearest adjacent lot, the fence must be located so as to provide triangular vision clearance areas formed by the lot lines, the driveway, and lines connecting points 15 feet from their intersection.~~
- d. Fences up to 6 feet in height are permitted in the street yard area of an R-zoned lot occupied by a principal nonresidential use if the lot a multi-frontage lot that contains a parking lot without a structure. Such fence must be an open-design fence (See [Sec. 10.010A.5](#)) and be constructed along the parking lot perimeter immediately adjacent to an arterial street or nonresidentially zoned property. All other landscaping and screening requirements of [Article 8](#) apply.

2. **Side and Rear Yards**

The regulations of this subsection apply to fences in the side and rear yards of lots located in R districts.

- a. Fences, including chain-link and woven mesh designs, are permitted in side and rear yards and required setbacks. Fences in side and rear yards may not exceed 6 feet in height. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, the yard along that street frontage is considered a rear yard for purposes of these fence regulations. ~~except that if a driveway passes through such yard or within 15 feet of such yard on the nearest adjacent lot, the fence must be located so as to provide triangular vision clearance areas formed by the lot lines, the driveway, and lines connecting points 15 feet from their intersection.~~
- b. On corner lots with 3 lot lines abutting a street, fences up to 6 feet in height, including chain-link and woven mesh designs, are permitted only within the 2 street-facing side yard areas located from the rear building line to the rear lot line. Any fences outside this area are subject to a maximum height limit of 4 feet. ~~if a driveway passes through such yard or within 15 feet of such yard on the nearest adjacent lot, the fence must be located so as to provide triangular vision clearance areas formed~~

~~by the lot lines, the driveway, and lines connecting points 15 feet from their intersection.~~

**C. Fences in Nonresidential Districts**

Fences in nonresidential zoning districts are subject to the general regulations of [Sec. 10.010A](#) and the nonresidential district regulations of this subsection.

**1. Street Yards**

Open-design fences up to 8 feet in height are permitted in street yards.

**2. Side and Rear Yards**

Fences up to 8 feet in height are allowed in side and rear yards.

~~**3. Chain-link fences up to 8 feet in height are permitted in the street yards of properties fronting on Douglas Road between Rogers Street on the north and Maple Avenue on the south.**~~

**Sec. 10.020 Intersection Visibility**

No obstruction to the vision of persons using streets, sidewalks or driveways, and no structure, other than fences meeting the requirements of [Sec. 10.010](#), may be located in any of the following areas on corner lots:

- A. In any R zoning district, within a triangular area formed by the lot lines abutting streets and a line connecting points on these lot lines located 35 feet from the intersection of the lot lines abutting streets.
- B. In any ~~nonresidential business~~ district within 10 feet of the intersection of the right-of-way lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

**Sec. 10.030 Outdoor Lighting**

**A. Purpose**

The outdoor lighting standards of this article are intended to protect the public health and general welfare by controlling the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.

**B. Applicability**

~~The outdoor lighting regulations of this section apply to off-street parking areas containing more than 5 parking spaces. Lighting of such areas is subject to the regulations of this section.~~ Unless otherwise expressly exempted, the regulations of this article apply to all uses.

**C. Exemptions**

The following are expressly exempt from the outdoor lighting regulations of this article:

- 1. temporary holiday light displays;
- 2. outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps;
- 3. village street lights;
- 4. illumination of official government flags; and
- ~~5.~~ construction and emergency lighting used by construction workers or police, fire-fighting, or medical personnel, provided the lighting is temporary and is discontinued

immediately upon completion of the construction work or abatement of the emergency requiring the lighting.

**D. Exterior Lighting Plan**

An outdoor lighting plan must be prepared by a professional lighting consultant and submitted to the ~~public works~~ community development director for approval. The lighting plan must be reviewed to determine whether the proposed outdoor lighting complies with the regulations of this section. The plan must include at least the following information:

1. a photometric study and data on the types of lighting fixtures to be used;
2. location of and catalog cut-sheet data for all proposed light fixtures, including those used for site lighting, canopy lighting and exterior building lighting;
3. calculations showing contours of individual illumination values in foot-candles. The contours must include property lines and at least 5 feet beyond; and
4. a summary calculation table showing average foot-candles, minimum foot-candles, maximum foot-candles, average-minimum uniformity ratio, and foot-candles at property lines and at least 5 feet beyond.

**E. General Regulations and Standards**

1. Flashing, revolving, or intermittent exterior lighting visible from any property line or street is prohibited.
- ~~2.~~ High-intensity light beams, such as outdoor searchlights and lasers are prohibited.

**F. Glare**

All outdoor lighting must be directed, shaded, shielded, or otherwise located and designed to minimize perceived glare on adjacent properties and streets.

~~**G. Illumination Standards**~~

~~Illumination is subject to the standards of the Illuminating Engineering Society of North America (IESNA), as shown in the following table:~~

<del>IESNA Parking Lot Level of Activity</del>	<del>Average Foot-Candles</del>	<del>Minimum Foot-Candles</del>	<del>Average to Minimum Uniformity Ratio</del>
<del>HIGH (major athletic and cultural events, retail space over 300,000 sq. ft., fast food, entertainment, cinemas)</del>	<del>3-6</del>	<del>0-9</del>	<del>4:1</del>
<del>MEDIUM (office parks, hospital, apartment/condo, retail up to 300,000 sq. ft.)</del>	<del>2-4</del>	<del>0-6</del>	<del>4:1</del>
<del>LOW (industrial, educational, religious assembly, retail up to 5,000 sq. ft.)</del>	<del>0-8</del>	<del>0-2</del>	<del>4:1</del>

~~**H. Exceptions to Illumination Standards**~~

- ~~1. Automobile sales lots may have an average illumination of between 35 and 70 foot candles on the first 25 feet of pavement area adjacent to a street or Illinois State Tollway Authority right-of-way. The remainder of the lot is subject to compliance with the IESNA HIGH level of activity standards of Sec. 1.010A.~~
- ~~2. Gas station canopies may have an average level of illumination on the pavement area underneath the canopy and around fuel pumps of between 35 and 70 foot candles. The~~

~~remainder of the lot is subject to compliance with the IESNA HIGH level of activity standards of [Sec. 1.010A](#).~~

~~3-1. Bank and financial institution drive-through lane canopies may have an average level illumination on the pavement area underneath the drive-up canopy and around automated teller machines that meet federal regulations. The remainder of the lot is subject to compliance with the IESNA HIGH level of activity standards of [Sec. 1.010A](#).~~

**I.G. Light Trespass**

All outdoor lighting must be designed, installed and maintained to avoid the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures. Average maintained foot-candles at the property line may not exceed the values shown in [Table 10-1](#).

*Table 10-1: Light Trespass*

Land Use	Maximum Horizontal Foot-Candles
Residential to residential	0.10
Nonresidential to nonresidential	2.00
Nonresidential to residential	0.10

**J.H. Light Fixture Mounting Height**

Parking lot light fixtures in R zoning districts may not exceed 20 feet in height. Parking lot light fixtures in nonresidential districts may not exceed 30 feet in height.

**K.I. Hours of Illumination**

Parking Outdoor lighting for ~~business and office nonresidential~~ uses adjacent to residential districts must be extinguished or reduced to security-level intensity no later than 30 minutes after the close of business of the use ~~served by the parking or~~.

**Sec. 10.040 Operational Performance Standards**

**A. General**

**1. Applicability**

The operational performance standards of this section apply to the establishment and operation of all nonresidential uses ~~in O-R, O-R-M, M-1 and M-2 zoning districts.~~

**2. Testing**

The community development director is authorized to require that uses provide a certificate from a scientific testing laboratory certifying compliance with the standards of this section. The cost of employing the testing laboratory must be paid by the owner if a violation of applicable standards is determined to exist; otherwise costs of testing and certification will be paid by the village.

**B. Noise<sup>60</sup>**

1. Unless otherwise expressly stated in this section, it a violation of this zoning ordinance to operate in any manner that causes the daytime noise level to exceed 65 dB(A) or that causes the nighttime noise level to exceed 50 dB(A) on property located within an R

<sup>60</sup> These regulations (currently found in Sec. 28.2001) have been completely revised.

zoning district. For the purposes of administering and enforcing these noise regulations:

- a. daytime hours include the hours from 7:00 a.m. to 8:00 p.m.;
  - b. nighttime hours include the hours from 8:01 p.m. to 6:59 a.m.; and
  - c. noise levels must be determined by measuring the dB(A) taken at least 10 feet inside the property line of the R-zoned property.
2. It is not a violation of applicable noise standards if the noise source on does not:
    - a. exceed 5 dB(A) over the dB(A) allowed if the noise source operates at that level for less than 15 minutes in any one-hour period;
    - b. exceed 10 dB(A) over the dB(A) allowed if the noise source operates at that level for less than 6 minutes in any one-hour period;
    - c. exceed 15 dB(A) over the dB(A) allowed if the noise source operates at that level for less than 1.5 minutes in any one-hour period; or
    - d. occur as part of the typical operation of the Premises, including mowing, construction, tree trimming, and waste removal.

**C. Smoke and Particulate Matter**<sup>61</sup>

1. The emission of particulate matter containing more than 5% (by weight) particles having a particle diameter larger than 4.4 microns, is prohibited.
2. The rate of emission of particulate matter from all sources within the boundaries of a lot may not exceed one-half pound per acre of lot area during any one-hour period.
3. Emitted smoke may not be darker or more opaque than No. 0 (zero) on the Ringelmann smoke chart (as published by the United States Bureau of Mines), except that smoke no darker or more opaque than No. 1 on Ringelmann smoke chart may be emitted for periods not longer than 4 minutes in any 30-minute period. These provisions apply to visible gray smoke and to visible smoke of other colors but with an equivalent apparent opacity. Measurement of smoke and particulate matter shall be taken from the point of emission.
4. Dust or other types of air pollution borne by the wind from sources such as storage areas, trash enclosures, and yards within the boundaries of any lot must be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.

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<sup>61</sup> These regulations (currently found in Sec. 28.2002) have been completely revised.

~~C~~**D. Odors, Toxic or Noxious Matter**<sup>62</sup>

1. **Odors**

The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or that is, harmful or injurious to the public health, comfort or welfare, is prohibited.

2. **Toxic or Noxious Matter**

The emission or discharge of toxic or noxious matter in such concentrations as to be readily detectable at any point along the lot lines or that is detrimental to or endangers the public welfare, safety, comfort, or causes injury or damage to property or business is prohibited.

~~D~~**E. Fire and Explosion Hazards**<sup>63</sup>

Materials that present potential fire and explosion hazards must be transported, stored and used only in conformance with all applicable federal, state, county and local regulations.

~~E~~**F. Vibration Regulations**<sup>64</sup>

It is a violation of this zoning ordinance if any earthborn vibration caused by the operation of any use is detectable at any point off the lot on which the use is located.

~~F~~**G. Glare and Heat**

~~Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines~~ activity or operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Exposed sources of light, originating from within a building, must be controlled so that direct or indirect illumination from any source within the lot line does not cause illumination in violation of any applicable village regulations.

~~G.~~ **Registration of Pollutants**

~~It shall be unlawful for any person to install, erect, construct, reconstruct, alter or add to, or cause to be installed, erected, constructed, reconstructed, altered, or added to, any fuel burning, combustion or process equipment or device or any equipment pertaining thereto, or any stack or chimney connected therewith, within the Village, excepting domestic heating plants, domestic refuse burning equipment, locomotives and internal combustion engines, until there has been filed in duplicate by the owner, contractor, installer, or other person, or his/her agent, with the Village, a petition for a permit accompanied by a complete listing of emissions into the atmosphere that result from the operation of the aforesaid equipment or processes, both as to kind and quantity, and, in addition thereto, a listing of the type and capacity of the equipment used for the collections, absorptions, or suppression of each and an estimate of its efficiency, and until a permit therefor has been granted by the corporate authorities of the Village. Said submitted register of pollutants shall be accompanied by an affidavit of a qualified person stating that it is complete and correct and that the~~

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<sup>62</sup> These noise regulations (currently found in Sec. 28.2003) have been completely revised.

<sup>63</sup> These noise regulations (currently found in Sec. 28.2004) have been completely revised.

<sup>64</sup> These noise regulations (currently found in Sec. 28.2005) have been completely revised.

~~proper operation of the plant or process as designed will not result in any violation of this zoning ordinance.~~

## Article 11 | Nonconformities

Sec. 11.010	General.....	11-1
Sec. 11.020	Nonconforming Lots.....	11-3
Sec. 11.030	Nonconforming Uses.....	11-4
Sec. 11.040	Nonconforming Structures.....	11-7
Sec. 11.050	Nonconforming Signs.....	11-9

### Sec. 11.010 General<sup>65</sup>

#### A. Scope

The regulations of this article govern nonconformities, which are lots, uses, and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more requirements of this zoning ordinance.

#### B. Intent<sup>66</sup>

1. Occasionally, lots, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map amendments or amendments to the text of this zoning ordinance). The regulations of this article are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable zoning regulations). The regulations of this article are also intended to:
  - a. recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
  - b. promote maintenance, reuse and rehabilitation of existing buildings; and
  - c. place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.
2. The regulations recognize that buildings and structures have a long useful life and allowing their continued occupancy and modernization can be more desirable than requiring them to remain vacant if they cannot be converted to conforming uses. Consequently, this ordinance authorizes the zoning board of appeals to allow conversion of nonconforming uses and, under limited circumstances, expansions of nonconforming uses and structures.

#### C. Authority to Continue

Any nonconformity that existed on the effective date specified in [Sec. 1.030](#) or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance

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<sup>65</sup> These “general” provisions are new.

<sup>66</sup> This intent statement differs markedly from the current ordinance by recognizing the need for flexibility in dealing with different types of nonconformities.



may be continued in accordance with the regulations of this article unless otherwise expressly stated.

**D. Determination of Nonconformity Status<sup>67</sup>**

1. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the subject owner.
2. The community development director is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.
3. Building permits, lawfully recorded plats, aerial photography owned by the village and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the community development director is authorized to consider whether other forms of evidence provided by the applicant are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:
  - a. professional registrations or licenses;
  - b. utility billing records;
  - c. leasing records;
  - d. advertisements in dated publications;
  - e. listings in telephone or business directories; and
  - f. notarized affidavits affirming the date of lawful establishment of the use, lot or structure.
4. The community development director's determination of nonconforming status may be appealed in accordance with [Sec. 12.100](#).

**E. Repairs and Maintenance**

1. Nonconformities must be maintained to be safe and in good repair.
2. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.
3. Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized order of a public official.

**F. Change of Tenancy or Ownership**

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

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<sup>67</sup> The proposed provisions provide increased clarity and guidance regarding interpretation and administration of the nonconformity regulations.

**Sec. 11.020 Nonconforming Lots**

**A. Description**

A nonconforming lot is a lot that was lawfully created in accordance with lot area and lot width regulations in effect at the time of the lot's establishment but that does not comply with currently applicable lot area or lot width regulations.

**B. Use of and Building on Nonconforming Lots**

1. A nonconforming lot in an R district may be used as a building site for a single detached house, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width, except that when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements.
2. Nonconforming lots in nonresidential districts may be utilized for any use allowed in the subject zoning district, provided that:
  - a. the lot area and lot width are not less than 75% of the minimums required in the subject zoning district; ~~or, or the lot width is not less 50 feet and the lot area is not less than 7,500 square feet;~~
  - b. if the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.
  - ~~b.c.~~ when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements.
3. All flag lots lawfully created before March 18, 2008 are deemed nonconforming lots. In addition to complying with the other nonconforming lot provisions of this section, nonconforming flag lots are subject to the following additional requirements:
  - a. the pole of the flag lot must be at least 20 feet in width;
  - b. an access corridor, including a paved surface with a width of at least 10 feet, must be maintained along the entire length of the pole. No encroachments that would interfere with emergency vehicle access are allowed within this access corridor;
  - c. the street setback must be measured from a line parallel to the street where the lot meets the minimum width requirement of the subject zoning district;
  - d. the address of the flag lot must be clearly displayed within 3 feet of the property line adjacent to the public street and in a manner that clearly differentiates the flag lot from abutting property; and
  - e. if there is no fire hydrant located 60 feet of the street property line of the pole section of the flag lot, a fire hydrant must be installed at the property owner's expense. If a new hydrant is required, it must be operational prior to issuance of an occupancy permit. The fire Department may, in its sole discretion, permit the property

owner to install a dry-system standpipe on the flag lot property instead of requiring a new hydrant to be installed.

4. All lots created by lot split before May 16, 2006 may be improved provided any such improvement complies with the lot and building regulations of the subject zoning district, provided that:
  - a. the lot area and lot width are not less than 75% of the minimums required in the subject zoning district; or
  - b. the lot width is not less 50 feet and the lot area is not less than 7,500 square feet.
5. ~~An improved nonconforming lot that does not comply with the requirements of Sec. 11.020B.1 may be utilized for an allowed use so long as the amount, quantity or degree of any existing nonconformity is not increased and no new nonconformity is created. Such improvement~~ Lawfully established buildings and improvements on nonconforming lots may be used, maintained, repaired and replaced, provided that the amount, quantity or degree of any existing nonconformity is not increased and no new nonconformity is created.

## Sec. 11.030 Nonconforming Uses

### A. Description

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.<sup>68</sup>

### B. Change of Use

A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.

### C. Expansion of Use

1. The nonconforming use of land that does not involve a building or structure or that is accessory to the nonconforming use of a building may not be expanded or extended beyond the area the use occupied at the time the use became nonconforming.
2. A nonconforming use of a building may ~~not~~ be expanded or extended into any part of the building that was occupied by the subject nonconforming use at the time the use became nonconforming. ~~No other expansion of a nonconforming use is allowed unless approved in accordance with the nonconformity expansion zoning exception procedures of Sec. 12.080. In order to approve such expansion of a nonconforming use, the zoning board of appeals must find that all of the following criteria have been met:~~

<sup>68</sup> The last sentence is new (clarifying) addition.

- a. in residential districts, the expansion will not result in an increase in the number of dwelling units;
- b. the expansion will comply with all applicable lot and building regulations of the subject zoning district;
- c. the appearance of the expansion will be compatible with the adjacent property and neighborhood;
- d. off-street parking is provided for the expansion in accordance with the requirements of Sec. 7.010B.2 (for new uses);
- e. rezoning the property would result in an inappropriate spot zoning;
- f. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and
- g. the use is consistent with the comprehensive plan.

**D. Remodeling and Improvements<sup>69</sup>**

A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate the other regulations of this article.

**E. Moving<sup>70</sup>**

A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation does not increase the extent of the nonconformity. A nonconforming use may be moved to another lot only if the use is allowed under the zoning regulations that apply to that (relocation) lot.

**F. Loss of Nonconforming Status**

**1. Abandonment**

- a. Except as expressly authorized in Sec. 11.030F.1.d, once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.
- b. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of ~~18~~12 months or more.
- c. Any period of discontinuance caused by acts of God or accidental fire are not counted in calculating the length of discontinuance.
- d. Re-establishment of an abandoned nonconforming use may be approved in accordance with the ~~nonconformity expansion~~-zoning exception procedures of Sec. ~~12.080~~ if the zoning board of appeals finds that all of the following criteria have been met:

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<sup>69</sup> This is new.

<sup>70</sup> This is new.

- (1) the subject property cannot reasonably or economically be used for a conforming use;
- (2) the proposed use is equally appropriate or more appropriate in the proposed location than the existing nonconforming use;
- (3) the traffic, hours of operation, noise and other operating characteristics of the proposed use will result in no greater adverse impact on the neighborhood than the previous nonconforming use;
- (4) the proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and
- (5) the use is consistent with the comprehensive plan.

**2. Damage or Destruction<sup>71</sup>**

- a. When a building containing a nonconforming use is destroyed or damaged by acts of God or accidental fire, the building may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage.
- b. When a building containing a nonconforming use is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the market value of the structure, as determined by the property owner's certified appraiser, the use may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

**G. Accessory Uses<sup>72</sup>**

No use that is accessory to a principal nonconforming use may continue after the principal nonconforming use has been abandoned.

