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## **ZONING REGULATIONS**

(Adopted October 7, 2019 - Ord 19-10-26)  
(Revised February 3, 2020 - Ord 20-02-05)

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## ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1.1 TITLE
- 1.2 PURPOSE
- 1.3 APPLICABILITY
- 1.4 TRANSITION RULES
- 1.5 SEVERABILITY

### 1.1 TITLE

This Zoning Ordinance, which incorporates the Official Zoning Map, is known, cited, and referred to as the "Village of Clarendon Hills Zoning Ordinance" or "Ordinance."

### 1.2 PURPOSE

The intent of this Zoning Ordinance is to establish land use regulations to serve the Village of Clarendon Hills. The purpose of this Ordinance is to:

- A. Promote the public health, safety, and welfare.
- B. Promote the orderly development of the Village in accordance with the Comprehensive Plan and adopted land use policies.
- C. Divide the Village into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- D. Preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the Village.
- E. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- F. Provide for preservation, protection, and conservation of natural resources, and promote the principles of sustainability.
- G. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner.
- H. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- J. Provide for the gradual elimination of nonconformities.

### 1.3 APPLICABILITY

#### A. Territorial Application

This Ordinance applies to all land, uses, and structures within the Village.

#### B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### C. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

#### D. Relation to Private Agreements

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. Those charged with administration and enforcement of this Ordinance do not enforce any private agreement.

#### **E. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Ordinance controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.

#### **F. Comprehensive Plan**

The Comprehensive Plan of the Village, as adopted and amended, is incorporated by reference into this Ordinance. The Comprehensive Plan is advisory and is not construed to regulate or control the use of private property in any way, except as expressly set forth in this Ordinance.

#### **G. Rules Regarding Illustrations and Graphics**

Any illustrations, graphics, and/or photos contained in this Ordinance are to assist the reader in understanding and applying the Ordinance. If there is any inconsistency between the text of the Ordinance and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

#### **H. Rules of Measurement**

Section 2.4 provides an explanation of definitions that involve measuring dimensional and locational standards. These rules of measurement can be relied on to instruct the reader on how to interpret these dimensional and locational standards to achieve conformance.

### **1.4 TRANSITION RULES**

#### **A. Existing Uses**

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is classified as a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is classified as a permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.
3. If a structure or land is used in a manner that was classified as either a permitted use or a special use requiring an approval prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is classified as a nonconforming use.

#### **B. Structures Rendered Nonconforming**

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure.

#### **C. Lots Rendered Nonconforming**

If a lot existing on the effective date of this Ordinance was a conforming lot of record before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot.

#### **D. Site Elements Rendered Nonconforming**

If a site element existing on the effective date of this Ordinance was conforming before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such site element does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site element is deemed a nonconforming site element.

**E. Previously Issued Building Permits**

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, and if construction has begun within 90 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

**F. Previously Granted Variances**

All variance approvals granted prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions.

**G. Existing Planned Unit Developments**

Previously approved planned unit developments (PUD) remain in effect and continue to control the development of land that is subject to the PUD. Any amendments to existing PUD are subject to the amendment procedures of this Ordinance.

**H. Existing Unlawful Uses**

Any use that was unlawful at the time of the adoption of this Ordinance that is in conflict with the requirements of this Ordinance remains unlawful.

**I. Pending Applications**

An application that has been received and deemed complete, and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

**1.5 SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

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## ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

- 2.1 RULES OF INTERPRETATION
- 2.2 GENERAL ABBREVIATIONS
- 2.3 DEFINITION OF GENERAL TERMS
- 2.4 RULES OF MEASUREMENT

### 2.1 RULES OF INTERPRETATION

#### A. General Interpretation

The terms in the text of this Ordinance must be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural, and the plural the singular.
2. The present tense includes the past and future tenses, and the future tense includes the present.
3. The terms "must," "shall," and "will" are mandatory, while the word "may" is permissive.
4. The terms "must not," "will not," "shall not," and "may not" are prohibiting.
5. Any gender includes all genders.
6. Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

**B. Use Definitions**  
All uses found within Table 8-1 are defined in Section 2.3.

1. Certain uses are defined to be inclusive of many uses.
2. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.
3. A use that is not specifically allowed in a zoning district, does not fall within a use definition, or is interpreted as not part of a use definition, is prohibited.

### 2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- A. **GFA** is an abbreviation for "gross floor area."
- B. **ft** is an abbreviation for "feet."
- C. **N/A** is an abbreviation for "not applicable."
- D. **SF** is an abbreviation for "square feet."

### 2.3 DEFINITION OF GENERAL TERMS

**Abut.** To share a common wall or lot line without being separated by a street or alley.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Building.** A detached, roofed-over structure that is incidental, customary and subordinate to the use of the principal building.

**Accessory Structure.** A detached structure, other than an accessory building, located on the same lot as the principal building that is incidental to the use of the principal building.

**Accessory Use.** A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

**Addition.** Construction that increases the size of a structure in terms of building footprint, height, or floor area.

**Adjacent.** To lie near or close to; in the neighborhood or vicinity of.

**Adjoin.** Touching or contiguous, as distinguished from adjacent.

**A-Frame Sign.** A temporary sign ordinarily in the shape of the letter "A" or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

#### A-FRAME SIGN



**Alley.** A public right-of-way that normally affords a secondary means of access to abutting property.

**Amateur (HAM) Radio Equipment.** An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Amusement Facility - Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, gymnasiums (excluding those within public parks), sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls. An indoor amusement facility may include ancillary uses such as, but not limited to, concession stands, restaurants, and retail sales.

**Amusement Facility - Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, batting cages, miniature golf courses, and amusement parks. An outdoor amusement facility may include ancillary uses such as, but not limited to, concession stands, restaurants, and retail sales.

**Ancillary.** In regard to principal uses, additional uses part of the larger principal use that provide support and/or are typically integral to a principal use.

**Animal Care Facility.** A business which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, and pet boarding facilities, where animals are boarded during the day or for overnight stays.

**Animal Kennel: Commercial.** An establishment where dogs over six months of age are boarded, bred, raised, and trained for commercial gain. A commercial animal kennel does not include animal shelters or shelter and training facilities for canine units of public safety agencies.

**Animal Shelter.** An establishment that houses and provides care for homeless, lost, or abandoned dogs, cats, and/or other animals until such animals are reclaimed by their owner, placed in a new home, placed with another organization for adoption, and/or euthanized.

**Animated Sign.** A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs.

**Apiary.** A structure for the keeping of honeybees.

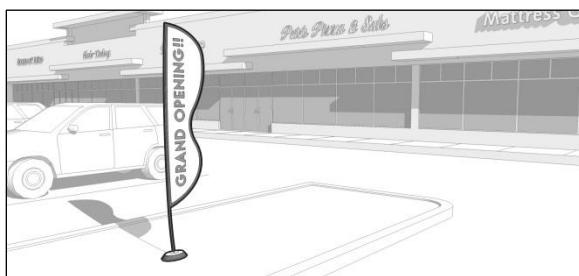
**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Art Gallery.** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Arts Studio.** An establishment where an art, type of art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes.

**Attention Getting Device.** Signs, devices, or ornamentations designed for the purpose of attracting attention or promotion, except as otherwise expressly permitted in this Article. Attention getting devices include banners, sails/feather signs, temporary on-premise pole signs, and the like. Federal, state, or local flags, or flags of fraternal, religious, and civic organizations, banners, and temporary holiday decorations are not considered attention getting devices.

#### ATTENTION GETTING DEVICE: EXAMPLES



**Sail/Feather Sign**



**Temporary Pole Sign**



**Wall-Mounted Banner**



**Ground-Mounted Banner**

**Average Ground Elevation.** The average level of the ground on a zoning lot existing prior to any reshaping of the natural contours at the four corners of a structure or proposed structure that are closest to the lot lines. When the existing natural ground level slopes down toward a lot line from any such corner, then the level of the ground for such corner shall be measured at the lowest point lying within six feet (6') of such corner which is outside the bounds of the structure or proposed structure.

**Awning.** An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground.

**Awning Sign.** An awning sign is a sign printed or displayed upon an awning.

#### AWNINg SIGN



**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Balloon Sign.** A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

**Banner.** A sign with copy on non-rigid material, such as cloth, plastic, fabric or paper mounted with or without rigid frames on a building or the ground that is not supported by a framework.

**Bar.** An establishment for the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use.

**Basement.** Habitable space in a building that is predominantly underground.

**Bay Window.** A cantilevered window that projects outward from the structure, which does rest upon the building's foundation. A bay window shall not count toward building coverage or impervious surface coverage.

**Bed and Breakfast.** A single-family detached dwelling where a resident/owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities and prepares meals for guests.

**Billboard.** See off-premise commercial sign – permanent.

**Blade (Projecting) Sign.** A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached. A marquee sign is not considered a blade sign.

#### BLADE (PROJECTING SIGN)



**Block.** Defined in Section 2.4.

**Blockface.** Defined in Section 2.4.

**Blue Roof.** A roof designed to store water and discharge rainfall.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Book Exchange Box.** An outdoor accessory structure maintained by a property owner on private property where books and recorded performing arts and media are kept for public and/or exchanges with no fees or sales and are publicly accessible.

**Brew Pub.** A restaurant-based establishment where beer is manufactured and stored on the licensed premises and sold at retail from storage tanks to non-licensees, and sold in packages to importing distributors, distributors, and non-licensees in accordance with the brewpub license. The brewing capacity is limited to less than 6,000 barrels per year.

**Broadcasting Facility - TV/Radio.** A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

**Buffer Yard.** Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, or other nuisances.

**Build-To Line (BTL).** Defined in Section 2.4.

**Build-To Zone (BTZ).** Defined in Section 2.4.

**Build-To Percentage.** Defined in Section 2.4.

**Buildable Area.** The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

**Buildable Lot.** A zoning lot which meets the minimum lot size requirements for erection of a structure in the zoning district in which the zoning lot is located.

**Building.** A structure enclosed by four walls and a roof used or intended for supporting or sheltering any use or occupancy.

**Building Envelope.** The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

**Building Coverage.** Defined in Section 2.4.

**Building Height.** Defined in Section 2.4.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

**Building Pad.** The actual foundation area of a building and a ten foot clear area around the foundation necessary for construction and grade transitions.

**Building, Temporary.** Any building not designed to be permanently located at the place where it is or where it is intended to be temporarily placed or affixed.

**Bulk.** The term used to indicate the size and volume of buildings or structures, the relation of same with respect to one another, and includes the following:

1. Size and height of buildings.
2. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
3. All open space allocated to buildings.
4. Amount of lot area and lot width provided per dwelling unit.
5. Building coverage.
6. Floor area ratio (FAR).

**Business.** An occupation, employment or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold or where services are offered.

**Caliper.** Defined in Section 2.4.

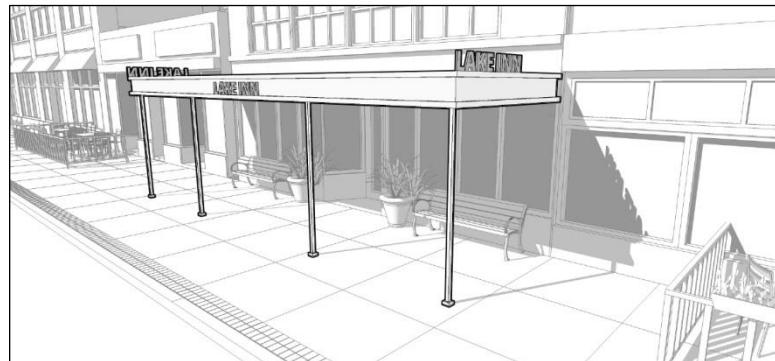
**Campground.** An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters.

**Car Wash.** An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

**Canopy.** A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building, or which is freestanding, and with supports that extend to the ground. A canopy may be one of two types:

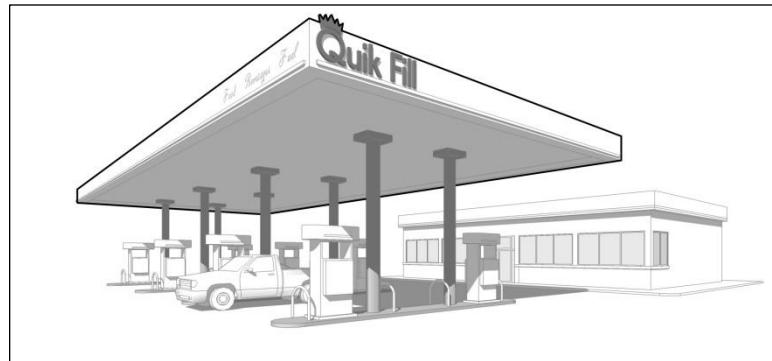
1. **Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.

#### **CANOPY - NON-STRUCTURAL**



**2. Canopy - Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, that is constructed as part of and attached to a building, and extends outward from the building and supported both by the structure and by supports that extend to the ground. Certain structural canopies may also be constructed freestanding accessory structures on the same lot with the principal use and/or structure.

#### CANOPY – STRUCTURAL



**Canopy Sign.** A canopy sign is a sign printed, mounted, or installed upon a canopy.

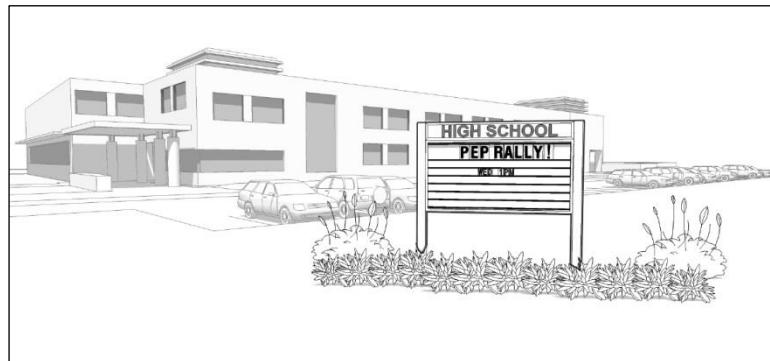
**Carport.** An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment.

**Changeable Copy.** Letters, numerals, or other graphics that are not permanently affixed to a structure and/or set for permanent display, and are intended to be alterable through manual means.

**Changeable Message Board Sign.** A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader-board sign.

#### CHANGEABLE MESSAGE BOARD SIGN



**Chicken Coop.** A structure where hens are kept.

**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**Cistern.** An enclosed structure that is entirely below grade used for storing rain water for use at a later time.

**Clear-Cutting.** The act of cutting and removing most or all trees from a stand of timber.

**Cluster Design.** A subdivision design that allows for smaller lot sizes but remains lot neutral as compared to a tradition subdivision layout. Cluster design is intended to promote environmentally sensitive development, to preserve the natural and scenic qualities of open space, and to achieve a balance between aesthetically pleasing, well-designed neighborhoods, meaningful open space conservation, and natural resource protection.

**Commercial Vehicle.** Commercial vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle meets one or more of the following:

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.
2. Is designed or used to transport more than eight passengers (including the driver) for compensation.
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of social, educational, community service activities.

**Community Garden.** The cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Community gardens do not include the raising of livestock or the use of heavy machinery.

**Conditional Use.** Conditional uses are those whose effects on surrounding property cannot be foreseen until the use is proposed. These particular types of uses may give rise to unique problems with respect to their impact upon neighboring property or public facilities if established in some locations within a zoning district.

**Conservation Design.** A subdivision design that evaluates land features and if applicable requires a percentage of conserved open space while allowing for a slight increase in the number of allowable lots. Conservation design is intended to promote environmentally sensitive development, to preserve the natural and scenic qualities of open space, and to achieve a balance between aesthetically pleasing, well-designed neighborhoods, meaningful open space conservation, and natural resource protection.

**Contiguous.** See abut.

**Contractor Office – With Equipment Storage.** Offices for businesses in the conduct of any building trade or building craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, or building materials related to and used by the building trade or craft. A contractor office with no equipment storage is considered an office.