**H. Nonconforming Junk Yards and Outdoor Storage Yards**

Junk yards, salvage yards and land used for outdoor storage purposes that were lawfully established on or before April 19, 1965, but that now do not conform to the provisions of this zoning ordinance, must be discontinued by no later than April 19, 1975. Junk yards, salvage yards and land used for outdoor storage purposes that are annexed into the village must be discontinued within 10 years of the date of annexation.

**I. Electric Transmission Lines and Electrical Substations**

The use or holding for use by a public utility under the jurisdiction of the Illinois Commerce Commission of any premises before July 1, 1967, for electric transmission lines supported by towers or for an electrical substation are deemed a lawful special use for such purposes,

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<sup>71</sup> This is new.

<sup>72</sup> This is new.

without any restrictions against enlargement, extension, reconstruction or structural alteration of any such facilities that may be located on the subject property on or after July 1, 1967.

### **Sec. 11.040 Nonconforming Structures**

#### **A. Description**

A nonconforming structure is any structure, other than a sign, that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in [Sec. 9.090](#).

#### **B. Use**

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

#### **C. Alterations and Expansions**

1. Nonconforming structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional and locational requirements and does not increase the extent of the structure's nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.
2. ~~A structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that the zoning board of appeals may approve a either a horizontal or a vertical extension of the nonconforming exterior walls of a detached house in accordance with the **nonconformity expansion** zoning exception procedures of [Sec. 12.080](#). In order to approve such horizontal or vertical extension, the zoning board of appeals must find that all of the following criteria have been met:~~
  - a. the extended wall will comply with all other applicable lot and building regulations (other than the nonconforming setback);
  - b. the extension will not obstruct further into the required setback than the existing exterior building wall and will not extend the horizontal length of the nonconforming building wall more than 15% of its existing length;
  - c. the horizontal or vertical wall extension does not include windows that allow views onto an abutting lot occupied by a detached house;
  - d. the appearance of the expansion will be compatible with the adjacent property and neighborhood; and
  - e. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.
- ~~2. A second floor building addition may be added to a detached house that is nonconforming because it fails to comply with the building setback, building coverage or floor area requirements of the subject zoning district, subject to compliance with all of the following regulations:~~

- ~~a. The bottom of the eave, as measured from established grade along the front elevation, may not exceed 22 feet in height. This height limitation continues around the structure on a level plane.~~
- ~~b. The overall height of the detached house after the building addition is subject to the maximum height limits of the subject zoning district.~~
- ~~c. The second floor addition must comply with the building setback requirements of the subject zoning district.~~
- ~~d.f. All new construction, other than the second floor addition, must comply with the requirements of the zoning ordinance.~~

**D. Moving**

A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity.<sup>73</sup>

**E. Loss of Nonconforming Status**

**1. Damage or Destruction<sup>74</sup>**

- a. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage.
- b. When a nonconforming structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the market value of the structure, as determined by the property owner's certified appraiser, the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

**2. Damage or Destruction after Right-of-Way Acquisition<sup>75</sup>**

If a structure is rendered nonconforming or made more nonconforming by a public agency's acquisition of right-of-way and the structure is subsequently damaged or destroyed by any means, the structure may be reestablished, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage.

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<sup>73</sup> This is a change; currently, moving is allowed only if it eliminates the nonconformity.

<sup>74</sup> This has been revised. Under the current ordinance, nonconforming structures damaged by more than 50% of market value may not be re-established regardless of the cause of damage.

<sup>75</sup> This is new.

**F. Nonconforming Fences**

Nonconforming fences may be maintained or repaired without regard to the requirements of this zoning ordinance, provided that the extent of nonconformity of the fence is not increased. The damage or destruction provisions of [Sec. 11.040E.1](#) apply to nonconforming fences.

**Sec. 11.050 Nonconforming Signs**

See [Sec. 9.090](#).

~~Section 28.1205-Nonconforming Off Street Parking:~~

~~————(a) Change in use of a structure. Whenever the existing use of a structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use.~~

~~————(b) Existing parking and loading facilities.~~

~~————(1) Accessory off street parking or loading facilities which were in existence on the effective date of this zoning ordinance or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than shall not further be reduced below, the requirements of this zoning ordinance for a similar new building or use.~~

~~————(2) Accessory off street parking or loading facilities which were in existence on the effective date of this zoning ordinance or were provided voluntarily after such effective date, shall be allowed to repair and resurface existing nonconforming parking lots but shall not be allowed to undertake major reconstruction of said parking lots without conforming to the off street parking regulations contained in Article XIV.~~

~~————(c) Permissive parking and loading facilities. Nothing in this Article shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or structures, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.~~

~~————(d) Damage or destruction of a structure. For any conforming or legally nonconforming structure or use, which subsequently thereto is damaged or destroyed by any means to the extent of fifty percent (50%) or greater of its market value, based on an independent current appraisal, parking and loading facilities must be provided as required under this Ordinance for equivalent new uses or construction.~~



## Article 12 | Review and Approval Procedures

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### Sec. 12.010 Common Provisions

#### A. Applicability

The “common provisions” of this section apply to all of the procedures in this article unless otherwise expressly stated.

#### B. Review and Decision-making Authority

[Table 12-1](#) provides a summary of the review and approval procedures of this article. In the event of conflict between [Table 12-1](#) and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

*Table 12-1: Review and Decision-Making Summary Table*

Procedure	Community Development Director	Plan Commission	Zoning Board of Appeals	Village Council
Zoning Ordinance Text Amendments	R	<R>	–	DM
Zoning Map Amendments	R	<R>	–	DM
Planned Unit Developments				
PUD Development Plan	R	<R>	–	DM
PUD Site Plan	DM	<R>[1]	–	A
Special Uses	R	<R>	–	DM
Zoning Compliance Determination	DM	–	<A>	–
Certificates of Occupancy	DM	–	<A>	–
Administrative Adjustments	DM	–	<A>	–
<u>Zoning Exceptions</u>	<u>R</u>	<u>–</u>	<u>&lt;DM&gt;</u>	<u>–</u>
Variations	R	–	<DM>	–
Appeals of Administrative Decisions	–	–	<DM>	–

**R** = Review body (responsible for review and recommendation)

**DM** = Decision-making body (responsible for final decision to approve or deny)

**A** = Appellate decision-making body responsible for final decision only upon appeal of administrative decision

**< >** = Public hearing required

[1] Review authority only in case of appeals of the community development director’s decision

**C. Neighbor Communications<sup>76</sup>**

**1. Purpose**

The purpose of neighbor communications is to help educate applicants for development approvals and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues before initiation of formal public hearings.

**2. Applicability**

Neighbor communications are encouraged in all cases. They are required whenever the provisions of this zoning ordinance expressly state that they are required.

**3. Summary Report**

The applicant must submit a neighbor communication summary at least one week before the first required public hearing. The summary report must describe:

- a. efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
- b. how information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, flyers, door-to-door handouts, etc.);
- c. who was involved in the discussions;
- d. suggestions and concerns raised by neighbors; and
- e. what specific changes to the proposal were considered and/or made as a result of the communications.

**D. Applications and Fees**

**1. Form of Application**

Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the community development director. Applications must include materials and information as may be required by the community development director to establish that the proposed activity complies with all applicable requirements of this zoning ordinance.

**2. Application Filing Fees**

All applications must be accompanied by the fee amount that has been established in the [User-Fee, License & Fine Schedule](#).

**3. Application Completeness, Accuracy and Sufficiency**

- a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- b. The community development director must make a determination of application completeness within 10 business days of application filing.

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<sup>76</sup> This is entirely new.

- c. If an application is determined to be incomplete, the community development director must provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.
- d. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle.
- e. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
- f. The community development director may require that applications or plans be revised before being placed on an agenda for possible action if the community development director determines that:
  - (1) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations;
  - (2) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations; or
  - (3) the decision-making body does not have legal authority to approve the application or plan.

**E. Amended Applications**

Applications may be amended at any time before final action upon such terms and conditions as the community development director (if amended before any required hearing), the zoning board of appeals or plan commission (if amended before final action by such body), or the village council, directs. Examples of such terms and conditions include requiring republication of the notice, rehearing of the application and/or extension of any time-frames required for village action.

**F. Application Processing Cycles**

The community development director, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

**G. Public Hearings**

**1. Required Public Hearing Notice—Publication in Newspaper**

Published notice is required for public hearings required under this zoning ordinance. This required notice must be published at least once in a newspaper of general circulation in Downers Grove at least 15 days before and no more than 30 days before the public hearing. Required notices must include at least the following information:

- a. an address or legal description of the property that is the subject of the hearing;
- b. a summary of the nature of the application; and

- c. the time and place of the hearing.
2. **Additional Public Hearing Notices**<sup>77</sup>
- a. In addition to required published notice, the village will endeavor to provide or require that the applicant provide one or more of the following forms of additional notice of public hearings required under this zoning ordinance:<sup>78</sup>
    - (1) posting of a public hearing notice sign on the subject property;
    - (2) mailing notices to the subject property owner;
    - (3) mailing notices to property owners within 250 feet of the subject property, as measured from the property line to property line, but excluding public rights-of-way less than 150 feet in width (in other words, most rights-of-way are not counted in calculating the required notification radius);<sup>79</sup> See [Figure 12-1](#).

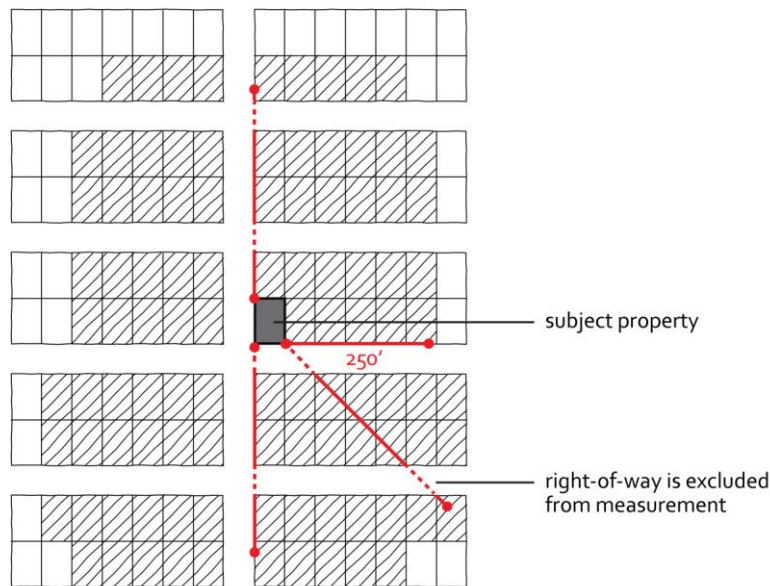


Figure 12-1: Measurement of Mailed Notification Radius

- (4) mailing notices to village-registered property owners' associations and organizations whose boundaries include the subject property;
- (5) encouraging neighbor communication meetings in accordance with [Sec. 12.010C](#);

<sup>77</sup> These “additional notice” provisions have been revised. Currently, the ordinance calls for “courtesy” sign postings and mailed notice to neighbors. These revised provisions remove some of the detail from those provisions, while adding other common forms of notice, such as posting in village hall and on the VDG website.

<sup>78</sup> This added language in 2.A, above, provides a basis for a recommended shift in local practice—requiring that applicants post notices and provide mailed notice to surrounding property owners. Other local governments have found such an approach to be effective and a wise use of limited staff resources.

<sup>79</sup> The notification radius provisions have been revised to ensure that public street rights-of-way of less than 150 feet in width are not counted in calculating the area required to receive mailed notices. In nearly all cases, this change will result in a notification radius of greater than 250 feet.

- (6) posting notices in village hall or in other government buildings; or
- (7) publishing notice on the village website.

b. Failure to provide any form of additional notice described in this subsection ([Sec. 12.010G.2](#)) or any defect in such additional notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

**3. Hearing Procedures**

Public hearings required by this zoning ordinance must be conducted by the designated hearing body. At the hearing, interested persons must be permitted to submit information and comments, verbally or in writing. The designated hearing body is authorized to establish reasonable rules and regulations governing the presentation of information and comments such as, the limitation of redundant or irrelevant materials and testimony, the order and length of statements or testimony and time limitations.

**4. Continued Public Hearings**

- a. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- b. If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing.
- c. If the applicant requests and is granted a postponement, the applicant must pay any costs of renotification.

**H. Action by Review Bodies and Decision-Making Bodies**

- 1. Review and decision-making bodies may take any action that is consistent with:
  - a. the regulations of this zoning ordinance;
  - b. any rules or by-laws that apply to the review or decision-making body; and
  - c. the notice that was given.
- 2. Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

**I. Conditions of Approval**

When decision-making bodies approve applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

**J. Decision-Making Criteria; Burden of Proof or Persuasion**

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria.

**K. Required Time-frames for Action**

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. If a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

**Sec. 12.020 Zoning Ordinance Text Amendments**

**A. Authority to File**

Amendments to the text of this zoning ordinance may be initiated only by the village council, plan commission, zoning board of appeals or community development director.<sup>80</sup>

**B. Review and Report—Community Development Director**

The community development director must prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.

**C. Notice of Hearing**

Notice of the plan commission's required public hearing on a zoning ordinance text amendment must be published in the newspaper in accordance with [Sec. 12.010G.1](#). Additional notice may also be provided in accordance with [Sec. 12.010G.2](#).

**D. Hearing and Recommendation—Plan Commission**

The plan commission must hold a public hearing on the proposed text amendment. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its findings and recommendations to the village council.

**E. Final Action—Village Council**

1. Within 90 days of receipt of the plan commission's recommendation, the village council must act to approve the proposed zoning ordinance text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The village council may also remand the proposed text amendment back to the plan commission for further consideration.
2. If the zoning ordinance text amendment is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct such further proceedings as may be appropriate and re-present the text amendment, with recommendations, to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the proposed zoning ordinance text amendment.
3. Zoning ordinance text amendments may be approved by a simple majority vote.

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<sup>80</sup> This is a change; currently, "any person" may initiate a text amendment to the zoning ordinance.

**F. Review and Approval Criteria<sup>81</sup>**

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider at least the following factors:

1. whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan; and
2. whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.

**Sec. 12.030 Zoning Map Amendments (Rezoning)**

**A. Authority to File**

Amendments to the zoning map may be initiated only by the village council, the community development director or by the owner of the property that is the subject of the proposed zoning map amendment or by the subject property owner's authorized agent.

**B. Neighbor Communications Summary**

Neighbor communication summaries (see [Sec. 12.010C](#)) are required for all owner-initiated zoning map amendment applications, except that neighbor communication summaries are not required in the following cases:

1. if the zoning map amendment application proposes R-1, R-2, R-3, R-4 or R-5 zoning; or
- ~~2.~~ if there is no residential zoning within 500 feet of the property under consideration.

**C. Application Filing**

Complete applications for zoning map amendments must be filed with the community development director.

**D. Review and Report—Community Development Director**

Upon receipt of a complete zoning map amendment application, the community development director must prepare a report and recommendation on the proposed zoning map amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.<sup>82</sup>

**E. Notice of Hearing**

Notice of the plan commission's required public hearing on a zoning map amendment must be published in the newspaper in accordance with [Sec. 12.010G.1](#). Additional notice may also be provided in accordance with [Sec. 12.010G.2](#).

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<sup>81</sup> These are proposed new general criteria. Currently, the ordinance applies the same criteria to text and map amendments.

<sup>82</sup> The existing zoning ordinance states that the rezoning hearing may be conducted by the plan commission or the zoning board of appeals. This draft assigns sole responsibility to the plan commission.

**F. Hearing and Recommendation—Plan Commission**

The plan commission must hold a public hearing on the proposed zoning map amendment within 90 days of receipt of a complete application. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed amendment be approved, approved with modifications, or denied and transmit its findings and recommendations to the village council.

**G. Final Action—Village Council**

1. Within 90 days of receipt of the plan commission's recommendation, the village council may act to approve the proposed zoning map amendment, approve the proposed amendment with modifications or deny the proposed amendment. The village council may also may remand the proposed zoning map amendment back to the plan commission for further consideration.
2. If the zoning map amendment application is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the zoning map amendment to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the zoning map amendment.
3. Zoning map amendments may be approved by a simple majority vote, except as stated in [Sec. 12.030H](#).

**H. Protest Petitions**

1. If a valid protest petition is filed against any proposed zoning map amendment, passage of the text amendment requires a favorable vote of two-thirds of the entire village council.
2. A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately abutting or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered.
3. A written protest petition opposing a zoning map amendment must be submitted to the village clerk at least 5 business days before the village council's vote.
4. When a written protest petition has been submitted, the protest petition must be served by the protestors upon the applicant and upon the applicant's attorney, if any, by certified mail at the applicant's and attorney's addresses shown on the application.

**I. Review and Approval Criteria**

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision-making bodies must consider at least the following factors:

1. the existing use and zoning of nearby property;



2. the extent to which the particular zoning restrictions affect property values;
3. the extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;
4. the suitability of the subject property for the zoned purposes;
5. the length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
6. the value to the community of the proposed use; and
7. the comprehensive plan.

**J. Successive Applications**

If a zoning map amendment application is denied, no application may be accepted that proposes reclassification of any portion of the same property for the same zoning classification for 12 months from the date of the village council decision to deny.

**Sec. 12.040 Planned Unit Developments**

**A. Overview**

1. Planned Unit Development (PUD) overlay zoning districts are established through the concurrent approval of:
  - a. a PUD overlay district map amendment, in accordance with the zoning map amendment procedures of [Sec. 12.030](#); and
  - b. a PUD development plan application in accordance with the procedures of this section.
2. PUD site plan approval is required after approval of the PUD zoning map amendment and PUD development plan. This section describes the required review and approval procedures for PUD development plans and PUD site plans.

**B. Development Plan Approval Required**

Approval of a PUD development plans and PUD site plan must occur before any building permit is issued and before any development takes place in a PUD overlay district. Permits may be issued for a phase of development within a section of an approved PUD overlay district if a development plan has been approved for the entire PUD and a PUD site plan has been approved for the subject property.

**C. PUD Development Plans**

At the option of the applicant, the PUD development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and PUD development plans.

**1. Preapplication Meeting**

Before submitting an application for a PUD overlay district rezoning, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other relevant village departments in the preapplication meeting.

**2. Application Contents**

An application for a PUD overlay district rezoning and PUD development plan must contain all items of information specified in the preapplication meeting.

**3. Application Filing**

Complete applications for PUD development plan approval must be filed with the community development director at the same time that the PUD zoning map amendment application is filed. The zoning map amendment procedures of [Sec. 12.030](#) apply to PUD zoning map amendments except as expressly modified by the PUD approval procedures of this section.

**4. Hearing and Recommendation—Plan Commission**

The plan commission must hold a public hearing on the proposed PUD development plan and PUD zoning map amendment within 90 days of receipt of a complete application. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed plan and map amendment be approved, approved with modifications or conditions, or denied and transmit its recommendations to the village council.

**5. Final Action—Village Council**

- a. Within 90 days of receipt of the plan commission’s recommendation, the village council may act to approve the proposed PUD development plan and PUD zoning map amendment, approve the proposed plan and amendment with modifications or conditions or deny the proposed plan and map amendment. The village council may also may remand the matter back to the plan commission for further consideration.
- b. If the PUD development plan and PUD zoning map amendment application are remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the plan and zoning map amendment to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission’s recommendation, the village council must take final action on the PUD development plan and PUD zoning map amendment.
- c. PUD zoning map amendments may be approved by a simple majority vote, except as stated in [Sec. 12.030H](#).

**6. Review and Approval Criteria**

The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

- a. the zoning map amendment review and approval criteria of [Sec. 12.030I](#);

- b. whether the proposed PUD development plan and map amendment would be consistent with the comprehensive plan and any other adopted plans for the subject area;
- c. whether PUD development plan complies with the PUD overlay district provisions of [Sec. 4.030](#);
- d. whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations; and
- e. whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.