**Conservation Area.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items, and restaurants as ancillary uses.

**Day.** A calendar day.

**Day Care Center.** A commercial facility where, for a portion of a 24 hour day, care and supervision is provided for: 1) children not related to the owner or operator of the facility; or 2) elderly and/or functionally-impaired adults in a protective setting.

**Day Care Home.** A residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for: 1) care children not related to the owner or operator of the facility; or 2) elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator of the facility. A child day care

home does not include a dwelling that receives children from a single household. For the purposes of applying district dimensional standards, day care homes are subject to the standards for the dwelling type.

**Deck.** A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Development.** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or any change in use, or alteration or extension of the use, of land.

**Drainageway.** A route or course along which water moves or may move to drain an area.

**Drive-Through Facility.** That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive-through facility is approved separately as a principal use in conjunction with other principal uses such as restaurants and financial institutions.

**Driveway.** A pathway for motor vehicles from a street to a lot used only for service purposes or for access to the lot.

**Dwelling.** A building, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings - detached and attached, two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding manufactured homes and hotels. A dwelling contains: 1) a kitchen; 2) one or more bedrooms; and 3) lavatory.

**Dwelling, Manufactured Home.** A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1984, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction.

**Dwelling, Multi-Family.** A structure containing three or more attached dwelling units used for residential occupancy on a single lot. A multi-family dwelling does not include a townhouse dwelling.

**Dwelling, Single-Family - Detached.** A structure containing only one dwelling unit on a single lot.

**Dwelling, Townhouse.** A structure that contains two or more dwelling units attached by a party wall on separate lots or separate tax parcels.

**Dwelling, Two-Family.** A structure containing two dwelling units on a single lot.

**Easement.** A grant by a property owner for the use of a strip or area of land by the City, a public utility, a corporation, or a person for specified purposes.

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

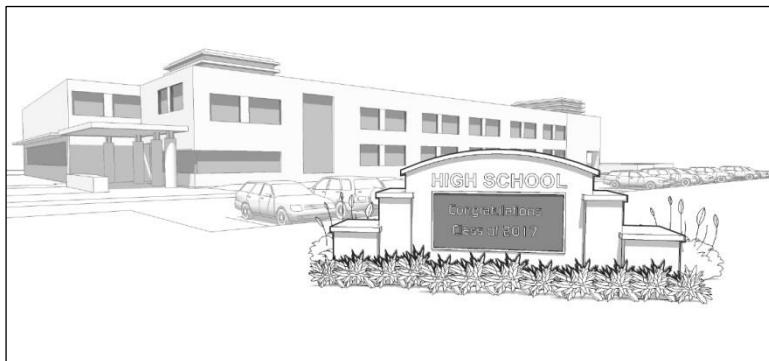
**Effective Date.** The date the Zoning Ordinance goes into effect. The adoption date and the effective date may be the same, or the effective date, as stated in the adopting ordinance, may be established at a later date after the adoption date.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

**Electric Vehicle (EV) Charging Station.** An accessory structure that provides electric energy for the recharging of electric vehicles.

**Electronic Message Sign.** A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Flashing signs, animated signs, and video display signs are not considered electronic message signs.

#### ELECTRONIC MESSAGE SIGN



**Energy System - Solar (Principal).** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy.

**Energy System - Wind (Principal).** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

**Erect.** To build, construct, attach, hang, place, suspend, or affix.

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

**External Illumination.** Illumination by an artificial source of light not internal to the sign face.

**Family.** An individual, or two or more persons related by blood, marriage, or civil union, and all adopted or foster children, or a group of not more than four persons, (excluding servants), not so related, living together as a single housekeeping unit in a dwelling unit.

**Farmer's Market.** Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from two or more farmers or from vendors that have taken such items on consignment for retail sale. Not on use table.

**Fence.** A vertical manmade structure, which is a barrier and used as a boundary or means of protection, confinement or decoration.

**Financial Institution.** An institution licensed as a receiver of deposits, a savings and loan, credit union, or mortgage office.

**Flag.** Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags.

**Flashing Sign.** A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

**Floodlight.** A powerful light, typically in a grouping of several lights, used to illuminate the exterior of a building or sign.

**Floor Area.** Defined in Section 2.4.

**Floor Area Ratio.** Defined in Section 2.4.

**Foot-Candle.** A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

**Frontage.** The frontage of a zoning lot is the length of property of such zoning lot on the front lot line and is measured between side zoning lot lines.

**Full Cutoff Luminaire.** A luminaire having zero intensity at or above horizontal (90°) and limited to a value not exceeding 10% of lamp lumens at or above 80°. Such luminaire is determined by a photometric test and certified by the manufacturer.

**Funeral Home.** An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial. A funeral home may or may not perform cremation and have crematoriums.

**Garage.** A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure.

**Garage Sale.** Means and includes "garage sale", "basement sale", "backyard sale", "estate sale," or any similar type of sale of three or more household items and "arts and crafts sale" of handcrafted items which are held on residential premises and to which the general public is invited.

**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, ancillary minor vehicle repair facilities, and solar and/or electric charging stations.

**Gazebo.** A freestanding outdoor structure designed for recreational use and not for habitation.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

**Golf Course/Driving Range.** A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters, and country club facilities. A driving range may be designed as a standalone facility or included as part of a larger golf course.

**Government Facility.** Facilities owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

**Grade.** The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Green Roof.** A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

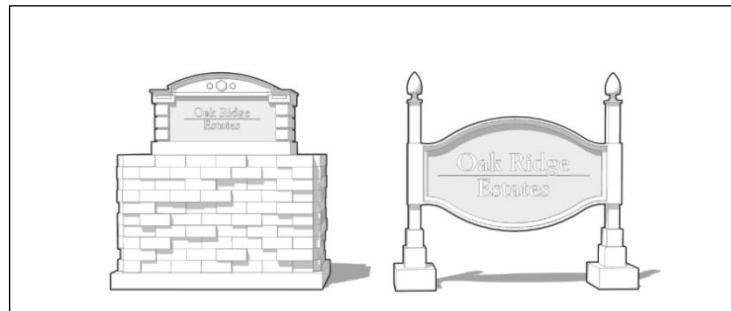
**Greenhouse (Accessory).** A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Gross Area.** The total land and water area included in a parcel excluding property solely located in public rights of way or private easements of access or egress.

**Gross Floor Area (GFA).** Defined in Section 2.4.

**Ground Sign.** A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. A ground sign must be designed so that the width of the top of the sign face is a minimum of 70% and a maximum of 130% of the width of the base, unless designed with decorative posts as permitted by the ground sign regulations of this Article. There are three types of ground signs regulated by this Article:

## GROUND SIGN



**Group Home.** A dwelling unit occupied as a common household for specialized residential care for persons with disabilities in need of personal services or assistance essential for activities of daily living or in need of supervision.

- 1. Group Home - Small.** A small group home is such facility occupied by a number of residents that meet the number of persons allowed by the definition of family.
- 2. Group Home - Large.** A large group home is such facility occupied by a number of residents that exceed the number of persons allowed by the definition of family.

**Healthcare Facility.** Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

**Heavy Retail, Rental, and Service.** Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

**Hedge.** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

**Home-Based Business/Home Occupation.** Any commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit.

**Hotel.** A facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

**Impervious Surface Coverage Ratio.** Defined in Section 2.4.

**Industrial Design.** An establishment where the design, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

**Industrial – General.** The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

**Infrastructure.** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, water lines, sewer lines, and rights-of-way.

**Installed Height.** The height above grade of the lowest light emitting point of an installed luminaire.

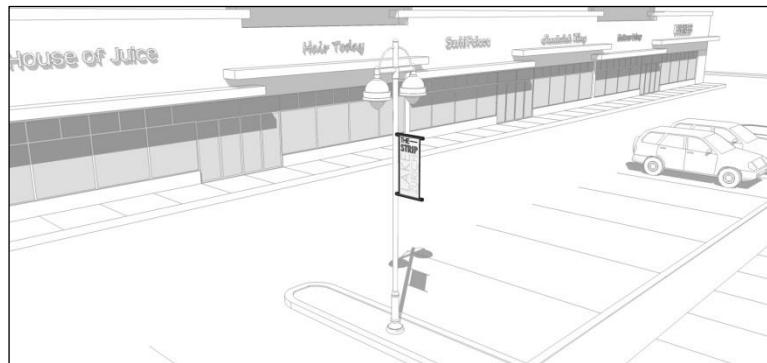
**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

**Landscape Business.** A business that provides services designing, installing, planting or maintaining yards, gardens, or other outside grounds, and where equipment, supplies, and plant material may be grown or stored on-site. A landscape business may include plant material available for retail sales.

**Landscaping.** Living plants including grass, shrubs and trees.

**Light Pole Banner.** Banners mounted on and with arms installed perpendicular to light poles.

#### LIGHT POLE BANNER



**Live Entertainment.** A venue that stages live performances, performed live by one or more persons including, but not limited to, musical acts including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, and may be included as part of the operation of a bar, restaurant, amusement facility, or similar use.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

**Lot.** Defined in Section 2.4.

**Lot Area.** Defined in Section 2.4.

**Lot, Corner.** Defined in Section 2.4.

**Lot Depth.** Defined in Section 2.4.

**Lot, Interior.** Defined in Section 2.4.

**Lot Line.** Defined in Section 2.4.

**Lot Line, Corner.** Defined in Section 2.4.

**Lot Line, Front.** Defined in Section 2.4.

**Lot Line, Interior.** Defined in Section 2.4.

**Lot Line, Rear.** Defined in Section 2.4.

**Lot Line, Street.** Defined in Section 2.4.

**Lot of Record.** A parcel of land that was lawfully recorded per the requirements of this Chapter.

**Lot Size.** See Lot Area.

**Lot, Through.** Defined in Section 2.4.

**Lot Width.** Defined in Section 2.4.

**Lumen.** A unit of measure of luminous flux.

**Luminaire, Light Luminaire.** The complete lighting assembly (including the lamp(s), housing, ballasts, photocells, globes, reflectors or refractors, lenses, sensors and shield(s) and excluding the support assembly or pole, mounting bracket and base) consisting of one or more lamps, together with the attachment parts designed to distribute light, position and connect the lamp to the power supply.

**Marquee.** A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

**Marquee Sign.** A sign that is a part of or attached to a marquee. Where designed as a changeable message, sign, the changeable message portion may be manually changed or electronically changed when permitted by this Article.

#### MARQUEE SIGN



**Mechanical Equipment.** Equipment installed as part of the principal building or site operation including, but not limited to, heating, ventilation, and air conditioning (HVAC) equipment, elevator bulkheads, and electrical generators.

**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

**Medical Cannabis Dispensing Organization.** A facility as defined in the compassionate use of medical cannabis pilot program act, 410 Illinois Compiled Statutes 130/1 et seq. (the "act"), subject to said medical cannabis dispensing organization being otherwise in full compliance with the act, including, but not limited to, the location restrictions as set forth in the act.

**Menuboard.** A sign constructed as part of drive-through facilities.

## MENUBOARD



**Micro-Brewery.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items; ancillary live entertainment for patrons of the tasting room is also permitted. Sales of alcohols manufactured outside of the facility are prohibited. (See "general industrial" for capacity in excess of 15,000 barrels per year.)

**Micro-Distillery.** A facility for the production and packaging of alcoholic beverages in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items; ancillary live entertainment for patrons of the tasting room is also permitted. Sales of alcohols manufactured outside of the facility are prohibited. (See "general industrial" for capacity in excess of 25,000 gallons per year.)

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items; ancillary live entertainment for patrons of the tasting room is also permitted. (See "general industrial" for capacity in excess of 25,000 gallons per year.)

**Motel.** An establishment that is designated for transient guests and which provides individual entrances to dwelling units from outside the building.

**Moving Sign.** A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles.

**Multi-Tenant Retail Center.** A group of three or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

**Neon.** A source of light for externally lit street signs supplied by a neon tube that is bent to form letters, symbols, or other shapes.

**Net Area.** The gross area of a parcel less land and water area required or proposed to be publicly dedicated. Land and water areas not so publicly dedicated or devoted shall be included in the calculation of net area.

**Nits.** A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source

**Nonconforming Lot.** A lot of record that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

**Nonconforming Sign.** A sign that once conformed to zoning district regulations but because of subsequent amendments to the Ordinance no longer conforms to applicable sign regulations.

**Nonconforming Site Element.** A site development element, such as landscape, fences or walls, lighting, and

parking, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

**Nonconforming Structure.** A principal or accessory structure that once conformed to zoning district regulations but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional standards.

**Nonconforming Use.** The use of a structure or land that at one time was an allowed use within a zoning district but because of subsequent amendments to the Ordinance is no longer allowed.

**Noncommercial.** A noncommercial message does not direct attention to a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises.

**Non-Residential Use.** A structure or land arranged, designed, used, or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other non-residential uses. Structures with dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Ordinance.

**Nursery/Greenhouse – Retail.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

**Office.** An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include bank or financial institution, government facility, or industrial design.

**Off-Premise Commercial Sign – Permanent.** A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also called a billboard.

**Off-Premise Commercial Sign – Temporary.** A temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any ground-mounted, building-mounted, or sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

**Off-Street Parking.** The storage space for an automobile on premises other than streets or rights-of-way.

**Open Space.** That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or plant resources.

**Organized Sporting Event.** A prearranged sports or recreational event involving at least one group or team with a roster and schedule.

**Outdoor Dining.** A seating area that is located outdoors and contiguous to a restaurant or bar/brew pub, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

**Outdoor Storage.** The storage of material outdoors as a principal use of land.

**Outlot.** An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

**Owner.** Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated; or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

**Parapet.** The extension of a false front or wall above a roof-line.

**Park.** A facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks,

passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor amusement facilities, including zoos and amphitheaters, ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

**Parking Lot.** An open, hard-surfaced area, other than a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge. This includes park-and-ride lots, where commuters and others park their vehicles and transfer to a bus, rail system (rapid transit, light rail, or commuter rail), or carpool, and the vehicle is left in the lot during the day and retrieved when the owner returns.

**Parking Structure.** A structure of one or more levels or floors used for the parking or storage of operable vehicles, whether for compensation or at no charge.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a parking space.

**Pennant.** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Performance Standards.** A set of criteria or limits relating to elements that a particular use or process must either meet or may not exceed.

**Pergola.** A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Permeable Paving.** A system of materials and techniques for paving roads, driveways, parking lots, walkways and similar surfaces that is designed to reduce the peak flow of runoff of water falling on the surface in a typical rainfall event by at least thirty three percent (33%) by allowing water to permeate through the surface material into an aggregate subbase, and eventually infiltrate the soil lying directly below, as determined by the director of community development.

**Permitted Use.** A use that is allowed in a zoning district without special approvals that meets the standards of this Ordinance.

**Personal Service Establishment.** An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

**Pervious Paving.** A range of sustainable materials and techniques for permeable paving with a base and sub-base that allow the movement of stormwater through the surface. Gravel and loose rock are not considered pervious paving.

**Places of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction.

**Plan Commission.** The plan commission of the village of Clarendon Hills.

**Plat.** A map, chart, and drawings that are appropriate for recording, and indicate the subdivision, consolidation, or resubdivision of land.

**Playing Field.** An open outdoor field or court used for, but not limited to, playing sports such as baseball, soccer, football, tennis, volleyball, and basketball.

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

**Porch – Unenclosed.** A porch that is open on all sides that do not abut a principal building wall.

**Porch – Enclosed.** A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

**Portable Reader-Board Sign.** A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable reader-board signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable reader-board signs do not include a-frame signs.

**Private Clubs or Lodge.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Property Line.** For the purposes of this Ordinance, a property line is a lot line. (See lot line definition.)

**Principal Building.** A non-accessory building in which a principal use of the lot on which it is located is conducted.