**7. Lapse of Approval**

- a. If the applicant fails to file an application for PUD site plan approval within one year of the date of approval of the PUD development plan and zoning map amendment, the PUD development plan will lapse and be of no further effect, in which case the regulations of the base zoning district will govern development of the property. The landowner may request a one-time extension for a period of up to one additional year by filing an extension request with the community development director before the expiration of the PUD development plan. Extension requests must be heard by the village council in a public hearing.
- b. For projects to be developed in phases, phase limits must be shown on the PUD development plan and approved by the village council. The village council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

**D. PUD Site Plans**

**1. Application Filing**

PUD site plan applications must be filed with the community development director before the lapse of a PUD development plan.

**2. Review and Action by Community Development Director; Appeals**

- a. The community development director must review and take action on the PUD site plan. The community development director must approve the PUD site plan if it complies with the approved PUD development plan, all conditions of PUD development plan approval and all applicable regulations of this zoning ordinance. If the submitted PUD site plan does not comply with the approved PUD development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance, the community development director must deny the PUD site plan and advise the landowner in writing of the specific reasons for denial.
- b. In acting on PUD site plans, the community development director is authorized to approve the following minor deviations from an approved PUD development plan:

- (1) any deviation expressly authorized as at the time of PUD development plan approval;
    - (2) the addition of customary accessory uses and structures; and
    - (3) changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the development plan was approved and that are not otherwise classified as amendments pursuant to [Sec. 12.040E](#).
  - c. No other changes or amendments may be approved as part of the community development director action on a PUD site plan. Any other changes will be considered amendments to an approved PUD development plan. Amendments are subject to [Sec. 12.040E](#).
  - d. If the community development director does not approve the PUD site plan, the landowner may either: (1) resubmit the PUD site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the community development director. If an appeal is filed, the PUD site plan must be processed in the same manner as a PUD development plan, with review and recommendation by the plan commission and a final decision by the village council.
3. **Effect of Approval**

Approval of a PUD site plan must occur before any building permits are issued for the PUD. PUD site plan approval does not constitute effective dedication of rights-of-way or any other public improvements, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD (if platting is required).

#### **E. Amendments to Approved PUD Development Plans**

1. All of the following constitute amendments to an approved PUD development plan:
  - a. elimination or relaxation of a condition of approval imposed by the village council at the time of PUD development plan approval;
  - b. an increase in overall building coverage by more than 5%;
  - c. an increase in building height by more than 10% or 5 feet, whichever is less;
  - d. an overall reduction in the amount of usable open space, common open space or landscaping;
  - e. a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
  - f. a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
  - g. anything that the community development director determines a material change, likely to create adverse impacts that were not considered as part of the PUD development plan approval.

2. Any amendment to an approved PUD development must be processed as a new PUD development plan, including all requirements for fees, notices and hearings.

## **Sec. 12.050 Special Uses**

### **A. Intent**

The special use approval procedures of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns.

### **B. Authority to File**

Special use applications may be filed by the owner of the property that is the subject of the special use application or by the subject property owner's authorized agent.

### **C. Application Filing**

Complete applications for special use approval must be filed with the community development director.

### **D. Review and Report—Community Development Director**

Upon receipt of a complete application for special use approval, the community development director must prepare a report and recommendation that evaluates the proposed special use in light of the approval criteria of [Sec. 12.050H](#). The report must be transmitted to the plan commission before their public hearing on the proposed special use.

### **E. Notice of Hearing**

Notice of the plan commission's required public hearing on a special use application must be published in the newspaper in accordance with [Sec. 12.010G.1](#). Additional notice may also be provided in accordance with [Sec. 12.010G.2](#).

### **F. Hearing and Recommendation—Plan Commission**

The plan commission must hold a public hearing on the special use application within 90 days of receipt of a complete application. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed special use be approved, approved with modifications and/or conditions, or denied and transmit its findings and recommendations to the village council.

### **G. Final Action—Village Council**

1. Within 90 days of receipt of the plan commission's findings and recommendation, the village council may act to approve the proposed special use application, approve the special use with conditions and/or modifications or deny the special use. The village council may also may remand the special use application back to the plan commission for further consideration.
2. If the special use application is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the special use application to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the special use application.

3. The village council is authorized to impose such conditions and restrictions upon the premises benefited by a special use as the council determines to be necessary to ensure compliance with the standards of [Sec. 12.050H](#), to reduce or minimize the effect of the special use upon other properties in the area, and to better carry out the general public and intent of this zoning ordinance.
4. The village council may act by a simple majority vote.

#### **H. Approval Criteria**

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

1. that the proposed use is expressly authorized as a special use in the district in which it is to be located;
2. that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
3. that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity; and
4. that the proposed use will comply with all applicable regulations specified in this zoning ordinance or will comply with any variations or administrative adjustments authorized pursuant to [Sec. 12.090](#) or [Sec. 12.070](#).

#### **I. Lapse of Approval<sup>83</sup>**

1. The applicant may submit, and the village council may approve, as part of the ordinance authorizing the special use, a maximum 2-year schedule for establishing the approved special use. If such a schedule is not approved by the village council, the approved special use will lapse and have no further effect one year after it is approved by the village council, unless:
  - a. a building permit has been issued (if required);
  - b. a certificate of occupancy has been issued; or
  - c. the special use has been lawfully established.
2. The village council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to ~~180 days~~ ~~one year~~ each. Requests for extensions must be submitted to the community development director and forwarded to the village council for a final decision.<sup>84</sup>

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<sup>83</sup> These provisions provide slightly more detail than the existing provisions, but they are substantially the same.

<sup>84</sup> This is a slight change; currently, extensions are for one or two years.

3. A special use also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the special use.
4. If any special use is abandoned, or is discontinued for a continuous period of one year or more, the special use for such use is void, and such use may not be reestablished unless and until a new special use is obtained in accordance with the procedures of this section.

**J. Transferability**

Special use approval runs with the land and is not affected by changes of tenancy, ownership, or management.

**K. Amendments**

Amendments to approved special uses may be approved in accordance with the following requirements. The special use amendment procedures may not be used to vary or modify zoning ordinance standards.

**1. Minor Amendments**

- a. The community development director is authorized to approve the following minor amendments to approved special uses:
  - (1) any amendments expressly authorized as minor amendments at the time of special use approval;
  - (2) the addition of customary accessory uses and structures; and
  - (3) changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the special use permit was approved and that are not otherwise classified as major amendments pursuant to [Sec. 12.050K.2](#).
- b. Applications for minor amendments to approved special uses must be filed in a form established by the community development director. If no action is taken on the minor amendment application within 20 days of filing of a complete application, the minor amendment is deemed denied.

**2. Major Amendments**

- a. All of the following constitute major amendments to approved special uses:
  - (1) an increase in overall building coverage by more than 5%;
  - (2) an increase in building height by more than 10% or 5 feet, whichever is less;
  - (3) an overall reduction in the amount of common open space or landscaping;
  - (4) a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
  - (5) a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and

(6) any combination of 3 or more minor changes that were not expressly authorized by the approved special use permit.

b. Major amendments to an approved special use must be processed as a new special use application, including all requirements for fees, notices and public hearings.

**L. Successive Applications<sup>85</sup>**

If a special use application is denied, no substantially similar application may be accepted for the same property for 12 months from the date of denial by the village council.

**Sec. 12.060 Zoning Compliance Determination<sup>86</sup>**

**A. Applicability**

A zoning compliance determination must be obtained before any structure is erected, reconstructed or structurally altered.

**B. Exemptions**

The community development director is authorized to exempt accessory structures from the requirement to obtain a zoning compliance determination if the community development director determines that the accessory structure constitutes a de minimis alteration or addition to the property.

**C. Procedure**

1. Zoning compliance determinations must be accompanied by information the community development director deems necessary to enable an accurate determination of whether the proposed improvements will comply with the provisions of this zoning ordinance.
2. If the community development director determines that the improvements comply with all applicable provisions of this zoning ordinance, the zoning compliance determination must be issued.
3. If the community development director determines that the improvements do not comply with all applicable provisions of this zoning ordinance, the permit must be denied and the community development director must provide a written explanation of the reasons for denial.<sup>87</sup>

**Sec. 12.070 Administrative Adjustments<sup>88</sup>**

**A. Intent**

These administrative adjustments procedures are intended to provide a streamlined approval procedure for relatively minor forms of zoning relief. While most variations require a

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<sup>85</sup> This is new.

<sup>86</sup> Currently referred to as an “improvement location permit.”

<sup>87</sup> This is implied but not expressly stated in the current ordinance.

<sup>88</sup> This is an entirely new procedure established for relatively minor modifications of otherwise applicable zoning requirements. These are sometimes referred to as “minor variations/variances” or “administrative variations/variances.”



public hearing before the zoning board of appeals (see [Sec. 12.090](#)), the community development director is authorized to approve the administrative adjustments identified in [Sec. 12.070B](#) without a public hearing.

**B. Authorized Administrative Adjustments**

1. The community development director is authorized to grant the following administrative adjustments for principal and accessory buildings on lots occupied by a single-family residential dwelling unit:
  - a. a reduction of the minimum required lot area by up to 10%;
  - b. a reduction of the minimum required lot width by up to 10%; and
  - c. a reduction of minimum required setbacks by up to 10% or one foot, whichever is greater.
2. The community development director is authorized to grant an administrative adjustment reducing minimum required off-street parking or loading requirements by up to 10% or one space, whichever is greater.
3. The administrative adjustment provisions may not be used to vary, modify or otherwise override a condition of approval or requirement imposed by an authorized village decision-making body or the state or federal government.

**C. Authority to File**

Administrative adjustment applications may be filed by the subject property owner or by the property owner's authorized agent.

**D. Application Filing**

Complete applications for administrative adjustments must be filed with the community development director.

**E. Notice of Filing/Intent to Approve**

Within 5 business days of receipt of a complete application for an administrative adjustment, written notice of application filing must be delivered to all owners of property within 100 feet of the subject parcel. The notice must describe the nature of the requested administrative adjustment. It must also indicate the date on which the community development director will take action on the application and that the application will be available for review and comment until that date. Any interested party may submit written comments concerning the application to the community development director.

**F. Action by Community Development Director**

1. The community development director must review each application for an administrative adjustment and act to approve the application, approve the application with conditions, deny the application or refer the application to the zoning board of appeals for consideration as a variation.
2. The community development director may not take final action to approve or deny an administrative adjustment application until at least 15 days after the date of mailing or delivery of the required notices.

3. The community development director's decision to approve or deny an administrative adjustment must be based on the approval criteria and standards of [Sec. 12.070G](#) and accompanied by written findings of fact.
4. At least once per calendar year, the community development director must provide to the zoning board of appeals and the village council a listing of all administrative adjustment decisions.

**G. Standards and Review Criteria**

Administrative adjustments may be approved only when the community development director determines that any specific standards associated with the authorized administrative adjustment and the following general approval criteria have been met:

1. the requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;
2. the requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
3. any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

**H. Conditions of Approval**

In granting an administrative adjustment, the community development director is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

**I. Transferability**

Approved administrative adjustments run with the land and are not affected by changes of tenancy, ownership, or management.

**J. Amendments**

A request for changes in the specific nature of the approved administrative adjustment or changes to any conditions attached to an approved administrative adjustment must be processed as a new administrative adjustment application, including the requirements for fees and notices.

**K. Lapse of Approval**

1. An approved administrative adjustment will lapse and have no further effect one year after it is approved by the community development director, unless:
  - a. A building permit has been issued (if required); or
  - b. The use or structure has been lawfully established.
2. The community development director is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 180 days each. Requests for extensions must be submitted to the community development director before the administrative adjustment expires. No hearings, notices or fees are required for extensions.

3. An administrative adjustment also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the administrative adjustment.

**L. Conditions of Approval**

In granting an administrative adjustment, the community development director may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

**M. Appeals**

The applicant or any interested party may appeal the decision of the community development director in accordance with [Sec. 12.100](#).

**Sec. 12.080 Zoning Exceptions<sup>89</sup>**

**A. Intent**

The zoning exception procedure is intended to establish a procedure for consideration of requests to modify specific zoning regulations that cannot, by their nature, reasonably be considered by using the variation regulations and procedures established in this ordinance.

**B. Authorized Exceptions**

The zoning board of appeals is authorized to grant the following zoning exceptions:

1. expansion of nonconforming uses, in accordance with [Sec. 11.030C.2](#);
2. re-establishment of an abandoned nonconforming use, in accordance with [Sec. 11.030F.1.d](#); and
3. extension of an existing building wall located within a required setback, in accordance with [Sec. 11.040C.2](#).

**C. Authority to File**

Zoning exception applications may be filed by the subject property owner or by the property owner's authorized agent.

**D. Application Filing**

Complete applications for zoning exceptions must be filed with the community development director.

**E. Notice of Hearing**

Notice of the zoning board of appeals required public hearing on a zoning exception application must be published in the newspaper in accordance with [Sec. 12.010G.1](#). Additional notice may also be provided in accordance with [Sec. 12.010G.2](#).

**F. Hearing and Final Decision—Zoning Board of Appeals**

Within 90 days of receipt of a complete application, the zoning board of appeals must hold a public hearing to consider the requested zoning exception. Within 45 days of the close of

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<sup>89</sup> This is a new process/provision.

the public hearing, the zoning board of appeals must make its findings of fact and act to approve the requested zoning exception, approve the zoning exception with modifications and/or conditions, or deny the zoning exception request based on the standards and review criteria of [Sec. 12.080G](#). Approval of a zoning exception requires an affirmative vote of at least 4 members of the zoning board of appeals.

**G. Standards and Review Criteria**

Zoning exceptions may be approved by the zoning board of appeals only when the board determines that any specific standards associated with the authorized zoning exception and the following general approval criteria have been met:

1. the requested zoning exception is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;
2. the requested zoning exception will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare;
3. the proposed zoning exception will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
4. the proposed zoning exception demonstrates high-quality design and uses construction materials and colors that are compatible with other structures on the property and other properties in the vicinity; and
5. any adverse impacts resulting from the zoning exception will be mitigated to the maximum extent feasible.

**H. Conditions of Approval**

In granting a zoning exception, the zoning board of appeals is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

**I. Transferability**

Approved zoning exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

**J. Amendments**

A request for changes in the specific nature of the approved zoning exception or changes to any conditions attached to an approved zoning exception must be processed as a new zoning exception application, including all requirements for fees, notices and public hearings.

**K. Lapse of Approval**

1. An approved zoning exception will lapse and have no further effect one year after it is approved by the zoning board of appeals, unless:
  - a. a building permit has been issued (if required); or
  - b. the use or structure has been lawfully established.

2. The zoning board of appeals is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 180 days each. Requests for extensions must be submitted to the community development director before the zoning exception expires. No hearings, notices or fees are required for extensions.
3. A zoning exception also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the zoning exception.

### **Sec. 12.090 Variations<sup>90</sup>**

#### **A. Intent**

A variation is a grant of relief to a property owner from strict compliance with the regulations of this zoning ordinance. The intent of a variation is not to simply remove an inconvenience or financial burden that may result from compliance with applicable zoning requirements. Variations are intended to help alleviate an undue hardship that would be caused by the literal enforcement of the subject ordinance requirements. They are intended to provide relief when the requirements of this zoning ordinance render land difficult or impossible to use because of some unique or special characteristic of the property itself.

#### **B. Authorized Variations<sup>91</sup>**

The zoning board of appeals is authorized to grant a variation to any regulation in this zoning ordinance in accordance with the variation procedures of this section, except that the variation procedures may not be used to do any of the following:

1. allow a principal use in a zoning district that is not otherwise allowed in that zoning district (i.e., “use variations” are prohibited);
2. waive, modify or amend any definition or use classification;
3. waive, modify or otherwise vary any of the review and approval procedures of this article; or
4. waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or
5. waive, vary or modify applicable residential density regulations, provided that this provision is not intended to prohibit variations to minimum lot area or width requirements that apply to lots occupied by a single dwelling unit.

#### **C. Authority to File**

Variation applications may be filed by the subject property owner or by the property owner’s authorized agent.

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<sup>90</sup> The existing zoning ordinance gives the plan commission *and* the zoning board of appeals the power to grant variations. This draft assigns sole responsibility to the zoning board of appeals.

<sup>91</sup> As recommended in the initial ordinance assessment report, this proposed ordinance authorizes a much broader range of possible variations.

**D. Application Filing**

Complete applications for variations must be filed with the community development director.

**E. Notice of Hearing**

Notice of the zoning board of appeals required public hearing on a variation application must be published in the newspaper in accordance with [Sec. 12.010G.1](#). Additional notice may also be provided in accordance with [Sec. 12.010G.2](#).

**F. Hearing and Final Decision—Zoning Board of Appeals**

Within 90 days of receipt of a complete application, the zoning board of appeals must hold a public hearing to consider the requested variation. Within 45 days of the close of the public hearing, the zoning board of appeals must make its findings of fact and act to approve the requested variation, approve the variation with modifications and/or conditions, or deny the variation request based on the standards and review criteria of [Sec. 12.090G](#). Approval of a variation requires an affirmative vote of at least 4 members of the zoning board of appeals.

**G. Standards and Review Criteria**

1. No variation may be approved unless the zoning board of appeals finds that the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner.
2. In its consideration of whether a variation request has met the standards of practical difficulties or particular hardships, the zoning board of appeals must make all of the following findings from the evidence presented:
  - a. the subject property cannot yield a reasonable return if required to comply with the regulations that apply to it;
  - b. the plight of the owner is due to unique circumstances; and
  - c. the variation, if granted, will not alter the essential character of the locality.
3. In addition, the zoning board of appeals must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence presented:
  - a. that the physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. that the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification;
  - c. that the alleged difficulty or hardship was not created by the current property owner;
  - d. that the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the

public safety, or substantially diminish or impair property values within the neighborhood;

- e. that the proposed variation will not alter the essential character of the area; and
- f. that the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.

**H. Conditions of Approval**

In granting a variation, the zoning board of appeals is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

**I. Transferability**

Approved variations run with the land and are not affected by changes of tenancy, ownership, or management.

**J. Amendments**

A request for changes in the specific nature of the approved variation or changes to any conditions attached to an approved variation must be processed as a new variation application, including all requirements for fees, notices and public hearings.

**K. Lapse of Approval**

1. An approved variation will lapse and have no further effect one year after it is approved by the zoning board of appeals, unless:
  - a. a building permit has been issued (if required); or
  - b. the use or structure has been lawfully established.
2. The zoning board of appeals is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 180 days each. Requests for extensions must be submitted to the community development director before the variation expires. No hearings, notices or fees are required for extensions.
3. A variation also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variation.

**Sec. 12.100 Appeals of Administrative Decisions**

**A. Authority**

The zoning board of appeals is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the community development director or any other administrative official in the administration, interpretation or enforcement of this zoning ordinance.

**B. Right to Appeal**

Appeals of administrative decisions may be filed by any person aggrieved by the community development director's or other administrative official's decision or action. The zoning

board of appeals is authorized to make determinations about whether individuals filing appeals are “aggrieved” by the decision or action.

**C. Application Filing**

1. Complete applications for appeals of administrative decisions must be filed with the community development director.
2. Appeals of administrative decisions must be filed within 45 days of the date of the decision being appealed.<sup>92</sup>

**D. Effect of Filing**

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the community development director certifies to the zoning board of appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the zoning board of appeals or by a court of record based on due cause shown.

**E. Record of Decision**

Upon receipt of a complete application of appeal, the community development director or other administrative official whose decision is being appealed must transmit to the zoning board of appeals all papers constituting the record upon which the action appealed is taken.

**F. Notice of Hearing**

Notice of the zoning board of appeals’ required public hearing must be published in the newspaper in accordance with [Sec. 12.010G.1](#).