**Principal Use.** The main use of land or structures as distinguished from an accessory use.

**Public Improvements.** All improvements for which the City may ultimately assume responsibility for maintenance or operation, or which may affect an improvement for which City responsibility is established. This includes, but is not necessarily limited to, storm drainage, sanitary sewerage and water supply facilities, streets, curbs, gutters, sidewalks, parkways, trees, street lights, street signs, and other accessory works and appurtenances.

**Public Information/Event Sign.** Temporary signs that provide information on a public event or provide public information that contains no commercial advertising except for sponsor names and logos.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine units of public safety agencies.

**Public Works Facility.** A facility operated by the municipal or parish public works departments to provide municipal and parish services, including dispatch, storage, and maintenance of municipal vehicles.

**Pylon Sign.** A type of ground sign that is affixed, attached, or erected on one or more poles, uprights, or braces from the ground and not supported by a building or a base structure. Pylon signs are any ground signs that do not meet the design and construction standards of this Article for a ground sign. Pylon signs do not include permitted attention getting devices, such as temporary pole signs ground-mounted banners, or other freestanding signs specifically allowed by this Article.

#### PYLON SIGN



**Rain Barrel.** An above ground enclosed structure used for collecting rain water for use at a later time.

**Reception/Banquet Facility.** A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception/banquet facility is not operated as a restaurant with regular hours of operation.

**Recycling Container.** A container used to collect recyclables generated by the use on-site to be transported to a recycling center.

**Recreational Vehicle.** Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

**Refuse Dumpster.** A container used for collecting solid waste generated by the use on-site. Refuse dumpsters are picked up by a specially equipped truck for transporting the waste materials to the disposal site.

**Research and Development.** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

**Residential Care Facility.** A licensed care facility that provides 24-hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, hospice care, and continuum of care facilities.

**Residential Subdivision.** A residential neighborhood developed as an integrated whole and typically with a specific identity.

**Residential Use.** A structure arranged, designed, used, or intended to be used for residential occupancy by one or more families or households, which includes, but is not limited to, the following types: single-family – detached, two-family, townhouse, and multi-family dwellings. Structures with dwellings above ground floor non-residential uses are considered mixed-use development, which are considered a non-residential use for the purposes of this Ordinance.

**Restaurant.** An establishment where food and drinks are prepared and sold to the public, typically for on-premises consumption by seated patrons.

**Restaurant, Carry-Out.** A food establishment not providing drive-in or curb service, where food is prepared for sale and consumption primarily off the premises, and which devotes less than fifty percent (50%) of the gross floor area of the establishment to seating accommodations for patrons.

**Restaurant, Fast Food.** A food service establishment, with or without drive-in, drive-through or curb service, where food is prepared and supplied quickly and easily after ordering and with minimal service in order to be consumed as a quick meal or to be taken out.

**Resubdivision.** The division of an existing subdivision into additional lots

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

**Right-of-Way.** A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, parkways, sidewalks, and shoulders.

**Roof Sign.** A sign that is erected, constructed, or maintained on and/or extending above the roof structure or parapet of any building with the principal support attached to the roof structure.

#### ROOF SIGN



**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Safety Glass.** Glass designed to prevent splintering when broken, such as toughened/tempered glass, laminated glass, and wire mesh glass.

**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

**School - Primary or Secondary.** A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

**School - College or University.** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. School – College or University includes ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

**School - Trade or Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for *general educational development* or driving school. School – Trade or Vocational also applies to privately operated schools that do not offer a complete educational curriculum.

**Searchlight.** An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

**Self-Storage.** A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

**Setback.** Defined in Section 2.4.

**Setback, Below Grade Structure.** Defined in Section 2.4

**Setback, Front.** Defined in Section 2.4.

**Setback, Interior Side.** Defined in Section 2.4.

**Setback, Corner Side.** Defined in Section 2.4.

**Setback, Rear.** Defined in Section 2.4.

**Shed.** An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

**Sign.** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way.

**Sign Copy.** The elements of a sign that communicate the message including, but not limited to, words, logos, designs, figures, or other symbols that relay the subject matter or message.

**Significant Natural Resources.** Plant and animal species and the area capable of providing habitat for plant and animal species and capable of functioning to support environmental systems, including migratory patterns, and maintain the City's environmental balance. Such resources include, but are not limited to, woodlands, surface and groundwater, soils, drainage systems, wetlands, prairies, and grasslands.

**Specialty Food Service.** A business that specializes in the small quantity production and sale of specific food products, such as a coffee roaster, cheesemonger, candy maker, or meat market, and includes areas for ancillary retail sales and/or restaurants that sell and/or serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

**Stacking Space.** A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

**Stoop.** An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

**Street.** A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

**Street Line.** The right of way line of a street.

**Street Lighting.** One or more luminaires or light installations designed to illuminate a public roadway or intersection.

**Structural Alteration.** Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

**Structure.** A combination of materials assembled to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

**Subdivision.** The division of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots.

**Suspended Sign.** A sign suspended from the underside of the horizontal plane surface of an awning, canopy, cantilever, marquee, arcade, or gallery. Under-awning signs are distinct from blade signs, which are attached to the structure.

#### SUSPENDED SIGN



**Temporary Contractor's Office.** A temporary structure utilized as a watchman's quarters, construction office, equipment shed, or sales center during the construction of a new development.

**Temporary Mobile Food Sales.** A mobile food establishment where food preparation and service is housed in a truck or trailer or a non-motorized mobile food cart.

**Temporary Outdoor Entertainment.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

**Temporary Use.** A use established for a set period of time, with the intent to discontinue such use upon the expiration of such time, that does not involve the construction of any permanent structure(s).

**Townhouse.** A dwelling within a row of two (2) or more adjoining dwelling units, separated from the others by one or more unpierced walls extending from ground to roof.

**Trailer.** Any trailer, travel trailer, camping trailer, motorized home, or portable vehicle on wheels, skids, rollers, or blocks, either self-propelled or transportable by any other means, which is used for living, sleeping, storage, or commercial purposes.

**Transitional Yard.** A yard which is on a lot in a nonresidential district which abuts a yard in a residential district, or a yard in a multi-family district which abuts an R-1 single-family district, which requires traditional landscape buffering.

**Undeveloped Land.** Land where infrastructure has not been installed and that has not been built on. Undeveloped land does not include land in agricultural use.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

**Use.** The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Utility.** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication, and telephone cable, including facilities for the generation of electricity.

**Utility, Private.** Utilities that are not subject to City acceptance for operation or maintenance.

**Utility, Public.** Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

**Vehicle Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

**Vehicle Rental Agency.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

**Vehicle Repair.** A business that provides repair services to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles.

**Video Display Sign.** A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming.

**Village.** That area within the village limits of Clarendon Hills.

**Village Board.** The board of trustees of the village of Clarendon Hills.

**Village Manager.** The village manager of the village of Clarendon Hills or designee.

**Wall.** A constructed solid barrier of concrete, stone, brick, tile, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

**Wall Sign.** A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

## WALL SIGN



**Warehouse.** An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

**White Roof.** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

**Wholesale.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wind Turbine.** A device that converts the wind's kinetic energy into electrical energy. Also called a wind energy converter.

**Window Sign.** A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

## WINDOW SIGN



**Yard.** Defined in Section 2.4.

**Yard, Front.** Defined in Section 2.4.

**Yard, Interior Side.** Defined in Section 2.4.

**Yard, Corner Side.** Defined in Section 2.4.

**Yard, Rear.** Defined in Section 2.4.

**Zoning Board.** The Zoning Board of Appeals/Plan Commission (ZBA/PC) of the Village of Clarendon Hills.

**Zoning Lot.** A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a lot of record.

**Zoning Lot Line.** A property line forming the front, side or rear boundary of a zoning lot.

**Zoning Map.** The map or maps that are a part of this Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Village.

**Zoning Administrator.** The Community Development Director of the Village of Clarendon Hills, or designee, assigned the duties and responsibilities of zoning enforcement and administration.

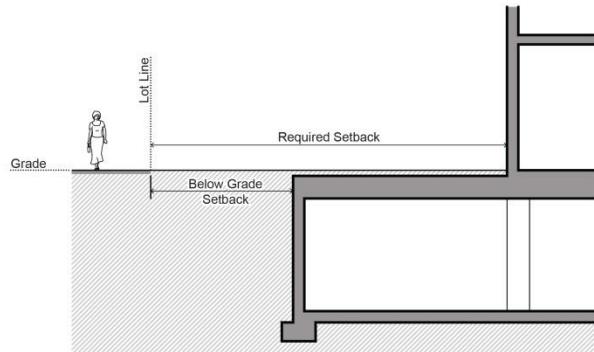
## 2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

### A. Below Grade Setback

In certain Business Districts, the portion of the structure that is below grade is subject to a lesser setback than: a) the normally applicable yards; and b) the “yard abutting a residential property.” This lesser setback is only applicable where the below grade portion of the building subject to the lesser setback is fully below grade and not visible to public view by means of landscaping or a permitted accessory use, such as a courtyard, terrace or parking.

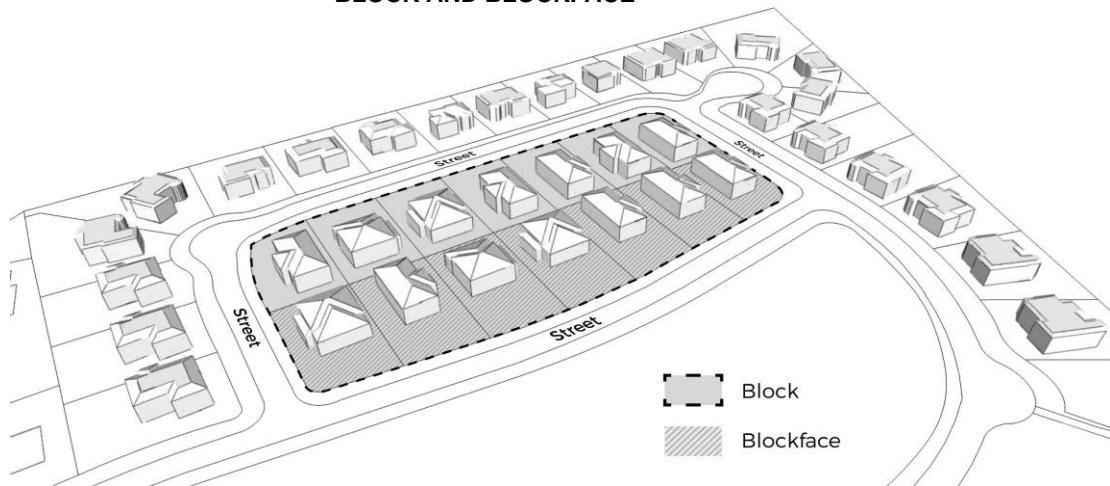
#### BELOW GRADE SETBACK



### B. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

#### BLOCK AND BLOCKFACE

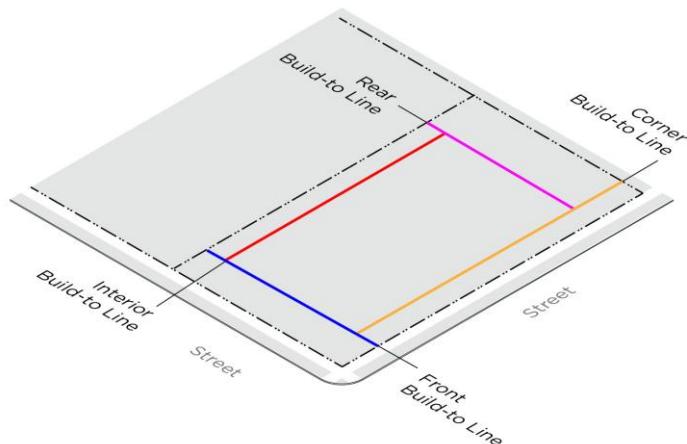


### C. Build-To Dimensions

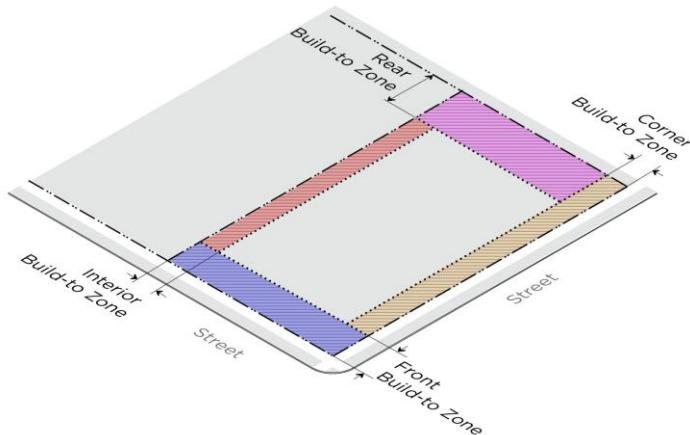
Certain dimensional requirements with the district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Ordinance includes three types of build-to dimensions:

1. A build-to line (BTL) is a set building line on a lot, measured parallel from the front and/or corner side lot line, where the structure must be located.
2. A build-to zone (BTZ) is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must locate within the minimum and maximum range of setback provided.
3. A build-to percentage specifies the percentage of the building facade that must be located along a build-to line or within a build-to zone. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.