**G. Hearing and Final Decision**

1. The zoning board of appeals must hold a public hearing on the appeal within 60 days of the date that the appealed is filed.
2. Within ~~35~~45 days of the close of the public hearing, the zoning board of appeals must take action on the appeal. The board’s decision must be in writing and be supported by written findings of fact.
3. In exercising the appeal power, the zoning board of appeals has all the powers of the administrative official from whom the appeal is taken. The zoning board of appeals may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the zoning board of appeals must grant to the official’s decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
5. All decisions of the zoning board of appeals are final administrative determinations and are subject to judicial review only, in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq.

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<sup>92</sup> This is a change. Current ordinance requires filing within 30 days, but state law says 45 days.



**H. Review Criteria**

An appeal may be sustained only if the zoning board of appeals finds that the community development director or other administrative official erred.

## Article 13 | Administration and Enforcement

Sec. 13.010	Review and Decision-making Bodies .....	13-1
Sec. 13.020	Violations, Penalties and Enforcement.....	13-2

### Sec. 13.010 Review and Decision-making Bodies

#### A. Community Development Director

##### 1. General Powers and Duties

The community development director has primary responsibility for administration of this zoning ordinance, including the following general powers and duties:

##### ~~2. maintaining a record of all nonconforming uses;~~

- a. conducting periodic inspections of structures and uses of land to determine compliance with this zoning ordinance;
- b. notifying in writing all persons responsible for violating this zoning ordinance;
- c. taking appropriate actions to ensure compliance with this zoning ordinance and remedying violations of its provisions, including:
  - (1) ordering discontinuance of any illegal use of land or structures;
  - (2) ordering removal of illegal structures and additions or alterations thereto;
  - (3) ordering discontinuation of work being done in violation of zoning ordinance provisions;
- d. maintaining permanent and current records of this zoning ordinance, including all zoning maps, amendments, planned unit developments, zoning exceptions, special uses, variations and administrative adjustments;
- e. maintaining a records of permits, certificates, registers of pollutants, and copies of notices of violation and orders of discontinuances or removal for such time as necessary to ensure continuous compliance with zoning ordinance provisions;
- f. receiving and processing all applications for permits and development approvals under this zoning ordinance;
- g. providing technical assistance and support to the village council, staff, boards and commissions;
- h. exercising other powers and performing other duties as specified or necessarily implied by the provisions of this zoning ordinance.

##### ~~3.2.~~ Promulgation of Administrative Rules

The community development director is authorized to establish written rules and regulations implementing the provisions of this zoning ordinance, including rules related to

the content and processing of any application and the interpretation and administration of this zoning ordinance.<sup>93</sup>

~~4. Before administrative rules are adopted or modified, they must be presented to the village council and placed on file with the village clerk for a minimum period of 30 days.~~

~~5.3. The village council may establish, expand, rescind or modify any administrative rule or proposed rule promulgated by the community development director.~~

**B. Plan Commission**

The plan commission has those powers and duties expressly identified in this zoning ordinance. Additional information regarding the plan commission's composition and their powers and duties are described in [Article 2](#) of the municipal code.

**C. Zoning Board of Appeals**

The zoning board of appeals has those powers and duties expressly identified in this zoning ordinance. Additional information regarding the zoning board of appeals' powers and duties are described in [Article 2](#) of the municipal code.

**Sec. 13.020 Violations, Penalties and Enforcement<sup>94</sup>**

**A. Responsibility for Enforcement**

The community development director has primary responsibility for enforcing this zoning ordinance.

**B. Violations**

Unless otherwise expressly allowed by this zoning ordinance or state law, any violation of a provision of this zoning ordinance—including but not limited to all of the following— may be subject to the remedies and penalties provided for in this zoning ordinance.

1. to use land or buildings in any way not consistent with the requirements of this zoning ordinance;
2. to erect a building or other structure in any way not consistent with the requirements of this zoning ordinance;
3. to install or use a sign in any way not consistent with the requirements of this zoning ordinance;
4. to engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance without obtaining such required permits or approvals;

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<sup>93</sup> Existing language regarding presentation to village council and village council's authority to rescind or modify rules has been deleted, as unnecessary and redundant with other provisions of village code.

<sup>94</sup> The existing zoning ordinance contains "penalty" provisions in Sec. 28.103, which expressly authorizes fines (\$75 to \$750) and "injunctive or other relief to enforce and compel compliance." The provisions included here, which are entirely new, are intended to identify a broader array of penalties and enforcement actions that may be used to enforce the provisions of the new zoning ordinance. They also provide more detailed information about activities that constitute violations and the procedures for enforcement, all of which are intended to bolster the village's ability to promote voluntary compliance with the ordinance's provisions.

5. to engage in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance in any way inconsistent with any such permit or approval or any conditions imposed on the permit or approval;
6. to violate the terms of any permit or approval granted under this zoning ordinance or any condition imposed on the permit or approval;
7. to obscure, obstruct or destroy any notice required to be posted or otherwise given under this zoning ordinance;
8. to violate any lawful order issued by any person or entity under this zoning ordinance; or
9. to continue any violation after receipt of notice of a violation.

**C. Continuing Violations**

Each day that a violation remains uncorrected after receiving notice of the violation from the village constitutes a separate violation of this zoning ordinance.

**D. Remedies and Enforcement Powers**

The village has all remedies and enforcement powers allowed by law, including the following:

**1. Fines**

Fines may be levied in accordance with the [User-Fee, License & Fine Schedule](#).

**2. Liens**

The village may file liens against a property for failure to pay levied fines or fees and to cover any expenses incurred by the village for remedying violations of this ordinance.

**3. Withhold Permit**

- a. The community development director may deny or withhold permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.
- b. The community development director may deny or withhold permits, certificates or other forms of authorization on any land or structure or improvements owned by or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the property for which the permit or other approval is sought is the property in violation.
- c. Instead of withholding or denying a permit or other authorization, the community development director may grant such authorization subject to the condition that the violation be corrected.

**4. Revoke Permits**

- a. Any permit, certificate or other form of authorization required under this zoning ordinance may be revoked by the community development director when the community development director determines:
  - (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit,
  - (2) that the development permit was procured by false representation or was issued by mistake, or
  - (3) that any of the provisions of this zoning ordinance are being violated.
- b. Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location.

**5. Stop Work**

With or without revoking permits, the community development director may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning ordinance or of a permit or other form of authorization issued under the zoning ordinance.

**6. Revoke Plan or Other Approval**

Where a violation of this zoning ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the community development director may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):

- a. revoke the plan or other approval; or
- b. condition its continuance on strict compliance with this zoning ordinance or the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the community development director may reasonably impose.

**7. Injunctive Relief**

The village may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit, certificate or other form of authorization granted under the zoning ordinance.

**8. Forfeiture and Confiscation of Signs on Public Property**

Any sign installed or placed on public property, except in compliance with the regulations of this zoning ordinance will be forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this section, the village has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

**9. Abatement**

The village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

**10. Other Penalties, Remedies and Powers**

The village may seek such other penalties as are provided by Illinois law.

**11. Continuation of Previous Enforcement Actions**

Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the village pursuant to previous valid ordinances and laws.

**E. Remedies Cumulative**

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the village may exercise them in any combination or order.

**F. Persons Subject to Penalties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

**G. Enforcement Procedures**

**1. Non-Emergency Matters**

In the case of violations of this zoning ordinance that do not constitute an emergency or require immediate attention, the community development director must give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner stated in this section, after which the persons receiving notice have 10 days to correct the violation before further enforcement action may be taken. Notice must be given in person, by US Mail, or by posting notice on the premises. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

**2. Emergency Matters**

In the case of violations of this zoning ordinance that constitute an emergency situation as a result of public health or safety concerns or violations that will create increased problems or costs if not remedied immediately, the village may use the enforcement powers available under this zoning ordinance without prior notice, but the community development director must attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

**H. Appeals**

Enforcement actions taken by the community development director may be appealed by the affected party in accordance with [Sec. 12.100](#).

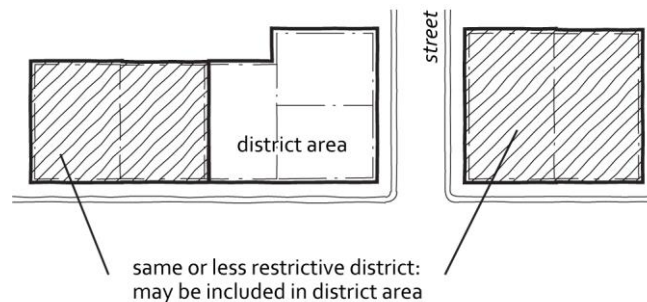
## Article 14 | Measurements

Sec. 14.010	District Area.....	14-1
Sec. 14.020	Lot Area.....	14-1
Sec. 14.030	Lot Area per Dwelling Unit.....	14-1
Sec. 14.040	Floor Area.....	14-1
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Sec. 14.090	Street Frontage .....	14-3
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Sec. 14.130	Height .....	14-10

### Sec. 14.010 District Area

District area is measured as the total contiguous land area contained within a mapped zoning district. When a district is directly across the street from or abuts a district of the same or a less restrictive classification, the area of the district directly across the street or abutting the property may be counted in determining whether minimum zoning district area requirements have been met. See [Figure 14-1](#).

Figure 14-1: District Area Measurement



### Sec. 14.020 Lot Area

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot.

### Sec. 14.030 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area by the minimum lot-area-per-unit requirement, and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

### Sec. 14.040 Floor Area

The floor area of a building is measured as the sum of the gross horizontal areas of all floors of the subject building, measured from the ~~exterior~~-interior faces of the exterior walls or from ~~the center line of~~-interior

faces of walls between separate buildings. “Floor area” includes basement and cellar floor areas; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouse; attic space having headroom of 7 feet 10 inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses. Space devoted to off-street parking or loading is not included in floor area calculations.<sup>95</sup>

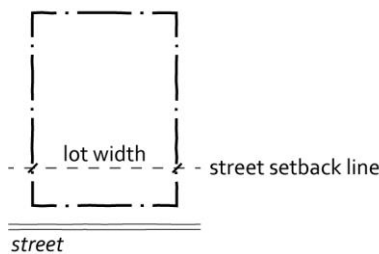
**Sec. 14.050 Floor Area Ratio**

The floor area ratio (FAR) of a building is the floor area of the building divided by the area of the lot upon which the building is located.

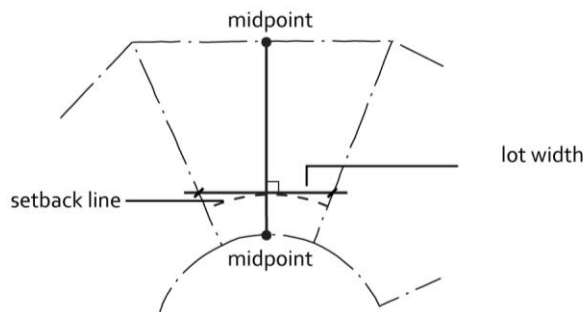
**Sec. 14.060 Lot Width**

Lot width is measured as the horizontal distance between the side lot lines of a lot measured along the required street setback line. See [Figure 14-2](#). On a lot with a radial front (street) lot line, lot width is measured as indicated in [Figure 14-3](#).

*Figure 14-2: Lot Width Measurement*



*Figure 14-3: Lot Width Measurement (cul-de-sac)*



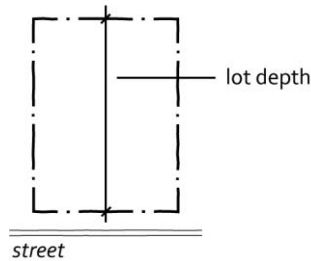
**Sec. 14.070 Lot Depth**

Lot depth is measured as the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line. See [Figure 14-4](#).

<sup>95</sup> The proposed change to “interior” wall measurement is meant to accommodate exterior insulation and super insulated building walls. The range of areas included in the existing floor area definition, which is used here, includes several areas not typically included (e.g., below-grade space, elevator shafts, equipment penthouses, and mechanical equipment rooms).



Figure 14-4: Lot Depth Measurement



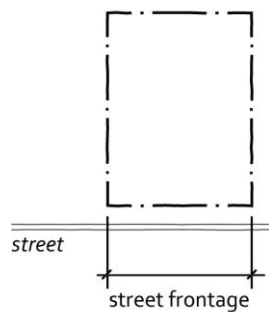
**Sec. 14.080 Building Coverage**

Building coverage is measured as the area of the lot that is occupied by principal and accessory buildings and by structures with a surface area of more than 4 square feet and a height of 18 inches or more. All areas beneath a roof are counted for purposes of measuring building coverage<sup>96</sup>, except on R-zoned lots with a lot width of 60 feet or less, detached garages in the rear yard and rear-loading attached garages with a building footprint of 500 square feet or less are not counted towards overall building coverage.

**Sec. 14.090 Street Frontage**

Street frontage is measured between side lot lines of a lot along the lot line that abuts the street. See [Figure 14-5](#).

Figure 14-5: Street Frontage Measurement



**Sec. 14.100 Setbacks**

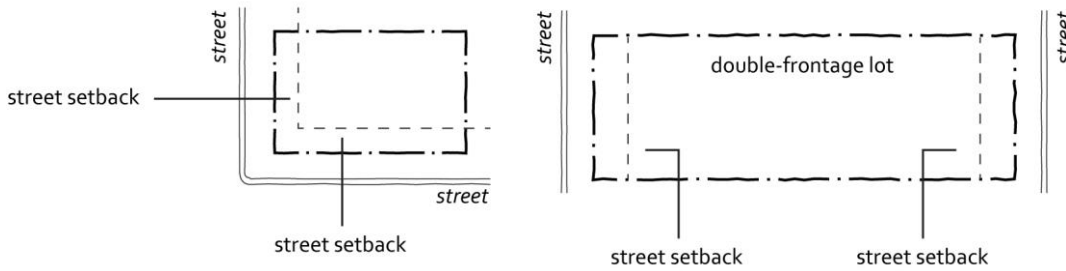
**A. Measurement**

Setbacks are measured from the referenced lot line to the closest point of the building or structure.

1. Street setbacks are measured from all lot lines that abut a street. See [Figure 14-6](#). On corner lots, street setbacks apply along both streets, but applicable street setback requirements may be reduced along one of the street frontages if necessary to allow a building width of 30 feet. On double-frontage lots, street setbacks apply along both opposing lot lines that abut the street.

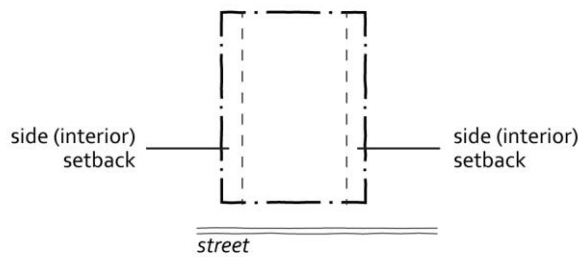
<sup>96</sup> This is a change. The existing ordinance indicates that lot coverage includes all structures.

Figure 14-6: Street Setback Measurement



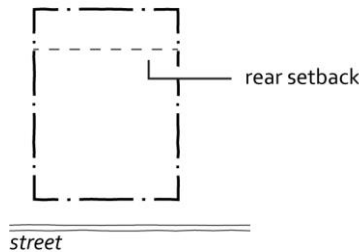
- Side (interior) setbacks are measured from all side lot lines that do not abut a street. See [Figure 14-7](#). Interior side setbacks do not apply to attached or abutting walls in an attached house development.

Figure 14-7: Side (interior) Setback Measurement



- Rear setbacks are measured from the rear lot line. See [Figure 14-8](#).

Figure 14-8: Rear Setback Measurement



**B. Permitted Obstructions**

Setbacks in all zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in [Table 14-1](#).

Table 14-1: Permitted Setback Obstructions

Obstruction/Projection	Permitted in these Setbacks			Minimum Setback/ Maximum Encroachment
	Street	Side	Rear	
<u>A/C units, generators, compressors, transformers, pool, rainwater collection and geothermal equipment (ground-mounted)</u>	No	Yes	Yes	10 ft. min. setback in R-1 7 ft. min. setback in R-2 6 ft. min. in R-3, R-5, <del>R-5A</del> , R-6 5 ft. min. setback in all other districts
Air conditioner (window unit only)	Yes	Yes	Yes	No setback required
Antenna, <u>amateur radio</u>	No	No	Yes	
Antenna, <u>receive-only</u> and satellite dish	No	Yes	Yes	
<u>Arbor, pergola or trellis</u>	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts

Obstruction/Projection	Permitted in these Setbacks			Minimum Setback/ Maximum Encroachment
	Street	Side	Rear	
Architectural building features (e.g., sills, belt courses, cornices)	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Awning, canopy <del>or solar shade</del> <u>architectural light shelf or solar shading device</u>	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft. (nonresidential districts - 2.5 ft. max. encroachment in street setback)
Balcony	No	No	Yes	10 ft. max. encroachment
<u>Basketball standards and backboards</u>	Yes	Yes	Yes	
Bay window (1st floor only; with or without foundation)	Yes	Yes	Yes	Street setback - 1.5 ft. max. encroachment Side setback - 1.5 ft. max. encroachment if setback is < 6 ft. or 2 ft. max. encroachment if setback is ≥ 6 ft. Rear setback - 2.5 ft. max. encroachment
Breezeway	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
<u>Clothesline</u>	No	No	Yes	<u>1 ft. min. setback</u>
<u>Compost pile or container</u>	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
<u>Deck or patio, uncovered and open-air (see also "porch," below)</u>	Yes	Yes	Yes	5 ft. max. encroachment in front <u>5 ft. min. setback in side and rear</u>
<u>Dog house or dog run</u>	No	<u>No</u>	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
<u>Driveway</u>	Yes	Yes	Yes	<u>1 ft. min. setback</u>
Eaves and gutters	Yes	Yes	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
<u>Electric vehicle charging equipment</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>In front and rear - 2.5 ft. max. encroachment</u> <u>In side - 2 ft. max. encroachment</u>
Fence	Yes	Yes	Yes	<u>3-inch min. setback</u> See also <a href="#">Sec. 10.010</a>
Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	2 ft. max. encroachment
<u>Fireplace, fire pit, outdoor cooking/kitchen areas</u>	No	Yes	Yes	<u>5 ft. min. setback in R-4 district</u> <u>6 ft. min. setback in all other districts</u>
Flag pole	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Garden features (e.g., cold frames, hoop houses, greenhouses) <sup>97</sup>	No	No	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
<u>Gazebo</u>	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Parking, open	Yes	Yes	Yes	See also <a href="#">Sec. 7.070</a>
<u>Playground equipment &amp; playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)</u>	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
<u>Porch, covered and open on at least 3 sides (see also "deck," above)</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>5 ft. max. encroachment in front and rear</u> (See also <a href="#">Sec. 14.100C</a> )

<sup>97</sup> This is new.

Obstruction/Projection	Permitted in these Setbacks			Minimum Setback/ Maximum Encroachment
	Street	Side	Rear	
Shed or storage structure	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	No	No	<a href="#">See Article 9.</a>
Solar panel (building-mounted) <sup>98</sup>	No	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel (ground-mounted) <sup>99</sup>	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts See also <a href="#">Sec. 6.010M</a>
<a href="#">Sport courts &amp; accessory lighting</a>	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
<a href="#">Sports equipment</a>	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Steps (for access to building or lot; max. 4 feet above grade)	Yes	Yes	Yes	1 ft. min. setback
Swimming pool (in-ground & above-ground) & hot tubs	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts
Walkway (covered)	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	<del>3 inch min. setback</del> See also <a href="#">Sec. 10.010</a>
<a href="#">Wall, retaining</a>	Yes	Yes	Yes	1 ft. min. setback
<a href="#">Yard features (e.g., ornamental light standards, anchored lawn furniture and decorations, sundials, statues, bird baths, ponds, sculptures, etc.)</a>	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Wheelchair lifts and ramps that meet federal and state accessibility standards <sup>100</sup>	Yes	Yes	Yes	1 ft. min. setback
Window wells	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.