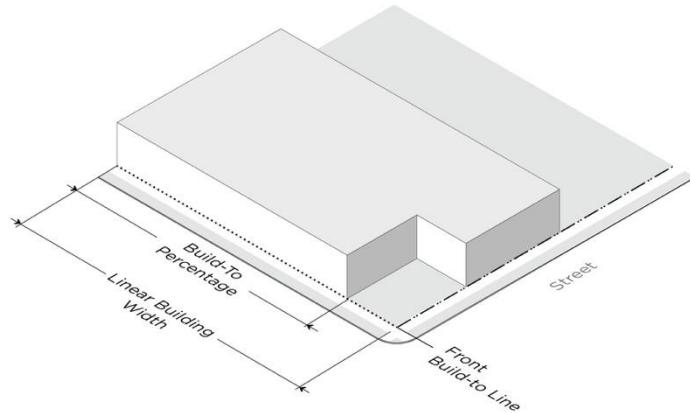
#### BUILD-TO LINE



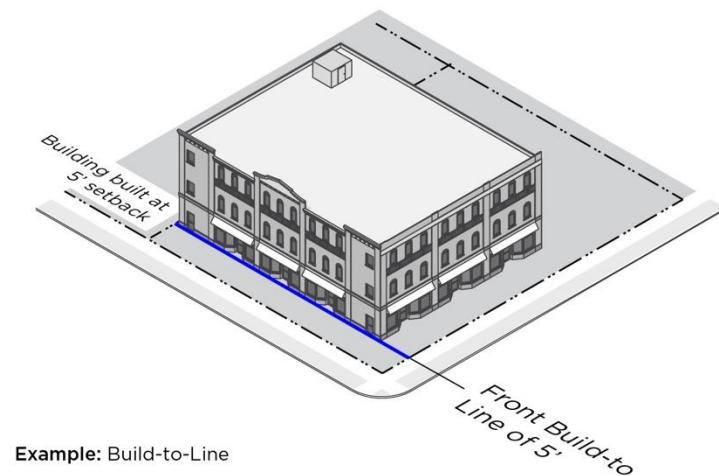
#### BUILD-TO ZONE

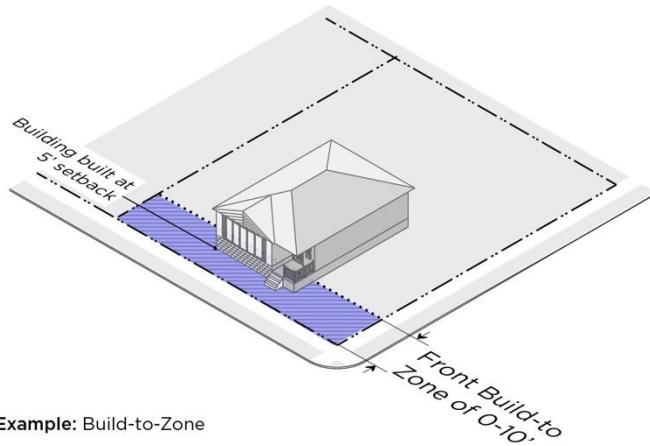


## BUILD-TO PERCENTAGE



**The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.**





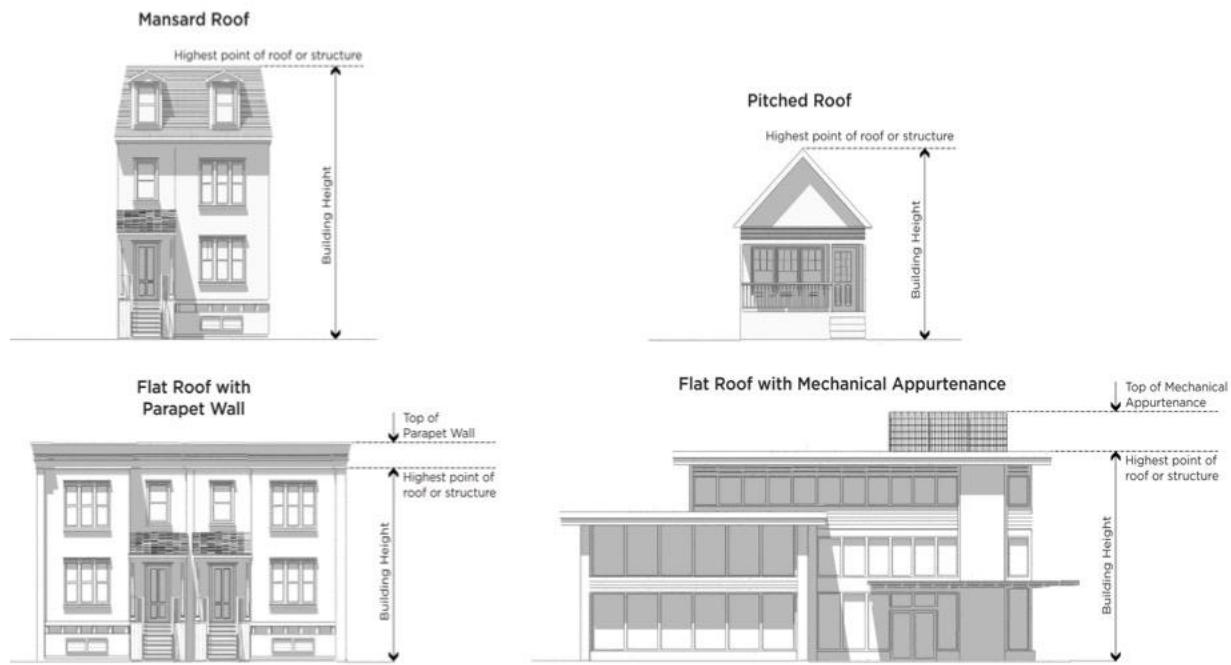
#### D. Building Coverage

That portion of the lot that is covered by principal buildings and accessory structures.

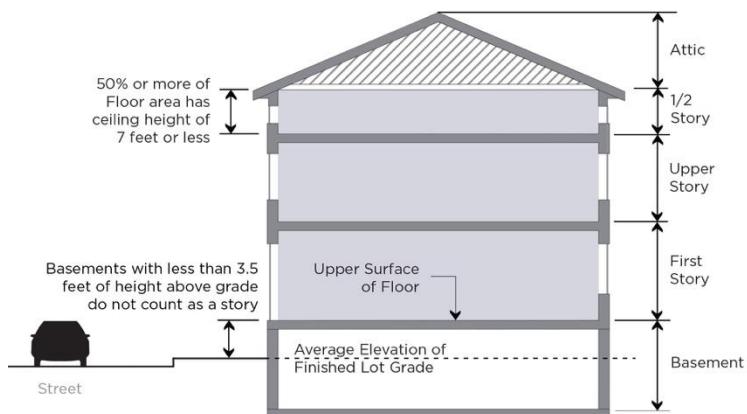
#### E. Building Height

1. The vertical distance measured from existing grade at the middle of the front of the building to the highest point of the roof, excluding elevator or mechanical equipment rooms, provided that where buildings are set back from the street line, the height of the building may be measured from the average ground elevation of the finished lot grade as defined and as shown below.
2. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
  - a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Ordinance.
  - b. Water tanks and standpipes.
  - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.
3. A story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, including any portion of a building used for human occupancy between the topmost floor and the roof. Basements with less than 3.5 feet of height above grade do not count as a story.

## BUILDING HEIGHT



## STORY



### F. Caliper

Tree caliper is the diameter of a tree trunk, measured at four and one-half feet above the adjacent ground.

### G. Floor Area

#### 1. Floor Area

For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior face of exterior walls or from the centerline of walls separating two buildings or uses.

- a. The floor area of a building includes:

- i. That portion of the basement where the bottom of the first floor joists is more than 3.5 feet above the existing grade adjoining the foundation areas, elevator shafts, and stairwells at each floor

ii. Floor space used for mechanical equipment (except equipment located on the roof-penthouses-attic)

iii. Space in a story other than a basement or attic having headroom of seven feet or more

iv. Portions of a finished or unfinished house or garage attic with a height of seven feet or more, even if the space is interrupted with cross ties or has a truss design, interior balconies, atriums, open spans, mezzanines, enclosed porches, attic spaces with bath facilities, and floor area devoted to accessory uses.

b. For purposes of the foregoing, house and attached garage attic floor area is measured from a height of nine feet above the floor of the house/attached garage attic area, and detached garage and accessory structure attic floor area is measured from a height of 8.5 feet above the finished floor.

c. For any floor area that has a floor to ceiling height of more than 14 feet, such floor area is counted an additional time for every additional 14 feet, or portion thereof, by which said floor to ceiling height exceeds 14 feet.

d. Any space devoted to off-street parking or loading, and up to 484 square feet of garage area accessory to a detached single-family home, is excluded from the calculation of floor area.

## **2. Floor Area Ratio (FAR)**

The Floor Area Ratio (FAR) of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

## **3. Gross Floor Area (GFA)**

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

## **H. Impervious Surface Coverage Ratio**

### **1. Impervious Surface Coverage Ratio Defined**

The "impervious surface ratio" of any zoning lot is the total area of impervious surface located upon a zoning lot, minus one-half (1/2) the total area of impervious surface that is classified as "permeable paving", divided by the area of such zoning lot.

### **2. Impervious Surface**

All exterior portions of a zoning lot surfaced or covered at grade level with buildings (excluding projecting eaves), structures, concrete, asphalt, bricks, concrete or stone paving units, plastic, metal or similar materials which do not permit water falling on their surface to pass through to the soil lying underneath the material.

### **3. Pervious Paving**

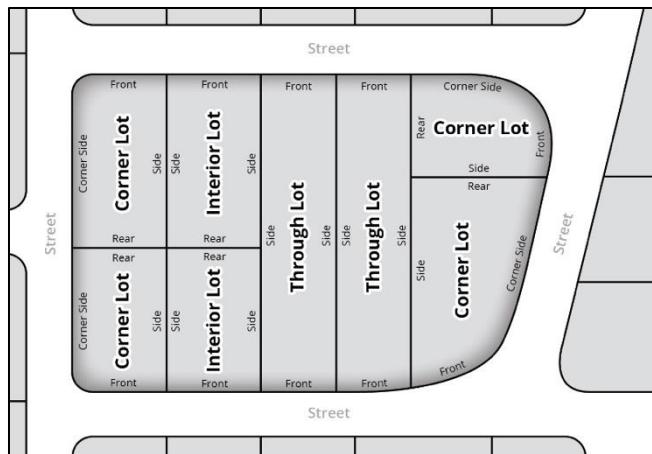
A type of paving that allows a portion of the rain water to pass through to the soil below. The minimum level of permeability of the paving to qualify as "permeable paving" shall be 33%.

## **I. Lot**

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.

## LOT TYPES



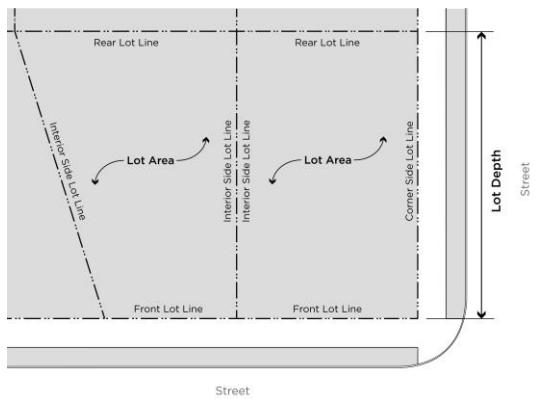
### **J. Lot Area**

The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet.

### **K. Lot Depth**

The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is the depth calculated at the deepest part of the lot.

## LOT AREA AND LOT DEPTH



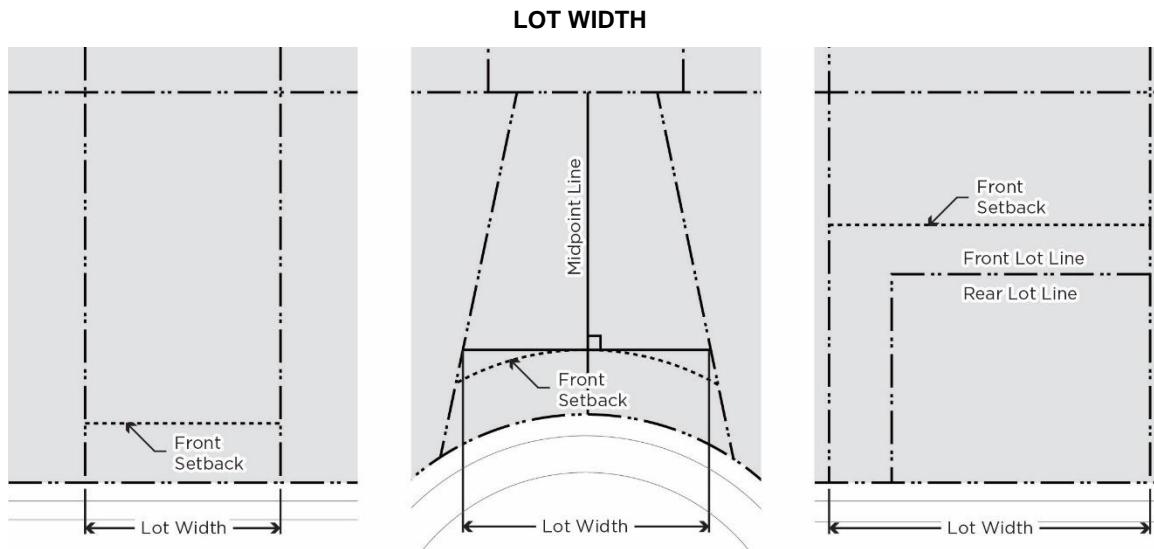
### **L. Lot Line**

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
2. A rear lot line is the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. On a corner lot, the corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts the adjacent lot.
5. A street lot line is any lot line separating a lot from a street right-of-way.

## M. Lot Width

1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone.
2. On a lot with a radial (curved) front lot line, lot width is measured as follows:
  - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
  - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
  - c. Lot width is determined as the length of the line between side lot lines.
3. For flag lots, lot width is measured at the required front setback as defined in this section.



## N. Sign Dimensions

### 1. Calculation of Sign Area

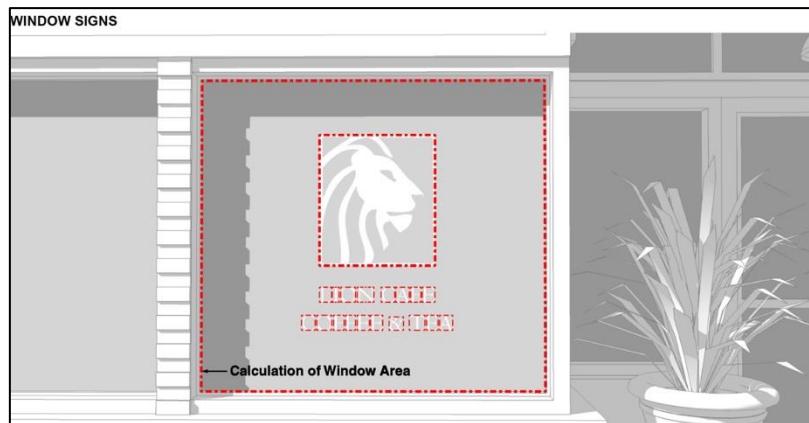
- a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof, that encompasses each individual letter, logo, background or display.

### SIGN AREA



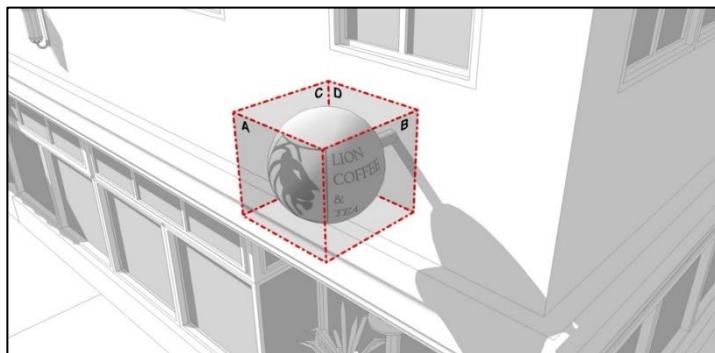
b. Window area for the purpose of calculating maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Only the individual letters or logos of the window sign shall be used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door shall be exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

#### WINDOW SIGN AREA



c. The sign area of a free-form, sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest three-dimensional regular shape that will encompass the sign.

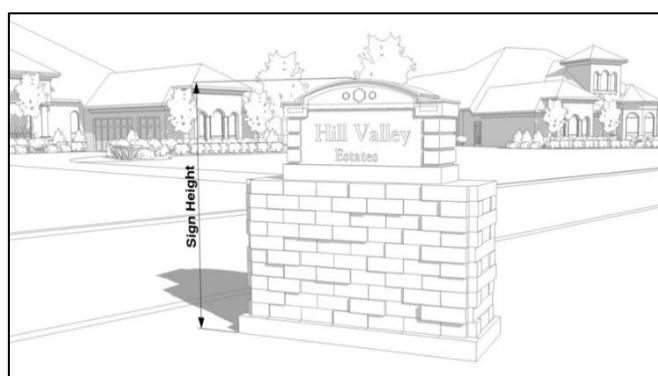
#### FREE-FORM, SCULPTURAL (NON-PLANAR) SIGN AREA



#### SIGN HEIGHT

##### 2. Measurement of Sign Height

For ground signs, sign height is measured as the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including any decorative elements. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction, exclusive of any fill, berm, mound, or excavation solely for the purpose of locating the sign, whichever is lower.



### 3. Measurement of Vertical Clearance

For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

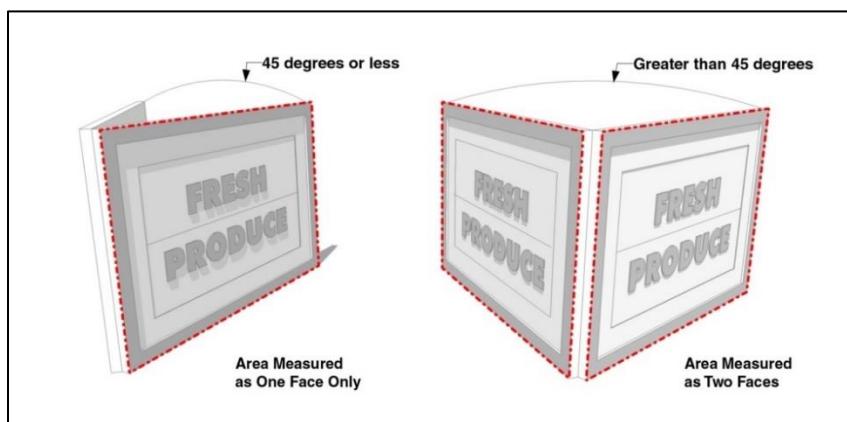
#### VERTICAL CLEARANCE



### 4. Determination of Number of Sign Faces

If the interior angle between two sign faces is 45° (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than 45° (degrees), the total sign area is computed as the sum of the areas of the two faces.

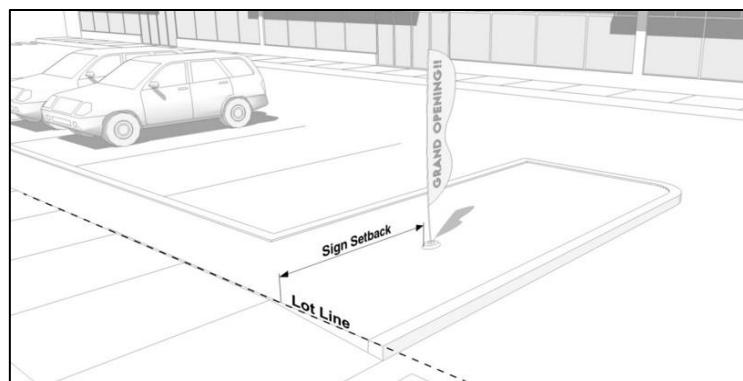
#### SIGN FACE



#### SIGN SETBACK

### 5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest point of the sign.



## O. Yards and Setbacks

### 1. General Definitions

- a. A yard is the open space area between the building line of a principal building and the adjoining lot lines, exclusive of facade articulation, such as window or wall recesses and projections.
- b. A setback is the dimensional distance of a yard between the building line and the lot line.
- c. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code.
  - i. A build-to zone or build-to line is considered a required setback.
  - ii. In the case of a build-to line, the setback is where the principal building must be located.
  - iii. In the case of a build-to zone, the setback is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- d. A setback may be equal to or less than a yard.
- e. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

### 2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. Front setbacks on irregular lots are subject to the additional provisions:
  - i. On a lot with a radial (curved) front lot line, the required front setback follows the curve of the lot line.
  - ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.

### 3. Interior Side Yard and Interior Side Setback

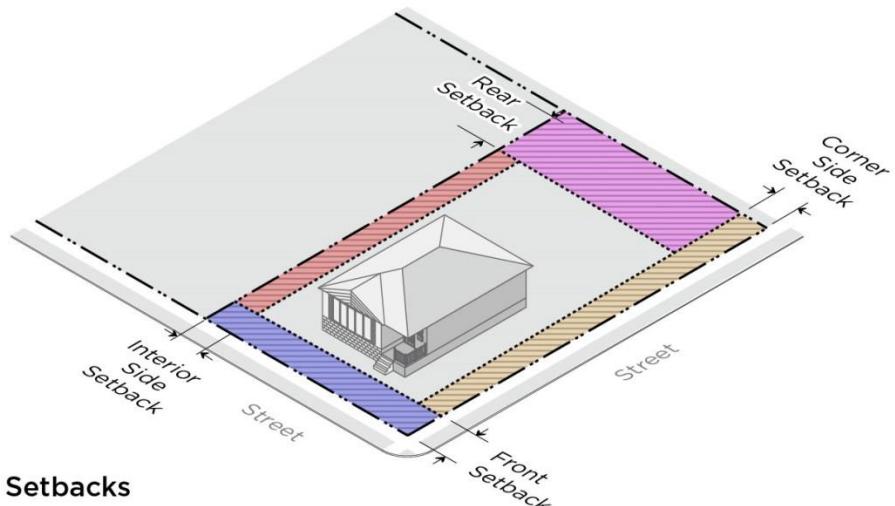
The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.
- b. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For townhouse developments, the interior side yard and interior side setback are applicable to end units only.

### 4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.
- b. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.



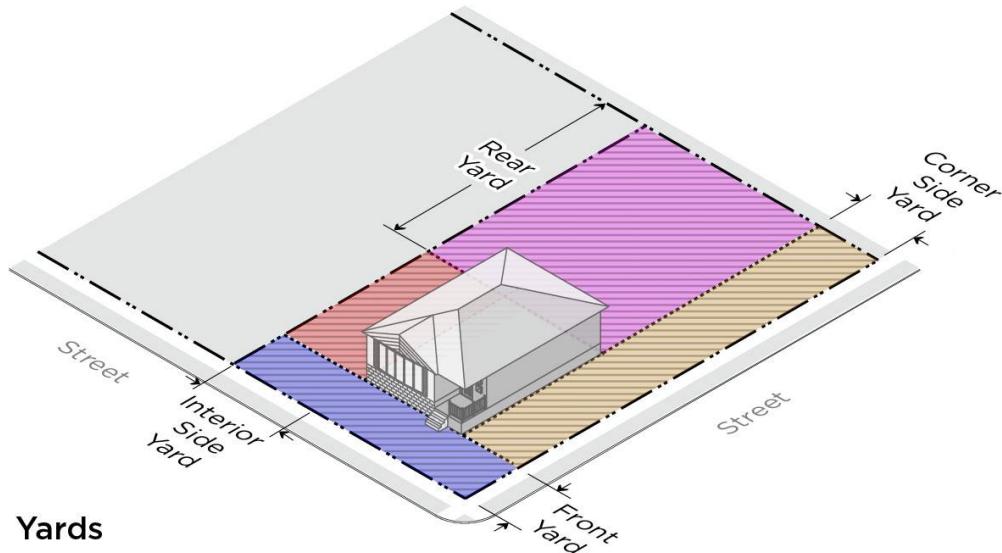
## 5. Rear Yard and Rear Setback

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a. Rear Yard: A rear yard is located between a principal building line and the rear lot line.
- b. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the, measured perpendicular to the rear lot line.

## 6. Yard and Setback Requirements for Through Lots

For through lots, both the front and the rear required setbacks must meet the required front setback of the zoning district.



## **ARTICLE 3. ZONING DISTRICTS**

- 3.1 DISTRICTS**
- 3.2 ZONING MAP**
- 3.3 ANNEXED LAND**
- 3.4 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES**

### **3.1 DISTRICTS**

In order to carry out the purpose and intent of this Ordinance, the Village of Clarendon Hills is divided into the following zoning districts:

#### **A. Residential Districts**

- R-1 Single Family Residential District
- R-2 Medium Density Residential District
- R-3 Multi-Family Residential District

#### **B. Business Districts**

- B-1 Retail Business District
- B-2 General Business District
- B-3 Highway Business District
- L-O Limited Office District
- O-T Office Transitional District

#### **C. Public and Institutional District**

- P-I Public and Institutional District

#### **D. Overlay District**

- Downtown Design Review Overlay District

### **3.2 ZONING MAP**

#### **A. Location of Districts**

1. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.
2. It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, are included in the zoning districts established by this Ordinance. Any land lying within the Village, but not shown on the Official Zoning Map as being included within a district, is classified as the R-1 Residential District.

#### **B. Interpretation of Boundary Lines**

##### **1. Right-of-Way Lines**

Where zoning district boundary lines coincide with streets, highways, expressways, easements, railroads, or waterways (streams, rivers, canals, lakes, or other bodies of water), the boundary line is construed to be the centerline of the right-of-way.

##### **2. Property Lines**

Where zoning district boundary lines coincide with a recorded property line, the property line is construed to be the boundary line of the district.

##### **3. Scaled Lines**

Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) by using the map scale as provided on the Official Zoning Map.

##### **4. Clarification of Boundary Lines**

The Zoning Board will decide any interpretations of zoning district boundary lines, where the application of items 1 through 3 of this section above leaves doubt as to the boundary between two zoning districts.

### **3.3 ANNEXED LAND**

Any territory annexed into the Village is automatically, upon annexation, zoned as the R-1 Residential District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.

### **3.4 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES**

**A.** The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells.

**B.** This exemption does not include utilities, wireless telecommunications, amateur HAM radio towers, solar energy systems, or wind energy systems. All such structures must comply with this Ordinance and any other applicable Village ordinances.

## ARTICLE 4. RESIDENTIAL DISTRICTS

- 4.1 PURPOSE STATEMENTS
- 4.2 USES
- 4.3 DIMENSIONAL STANDARDS
- 4.4 GENERAL STANDARDS OF APPLICABILITY

### 4.1 PURPOSE STATEMENTS

#### A. R-1 Single Family Residential District

The R-1 Single Family Residential District is intended to accommodate single-family residential use on lots not less than 9,000 square feet in area and widths not less than 60 feet.

#### B. R-2 Medium Density Residential District

The R-2 Medium Density Residential District is intended to accommodate moderate density residential use, which could take the form of a variety of building types. The R-2 Medium Density Residential District is not intended to be located in Clarendon Hill's traditional single-family neighborhoods, but rather in transitional locations adjacent to commercial/business districts. This district may also be appropriate in existing unincorporated areas where the redevelopment of existing large lot residences is needed to spur area improvement and annexation into Clarendon Hills.

#### C. R-3 Multiple-Family Residential District

The R-3 Multiple-Family Residential District is intended to accommodate moderate-density, townhouse and multiple-family residential dwellings, which could take the form of apartments, condominiums, or townhouses. Single-family and two-family dwellings are not appropriate for the R-3 District, which is intended for higher density development.

### 4.2 USES

Article 8 lists permitted and conditional principal uses and temporary uses allowed in the residential districts as well as regulations for specific uses in Section 8.3 Principal Use Standards.

### 4.3 DIMENSIONAL STANDARDS

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for principal structures in the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

**Table 4-1: Residential Districts Dimensional Standards**

<b>Bulk Regulations</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
Minimum Lot Area	9,000sf	Single Family: 5,000sf Two Family: 7,000sf Townhouse: 3,500sf/Unit Multi-Family: 3,000sf/Unit	20,000sf
Maximum Net Density	-	-	19 du/acre
Minimum Lot Width	60'	35'	80'
Minimum Lot Depth <sup>1</sup>	110'	110'	-
Maximum Building Height	37.5'	40'	40'
Maximum Building Coverage	30%	40%	50%
Maximum Impervious Surface Coverage Ratio	0.55 for first 9,000 SF; 0.30 for remainder of zoning lot area	.55	0.65
Maximum FAR <sup>1</sup>	0.40 for first 9,000 SF; 0.20 for remainder of zoning lot area	.45	-
<b>Setback Requirements</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
Minimum Front Yard	Equal to the average of existing setback of the blockface	30'	20'
Minimum Interior Side Yard	10% of zoning lot width measured at front yard setback line or 6', whichever is greater	5'	6'
Minimum Corner Side Yard	20% of zoning lot width for Side Yard along street measured at front yard setback line or 15', whichever is greater	15'	30'
Minimum Rear Yard	25'	25'	15'
Minimum Yard Abutting Single-Family Dwelling	NA	10'	10'

<sup>1</sup> Up to 484sf of garage area is not counted in the computation of floor area

#### **4.4 GENERAL STANDARDS OF APPLICABILITY**

All use and development in residential districts must conform to:

##### **A. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as accessory structures and uses, fences and walls, exterior lighting, and permitted encroachments.

##### **B. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

##### **C. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.

## ARTICLE 5. BUSINESS DISTRICTS

- 5.1 PURPOSE STATEMENTS
- 5.2 USES
- 5.3 DIMENSIONAL STANDARDS
- 5.4 GENERAL STANDARDS OF APPLICABILITY

### 5.1 PURPOSE STATEMENTS

#### A. B-1 Retail Business District

The B-1 Retail Business District is intended to promote a vital core area of retail businesses within Clarendon Hills' pedestrian-oriented downtown area. Uses appropriate for the B-1 Retail Business District include sales tax producing uses such as retail stores, and eating and drinking establishments. Residential use is appropriate for upper story space. The B-1 District is also intended to preserve and enhance the traditional character of the downtown area.

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

The downtown B-2 General Business District is intended to control development within the downtown area that is outside the B-1 District's retail core, allowing for a broader mix of businesses that contribute to the synergy of the downtown area. Uses appropriate for the B-2 General Business District include retail stores, eating and drinking establishments, retail service businesses, and offices. Residential use is appropriate for upper story space. The B-2 District is also intended to preserve and enhance the traditional character of the downtown area.

#### C. B-3 Highway Business District

The B-3 District is intended to promote business use and development along arterial streets and highways, allowing for a wide range of retail, service, and general commercial uses. Residential use is not permitted.

#### D. L-O Limited Office District

The L-O Limited Office District is intended to facilitate small-scale office use along arterial streets that is compatible with adjacent single family residential uses. The L-O Limited Office District includes architectural, site design and operational regulations that minimize any impact that might affect adjacent single family residential uses.

#### E. O-T Office Transitional District

The O-T Office Transitional District is intended to serve as a transitional area between the B-3 Highway Business District and residential uses along arterial streets. The O-T Office Transitional District is not appropriate for high intensity commercial uses, but rather for lower intensity office, healthcare, institutional and governmental uses.

### 5.2 USES

Article 8 lists permitted and conditional principal uses and temporary uses allowed in the Business Districts as well as regulations for specific uses in Section 8.3 Principal Use Standards.

### 5.3 DIMENSIONAL STANDARDS

Table 5-1: Business Districts Dimensional Standards establish the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 5-1: Business Districts Dimensional Standards					
	B - 1	B - 2	B - 3	L - O	O - T
<b>BULK</b>					
Minimum Lot Area	None	None	22,500sf	9,000sf	43,560sf
Minimum Lot Width	None	None	75'	60'	100'
Maximum Building Height: Feet	40'	40'	40'	35'	100'
Maximum Building Lot Coverage	80%	80%	50%	30%	60%
Maximum Impervious Surface Ratio	None	None	None	.55 for first 9,000sf; .30 above 9,000sf	.80
<b>SETBACKS</b>					
Minimum Front Setback	None	None	60'	40'	20' or average of existing blockface
Minimum Interior Side Setback	None	None	5'	6'	10'
Minimum Rear Setback	None	None	20'	25'	25'
Minimum Yard Abutting Residential	25'	25'	25'	10'	Equals height of building
Minimum Below Grade Setback	5'	5'	5'	NA	10'

(Note: the "Minimum Below Grade Setback" is new and allows for underground facilities that would not violate the "Minimum Yard Abutting a Residential Property" requirement. See Section 2.4 Rules of Measurement)

#### **5.4 GENERAL STANDARDS OF APPLICABILITY**

All uses and development in business districts must conform to:

##### **A. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

##### **B. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

##### **C. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.

## ARTICLE 6. PUBLIC AND INSTITUTIONAL DISTRICT

- 6.1 PURPOSE STATEMENT
- 6.2 USES
- 6.3 DIMENSIONAL STANDARDS
- 6.4 GENERAL STANDARDS OF APPLICABILITY

### 6.1 PURPOSE STATEMENTS

#### A. P-I Public-Institutional District

The P-I Public-Institutional District is intended to accommodate all public and institutional development in the community, such as public and private schools, public parks, golf courses, governmental facilities, fraternal organizations, places of worship and other similar public or institutional uses.

### 6.2 USES

Article 8 lists permitted and conditional principal uses and temporary uses allowed in the P-I Public-Institutional District as well as regulations for specific uses in Section 8.3 Principal Use Standards.

### 6.3 DIMENSIONAL STANDARDS

Table 6-1: P-I Public-Institutional District Dimensional Standards establish the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 6-1: P-I Public-Institutional District Dimensional Standards		P-I
<b>Bulk Standards</b>		
Minimum Lot Area		20,000sf
Minimum Lot Width		75'
Maximum Building Height: Feet		40'
Maximum Building Lot Coverage		50%
Maximum Impervious Surface Coverage Ratio		.60
<b>Setback Standards</b>		
Minimum Front Setback		40'
Minimum Interior Side Setback		10'
Minimum Corner Side Setback		25'
Minimum Rear Setback		40'
Minimum Yard Abutting a Residential District		40'
Minimum Separation Between Buildings on the Same Lot		20'

### 6.4 GENERAL STANDARDS OF APPLICABILITY

All uses and development in P-I Public-Institutional District must conform to:

#### A. Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

#### B. Off-Street Parking and Loading

See Article 10 for off-street parking and loading standards and requirements.