**C. Front Porches**

Front porches on R-zoned lots may encroach a maximum of 5 feet into a required street setback, subject to the following restrictions:

1. Front porches with a total footprint of 250 square feet or less are not counted towards overall lot or building coverage.
2. The total amount of porch encroachment into any required street setback may not exceed 250 square feet.
3. Porches that are constructed after September 1, 2006 and encroach into the street setback must remain open and not be converted into occupiable floor area at any time.
4. On lots with multiple frontages, porches may encroach into only one street setback.
5. Occupiable floor area and porch/deck space is prohibited above a porch that encroaches into a required street setback.

<sup>98</sup> This is new.

<sup>99</sup> This is new.

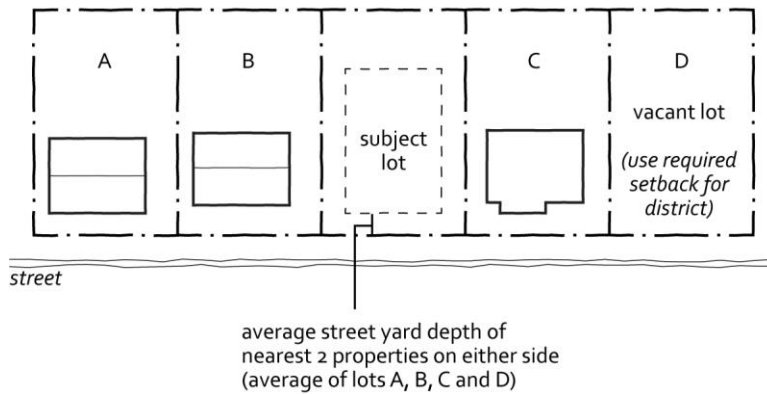
<sup>100</sup> This is new.

**D. Contextual Setbacks<sup>101</sup>**

When existing buildings on one or more abutting lots are closer to the street property line than the otherwise required street setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district’s minimum street setback requirement.

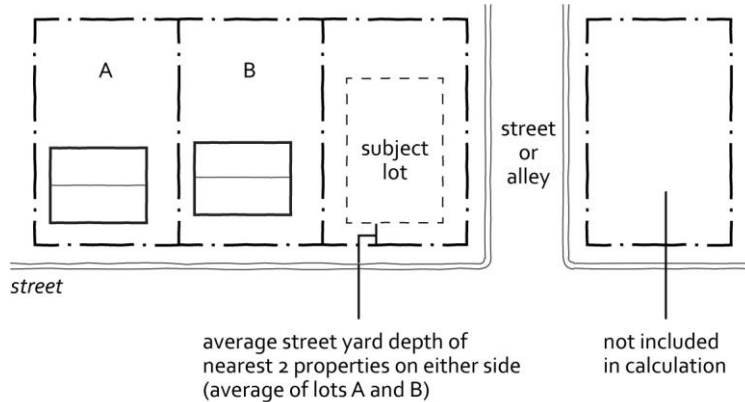
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See [Figure 14-9](#).

*Figure 14-9: Contextual Setbacks*



2. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average. See [Figure 14-10](#).

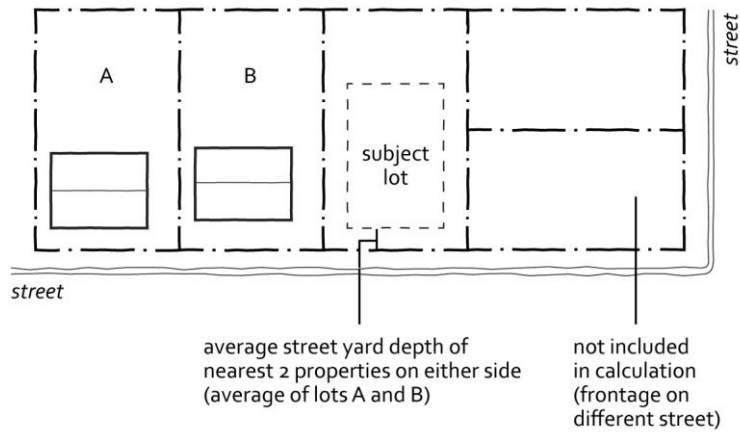
*Figure 14-10: Contextual Setbacks*



3. When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See [Figure 14-11](#).

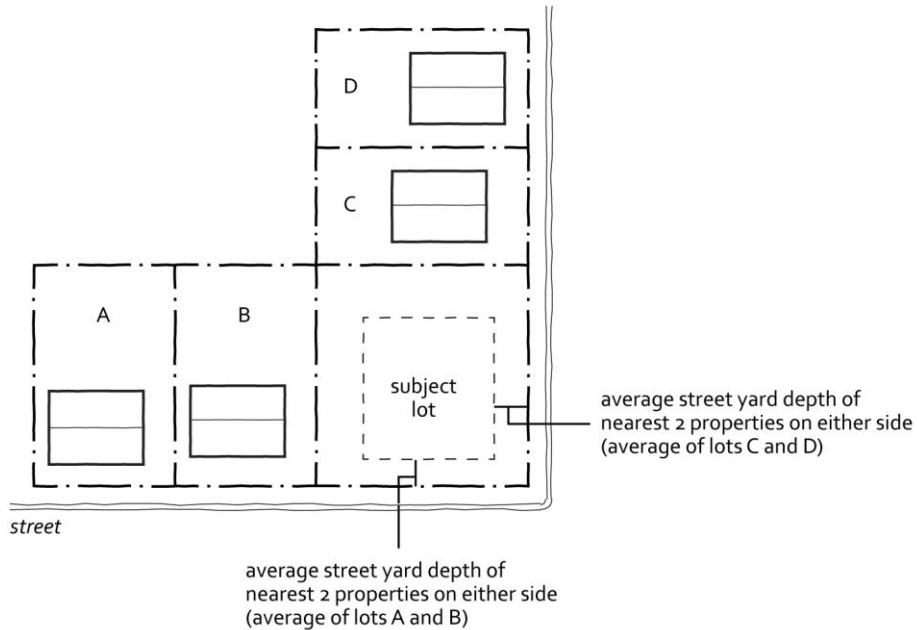
<sup>101</sup> This is new.

Figure 14-11: Contextual Setbacks



4. When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot. See [Figure 14-12](#).

Figure 14-12: Contextual Setbacks

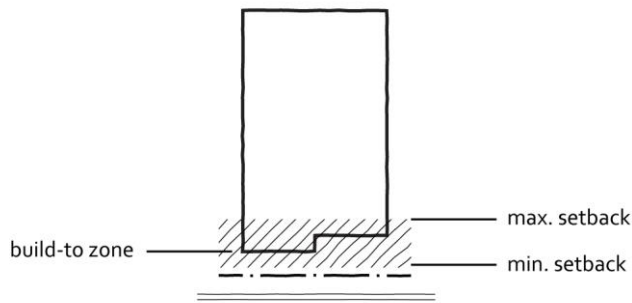


5. These contextual setback provisions may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

**Sec. 14.110 Build-to Zone**

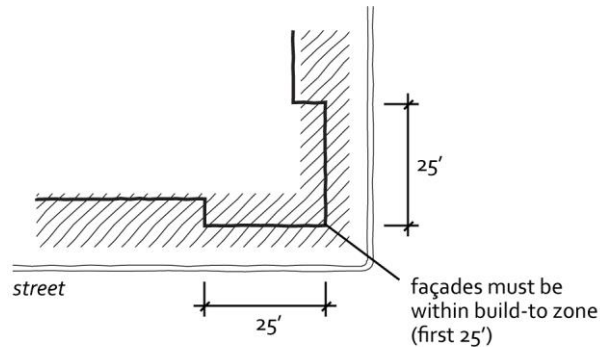
- A. The build-to zone is the area on the subject lot where a specified percentage of the street-facing building facade must be located, measured as a minimum and maximum setback range from the edge of the abutting street right-of-way. See [Figure 14-13](#).

Figure 14-13: Build-to Zone Measurement



- B. The specified percentage identifies the amount of the building facade that must be located in the build-to zone, based on the width of the building façade divided by the width of the lot.
- C. On corner lots, the building’s façade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two rights-of-way. See [Figure 14-14](#).

Figure 14-14: "Holding the Corner"



- D. Outdoor open space, plazas and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
  1. the area does not exceed 33% of the length of the building face or 30 feet, whichever is less;
  2. the area is no more than 25 feet in depth; and
  3. no more than one such feature may be counted per frontage.
- E. For lots that have frontage on more than one street, the community development director is authorized to determine which street is the “primary street,” and which are “secondary streets.” The determination must be based on consideration of the following criteria:
  1. the established building orientation on the blockface;
  2. the street abutting the longest face of the blockface; and
  3. the street that the lot takes its address from.

**Sec. 14.120 Landscaped Open Space**

Landscaped open space requirements refer to the area on a lot that must be open and landscaped with live plant material including grass, groundcover plants, shrubs, trees, flowering plants, annuals, and perennials

and water features. The following may not be counted toward satisfying minimum landscaped open space requirements: artificial plants, synthetic turf, sidewalks, open terraces or patios, decorative walls, fences or other similar features.

**Sec. 14.130 Height**

**A. Measurement**

1. For all buildings other than detached houses, two-unit houses and attached houses, height is measured as the vertical distance from established grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge of principal roof structure for hip, gabled, and gambrel roofs. See [Figure 14-15](#).

*Figure 14-15: Generally Applicable Building Height Measurement*



2. For detached houses, two-unit houses and attached houses, building height is measured as the vertical distance from established grade at the front of the building to the highest point of any roof structure. See [Figure 14-16](#).

*Figure 14-16: Measuring Building Height: Detached Houses, Two-unit Houses and Attached Houses*



3. For the purposes of measuring building height, “established grade” is the average level of the finished surface of the ground adjacent to the exterior walls of a building, excluding man-made berms, retaining walls, and the like.
4. On lots with multiple street frontages, height must be measured from established grade of whichever street-facing building elevation or side of structure yields the greatest height measurement.



**B. Exceptions**

1. Lawfully established parapet walls, chimneys, elevators bulkheads, equipment pent-houses, cooling towers, monuments, water towers, stacks, flag poles, stage towers, scenery lofts, ornamental towers, spires, and necessary mechanical appurtenances are exempt from zoning district height limits and are not included in building height measurements.
2. Building-mounted solar energy systems may extend up to 4 feet above the applicable maximum zoning district height limit, provided they do not extend more than 5 feet above the roof line.

## Article 15 | Definitions<sup>102</sup>

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### Sec. 15.010 General

Words and terms expressly defined in [Chapter 1](#) of the municipal code or in this zoning ordinance have the specific meanings assigned unless the context clearly indicates another meaning. In cases of conflict between the definitions in [Chapter 1](#) of the municipal code and those of this zoning ordinance, the zoning ordinance definitions govern. Words that are not expressly defined in [Chapter 1](#) of the municipal code or this zoning ordinance have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

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<sup>102</sup> This article has been significantly edited and supplemented. Existing unused terms have been deleted.

**Sec. 15.020 Use Definitions**

See [Sec. 5.020](#) for an explanation of the use categorization system used in this zoning ordinance and for use type definitions.

**Sec. 15.030 Measurement Terms**

See [Article 14](#) for an explanation of various lot and building regulation terms, such as “lot area,” “building height,” “setbacks” and “build-to zone.”

**Sec. 15.040 Words and Terms Beginning with “A”**

**Abut or Abutting**

To be next to or share a common boundary.

**Accessory Structure or Use**

An “accessory structure” or “accessory use” is one that:

1. is subordinate to the principal structure or principal use served in terms of area and function;
2. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
3. is customarily found in association with the subject principal use or principal structure.

**Act of God**

An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution.

**Adjacent**

Situated near or in the immediate vicinity.

**Agent**

A person duly authorized to act on behalf of the subject property owner.

**Aisle (parking or circulation)**

That portion of a parking lot that provides access to parking stalls.

**Amateur Radio Facility**

Any tower or antenna used for non-commercial radio communications (transmission and reception) maintained by an FCC-licensed amateur radio operator.

**Amortization**

The process established under this zoning ordinance by which an owner of a nonconforming sign is given a specified period of time to continue use of the nonconforming sign before it is terminated pursuant to the village’s police power.

**Animal, Companion**

Animals that are commonly kept by persons as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on people; commonly live inside a residence in close proximity with

humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals.

**Animal, Farm**

Breeds of animals primarily raised for commercial or food production purposes, in out-buildings or open spaces away from residences. Typical examples include cattle, bison, swine, poultry, sheep, goats, donkeys, horses.

**Antenna**

An exterior transmitting or receiving device, ~~including any supporting post not more than 12 feet in length~~, mounted on the ground or on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, micro waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Applicant**

Any authorized person, firm, corporation or agency who submits an application.

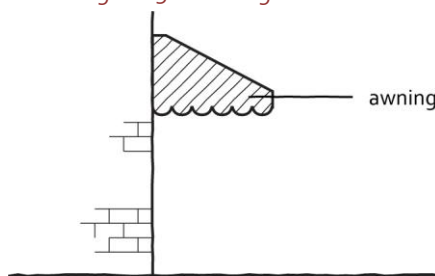
**Attention-getting Device**

A pennant, flag, valance, banner, propeller, spinner, streamer, search light, strobe light, flashing light, balloon, inflatable shape, or similar device used to draw attention to a particular place, including but not limited to the outlining of structures or premises by the use of internal or external lighting techniques.

**Awning**

An overhang made of cloth or similar materials attached to a structure for decoration or protection from sunlight and precipitation. See ~~Figure 15-1~~ **Figure 15-1**.

Figure 15-1: Awning



**Sec. 15.050 Words and Terms Beginning with "B"**

**Banner**

A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted to a permanent structure.

**Backhaul Network**

The lines that connect a provider's telecommunications towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

**Bare Bulb Illumination**

Exposed or uncovered lighting elements.

**Basement**

A floor of a building having some but not more than one-half of its floor-to-ceiling height below grade. (Also see "cellar")

**Base (Zoning) District**

Any zoning district that is not an overlay district.

**Battery Charging Station**

An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

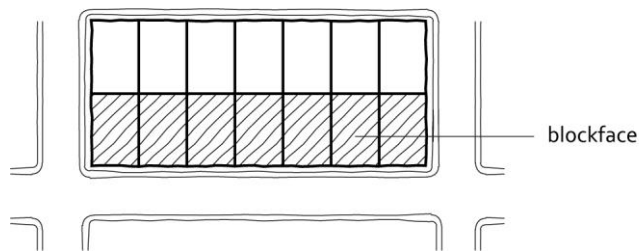
**Battery Exchange Station**

A facility designed to enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery for a more fully charged battery through an automated process.

**Blockface**

Property abutting on one side of a street between the 2 nearest intersecting streets, railroad right-of-ways, or other natural barriers. See [Figure 15-2](#) ~~Figure 15-2~~.

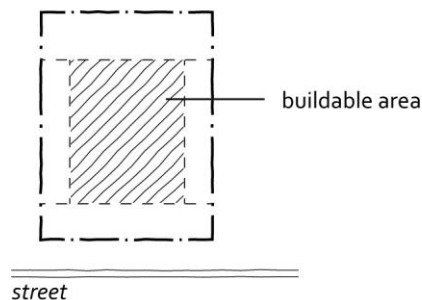
*Figure 15-2: Blockface*



**Buildable Area**

The space remaining on a zoning lot after the minimum setback, landscaping and open space requirements of this zoning ordinance have been met. See [Figure 15-3](#) ~~Figure 15-3~~.

*Figure 15-3: Buildable Area*



**Building**

Any structure with a permanent roof, separated on all sides from adjacent open areas by walls, built for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Building Coverage**

See [Sec. 14.080](#).

**Building, Principal**

A non-accessory building in which the principal use of the subject property is conducted.

**Build-to Zone**

See [Sec. 14.110](#).

**Agricultural Use Category**

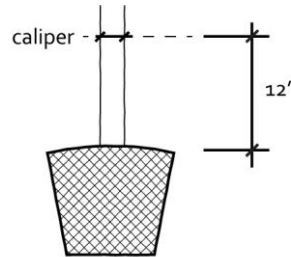
See [Sec. 5.090](#).

**Sec. 15.060 Words and Terms Beginning with "C"**

**Caliper**

A measurement of the size of a young tree, measured as the diameter of its trunk 12 inches above the root ball. See [Figure 15-4](#).

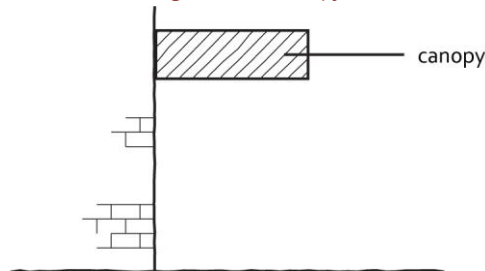
*Figure 15-4: Caliper (tree size measurement)*



**Canopy**

A permanent structure that consists of an overhanging shelter connected to a building and constructed of materials such as wood or steel studs covered with wood or other material and that may or may not be supported by vertical columns. See [Figure 15-5](#).

*Figure 15-5: Canopy*



**Car-share Program**

A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and

3. no separate written agreement is required each time a member reserves and uses a car-share vehicle.

**Car-share Vehicle**

A motor vehicle that is part of a car-share program’s fleet of rental vehicles.

**Cellar**

A floor of a building having more than one-half of its floor-to-ceiling height below grade. (Also see “basement”)

**Certificate of Occupancy**

A certification issued by the community development director, as provided and required in this zoning ordinance and other part of the municipal code, authorizing a property or a structure to be used, in whole or in part, in conformance with this zoning ordinance.

**Changeable Copy/Message Board**

A sign on which copy is changed manually to provide a message.

**Cold Frame**

An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

**Commercial Use Category**

See [Sec. 5.050](#).

**Copy (sign)**

Written material, printed text, numbers, logos, symbols or pictures located on the copy surface for the purpose of delivering a message.

**Copy Surface (sign)**

The area of any sign face intended or used to display copy

**Sec. 15.070 Words and Terms Beginning with “D”**

**dB(A)**

The intensity of sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighing scale and the slow-meter response, as specified by the American National Standards Institute.

**Decibel (dB)**

The logarithmic unit of measure used to describe the amplitude of sound.

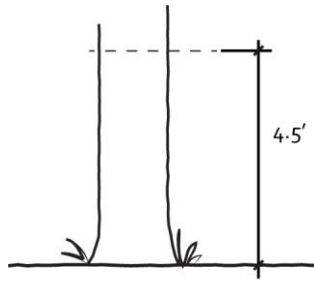
**Detached House**

A principal building that contains only one principal dwelling unit and that is located on a single lot with private yards on all sides of the building.

**Diameter-at-breast Height (DBH)**

The diameter of a mature tree’s trunk, measured at a height of 4.5 feet above grade level at the base of the tree. See [Figure 15-6](#) ~~Figure 15-6~~.

Figure 15-6: Diameter at Breast Height (DBH)



**Displacement (vibration)**

The amount of motion involved in a vibration.

**District**

Zoning district.

**District Area**

See [Sec. 14.010](#).

**Drive-in or Drive-through**

An establishment that provides service to customers while in their automobiles.

**Drop Box, Donation**

A receptacle provided for general public to drop-off ~~recyclable material~~ clothing, shoes, books, toys and similar household items for charitable or re-use purposes.

**Dwelling**

A building or portion of a building, but not including a mobile home or manufactured housing unit, designed or used exclusively for residential occupancy, including detached houses, attached houses, two-unit houses, apartments and residential condominiums but not including group residential or lodging uses. See also [Sec. 5.030](#) and [Sec. 5.050J](#).

**Dwelling Unit**

One or more rooms in a dwelling designed for occupancy by a single household for living purposes and having its own permanently installed cooking and sanitary facilities.

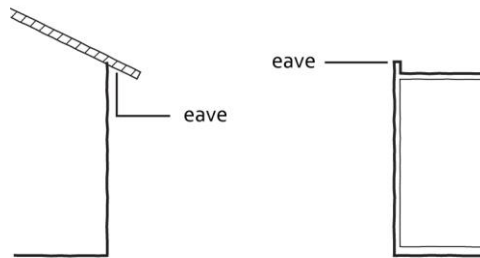
**Sec. 15.080 Words and Terms Beginning with “E”**

**Eave**

The lower edge of a sloping roof surface or the top edge of a parapet or flat roof. See [Figure 15-7](#).



Figure 15-7: Eave



### Electric Vehicle

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

### Electric Vehicle (EV) Charging Station

A public or private parking space that is served by battery charging station equipment.

### Electric Vehicle Charging Station, Private (Restricted-Access)

An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

### Electric Vehicle Charging Station, Public

An EV charging station that is accessible to and available for use by the general public.

### Electric Vehicle Parking Space

Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

### Electronic Changeable Copy/Message Board

A sign that allows letters or characters to be placed as copy electronically in order to provide a message.

### Exercise of Religion

Exercise of religion means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

### Extended Family Accessory Housing Unit

A secondary dwelling unit (within a detached house) that is approved as a special use and that complies with the regulations of [Sec. 6.010F](#).

## Sec. 15.090 Words and Terms Beginning with "F"

### FAA

The Federal Aviation Administration.

**FCC**

The Federal Communications Commission.

**Fairview Concentrated Business District**

Lots that have street frontage along Fairview Avenue from Maple Avenue to Burlington Avenue.

**Fence**

A structure that functions as a horizontal boundary or barrier consisting of a structural frame with a fabric of wood, metal or masonry.

**Festoon Lighting**

A group of 2 or more bulbs hung or strung overhead on a building or structure that are not shaded or hooded to prevent the direct rays of light from being visible at the lot line.

**Flag Lot**

A parcel of land, whose area and dimensions meet all of the requirements of [Chapter 20](#) of the municipal code, in which access from the public right-of-way to the land is a narrow extended portion of the parcel that does not comply with minimum lot width requirements.

**Floor Area**

See [Sec. 14.040](#).

**Floor Area Ratio**

See [Sec. 14.050](#).

**Foot-Candle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

**Foundation, Permanent**

A closed perimeter formation consisting of materials such as concrete or concrete block that extends into the ground below the frost line.

**Frequency (sound waves)**

The number of oscillations per second in a sound wave; an index of the pitch of the resulting sound.

**Frontage, Street**

See [Sec. 14.090](#).

**Sec. 15.100 Words and Terms Beginning with "G"**

**Geothermal Energy System (Geothermal Heat Exchange)**

Equipment that transfers thermal energy to and/or from the ground for the purposes of heating and/or cooling a building. Geothermal energy systems consists of a closed-loop system of pipes filled with liquid, a heat exchanger and heat pump. This includes vertical closed loop, horizontal closed loop and water body closed loop systems.

**Sec. 15.110 Words and Terms Beginning with “H”**

**Height, Building**

See [Sec. 14.130](#).

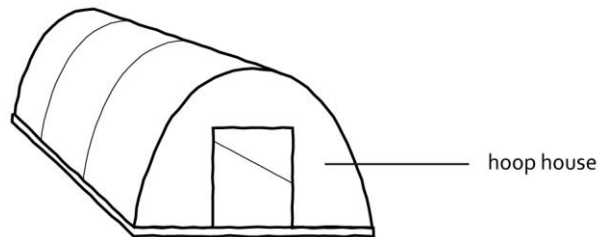
**Home Occupation**

An accessory use of a dwelling for limited commercial purposes. Home occupations are subject to the regulations of [Sec. 6.010K](#).

**Hoop House**

A temporary or permanent structure typically made of flexible pipe or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse. See [Figure 15-8](#) ~~Figure 15-8~~.

*Figure 15-8: Hoop House*



**Household**

An individual, or 2 or more persons related by blood, marriage, or adoption and/or a group of not more than 3 unrelated persons living together as a single housekeeping unit in a dwelling unit. See also the “household living” and “group living” use categories. ([Sec. 5.030A](#)) and ([Sec. 5.030B](#)).

**Sec. 15.120 Words and Terms Beginning with “I”**

**Industrial Use Category**

See [Sec. 5.070](#).

**Invasive (Plant) Species**

Any plant species, including its seeds, spores or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction causes or is likely to cause environmental harm.

**Sec. 15.130 Words and Terms Beginning with “J”**

**Junker**

An automobile, truck, or other motor vehicle that has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable, or such a vehicle which does not comply with state or village vehicle laws or ordinances.

**Sec. 15.140 Words and Terms Beginning with “K”**

RESERVED

**Sec. 15.150 Words and Terms Beginning with “L”**

**Landscaped Open Space**

See [Sec. 14.120](#).

**Landscaping**

Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

**Lawfully Established**

A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

**Logo**

A design used by an organization on its letterhead, advertising material and signs as an emblem by which the organization can be easily recognized.

**Lot and Building Regulations**

Zoning district provisions governing such matters as required minimum lot area, minimum lot width, setbacks, maximum lot coverage and maximum building height. See, for example, [Sec. 2.030](#) and [Sec. 3.030](#).

**Lot Area**

See [Sec. 14.020](#).

**Lot Area per Dwelling Unit**

See [Sec. 14.030](#).

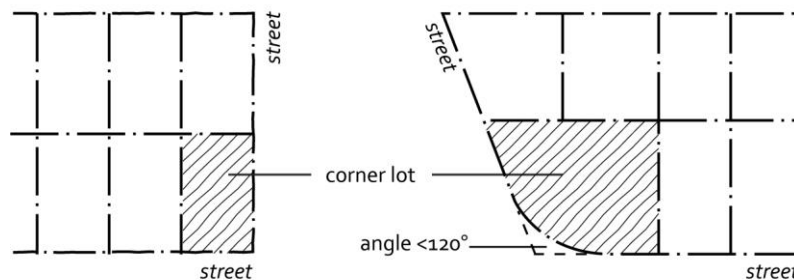
**Lot of Record**

A lot that is part of a real estate subdivision, the plat of which has been recorded in the office of the DuPage County Recorder of Deeds, pursuant to statute.

**Lot, Corner**

A lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street 2 chords of which form an angle of 120 degrees or less measured on the lot side. See [Figure 15-9](#).

*Figure 15-9: Corner Lot*



**Lot Depth**

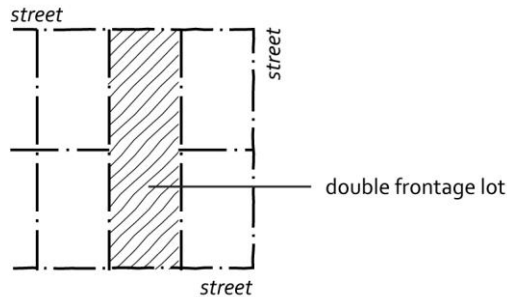
See [Sec. 14.070](#).

**Lot, Double-frontage**

A lot having frontage on 2 parallel or nonintersecting streets, as distinguished from a corner lot.

See [Figure 15-10](#) ~~Figure 15-10~~.

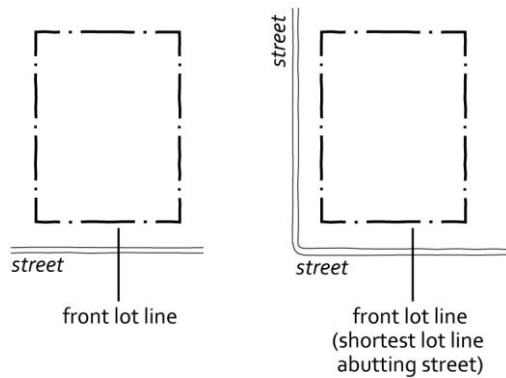
*Figure 15-10: Double-frontage Lot*



**Lot Line, Front**

A lot line abutting a street. On a corner lot, the shortest street lot line is the front lot line, except that if the length of the longer street lot line is not more than 10% greater than the length of the shorter street lot line the community development director, is authorized to designate the longer of street lot lines as the front lot line. See [Figure 15-11](#) ~~Figure 15-11~~.

*Figure 15-11: Front Lot Line*

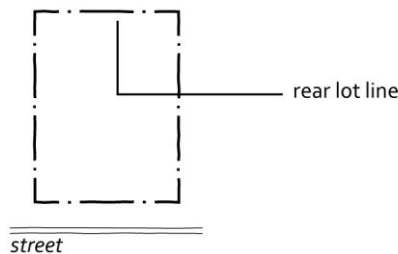


**Lot Line, Rear**

The lot line most nearly parallel to and located the furthest distance from the front lot line. See

[Figure 15-12](#) ~~Figure 15-12~~.

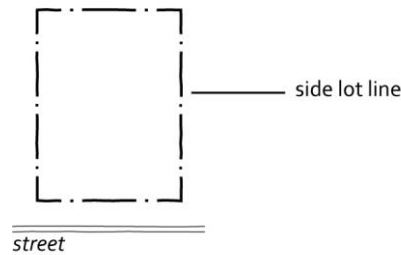
*Figure 15-12: Rear Lot Line*



**Lot Line, Side**

Lot lines other than front or rear lot lines. See [Figure 15-13](#) ~~Figure 15-13~~.

*Figure 15-13: Side Lot Line*



**Lot Width**

See [Sec. 14.060](#).

**Lot, Zoning Lot or Parcel**

See "Lot of Record."

**Sec. 15.160 Words and Terms Beginning with "M"**

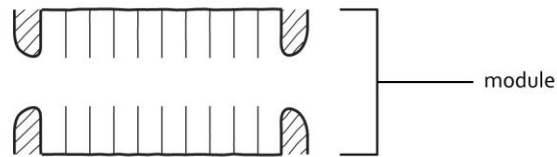
**Mixed-use Building**

A building occupied by residential uses in combination with nonresidential uses.

**Module**

An area of a parking lot that consists of a parking (drive) aisle with parking stalls on each side of the aisle. See [Figure 15-14](#) ~~Figure 15-14~~.

*Figure 15-14: Module (parking area)*



**Sec. 15.170 Words and Terms Beginning with "N"**

**Nonconforming Lot**

See [Sec. 11.020A](#).

**Nonconforming Sign**

See [Sec. 9.090](#).

**Nonconforming Structure**

See [Sec. 11.040A](#).

**Nonconforming Use**

See [Sec. 11.030A](#).

**Nonconformity**

Any nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign.

**Nonresidential (Zoning) District**

Any base zoning district other than the R (Residential) districts of [Article 2](#).

**Sec. 15.180 Words and Terms Beginning with "O"**

**Occupiable Floor Area**

Enclosed floor area intended for human activities, excluding those areas intended primarily for other purposes, such as storage rooms and equipment rooms, that are only intended to be occupied occasionally and for short periods of time.

**Odorous Matter**

Material that causes an odor sensation to a human being.

**Open Space, Common**

Property under common ownership used for parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas in public ownership or common ownership and subject to the provisions of restrictive covenants, if any, required or approved by the village council. Common open space does not include space devoted to structures, public rights-of-way or areas improved for use as private drives or parking facilities.

**Other Use Category**

See [Sec. 5.100](#).

**Owner**

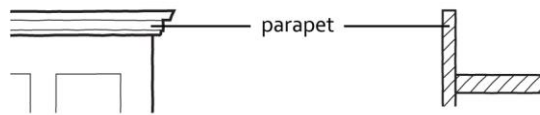
The fee title holders of property.

**Sec. 15.190 Words and Terms Beginning with "P"**

**Parapet or Parapet Wall**

A wall-like barrier at the edge of a roof that acts as a vertical extension of an exterior building wall extending above the roof height of the building. See [Figure 15-15](#) ~~Figure 15-15~~.

*Figure 15-15: Parapet*



**Particulate Matter**

Finely divided solid or liquid matter (other than water) that is released into the atmosphere.

**Planned Development**

A development project approved in accordance with the planned development procedures in effect at the time the development was approved.

**Planned Unit Development**

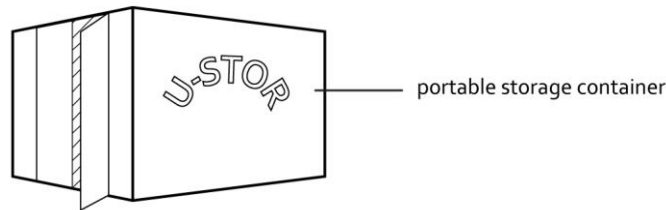
A development project approved in accordance with the planned unit development procedures in effect at the time the development was approved. See also [Sec. 4.030](#) and [Sec. 12.040](#).

### Portable Storage Container

A purpose-built, fully enclosed, box-like container designed for temporary storage of household or commercial goods and/or equipment and for ease of loading to and from a transport vehicle.

See [Figure 15-16](#) ~~Figure 15-16~~.

*Figure 15-16: Portable Storage Container*



### Porch

A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

### Protest Petition

A formal written petition of opposition filed by property owners near property proposed to be rezoned. See [Sec. 12.030H](#) for additional information.

### Public, Civic and Institutional Use Category

See [Sec. 5.040](#).

### Pump Island

A concrete structure in the immediate vicinity of and designed to support and protect gasoline and fuel pumps.

## Sec. 15.200 Words and Terms Beginning with “Q”

RESERVED

## Sec. 15.210 Words and Terms Beginning with “R”

### Rainwater Collection Equipment

A rain barrel or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff or diverted into a storm drain.

### Recreational Equipment

Any snowmobile or all-terrain vehicle (as that term is defined in the Illinois *Motor Vehicle Code*), and any watercraft including personal watercraft and specialty prop-craft (as those terms are defined in the Illinois *Boat Registration and Safety Act*), and the trailers used to transport or store such equipment.

### Recreational Vehicle

Any camping trailer, motor home, mini-motor home, travel trailer, truck camper and van camper as those terms are defined in the Illinois *Motor Vehicle Code*, or any other habitable vehicle used primarily for recreational purposes.



**Recycling Use Category**

See [Sec. 5.080](#).

**Residential Use Category**

See [Sec. 5.030](#).

**Residential (Zoning) District**

Any of the R districts of [Article 2](#).

**Ringelmann Chart**

A chart described by the U.S. Bureau of Mines Information Circular 6888 and upon which are illustrated graduated shades of gray for use in estimating the light obscuration of smoke.

**Ringelmann Number**

The next lowest shade number on the Ringelmann Chart that most nearly corresponds to the light obscuration of the smoke being measured. For example, smoke capacity lying between No. 1 and No. 2 shades of gray on the Ringelmann Chart is measured as Ringelmann No. 1 smoke.

**Sec. 15.220 Words and Terms Beginning with "S"**

**Service Bay**

An area within an enclosed building that is used to store and service one motor vehicle.

**Setback**

Open space areas required between buildings and lot lines. See [Sec. 14.100](#).

**Setback, Contextual**

See [Sec. 14.100D](#).

**Shed**

An accessory storage building used for the comfort, convenience or necessity of the occupants of the principal structure on the lot upon which the shed is located.

**Shopping Center**

A series of at least 3 retail establishments or professional offices with individual entrances, sharing a common wall and common off-street parking.

**Sign**

Any object, device, display or structure, or part thereof, excluding patio umbrellas that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, or illumination whether affixed to a building or separate from any building.

**Sign, Abandoned/Obsolete**

A sign that no longer identifies or advertises a bona fide person, business, lessee, owner, product, activity, place, idea, institution or service, or a sign for which no legal owner can be found.

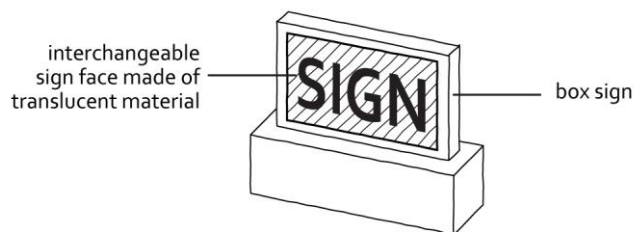
### Sign, Advertising Off-Premises

A sign that directs attention to a business, product or activity available or conducted at a location other than the zoning lot upon which such sign is located. Village-sponsored banners located in an established business districts and advertising affixed to village-owned vehicles are not considered advertising off-premises signs.

### Sign, Box

A sign that principally consists of a metal or other type of enclosure, typically rectangular or regular in geometric form that houses internal sign illumination and provides a supporting structure for an interchangeable sign face on one or both sides of the sign that is painted, screen printed, or otherwise applied on a Plexiglass or other transparent or translucent material. See [Figure 15-17](#) ~~Figure 15-17~~.

*Figure 15-17: Box Sign*



### Sign, Commercial

A sign that identifies, advertises, or directs attention to a commercial business, or is intended to induce the purchase of goods, property, or service; including, without limitation, a sign naming a brand of goods or service.

### Sign, Contractor

Signs placed by a contractor for a limited period of time for the purpose of identifying work being performed on the subject property.

### Sign, Development

A sign placed by a developer engaged in development activities for a limited period of time on the subject zoning lot or lots for the purpose of identifying the work of the developer.

### Sign, Directly Illuminated

A sign having its characters, letters, figures, designs, or outlines illuminated by any source of artificial lighting that is located on or within the perimeter of such sign.

### Sign, Directional

Signs that display messages intended to direct pedestrian or vehicular traffic, such as “one-way,” “entrance,” “drive-thru,” and “exit” but that do not identify the establishment itself or other goods or services available at the establishment or display other advertising messages.

### Sign, Flashing

A directly or indirectly illuminated sign with a source of artificial light that is not stationary or constant in intensity or color at all times when such sign is illuminated.

**Sign, Freestanding**

A sign with at least 2 support structures of less than 2 feet in width that is not attached to the principal building on the property, and is anchored in or upon the ground.

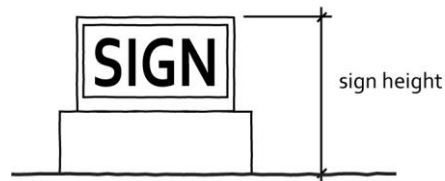
**Sign, Governmental**

A sign erected and maintained pursuant to and in discharge of any governmental function. Common examples include street name signs and speed limit signs.

**Sign Height**

The vertical distance from the finished surface of the ground at the base of a sign to the highest point of the sign. See [Figure 15-18](#) ~~Figure 15-18~~.

*Figure 15-18: Sign Height*



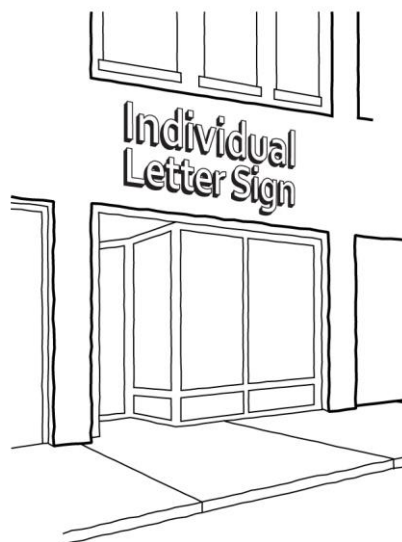
**Sign, Indirectly Illuminated**

A sign having its characters, letters, figures, designs, or outlines illuminated entirely by its own source of artificial light located outside the perimeter of such sign.

**Sign, Individual Letter**

A wall sign made of individual letters that are separately affixed to the face of a building and that does not project more than 12 inches above the top of the parapet wall. See [Figure 15-19](#) ~~Figure 15-19~~.

*Figure 15-19: Individual Letter Sign*



**Sign, Marquee**

A permanent roof-like structure made of durable, rigid material extending from the entrance of a building over a pedestrian or vehicular thoroughfare. A marquee is supported by the exterior

wall of the building and contains a sign board or changeable copy. See [Figure 15-20](#) ~~Figure 15-20~~.

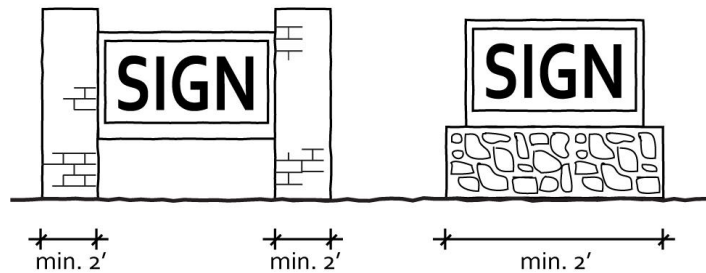
*Figure 15-20: Marquee Sign*



**Sign, Monument**

A sign anchored in or upon the ground that is completely or principally supported by a structure of no less than 2 feet in width. See [Figure 15-21](#) ~~Figure 15-21~~.