#### C. Landscape

See Article 11 for landscape, buffering, and screening standards and requirements.

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## ARTICLE 7. D-O DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT

- 7.1 PURPOSE STATEMENT
- 7.2 USES
- 7.3 DIMENSIONAL STANDARDS
- 7.4 GENERAL STANDARDS OF APPLICABILITY
- 7.5 LEVELS OF MODIFICATION
- 7.6 APPLICATIONS
- 7.7 DESIGN STANDARDS
- 7.8 APPROVAL PROCESS

### 7.1 PURPOSE STATEMENTS

#### A. D-O Downtown Design Review Overlay District

The D-O Downtown Design Review Overlay District is intended to facilitate a higher level of design review and design regulation for development in the area surrounding Clarendon Hills' downtown. This higher level of design review/regulations is needed to protect the character of the greater downtown area and address the complexity of issues typically involved in downtown development. The D-O District is an overlay district that covers multiple zoning districts and applies extra regulations in addition to those within the underlying districts. While this overlay district covers multiple zoning districts, the intent of the overlay district is to promote a downtown area exhibiting unified character. For this reason, the consideration of deviations in the yard requirements of the underlying zoning district will be part of the design review process.

### 7.2 USES

The D-O District does not affect the permitted, conditional, or temporary uses allowed in the underlying districts, which are established in Article 8.

### 7.3 DIMENSIONAL STANDARDS

The D-O District allows for deviations in the yard requirements of the underlying zoning district, which will not require a variance due to the high level of design review conducted in this process. All other dimensional standards and regulations of the underlying districts apply.

### 7.4 APPLICABILITY

The requirements of the D-O District apply to all properties proposed for modification/alteration, except for those used for single family residential use. The issuance of a Certificate of Downtown Design Review Approval for the subject property are required for the issuance of any of the following:

#### A. Sign Permits

See Article 12 for regulation of signs.

#### B. Building Permits

A Certificate of Downtown Design Review Approval shall be required as a condition of building permit approval for any exterior modification.

#### C. Site Alteration

A Certificate of Downtown Design Review Approval shall be required prior to any site modification, even where no Village permits are required.

#### D. Modification of Exterior Building Colors or Materials

A Certificate of Downtown Design Review Approval shall be required prior to any modification of exterior building colors or materials, even where no Village permits are required.

### 7.5 LEVELS OF MODIFICATION

The Village hereby establishes three levels of alteration/modification of property within the D-O District, which determine the process for approval. The three levels are defined below.

#### A. Level 1 Modifications

These are the lowest level of modification to the exterior of a building or property and consist of:

1. Painting.

2. Installing/changing awnings, signs, shutters, windows, doors, coping, gutters, downspouts, or roofing.
3. Modifying site plant materials or paving.
4. Modifying exterior trim carpentry with like materials and details.
5. Normal repairs and maintenance.

#### **B. Level 2 Modifications**

These are more major modifications to the exterior of a building or property and consist of:

1. Construction, removal or relocation of window and door openings.
2. Changing exterior building materials, except that flat roofs are exempt.
3. Removal of building components including coping, gutters, downspouts, and trim carpentry.
4. Removal of site features such as plant material and paving.
5. Installation of accessory structures/elements including lighting, fencing, HVAC equipment, and refuse/recycling containers and screening.

#### **C. Level 3 Modifications**

These involve the construction of new buildings and structures, including:

1. Entirely new buildings or structures.
2. Additions to existing buildings or structures.
3. Demolition of existing buildings or structures.

### **7.6 APPLICATIONS**

Applicants shall make application for Downtown Design Review Approval by completing the application packet and instructions provided by the Director of Community Development. A summary of the application/submission requirements is outlined below:

#### **A. Level 1 Modifications**

1. A completed application form obtained from the Director of Community Development.
2. Samples of materials proposed for modification as required by the Director of Community Development.
3. Exhibits showing:
  - a. Exterior elevations illustrating the proposed modifications.
  - b. Photographs of existing conditions on the property.

#### **B. Level 2 and 3 Modifications**

Applications must include all materials required for Level 1 modifications, plus the following, provided that the Director of Community Development can waive any of these materials if deemed not applicable.

1. A plat of survey.
2. A site plan showing proposed changes in relation to existing conditions.
3. Either the plat of survey or the site plan must show existing utilities such as overhead wires, light fixtures, and fire hydrants, on or adjacent to the property.
4. Location of all existing and proposed accessory structures.
5. A grading plan, as required by Chapter 10 of the Municipal Code (Stormwater Control).
6. A landscape plan, required if modification of existing landscaping is proposed.
7. Any modification to paved surfaces.
8. Any modification of signage.

## **7.7 DESIGN STANDARDS**

Two levels of design standards shall be used to evaluate applications. Mandatory standards must be met in order to receive approval. Design guidelines represent objectives that should be fulfilled to the greatest extent possible, but may not be practically achievable in every instance, depending on site/property conditions.

### **A. Mandatory Standards**

An affirmative finding of the following mandatory standards is a condition of approval:

1. All sides of a building or structure must receive design consideration commensurate with its effect or impact on the character/appearance of the downtown.
2. Mechanical and service equipment must be located, designed and screened to not be visible from public streets or adjacent properties.
3. Accessory structures and uses, including parking lots, outdoor storage and refuse areas, must be effectively screened by landscaping and/or fencing to not impact adjacent properties.
4. Building design must reinforce the street wall in the immediate area.
5. Buildings and site improvements shall be designed in harmony with the existing topography such that no retaining walls are used and topographic grades do not exceed 15%. Berms used for screening may be allowed where appropriate.
6. Principal buildings must be designed to be pedestrian friendly.
7. Landscaping must be designed to be compatible with the northern Illinois climate to minimize plant mortality and promote healthy and vigorous growth. The use of native plants is encouraged.
8. Parking and site circulation must be designed to maximize safety and achieve efficient traffic flow.
9. Signage must be designed to reinforce the traditional character of the downtown and avoid practical or aesthetic impacts on adjacent properties.

### **B. Design Guidelines**

Approvals must be based on the reasonable fulfillment of the following design guidelines, where such guidelines are applicable to conditions on and surrounding the property:

1. Building elevations facing a residential lot or district must be designed in a compatible manner with respect to materials, colors and design details.
2. Building design must be respectful of, and compatible with, other surrounding buildings on adjacent properties, without replicating or nearly replicating any adjacent buildings such that design monotony is created.
3. Buildings and site improvements must be designed to preserve, where practical, existing vegetation and natural features.
4. Site accessories, such as light fixtures, fences, and miscellaneous structures, must be designed to be compatible with the overall character of the downtown and to avoid practical or aesthetic impacts on adjacent properties.
5. Accessory buildings must be consistent with the principal structure, and project design as a whole, in terms of building materials, scale, and style/character.

## **7.8 APPROVAL PROCESS**

### **A. Pre-Application Meeting**

Pre-application meetings with the Director of Community Development are not mandatory, but are strongly encouraged to ensure that applicants understand: 1) the submittal requirements; 2) the standards and guidelines upon which approvals and denials are based, and 3) the approval process. The Director of Community Development shall notify applicants of any deficiencies in applications, which shall require correction prior to processing.

### **B. Zoning Analysis**

Upon submittal of an application, the Director of Community Development shall analyze the application to determine if the proposal meets the all regulations of this Ordinance. The findings of such analysis shall be transmitted to the application. If it is found that the application requires a special use permit or variations, the

applicant shall decide to either revise the application or apply for variances for approval of these violations. At the discretion of the Director of Community Development, applications for Downtown Design Review may be heard concurrently with applications for a special use permit or variations.

### **C. Determination of Modification Level**

The Director of Community Development shall analyze all applications and make a determination of the level of modification inform the applicant accordingly within ten (10) days from the submission of a complete application.

### **D. Level 1 Modifications Decided by the Director of Community Development**

All applications that involve Level 1 Modifications are decided by the Director of Community Development.

#### **1. Non-Mandatory Meeting**

Upon notification by the Director of Community Development that the application constitutes a Level 1 Modification, the applicant shall have ten days in which to meet with the Director of Community Development to present and discuss the proposed modifications.

#### **2. Findings and Decision**

The Director of Community Development shall transmit written findings of approval, approval with conditions, or denial to the applicant within 21 days from the submission date of a completed application.

#### **3. Appeals**

Decisions of the Director of Community Development may be appealed to the Downtown Design Review Commission.

### **E. Level 2 Modifications Decided by the Downtown Design Review Commission**

All applications that involve Level 2 Modifications are heard and decided by the Downtown Design Review Commission.

#### **1. Mandatory Downtown Design Review Commission Meeting**

The applicant shall attend a mandatory public meeting with the Downtown Design Review Commission, to be held within 40 calendar days of the submission of a complete application, to present the proposal and to respond to questions. Notice of the meeting shall conform to Article 15.

#### **2. Action by the Downtown Design Review Commission at Meeting**

Following the applicant's presentation of the proposal, and subsequent discussion, the Downtown Design Review Commission shall make findings relative to the Mandatory Standards and Design Guidelines established above, and either approve, approve with conditions, or deny the application. Within ten calendar days of the meeting, the Director of Community Development shall prepare a report to document the action taken by the Downtown Design Review Commission, and transmit the report to the applicant.

#### **3. Appeal of Decisions by the Downtown Design Review Commission**

Appeals of the decisions by the Downtown Design Review Commission by the applicant or by an adjacent property owner must be filed with the Director of Community Development within 30 days of the action taken by the Downtown Design Review Commission. Within 30 days of receipt of the appeal, the Village Board takes action on the appeal. The Village Board shall review the findings of the Downtown Design Review Committee and either affirm, affirm with modifications, or reverse the decision. Within ten days of the Board of Trustee's action, the Director of Community Development shall prepare a report to document the action taken and transmit the report to the applicant.

### **F. Level 3 Modifications Decided by the Village Board**

All applications that involve Level 3 Modifications are heard by the Downtown Design Review Commission, which shall forward its recommendation to the Village Board for final action.

#### **1. Mandatory Downtown Design Review Commission Meeting**

The applicant shall attend a mandatory public meeting with the Downtown Design Review Commission, to be held within 40 calendar days of the submission of a complete application, to present the proposal and to respond to questions. Notice of the meeting shall conform to Article 15.

## **2. Recommendation by the Downtown Design Review Commission at Meeting**

Following the applicant's presentation of the proposal, and subsequent discussion, the Downtown Design Review Commission shall make findings relative to the Mandatory Standards and Design Guidelines established above, and recommend either approval, approval with conditions, or denial of the application, which shall be forwarded to the Village Board. Within 30 days of the meeting, the Village Board shall review the findings of the Downtown Design Review Committee and either affirm, affirm with modifications, or reverse the decision. Within ten days of the Board of Trustee's action, the Director of Community Development shall prepare a report to document the action taken and transmit the report to the applicant.

## **3. Appeal of Decisions by the Downtown Design Review Commission**

Appeals of the decisions by the Downtown Design Review Commission by the applicant or by an adjacent property owner must be filed with the Director of Community Development within 30 days of the action taken by the Downtown Design Review Commission. Within 30 days of receipt of the appeal, the Village Board takes action on the appeal. The Village Board shall review the findings of the Downtown Design Review Committee and either affirm, affirm with modifications, or reverse the decision. Within ten calendar days of the Board of Trustee's action, the Director of Community Development shall prepare a report to document the action taken and transmit the report to the applicant.

## **G. Changes to Downtown Design Review Approvals**

The owner of a property that has received approval for Downtown Design Review must implement the modifications in strict conformance with the application and the approval received. Any changes to an approved application shall be a violation of this Ordinance and any unauthorized improvements shall be subject to removal. Proposals for changes to an approved Downtown Design Review application shall constitute a new application.

## **H. Emergency Modifications**

Temporary modifications made under emergency circumstances do not require Downtown Design Review approval, when, in the opinion of the Director of Community Development, such modifications are needed to prevent structural collapse or failure, or damage to adjoining property. Permanent modifications to address the causes of the emergency shall be required to obtain Downtown Design Review approval.

## **I. Time Limit on Approvals**

Downtown Design Review approvals shall become null and void if construction has not been initiated within one year of the date of approval and completed within two years of the date of approval. The Director of Community Development may, in his discretion, grant a one year extension to both the initiation and completion of construction.

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## ARTICLE 8. USES

- 8.1 GENERAL USE MATRIX REGULATIONS
- 8.2 USE MATRIX
- 8.3 PRINCIPAL USE STANDARDS
- 8.4 TEMPORARY USE STANDARDS

### 8.1 GENERAL USE MATRIX REGULATIONS

Table 8-1: Use Matrix identifies principal and temporary uses allowed within each zoning district.

- A. P indicates that the use is permitted by-right in the district.
- B. C indicates that the use is a conditional use in the district and requires conditional use permit approval.
- C. If a cell is blank, the use is not allowed in the district.
- D. In the case of temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per Section 8.4.
- E. Accessory uses are prohibited without the establishment of a principal use.

### 8.2 USE MATRIX

Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. For accessory uses, see Article 9. The code for Table 8-1 is as follows: P = permitted principal use; C = conditional principal use; T = allowed temporary use.

TABLE 8-1: USE MATRIX

Use	R-1	R-2	R-3	B-1	B-2	B-3	P-I	L-O	O-T	Use Standard
Amusement - Recreation Facility: Indoor						P	C			
Amusement – Recreation Facility: Outdoor						C	C			
Animal Care Facility					P	P		P		Sec. 8.3.A
Animal Kennel: Commercial						C		C		Sec. 8.3.A
Animal Shelter						C		C		Sec. 8.3.A
Art Gallery				P	P	P				
Arts Studio					P	P				
Body Modification Establishment				C	C					
Broadcasting Facility - With Antenna						C		C		
Broadcasting Facility - No Antenna					C	P		P		
Bar				P	P	P				
Brew Pub				P	P	P		C		
Car Wash					C				Sec. 8.3.B	
Cemetery						C				
Community Center						P				
Community Garden	C	C	C			C	C		Sec. 8.3.C	
Contractor Office - No Outdoor Equipment Storage						C				
Contractor Office - With Outdoor Equipment Storage						C				
Conservation Area							C			
Cultural Facility					C	C		P		
Day Care Center					C	C		C	Sec. 8.3.D	
Day Care Home	P	P	P						Sec. 8.3.D	
Drive-Through Facility					C	C		C	Sec. 8.3.E	
Dwelling, Above the Ground Floor				P	P	C				
Dwelling, Detached Single-Family	P	P							Sec. 8.3.G	
Dwelling, Townhouse		P	P		C				Sec. 8.3.F	
Dwelling, Two-Family		P							Sec. 8.3.G	

TABLE 8-1: USE MATRIX

Use	R-1	R-2	R-3	B-1	B-2	B-3	P-I	L-O	O-T	Use Standard
Dwelling, Multi-Family		P	P	C	C					Sec. 8.3.F
Financial Institution					P	P			P	
Funeral Home					C	C			C	
Gas Station					C	P				Sec. 8.3.H
Golf Course/Driving Range							P			
Government Facility					P	P	P		P	
Group Home - Small	P	P	P							Sec. 8.3.I
Group Home - Large	C	C	C							Sec. 8.3.I
Healthcare Facility					C	C		P		
Heavy Retail, Rental, & Service						C				
Hotel					P	P		P		
Industrial Design					P	P		P		
Landscape Business						C				
Live Entertainment				C	C	P				
Medical Cannabis Dispensing Organization								C		Sec. 8.3.J
Medical/Dental Office or Clinic					P	P			P	
Medical/Dental Office or Clinic; Sole Practitioners					P	P		P	P	
Micro-Brewery/Distillery/Winery					C	C			C	
Nursery/Greenhouse - Retail						P				
Office					P	P		P	P	
Outdoor Dining				P	P	P				Sec. 8.3.K
Outdoor Storage					C					Sec. 8.3.L
Park						P				
Parking Lot (Principal)					C			C		Article 10
Parking Structure (Principal)				C						Article 10
Personal Service Establishment				P	P					
Places of Worship						P				
Private Clubs or Lodge				C	P			P		Sec. 8.3.M
Public Safety Facility					P	P		P		
Public Works Facility						P				
Reception/Banquet Facility				C	P			P		Sec. 8.3.N
Research & Development								P		
Residential Care Facility					P			P		Sec. 8.3.O
Restaurant			P	P	P			P		
Retail Goods Establishment			P	P	P			P		
School - Primary or Secondary						P				
School - College or University						P		P		
School - Trade or Vocational					C	C		P		
Self-Storage					C					
Specialty Food Service				C	P			P		
Vehicle Dealership					P					Sec. 8.3.P
Vehicle Operation Facility					C			C		
Vehicle Rental Agency					C			C		
Vehicle Repair					C					Sec. 8.3.Q
Wholesale					C					

Temporary Uses	R-1	R-2	R-3	B-1	B-1	B-2	P-I	M-1	B-P	
Farmer's Market				T	T	T				Sec. 8.4.A
Temporary Contractor's Office	T	T	T	T	T	T		T	T	Sec. 8.4.B
Temporary Mobile Food Sales				T	T	T		T	T	Sec. 8.4.C
Temporary Outdoor Entertainment				T	T	T		T	T	Sec. 8.4.D
Temporary Outdoor Sales				T	T	T		T	T	Sec. 8.4.E
Garage Sales	T	T	T							Sec. 8.4.F

### 8.3 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or conditional use, in addition to all other regulations of this Code.