*Figure 15-21: Monument Sign*



**Sign, Moving**

Any sign that rotates or moves or that gives the visual impression of rotating or moving.

**Sign, Noncommercial**

A sign that does not promote commercial activity, such as ornamental entry gate signs. Home occupation signs are also deemed noncommercial signs.

**Sign, Ornamental Entry Gate**

A freestanding, non-illuminated or indirectly illuminated sign that sets forth the name of a subdivision or planned unit development.

**Sign, Political**

A noncommercial sign announcing or describing candidates seeking public political office or announcing or describing political issues and data pertinent thereto.

**Sign, Portable**

A sign that is intended to be moved from place to place including but not limited to tent signs, signs on wheels, signs with trailer hitches, and portable signs with internally illuminated message boards.

**Sign, Projecting**

Any sign that is attached to a wall in a perpendicular manner.

**Sign, Public Hearing Notice**

A sign posted by or on behalf of the village that is intended to provide legal notice of a public hearing or meeting concerning the property on which the sign is posted.

**Sign, Real Estate**

A sign used or intended for use for purposes of advertising a parcel of land or a building that is or will be available for sale or lease.

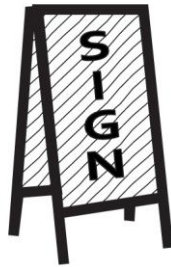
**Sign, Roof**

A sign that is permanently attached to the roof of a structure, excluding the face of a mansard roof.

**Sign, Sandwich Board**

A two-sided movable sign of 6 feet or less in area per side that opens at the bottom and is joined at the top and that is intended to be placed on the ground. See [Figure 15-22](#)~~Figure 15-22~~.

*Figure 15-22: Sandwich Board Sign*



**Sign Setback**

An area on a lot in which no signs may be placed, measured from the lot line to the face of the sign or its support, whichever is closest to the lot line.

**Sign, Shingle**

A sign that is suspended from a horizontal arm of a freestanding pole. See [Figure 15-23](#)~~Figure 15-23~~.

*Figure 15-23: Shingle Sign*



**Sign Surface Area**

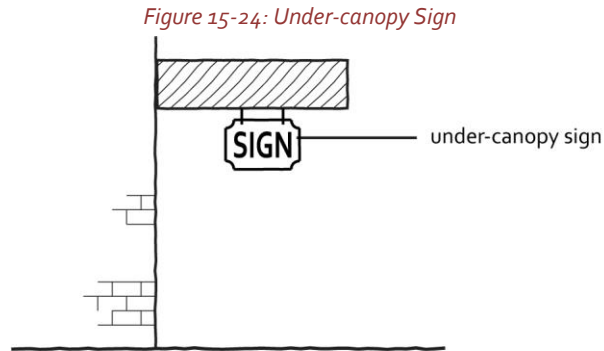
See “Surface Area” (of a sign)

**Sign, Temporary**

A sign designed and intended for a temporary period of posting, typically constructed of non-durable materials such as paper, cardboard, cloth, plastic and/or wallboard, and that does not constitute a structure subject to the building code or this zoning ordinance.

**Sign, Under-canopy**

A sign suspended beneath a canopy or marquee. See [Figure 15-24](#) ~~Figure 15-24~~.



**Sign, Vehicle**

A sign attached to a vehicle, excluding advertising posters on buses or taxicabs. See [Figure 15-25](#) ~~Figure 15-25~~.



**Sign, Village Public Service**

A sign posted or erected by the village, the function of which is to promote items of general public interest to the community.

**Sign, Wall**

A sign attached or erected against a wall of a building or structure with the exposed face of the sign or plane parallel to the plane of the wall. See [Figure 15-26](#) ~~Figure 15-26~~.

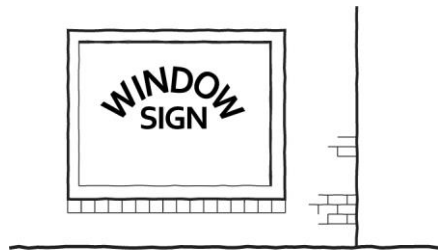
Figure 15-26: Wall Sign



### Sign, Window

An interior sign, located within 2 feet of a window that is installed inside, painted upon or placed against a window for purposes of viewing from outside the premises, not including merchandise located in a window display. See [Figure 15-27](#) ~~Figure 15-27~~.

Figure 15-27: Window Sign



### Smoke

A visible discharge from a chimney, stack, vent, exhaust or combustion process that is made up of particulate matter.

### Solar Energy System

A system intended to convert solar energy into thermal, mechanical or electrical energy.

### Solar Energy System, Building-Integrated

A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

### Solar Energy System, Structure-Mounted

A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

### Solar Energy System, Flush-Mounted

A solar energy system that is mounted flush with a finished building surface, at no more than 6 inches in height above that surface.

### Solar Energy System, Ground-Mounted

A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

### Solar Panel

A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

### Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. Common examples include buildings, freestanding signs, back stops for tennis courts, canopies and awnings, pump islands, at- or above- grade walkways, swimming pools, antennae, and pergolas.

### Structural Alterations

Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, excepting such alterations as may be required for the safety of the structure.

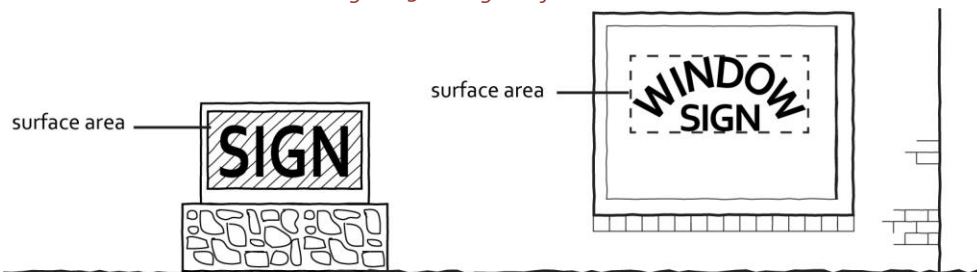
### Structure, Principal

A structure, other than an accessory structure, in which the principal use of the lot is conducted.

### Surface Area (of a sign)

The entire area of a monument or freestanding sign within a single continuous rectangular perimeter enclosing the extreme limits of a sign, exclusive of any structure or framing elements. Only one display face shall be measured in computing the surface area. For wall and window signs, the surface area of the sign shall be determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on the sign face excluding the support and architectural features. In the case of a wall or window sign with more than one exterior surface containing items of information, the area shall be the sum total of the display surface as determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on each sign face excluding the support structure and architectural features. See [Figure 15-28](#) ~~Figure 15-28~~.

Figure 15-28: Sign Surface Area





**Sec. 15.230 Words and Terms Beginning with “T”**

**Telecommunications Tower, Alternative**

An artificial tree, clock tower, bell tower, steeple, light pole or similar alternative-design mounting structure that helps to camouflage a telecommunications facility or conceal its presence.

**Telecommunications Tower Height**

The distance measured from the finished surface of the ground at the base of the tower to the highest point on the telecommunications tower or other structure supporting an antenna, including the base pad and any antenna.

**Telecommunications Towers and Antennas, Preexisting**

Any telecommunications tower or antenna for which a building permit or conditional use was issued prior to August 1, 1997, including permitted telecommunications towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**Temporary Use**

An activity permitted on a limited basis pursuant to [Chapter 4](#) of the municipal code.

**Tenant Frontage**

The width of a tenant space measured from one side wall to the other along the front exterior wall or other drivable accessible routes.

**Terrace, Open; Patio**

A level plane or platform that, for the purpose of this zoning ordinance, is located adjacent to one or more faces of the principal structure and that is no more than 4 feet in height above grade.

**Toxic or Noxious Matter**

Materials capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**Travel Trailer**

A trailer designed to be used only as a temporary dwelling for travel, recreational and vacation use, and not exceeding 8 feet in width.

**Sec. 15.240 Words and Terms Beginning with “U”**

**Use, Permitted**

A use that is expressly allowed (as of right) in the subject zoning district subject to compliance with all other applicable regulations of this zoning ordinance.

**Use, Special**

A use that may be allowed in the subject zoning district if approved in accordance with the special use procedures of [Sec. 12.050](#), subject to compliance with all other applicable regulations of this zoning ordinance.

**Utility-Scale Energy Production**

An energy production facility that produces electric energy for widespread distribution through the electric power grid.

**Sec. 15.250 Words and Terms Beginning with “V”**

**Vacant**

Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.

**Vehicular Use Area**

An area that is devoted to use by or for motor vehicles, including off-street parking areas (accessory or non-accessory); off-street loading areas; vehicle storage areas; fuel stations; car washes; drive-through service areas and auto sales lots. Enclosed areas and access drives used solely for access between the street and the vehicular use area are not considered part of a vehicular use area.

**Vibration**

A periodic displacement of the earth measured in inches.

**Sec. 15.260 Words and Terms Beginning with “W”**

**Walkways, At- or Above-grade, Covered**

Covered structures for pedestrian access, connecting structures on 2 adjacent lots.

**Wholesale, Distribution and Storage Use Category**

See [Sec. 5.060](#).

**Sec. 15.270 Words and Terms Beginning with “X”**

RESERVED

**Sec. 15.280 Words and Terms Beginning with “Y”**

**Yard**

The actual (as opposed to “required”) horizontal distance that exists between a principal building and a property line. See also “setback” in [Sec. 14.100](#).

**Yard, Street**

The yard that exists between a principal building and the street property line of the lot on which the building is located, extending along the full length of the street property line.

**Yard, Rear**

The yard that exists between a principal building and the rear property line of the lot on which the building is located, extending along the full length of the rear property line.

**Yard, Side**

The yard that exists between a building and the interior side property line of the lot on which the building is located, extending along a side property line.

**Sec. 15.290 Words and Terms Beginning with “Z”**

**Zoning Map**

The map displaying the location and boundaries of the zoning districts described in this zoning ordinance.

## Concordance of Notable Changes - Zoning Ordinance 12/12/2013

Draft Ordinance		Proposed change	Existing Ordinance		Reason for Proposed Change	Comp Plan Page
Section	Page		Section	Page		
<b>Article 1 Introductory Provisions</b>						
1.110	1-4	Zoning Maps have been updated to allow for digital publishing	28.401	28	Monderizes ordinance. Reflects current DG practice.	N/A
1.120	1-5 thru 1-6	Transitional Provisions are added to clarify how various applications and actions carry over from previous ZO to new ZO.	NA		Necessary administrative provisions and legal procedures for transition.	N/A
<b>Article 2 Residential Districts</b>						
2.010	2-1	Consolidate R-5 and R-5A districts	28.400	28	Simplifies ord; allows 2-unit townhouses in R-5	N/A
2.030	2-2	Establish min lot area requirement for nonresidential uses allowed in R districts	28.1103	70	Clarity, neighborhood protection, Commercial districts provide proper buffers to res. Uses	53, 92, 116, 120 & 124
2.030	2-2	Regulated density by dwelling unit not bedroom count	28.1103	70	Promotes consistency; aids administration and enforcement	N/A
2.030	2-2	Increase allowed height in R-3 & R-4 from 33' to 35'	28.1105	71	Simplifies ord. Consistency among R districts	N/A
2.030	2-2	Eliminate min dwelling size (floor area)	28.1108	73	Simplifies ord., Minimums were less than mins required by building code. Removes obstacle to affordability and allows greater design flexibility	N/A
<b>Article 3 Business and Employment Districts</b>						
3.030	3-2	Eliminate B-1 district floor area limit (currently 10,000 sq. ft.)	28.1108	73	Comp. Plan-commercial area plan - redevelopment	49
3.030	3-2, 3-3	Clarifies existing transition yard requirements	28.1113	78	Comp. Plan-commercial area plan & Ogden key concepts; simplifies ord	48, 116, 120 & 124
3.030	3-2	Eliminate 100' street setback	28.1110	75	Simplifies ord; promotes consistent streetscape	N/A

Article 4 Special Purpose Districts						
4.010D	4-2	Adds "build-to-zone" requirements	NA		Comp. Plan-downtown key concepts; helps activate sidewalk; promotes pedestrian comfort and safety	102
4.010D	4-2	2-story minimum height requirement	NA		Comp. Plan-downtown key concepts; promotes downtown context/character	102
4.020	4-4 thru 4-6	New institutional & public zoning district	NA		Comp Plan-community facilities plan; promotes greater transparency & predictability	92
4.030	4-6 thru 4-8	New PUD (planned unit development) "overlay" zoning district; zoning alternative to existing PD (special use) approach	NA		Comp. Plan-commercial area plan - redevelopment	49
4.030.E	4-8	Authorizes modification of zoning standards through PUD approval	NA		Simplifies ord by avoiding need for multiple variations with special use approval	N/A
Article 5 Allowed Uses						
5.010	5-2	New consolidated uses table (replaces district-by-district narrative lists)	NA		All uses reviewed per recommendations from Comp. Plan. Simplifies ordinance.	53
5.020	5-6	New use classification system (replaces outmoded, overly detailed use lists)	NA		Comp. Plan-residential & commercial area policy recommendations; broader categories accommodate changes in business and tech. <u>All</u> uses defined in ordinance	40 & 53
5.050	5-11	Ban of certain controversial commercial uses (as noted)			Comp. Plan-commercial area policy recommendations; reflect current policy	53
Article 6 Supplemental Use Regs						
6.010	6-2	Updated antenna and amateur radio regulations.	28.1305	85	Modernized ordinance.	N/A
6.010	6-4	Expressly prohibits donation drop boxes	NA		Policy direction based on previous zoning cases.	
6.010	6-4	Standards for electrical car charging stations.	NA		Comp Plan recommends making allowances for green technology practices.	40 & 53

6.010	6-5	Extended Family Accessory Dwellings. Allowance for second entrance vs. requiring a separate entrance	28.1015	63	Plan Commission direction	N/A
6.010	6-7	Standards for geothermal systems	NA		Comp Plan recommends making allowances for green technology practices.	40 & 53
6.010	6-7	Home occupations modernized. Use information is more detailed	28.1014	62	Clarity, neighborhood protection, Commercial districts provide proper buffers to res. Uses	40 & 53
6.010	6-9	Allowance for solar	NA		Comp Plan recommends making allowances for green technology practices.	40 & 53
6.010	6-9	Standards for retail kiosks/vending machines	NA		Clarity, neighborhood protection, Commercial districts provide proper buffers to res. Uses	40 & 53
6.040	6-12	Modernized standards for gas station construction	28.1018	65	Simplifies ord. while still providing standards to protect nearby residents and traffic flow	N/A
N/A	6-13	Funeral and Mortuary services eliminated from R districts so supplemental rules no longer necessary	28.1001	56	Clarity, neighborhood protection, Commercial districts provide proper buffers to res. Uses	40 & 53
N/A	6-15	Mobile Home parks eliminated from use tables. Standards no longer necessary	28.1016	64	Clarity, neighborhood protection, Commercial districts provide proper buffers to res. Uses	40 & 53
6.150	6-32	Removed monetary security requirement for telecommunications towers.	28.1307	91	Provision duplicates broader enforcement standards	N/A
<b>Article 7 Parking</b>						
7.020	7-2	New maximum parking rate for large commercial uses	NA		Comp. Plan-commercial area policy recommendations	51 & 53
7.030	7-2 thru 7-4	Some proposed changes to min parking rates (as noted)	28.1410	104	Comp. Plan-commercial area policy recommendations; better reflects modern best practices; reduces impervious surface coverage and large under-used parking lots	53

7.050	7-6 thru 7-7	Allows shared parking as of right (currently requires PC or VC approval)	28.1401	93	Comp. Plan-commercial area policy recommendations; removes procedural obstacle to shared parking; reduces need for paving large under-used parking lots when sharing opportunities exist	53
7.050C & D	7-7	Allowance for motorcycle parking/car share	NA		Comp. Plan-residential & commercial area policy recommendations; reflects modern best practices and provides greater flexibility for use of modern options	40 & 53
7.060	7-7 thru 7-9	Bicycle Parking Requirements	NA		Comp Plan-residential and commercial areas & transportation plan; reflects modern best practices and promotes modern, multi-modal options	40, 53 & 68
7.070.D	7-9 thru 7-10	Off-site parking agreements approved by staff	28.1404	94	Comp. Plan-commercial area policy recommendations	53
7.110	7-16 thru 7-18	New pedestrian circulation requirements	NA		Comp Plan-residential area & transportation plan; promotes pedestrian safety and comfort	40 & 68
7.140	7-20 thru 7-21	Modernize off-street loading requirements	28.1410	104	Comp Plan-residential area & transportation plan; provides greater flexibility	51 & 67
<b>Article 8 Landscaping and Screening</b>						
8.020 & 8.030	8-1 thru 8-6	Increased screening requirements: larger parking lot islands & shrub installation heights	28.1406(f)	96	Comp. Plan-commercial area plan & Ogden key concepts; address community appearance and stormwater management objectives	49, 116, 120 & 124
8.040	8-6 thru 8-8	New rooftop/mechanical/utility/garbage screening requirements	NA		Comp. Plan-commercial area plan & Belmont and Ogden key concepts	48,49, 98, 116, 120 & 124
8.070	8-10	New "alternative compliance" landscape approval	NA		Comp Plan-Ogden key concepts; authorizes common-sense modifications of existing landscape requirements in response to site constraints and other conditions...without need for zoning variation	116, 120 & 124
<b>Article 10 General Development Regulations</b>						

10.030	10-3 thru 10-5	Lighting regs simplified	28.1406(i)	99-100	Modernizes ordinance and matches best practices	N/A
10.040	10-5 thru 10-8	Complete overhaul of "Environmental Standards" article of zoning ordinance.	Article 20	139-143	Modernizes ordinance and matches best practices. Comp Plan calls for neighborhood protection from environment impacts from commercial and industrial activities	40 & 53
<b>Article 11 Nonconformities</b>						
11.010	11-1	Designed to allow investment in existing buildings	NA		Comp Plan-residential & commercial area plans	37 & 49
11.020	11-3	Allow building on lawfully established nonconforming lots	28.1203	81	Comp Plan-residential & commercial area plans; allows greater flexibility; recognizes property rights	37 & 49
11.030C & F	11-4 thru 11-6	Provide standards for considering expansion to nonconforming uses	28.1202	80	Comp Plan-residential & commercial area plans; allows greater flexibility to consider specific properties with need for variation	37, 49 & 53
11.030F	11-5 thru 11-6	Reduce nonconforming use expiration threshold from 18 to 12 mos	28.1202	80	Comp. Plan-commercial area policy recommendations; allows greater flexibility to consider specific properties with need for variation	53
11.040C	11-7	Allow horizontal expansion of existing nonconforming building	28.1201	79	Comp Plan-residential area plan	37
11.040E	11-8	Allows rebuilding in event of accidental damage/destruction	28.1201	79	Comp Plan-residential area plan	37
<b>Article 12 Review and Approval Procedures</b>						
12.010.G	12-3 thru 12-5	Increases notification radius by excluding most ROWs from distance measurement	28.306	26	Reflect policy desires; simplifies ord administration; provides opportunity for input	N/A
12.020	12-6	VoDG can only initiate text amendments	28.1700	131	Simplifies ord; still allows individuals to request initiation of text amendment by VC or PC	N/A
12.070	12-17 thru 12-19	New "administrative adjustment" procedure allows expedited processing of requests for very minor relief from certain zoning standards	NA		Residential Area Plan - Reinvestment & Commercial Area Plan - Redevelopment; reflects modern best practices	37 & 49
12.090	12-21	All variations go to ZBA (currently some to PC and some to ZBA)	28.1800	133	Simplifies ord	N/A



12.090	12-21	Allow broader possible range of variations	28.1802	134	Comp Plan-residential area plan - reinvestment & commercial area plan - redevelopment	37 & 49
<b>Article 13 Administration and Enforcement</b>						
13.020	13-2 thru 13-5	Authorizes broader range of penalties and enforcement actions	28.103	7	Comp Plan-residential & commercial area plans	38, 50 & 51
<b>Article 14 Measurements</b>						
14.100	14-7	Allows contextual (average) building setbacks on infill sites	NA		Comp Plan-residential area plan - reinvestment	37
14.100	14-6	Roof-mounted solar panels eligible to slightly exceed max height	NA		Comp Plan-residential, commercial & environmental policy recommendations	40, 53 & 80
<b>Article 15 Definitions</b>						
Article	15-1 thru 15-26	Definitions have been re-written and modernized. Uses relocated and consolidated into Article 5.	28.201	8-23	Modernizes ordinance and matches best practices. Comp plan-residential and commercial sections	40 & 53

**Comp Plan**

<i>Chapter</i>	<i>Type</i>	<i>Concept</i>	<i>Page</i>	ZO Amendments Address?
Residential Areas & Transportation Plan	Policy Recommendation	Specific requirement for sidewalks for redevelopment (include provision in ZO w/ specific trigger?)	40 & 68	Yes (Pedestrian circulation requirements for Parking)
Residential Areas & Commercial Areas	Policy Recommendation	Green technologies	40 & 53	Yes (allowances for alternative energy, incentivizes bicycle parking and car shares)
Commercial Areas	Plan & Policies	Utility Burial - require for redevelopment	48	Only for mechanical units
Commercial Areas	Plan & Policies	White Elephant Ord	50	Not included in update
Commercial Areas	Policy Recommendation	Transit-Oriented Development Overlay	53	Not included in this update. Zoning map for Belmont and Fairview station areas may be reviewed in future
Commercial Areas	Policy Recommendation	Review uses in M and B districts to ensure compatibility w/ surrounding residential properties.	53	Use table, definitions and methodology are completely new and updated
Commercial Areas	Policy Recommendation	Review nonconforming use regulations and enforce stricter amortization rules.	53	Nonconformity regulations now contemplate a built-out community.
Commercial Areas	Policy Recommendation	More encouragement for shared parking	53	Parking regulations now accommodate alternative transportation and encourage shared parking. Shared parking is an administrative decision
Commercial Areas	Policy Recommendation	Parking downtown - look at fee in lieu for new development? (to go hand in hand w/ parking study)	53	Downtown parking regulations have not been significantly altered.