#### A. Animal Care Facility, Animal Kennel: Commercial, and Animal Shelter

1. Exterior exercise areas must be located to the interior side or rear of the principal building on the lot. Exterior exercise areas must provide covered areas over a minimum of 25% of the exterior area to provide shelter against weather.
2. Exterior exercise areas are prohibited in required setbacks.
3. Exterior exercise may be located on rooftop, when determined by the Village to be structurally sound for such use.
4. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
5. All animal overnight boarding facilities must be located indoors.

#### B. Car Wash

1. Car wash facilities must be screened along interior side and rear lot lines with a privacy fence or wall, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall.
2. The site must be graded to drain away from adjoining properties.

#### C. Community Garden

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted.

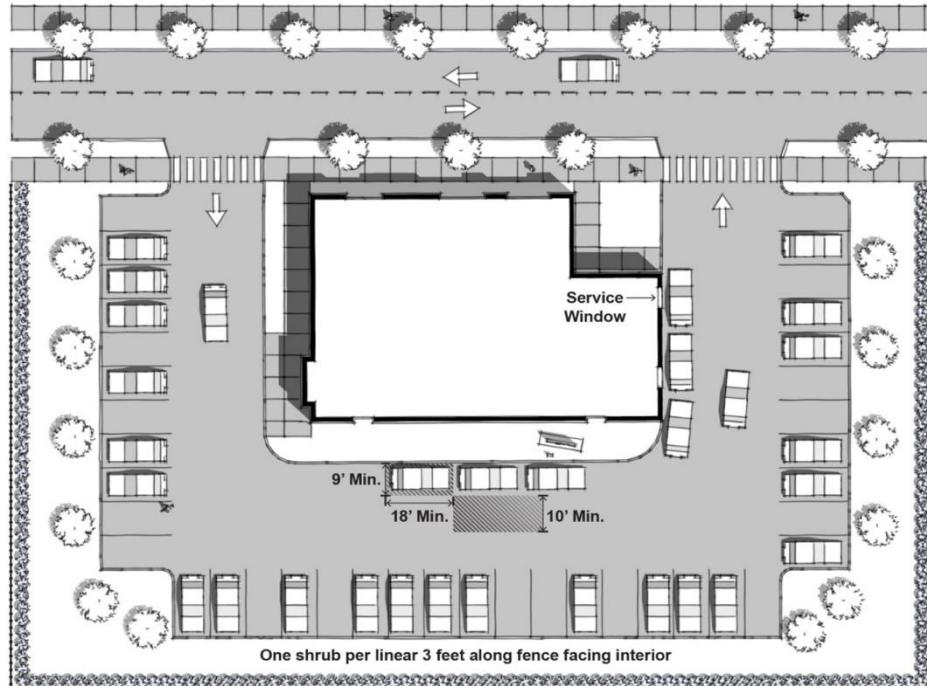
#### D. Day Care Center and Day Care Home

1. Each day care center or home must comply with all applicable state and federal regulations. The operator of a day care must be licensed by the state.
2. A day care home must maintain its original appearance as a residential dwelling.
3. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

## E. Drive-Through Facility

1. All drive through facilities require site plan review by the Director of Community Development.
2. All drive-through facilities must provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement must be taken from the building wall.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menuboard). Spaces must be placed in a single line behind each lane or bay.
3. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
4. Drive-through facilities must be screened along interior side and rear lot lines with a wall or privacy fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall. This standard does not apply to drive-through facilities within multi-tenant retail centers.
5. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

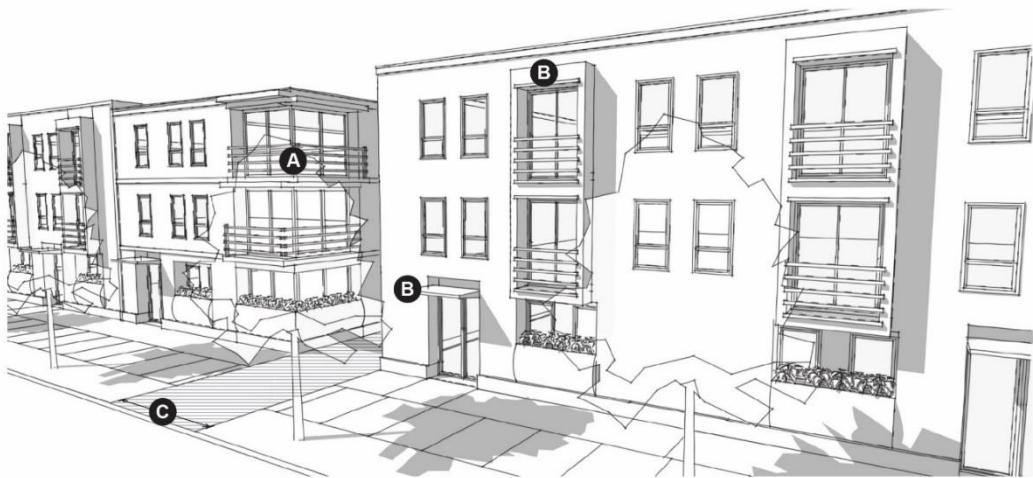
### DRIVE-THROUGH FACILITY



**F. Dwelling - Multi-Family or Townhouse**

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
3. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:
  - a. Townhouse: 15%
  - b. Multi-Family Dwelling: 25%
4. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.
5. The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.
  - a. The following building materials are prohibited on any part of any façade:
    - i. Plain concrete block
    - ii. Plastic
    - iii. Exterior insulating finish systems (EIFS)
  - b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:
    - i. Corrugated metal
    - ii. Aluminum, steel or other metal sidings
    - iii. Exposed aggregate (rough finish) concrete wall panels
    - iv. T-111 composite plywood siding
    - v. Vinyl

## MULTI-FAMILY/TOWNHOUSE DWELLING

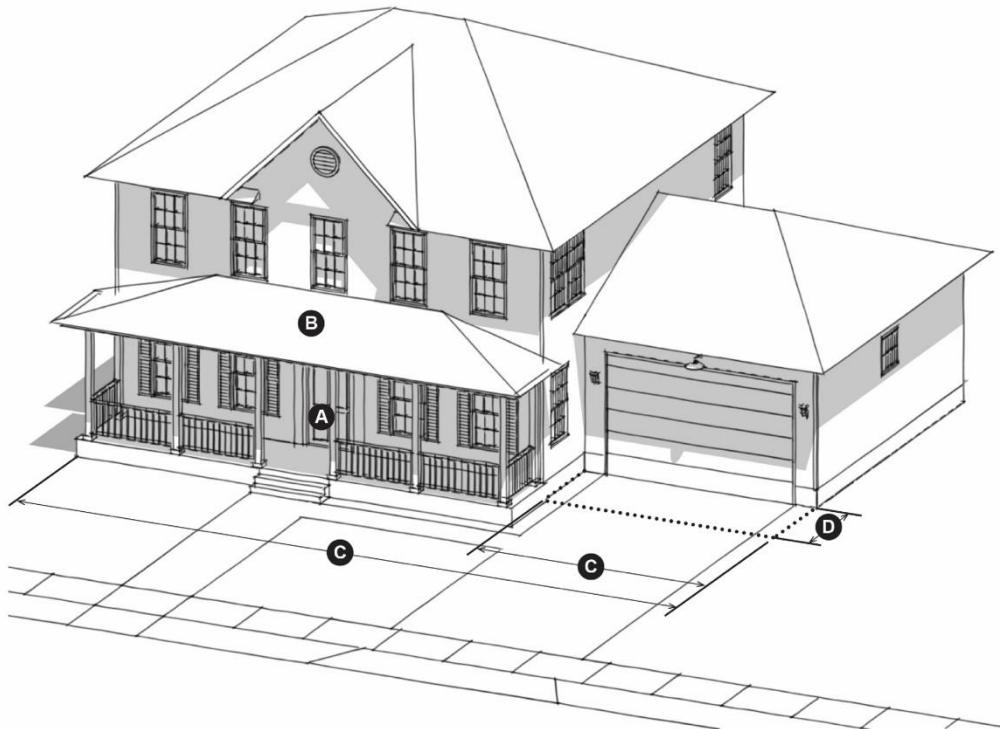


- Ⓐ Consistent materials and architectural treatments must wrap around all façades. The entire townhouse or multi-family development must have a unifying architectural theme.
- Ⓑ Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features to provide dimensional elements on a façade.
- Ⓒ Minimum separation of 15 feet between building sidewalls.

### G. Dwelling - Single-Family or Two-Family

1. A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.
2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
3. A 15% minimum transparency requirement applies to any façade and is calculated on the basis of the entire area of the façade.
4. Front-loaded attached garages are limited to 60% of the width of the front building line or 22 feet, whichever is greater. Garage width is measured between garage doors; in the case of garages designed with multiple garage doors the distance is measured between the edge of the outmost doors.
5. Attached garages must be set back a minimum of five feet from the front building façade line. This façade line does not include architectural features, such as bay windows, or porches.

## SINGLE-FAMILY/TWO-FAMILY DWELLING



- Ⓐ The primary entrance from the façade must face the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure.
- Ⓑ Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- Ⓒ Front-loaded attached garages are limited to 60% of the width of the front building line or 22 feet, whichever is greater.
- Ⓓ Attached garages must be set back a minimum of five feet from the front building façade line.

### H. Gas Station

1. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
2. All structures and pump islands must be set back a minimum of 20 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
3. Minor motor vehicle repair is permitted as part of a gas station use if allowed within the district. All repair work must be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.
4. The ancillary uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use.
5. The volume on any audio component must be maintained at a level so as not to be audible in adjoining properties. The volume on any audio component must comply with all local noise regulations. Audio components are permitted only on the gas station pump. Audio components are prohibited as part of any other structure, including canopies and buildings.

## **I. Group Home**

1. Group homes must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. The facility must retain a residential character, which is compatible with the surrounding residential neighborhood.

## **J. Medical Cannabis Dispensing Organization**

1. In accordance with state law, medical cannabis dispensing organizations must comply with the required spacing and location requirements. Any subsequent amendment to state law that is more restrictive than this standard will control.
  - a. A licensed medical marijuana dispensary may not be located within 1,000 feet of a pre-existing educational facility – primary or secondary and/or day care center.
  - b. A licensed medical marijuana dispensary may not be located within 500 feet of any place of worship, amusement facility, or park/playground.
  - c. A licensed medical marijuana dispensary may not be located within a residential dwelling or within a residential district.
2. An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity.

## **K. Outdoor Dining**

These standards address outdoor dining areas on private property only.

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within the zoning district and in conjunction with another principal use, such as a restaurant.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.

## **L. Outdoor Storage**

1. All parking, storage, or maneuvering areas must be paved with an impervious material.
2. The storage area must be completely enclosed along all lot lines by a privacy fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within that setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.
3. Storage of any kind is prohibited outside the fence or wall. No items stored within 25 feet of the fence may exceed the height of the fence or wall.
4. Any vehicles stored on-site must be operational.
5. Salvage yards are not considered outdoor storage and are prohibited.

## **M. Private Club or Lodge**

1. No more than 30% of the gross floor area may be used as office space.
2. Private clubs and lodges are permitted to serve meals and alcohol on the premises for members and their guests only.
3. Sleeping facilities are prohibited.
4. Private clubs and lodges leased or used as reception/banquet halls must comply with the requirements for reception/banquet halls.

#### **N. Reception/Banquet Facility**

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or schools.
2. Outdoor areas are permitted for the use of guests.

#### **O. Residential Care Facility**

1. Residential care facilities must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. A copy of state license must be visible at all times.
3. When located in a residential district, the facility must retain a residential character, which is compatible with the surrounding residential neighborhood. When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.
4. Residential care facilities must meet all district design and dimensional standards for multi-family dwellings.

#### **P. Vehicle Dealership**

1. Vehicle dealerships must have a minimum lot area of one acre.
2. Any ancillary repair operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.

#### **Q. Vehicle Repair**

1. Vehicle repair establishments may not store the same vehicles outdoors on the site for longer than 20 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. All repair operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.
3. Vehicle repair establishments that abut a residential district must be screened along interior side and rear lot lines with a wall or privacy fence, a minimum of six feet and a maximum of seven feet in height.
4. No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
5. The sale of used or new vehicles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

### **8.4 TEMPORARY USE STANDARDS**

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property only. Only those temporary uses permitted by this section are allowed in the Village; all other temporary uses are prohibited. Unless otherwise indicated, all temporary uses require a temporary use permit per Article 15.

#### **A. Farmers Market**

1. The timeframe of a farmers market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.

2. The timeframe of a farmers market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.

3. A management plan is required for a farmers market, to be submitted as part of the temporary use permit application that demonstrates the following:

- a. The on-site presence of a manager during hours of operation who directs the operations of vendors participating in the market.
- b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
- c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
- d. Provision for waste removal.
- e. The days and hours of internal operation, including vendor set-up and take-down times.

**B. Temporary Contractor's Office**

1. A temporary contractor's office is allowed incidental to a development project.
2. The temporary use permit is valid for the duration of the building permit, including any extensions.
3. The temporary contractor's office must be removed within 30 days of completion of the development project.

**C. Temporary Mobile Food Sales**

1. A temporary mobile food sales use is permitted for a maximum of 30 days per temporary use permit. There is no restriction on renewal of a temporary use permit, however no single permit may exceed 30 days validity.
2. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
4. Sale of alcohol is prohibited.
5. During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.
6. Outdoor seating may be provided on the site, but no seating may be permanently installed.
7. A permanent water or wastewater connection is prohibited.
8. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
9. Drive-through service is prohibited.

**D. Temporary Outdoor Entertainment**

A temporary use permit is not required for outdoor entertainment events within public parks when organized by a public agency.

1. A management plan is required as part of the temporary use permit application that demonstrates the following:

- a. The on-site presence of a manager during the event.

- b. A general site plan of performance areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - c. Provision for recycling and waste removal.
  - d. The days and hours of operation, including set-up and take-down times.
  - e. A description of crowd control and security measures.
- 2. Any temporary structures must be removed within seven days of conclusion of the event.
- 3. Temporary outdoor entertainment events are limited to three events per calendar year on the same lot and a maximum duration of four days per event, with a minimum of 15 days between events, with the following exception:
  - a. A temporary use permit for a carnival or circus is valid for a period of two events per calendar year on the same lot no more than 15 days in duration, with a minimum of 30 days between events.