Parks, Open Space, Etc.	Policy Recommendation	Flood Plain Overlay - require SU for development in SMAs	80	Not addressed.
Parks, Open Space, Etc.	Policy Recommendation	Include max. impervious area for SFR?	80	Not addressed.
Community Facilities	Policy Recommendation	Performance standards for non residential uses in residential districts (e.g. schools and churches)	92	Yes - new districts created
Belmont/Ellsworth, Downtown & Ogden	Key Concepts	Prohibit Chainlink fence in yards abutting streets	99, 103 & 117	Yes
Belmont/Ellsworth	Key Concepts	Require screening of mechanical units	98	Yes
Belmont/Ellsworth	Key Concepts	Review uses to keep incompatible uses out of park	98	Use table, definitions and methodology are completely new and updated
Downtown	Key Concepts	Review parking lot requirements to maintain pedestrian orientation.	102	Yes - minimum building height and build-to requirements address
Downtown	Key Concepts	Review ban on drive-through uses and other auto-oriented uses	103	Use table, definitions and methodology are completely new and updated
Downtown	Key Concepts	Review building height and bulk - are we creating the environment described by pattern book?	102	Yes
Ogden	Key Concepts	Review zoning district, may want to look at different districts at nodes and links. Make sure uses are compatible with residences.	116, 120 & 124	Zoning Map not being updated at this time
Ogden	Key Concepts	Add performance standards for automobile sales and repair uses.	116, 120 & 124	Use table, definitions and methodology are completely new and updated

Ogden	Key Concepts	Design standards	116, 120 & 124	Not addressed.
Ogden	Key Concepts	Strengthen requirements for screening to adjacent residents.	116, 120 & 124	Yes
Fairview	Key Concepts	Establish TOD district here	130	Not addressed.
Implementation	N/A	Review & Update ZO	139	Entire ordinance modernized
Residential Areas & Commercial Areas	Plan & Policies	Facilitate Redevelopment & Infill development	37 & 49	Nonconformity regulations now contemplate a built-out community. Conceptual heights and setbacks added. Procedures and administration now favor redevelopment

## **Responses to Council Zoning Ordinance Questions**

February 4, 2014

### **How does the proposed zoning ordinance comport with the comprehensive plan? Were there any specific issues or recommendations not addressed? If so, why?**

The Concordance shows the strong links between the comprehensive plan and the zoning ordinance. However, there were two recommendations not carried over: (1) the plan recommends creating an overlay district for floodplain and wetland areas, which is seen as a redundancy with the stormwater ordinance; and, (2) the plan recommends expanding use of architectural design standards, especially in the downtown and along Ogden Avenue. Architectural design standards could be enacted by the Village in documents and ordinances outside of the Zoning Ordinance. The design standards could be advisory or mandatory.

### **What is the intent of the neighbor communications exemption for rezonings not within 500 feet of residential districts? (Sec. 12.030.B.)**

The intent is to require neighbor communication efforts for petitions near residences and not require the communication efforts for petitions where residences are not located nearby. As proposed, neighbor communications efforts are mandated for most owner initiated zoning map amendments, but they are not required if there is no residential zoning within 500 feet of the edge of the property to be re-zoned. The exception based on distance was added to provide a reasonable and consistent threshold representing typical zoning impacts. For example, many of the Esplanade properties are not within 500 feet of residential property and would not require a neighbor communications meeting and summary, but Ogden Avenue properties are within 500 feet and the threshold is met for requiring the meeting and summary.

### **Why are the time extensions for special use approvals proposed to be reduced to 6 months from one year? (Sec. 12.050.I)**

The changes are proposed to conform with national best practices. The change represents a renewal timeframe more in line with other communities' zoning ordinances and reduces the total time to establish the special use from 3 years to 2 years from the time of first approval. Two years is seen as a reasonable timeframe for a serious and capable developer to complete work. Instead of two 6-month extensions, a single one-year extension from Council would accomplish a similar outcome.

### **How many variation requests are likely to be handled using the administrative adjustment process? (Sec. 12.070)**

During the last two years there were about 12 variation cases before the Zoning Board of Appeals. Of these, perhaps three (25%) would have been eligible for the less expensive and faster administrative adjustment process. At the same time, some projects avoid ZBA (and the expense and time) altogether by not advocating for their preferred design, which may fall within the parameters of an administrative adjustment approval. So some degree of increase in requests for administrative adjustments could be expected to allow property owners or builders a better chance to achieve their preferred design.

**Why eliminate the R-5A District? What effectuates the change from R-5 to R-5A? (Art. 2 and Table 5-1)**

Staff has revised the proposal as follows:

- Do not eliminate the R-5A District on the zoning map (keep both the R-5 and R-5A Districts)
- Make the zoning regulations in the R-5 and R-5A Districts identical (single family attached units including duplexes and townhouses and single family detached houses would be permitted), by equating the mapped R-5A to the R-5 District regulations.

The results of this proposal are:

- No rezonings would be required as both districts could remain.
- Townhouses could be developed in both districts (currently townhouses are not permitted in the R-5 District).

**Will the proposed changes regarding combining R-5A into R-5, and the new INP districts, require immediate rezoning of land? If so, how would this occur?**

As noted above, no rezonings are required with the proposed changes to the R-5 and R-5A Districts.

A rezoning to the INP district would be required when an improvement or change is made to a structure. The owner would petition for the rezoning in conjunction with the proposed improvement. While a Village-initiated rezoning is an option, it is not required or recommended.

**Where/what are the definitions of multi-family and single-family attached? (Sec. 5.030)**

Definitions can be found in 5.030 A. The key distinction between the two uses is that multi-family represents a structure with multiple units located on a single lot, while

single-family attached has each unit located on its own lot, although both concepts have common walls.

**Why eliminate minimum dwelling unit floor area requirements? (Table 2-2)**

There are three reasons: (1) the Village's building code contains minimum habitable floor area requirements so the zoning ordinance regulation is seen as redundant; (2) minimum floor area has rarely, if ever, come into play; and, (3) maximum density limits remaining in place do a better job to manage impacts of neighborhoods.

**Explain the difference between Day Care Centers and Day Care Homes.**

Day Care Centers provide for day care in most business and multi-family districts with the maximum number of children determined by the State of Illinois based on several factors such as available space, age of children, and child-to-staff ratio. Day Care Homes provide day care services for 3 to 12 children and are currently operated from residences as home occupations in the Village. Both Day Care Centers and Day Care Homes are licensed by the state and must be allowed by the Village.

**Does the Village currently regulate home day care?**

Yes. The Village regulates Day Care Homes as home occupations. Due to the operational requirements of home day care, the home occupation tool is not the best tool to manage the activity. Home occupation regulations address issues such as maximum allowed floor area available for the business, storage of materials, prohibitions of in-person sales and outdoor activities, and numbers of employees and vehicles. Routine operation of a home daycare demands more space and outdoor activities.

**Does the proposal expand regulation to a new item?**

The proposal merely shifts the category of the allowed activity to a better-fitting zoning use and away from home occupation rules. Home occupation rules are routinely violated in a home daycare setting, such as the mandatory outdoor play requirements where no outdoor activity is legally allowed as a home occupation. Home daycare also often exceeds the 400 square foot home occupation floor area limit, as various children must use separate rooms for sleep and play. The shift allows the home day care to meet both state licensing and Village zoning ordinance requirements.

**Is the 250 square foot play area a state requirement? (Sec. 5.050F)**

No, the 250 square foot play area requirement is a Village regulation more restrictive than state regulations. The State requires a minimum of 75 square feet of outdoor play area per child for Day Care Centers and Day Care Homes. The current zoning ordinance requires a minimum of 250 square feet of outdoor play area per child.

**What kinds of drive-throughs are allowed in the DB Downtown Business district? Why? Should drive-throughs be prohibited downtown? (Table 5-1)**

Under the current and proposed zoning ordinances, drive-throughs in conjunction with all uses in the downtown, except restaurants, are Special Uses in the DB District. Drive throughs for restaurants are not allowed in the DB District.

Drive-throughs are often banned entirely from central business districts as they are seen as presenting less-friendly and unsafe challenges for pedestrians, as well as underutilization of prime real estate. Prohibiting drive-throughs is intended to enhance the walking environment and, with time, improve property values. The Village could consider prohibiting all drive-throughs in the DB District to achieve these objectives. Drive-throughs are prohibited in the DT Downtown Transition District.

**Table 5-1 indicates that Mobile Home Parks and Manufactured Housing are prohibited, correct? Are the definitions (Sec. 5.030 A) consistent with the prohibition?**

Both uses are prohibited. The definitions will be revised to improve clarity.

**Should geothermal energy systems have setbacks? (Sec. 6.010 J)**

Staff thinks that setbacks are not necessary because these systems are typically underground and unseen. Any above-ground structure, if required, will be subject to the same setback requirements of accessory structures within the district it is found.

**Fueling station regulations were eliminated. Why? (Sec. 6.040) Should these be prohibited in the DB Downtown Business District? (Table 5-1)**

The fueling station regulations are proposed to be eliminated because they are: (1) redundant with other requirements in the ordinance; (2) excessive in terms of restricting pump numbers and area, where basic design constraints would suffice; and, (3) difficult to comply with, with access often controlled by outside agencies.

Staff does not object to not allowing fueling stations in the DB District. Fueling stations were kept in the DB Downtown Business district because they were allowed as special uses in the past. Prohibiting them would not prevent electric charging as an accessory use in the DB district, as these are handled under a separate designation.

**Make sure the motorcycle parking provisions (Sec. 7.050 C) is not a loophole to reduce required parking.**

Staff does not believe this will be a problem as it is a very conservative approach to parking demand. The allowance is not triggered until there are at least 20 parking spaces provided, where only one space could be turned into a smaller motorcycle parking space. The next step is at 40 parking spaces, where one space could be turned into two



motorcycle spaces. The potential to occupy two vehicle spaces is not triggered until there is a demand for 80 parking spaces.

**Is the bicycle parking section new? (Sec. 7.060) How will this affect restaurants downtown? (Sec. 7.050 A)**

This section is new, although the existing zoning ordinance already has very modest requirements to accommodate bicycle parking in and around large office and commercial buildings. The bicycle parking requirements do not substitute for vehicle parking and instead require the placement of bike racks or something similar elsewhere on the property. Because commercial uses in the downtown do not need to provide parking, downtown businesses including restaurants are exempt from this provision.

**Confirm that nonconformity provisions do not negatively affect lot consolidation. (Sec. 11.020 B)**

Confirmed. The non-conforming provisions do not create disincentives to consolidate lots. Lot consolidation will help property owners meet the one of the goals of the ordinance which is eliminate or minimize nonconforming lots. Lot consolidations remain one of the best ways to eliminate nonconforming lots and to promote redevelopment on legal lots.

**Regarding nonconforming uses, what are we allowing and why? (Sec 11.030 C.2)**

The intent here is to provide standards for approval to expand a nonconforming use in an existing building, where there is no external building or site related alteration needed and there is no additional impact on the neighborhood. This is a proposed change that recognizes Downers Grove as a built-out community and is somewhat more forgiving to existing uses and structures. The only option today for a successful nonconforming business with a need to expand is to relocate. The wording found in this section is under review as the draft language is confusing.

**Delete the word “encouraging” from the public hearing notice requirements (Sec. 12.010 G.2.a.(5)) as it does not match the list and direction given above it.**

Done.

**Table 3-2 Footnote 12 indicates the proposed ordinance would eliminate a 100’ setback requirement of M-2 District uses from residential uses. Why is this change proposed?**

Both the proposed and current zoning ordinances call for a 35’ street setback. The current ordinance also contains a second, more restrictive setback of 100’ where M-2 uses exist directly across the street from residential uses. However, there are no

locations in the Village where M-2 uses are located within 100' feet of residential uses. Consequently, the requirement is proposed for elimination.

**Is crop agriculture allowed under the current ordinance? (Table 5-1)**

Yes, crop agriculture is currently allowed in all residential districts as long as the property exceeds one acre in size. Should the Council wish to keep crop agriculture as an allowed use, the one acre size minimum should be maintained.

**Is it feasible to require screening of small satellite dishes? (sec. 6.010 C)**

It is only partly feasible to screen small satellite dishes for several reasons:

- Certain side-of-building mounts would make screening very difficult.
- The FCC's requirement to not impair a viewer's ability to receive a video signal may preclude some designs, providing certainty only with rear screening.
- FCC regulations limit the costs and time delays associated with installation that would likely result from a permitting approval and inspection process.
- The large number of dishes already installed without screening will lead to difficult and uneven enforcement.

**Should automobile sales be prohibited in the DB Downtown District? (Table 5-1)**

Yes. Automobile sales are not currently allowed downtown. It was listed as a Special Use in error. The prohibition in the DB Downtown Business district will continue.

## **Staff Responses to Council Questions on Zoning Ordinance**

*Is the R-5A district being folded into the R-5 district?*

Yes, the R-5A district is being folded into the R5 district. The R-5A District was created many years ago when the Village was uncertain about townhouse concepts being proposed. From a setback and bulk standpoint, the two districts are the same.

*How does the elimination of the Downtown Business District mapping guidelines affect the Village?*

The mapping guidelines are relocated within the document, moving from Section 28.610(b) to Section 4.010(B)(1).

*Which land use definition includes uses such as nursing homes and supportive living facility?*

Nursing homes and supportive living facilities are listed within Group Homes in Table 5-1. They are also individually defined in Section 5.030(B). The new zoning ordinance will rely on current state definitions.

*Is there a demand for amateur radio facilities?*

There are amateur radio facilities located within the Village. The Village does not see many permits for these types of facilities, but neighbor concerns are typically associated with the placement, height and interference of the towers. Current regulations are less clear than those proposed.

*Are day care facilities regulated by the State?*

The Illinois Department of Children and Family Services is responsible for setting standards and licensing day care centers, day care homes, group homes and day care agencies throughout the state.

*Why is there a proposal to eliminate some of the gas station regulations?*

The proposed ordinance modernizes and simplifies the regulations for gas stations while maintaining standards to protect neighboring residents. Many of the regulations (lighting, driveway design, screening) that are listed in the current ordinance (Section 28.1018) are now addressed on their own in other sections of the proposed ordinance : lighting in Section 10.030, driveway design in 7.110 and screening in Article 8.

*Page 6-7: Geothermal Energy - how do the proposed limitations on Riparian areas, etc. affect houses in LPDAs and floodplains?*

Homes in floodplains and LPDAs would still be able to install geothermal systems as long as the system is completely outside of the stream (floodway) and any riparian buffer zones. The only areas that are restricted are the stream (or floodway) and required buffer areas, which cannot be disturbed under federal regulations.

*Vending Kiosks - are there proposed changes to existing regulations? Is the prohibition on donation boxes proposed to be changed?*

The previous ordinance did not contain any specific requirements for vending kiosks. They were regulated as commercial accessory structures. Donation boxes are expressly prohibited in the new ordinance (see page 6-4)

*Page 6-32: Elimination of Security Funds for Cell Towers - What is proposed to be changed? Why? How often has the Village had to use security funds?*

The current regulations required that owners of cell towers post a security for removal of the tower. The security must be kept on file until the tower is decommissioned and removed by the owner. The updated code provides stronger general remedies for violations of the zoning ordinance, which make the previous requirement redundant. In addition, maintaining the security requires staff time to administer as ownership of towers is transferred frequently. The Village has never used a security to remove a tower. The Village's code enforcement procedures would seek compliance from the owner before calling the security, which matches the Village's practices.

*Parking - the ordinance requires parking for the expansion of a non-conforming building and states that adding parking for an existing parking shortage is not required. Should the Village retain the right to require the addition of parking to address existing parking shortfalls?*

Additional parking is required if the new use requires more parking than the previous use. This regulation matches the current ordinance. It has only been re-worded for clarity. The Village's nonconformity rules are written to accommodate redevelopment and recognize that there is a benefit to allow re-use of existing buildings that may not meet all the current requirements.

*Page 7-19: Drive-thru Escape Lanes - Why are they proposed to be eliminated?*

It is the Village's practice to require traffic circulation studies for new drive-through uses. Escape lanes may be required based on a use's individual conditions, however there are trade-offs. When installed, the escape lanes increase impervious areas and stormwater run-off. Studies show escape lanes are rarely used and where lacking provide only a modest inconvenience for those vehicles temporarily remaining in line. Escape lanes are recommended on a case by case basis when full site circulation options are restricted.

*Off-street loading zones - Why are these being reduced?*

The current ordinance's requirements are sized for tractor-trailer deliveries for all uses. The updated ordinance allows flexibility for users that receive most deliveries via smaller vehicles, a practice increasingly common for small and medium sized companies.

*10-2: Line of Sight Triangles - Please explain the proposed changes to line of sight triangle requirements.*

The ordinance was clarified that sight triangles for fences are not required on residential properties where a driveway is present in rear and side yards. This change clarifies the existing requirements and represents current interpretation.

*10-4: Illumination standards - Does the proposed zoning ordinance include standards for parking lot illumination? Why is the reference to the Illumination Society proposed to be removed?*

The illumination standards have been expanded for all uses including parking lots. Previously, they only applied to parking lots with more than five spaces. The trespass standards are simplified and still limit light spilling onto adjacent residential and commercial properties, making reliance on a single organization redundant and potentially confusing.

*Smoke and particulate matter - Is this a new regulation?*

This regulation previously was in Article 20. These regulations still limit emissions from manufacturing uses, but have been modernized and simplified for code enforcement purposes. Nationally, few zoning ordinances carry this language but it remains typical to do so in the greater Chicagoland area so the restriction was maintained.