#### **E. Temporary Outdoor Sales**

A temporary use permit is not required for outdoor sales within public parks when organized by a public agency.

- 1. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. The on-site presence of a manager during hours of operation who directs the operations of all participating vendors.
  - b. An established set of operating rules addressing the governance structure of the sales event, hours of operation, and maintenance.
  - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - d. Provision for recycling and waste removal.
  - e. The days and hours of operation, including vendor set-up and take-down times.
- 2. Any temporary structures must be removed within seven days of conclusion of the event.
- 3. Temporary outdoor sales events are limited to three events per calendar year and a maximum duration of seven days per event, with a minimum of 30 days between events, with the following exception:
  - a. A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to three events per calendar year and a maximum duration of 45 days. There is no minimum time between events.

#### **F. Garage Sales**

Garage sales are allowed on residential properties in residential districts subject to the restrictions below. Garage sales may be located in a garage, basement or back yard.

- 1. No more than two garage sales may be conducted in any one calendar year upon the premises of a dwelling unit. No such sale shall extend over more than three consecutive days.
- 2. Garage sales are limited to household items and furnishings which have been in use in the dwelling located on the premises on which the sale is conducted or which have been in use in other dwellings in the same neighborhood. Handcrafted items, produced by a resident of the sale premises, may also be sold.
- 3. Advertising and display restrictions:
  - a. No signs indicating the address, location or direction of a garage sale are allowed upon any street, parkway or other public place or on any property other than the property where the garage sale is to take place.

- b.** No flags, banners, or bunting shall be displayed in connection with the conduct of any garage sale.
    - c.** No sale items shall be displayed or offered for sale in that portion of the front yard beginning ten feet in front of the principal building and extending to the public right of way.
    - d.** No sale item shall be displayed or offered for sale on any public property or right of way.

## ARTICLE 9. SITE DEVELOPMENT STANDARDS

- 9.1 GENERAL REQUIREMENTS
- 9.2 EXTERIOR LIGHTING
- 9.3 ACCESSORY STRUCTURES AND USES
- 9.4 PERMITTED ENCROACHMENTS
- 9.5 ENVIRONMENTAL PERFORMANCE STANDARDS
- 9.6 FENCES

### 9.1 GENERAL REQUIREMENTS

#### A. Number of Structures on a Lot

For lots used for single-family detached and two-family dwellings, there must be no more than one principal building per lot. This does not include permitted accessory structures or agricultural structures. In all other instances, more than one principal building is permitted on a lot, provided that it complies with all dimensional standards of the district.

#### B. All Activities within an Enclosed Structure

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and accessory.
2. Park/playground, conservation areas, and similar open space uses.
3. Establishments with a permitted outdoor component, including, but not limited to the principal uses listed on Table 8-2.
4. Permitted outdoor temporary uses.

#### C. Applicability of Required Setbacks

No lot may be reduced in area so that the setbacks are less than required by this Ordinance. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Ordinance or a variance is approved.

#### D. Applicability of Bulk Requirements

All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variance is approved.

#### E. Sight Triangle

All structures, including signs, a privacy fence or wall, and all plantings are limited to a maximum height of 30 inches within the sight triangle, which is a triangular area of 25 feet from the point of intersection of the two street right-of-way lines forming such corner lot. A non-privacy fence that complies with all fence requirements that does not impair the sight triangle is permitted.

### 9.2 EXTERIOR LIGHTING

The following exterior lighting requirements apply to lighting on private property.

#### A. Lighting Plan Required

1. A lighting plan is required for all non-residential (including mixed-use), multi-family, and townhouse developments. Single-family and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
  - a. A plan showing all light poles, building-mounted lights, bollard lights, and any other lighting.
  - b. Specifications for luminaires and lamp types, and poles, including photographs or drawings of proposed light fixtures.

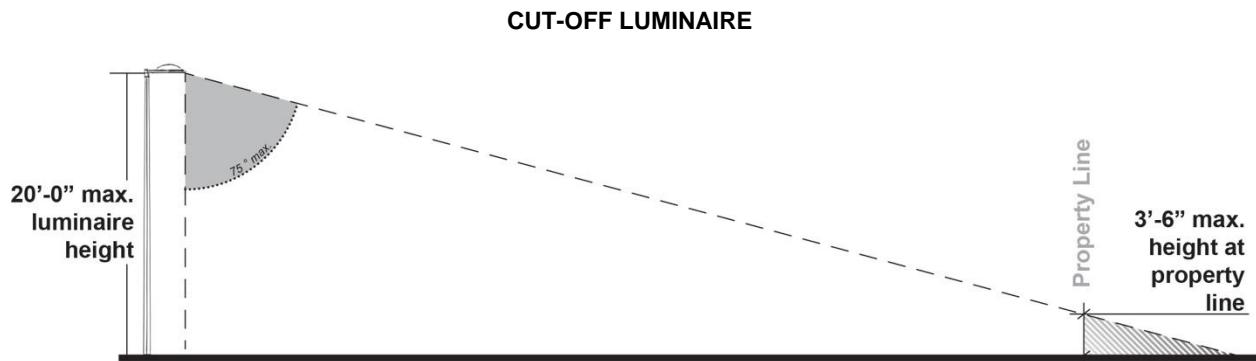
- c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
- d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
- e. Photometric plans that show the foot-candle measurement at all lot lines.

## B. Maximum Lighting Regulations

1. The maximum allowable foot-candle at any lot line is one foot-candle. When a structure is located at the lot line or within five feet of the lot line, foot-candle is measured at the curb line.
2. When additional security lighting is required in excess of the foot-candle limit imposed by item 1 above, stronger lighting may be allowed based on evidence for the need for additional security during lighting plan review.
3. No glare onto adjacent properties is permitted.

## C. Permitted Luminaires

1. All luminaires must be of the cut off luminaire design. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
2. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 20 feet.
3. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.



## D. Exceptions to Lighting Standards

1. Public roadway illumination is not subject to the requirements of this section.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to the requirements of this section.
3. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may be approved by conditional use permit.
4. Holiday and seasonal lighting is not subject to the requirements of this section.
5. Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of such lighting is required as part of the temporary use permit.

## **E. Prohibited Lighting**

1. No non-cut off luminaires.
2. Flickering or flashing lights are prohibited.
3. Searchlights, laser source lights, or any similar high intensity lights are prohibited.
4. Lighting by exposed bulbs is prohibited.
5. Any lighting that may be confused with emergency services, such as red and blue lighting, and any lighting that may be confused with traffic signals, such as red, yellow, and green lighting.
6. Exposed neon lighting

### **9.3 ACCESSORY STRUCTURES AND USES**

All accessory structures and uses are subject to the requirements of this section. Additional accessory structures not regulated in this section may be regulated in Section 9.4.

#### **A. General Regulations for Accessory Structures**

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section. Where an accessory structure is not subject to specific standards in this Section or Section 9.4, it is subject to the general regulations of this item.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. A building permit is required for the construction of an accessory structure, unless specifically exempted by this Ordinance. If the standards for an accessory structure do not specifically cite that a building permit is not required, such accessory structure requires a building permit.
3. Only those accessory structures permitted by this section and Section 9.4 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. Required setbacks are stated in the district standards. The use of the term "yard" refers to the area between the applicable building line and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it is permitted within the required setback subject to any additional limitations. Where there is no structure to determine yard location, yards are equivalent to the minimum district setback dimensions. In applying the regulations of this section, the permissions and restrictions for structures within a front setback and yard apply to a reverse corner side setback and yard, unless specifically allowed otherwise.
4. The maximum height of any detached accessory structure is 20 feet or the height of the principal structure, whichever is less, unless otherwise permitted or restricted by this Ordinance. This does not apply to accessory structures for any lot in active agricultural use, which are limited to the maximum height of the district with the exception of silos, which are not limited in height.
5. Accessory structures must be at least two and one-half feet from any side lot line and seven and one-half feet from the rear lot line, unless otherwise permitted or restricted by this Ordinance.

#### **B. Amateur (HAM) Radio Equipment**

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 9.5 are permitted only in the rear yard, and must be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional ten feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a conditional use approval is obtained.
2. Antennas may also be building-mounted and are limited to a maximum height of ten feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.
3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.

4. An antenna or tower that is proposed to exceed the height limitations is a conditional use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 9.5. As part of the application, the applicant must submit a site plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.

5. Any such antennas and/or towers owned and operated by the City are exempt from these requirements.

#### **C. Book Exchange Box**

1. Only one book exchange box is allowed per lot.

2. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot be constructed in a manner that obstructs visibility of intersections.

3. Boxes are prohibited in the public right-of-way.

4. Each box must be designed and constructed in such a manner that its contents are protected from the elements. All media must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.

5. Boxes are limited to a maximum height of six feet to the highest point on the structure, and a maximum width and depth of three feet.

6. Boxes are permitted only in the front yard or side corner yard, and must be located a minimum of five feet from any lot line.

7. Temporary foundations comprised of concrete or masonry pavers or other similar movable materials may be utilized. Single metal or wooden posts set in concrete for pedestal mounted boxes or to provide additional stability to ground mounted boxes are allowed. Permanent concrete slab foundations are prohibited.

#### **D. Electric Vehicle Charging Station**

1. Electric vehicle charging stations are permitted as an accessory use within any parking lot, parking structure, or gas station in all districts.

2. Electric vehicle charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwellings located on that property.

3. Electric charging station equipment may not block the public right-of-way.

4. Each charging station space available to the public must be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if time limits of tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.

5. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

#### **E. Garage, Detached**

1. The area above the vehicle parking spaces in a detached garage may not contain a kitchen but may contain an office or recreation room.

2. Detached garages are permitted only in the rear, interior side, and corner side yards. Detached garages must not be constructed in front of the front building line.

3. Carports are prohibited.

#### **F. Home-Based Business**

1. The home-based business must be conducted by an individual permanently residing within the dwelling. Only residents of the dwelling may be employed in the home-based business.
2. The home-based business and all related activity, including storage, must be conducted completely within the principal building.
3. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site.
4. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
5. The home-based business cannot create greater vehicular or pedestrian traffic than normal for a residential area. The home-based business and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
6. Building modifications to the residence that would alter the residential character of the dwelling are prohibited.
7. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home-based business is located in excess of that normally associated with residential use.
8. Repair and service of any vehicles or any heavy machinery is prohibited as a home-based business. Day care homes are not considered a home-based business and are regulated separately by this Ordinance.
9. Use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
10. The operator of the home-based business must comply with Village requirements to obtain a business license.

## **G. Mechanical Equipment**

### **1. Ground-Mounted Equipment**

- a. Mechanical equipment is prohibited in front and corner side setbacks. Mechanical equipment may be located in front and corner side yards, provided it is screened from public view by approved landscape screening. If mechanical equipment is located in the front yard as of the effective date of this Ordinance, the equipment may remain and may be repaired and maintained unless it is replaced in its entirety or the principal structure is demolished.
- b. Mechanical equipment is permitted only in the interior side or rear yards.

### **2. Roof-Mounted Equipment**

Roof-mounted equipment must be screened from view from a public street as follows:

- a. For structures four or more stories in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.
- b. For structures less than four stories in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

## **H. Outdoor Sales and Display (Accessory)**

Retail goods establishments, heavy retail, rental, and service, and vehicle dealerships are permitted to have accessory outdoor sales and display of merchandise. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor sales and display and permit such use to include outdoor sales and display on the site.

1. Outdoor sales and display of goods not offered for sale by the establishment is prohibited.
2. Any outdoor display must be located on the same lot as the principal use. No outdoor display is permitted in the public right-of-way.

3. All outdoor sales and display of vehicles for vehicle dealerships must comply with the parking lot perimeter landscape requirements of Article 11. Outdoor display of vehicles on hydraulic lifts, manufactured ramps, or similar mechanisms is prohibited.

4. No required parking area may be used as outdoor display.

#### **I. Outdoor Storage (Accessory)**

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail, rental, and service, vehicle dealerships, vehicle rentals, vehicle operations facility, and vehicle repair/service, both minor or major. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted outdoor storage in accordance with the following provisions:

1. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic. Outdoor storage is prohibited in a required setback.
2. No required parking area may be used as an outdoor storage.

#### **J. Refuse Dumpsters and Recycling Containers**

Refuse dumpsters and recycling containers are permitted for multi-family dwellings and non-residential uses.

1. Refuse dumpsters and recycling containers are prohibited in the front or corner side yard. No refuse dumpsters or recycling containers may be located on any public right-of-way.
2. All refuse dumpsters and recycling containers must be fully enclosed on three sides by a privacy fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure must be gated. Such gate must be solid. Such construction requires a building permit. This requirement does not apply to refuse containers located in an alley.
3. Refuse dumpsters must not be located so that the disposal area drains toward a storm drain or off-site. Refuse dumpsters must be covered and are not allowed to drain freely.
4. Existing properties, as of the effective date of this Ordinance, whose refuse dumpsters and recycling containers are not required to be enclosed, are exempt from this section unless the site is being redeveloped, or the existing building or parking lot is being expanded.

#### **K. Satellite Dish Antennas**

##### **1. General Requirements**

- a. Small satellite dish antennas do not require a building permit. Large satellite dish antennas require a building permit.
- b. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- c. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- d. Cables and lines serving ground-mounted satellite dish antennas must be located underground.
- e. Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.
- f. All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
- g. Antennas no longer in use must be immediately removed.
- h. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

i. Any such satellite dish antennas owned and operated by the City are exempt from these requirements.

## **2. Small Satellite Dish Antennas**

Small satellite dish antennas, which are one meter (3.28 feet) or less in diameter, are subject to the general requirements above.

## **3. Large Satellite Dish Antennas**

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

### **a. Residential Districts**

- i. Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- ii. The overall height of a large satellite dish antenna cannot exceed 12 feet.
- iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes privacy fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

### **b. Non-Residential Districts**

- i. Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- ii. Roof-mounting is permitted only if the satellite dish antenna is screened by an architectural feature.
- iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes privacy fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

## **L. Solar Panels (Accessory)**

### **1. General Requirements**

- a. Solar panels for the generation of electricity for use on premises are permitted and may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

### **2. Building-Mounted Systems**

- a. A building mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.

c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.

d. Building-mounted solar panels may project up to two feet from a building façade and must be integrated into the structure as an architectural feature.

### 3. Freestanding Systems

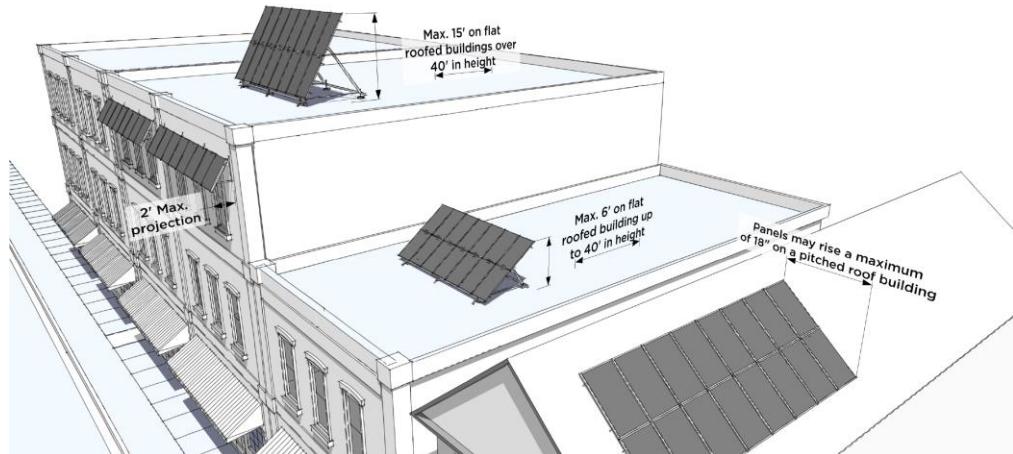
a. A freestanding system is permitted only in the interior side and rear yard.

b. The maximum height of a freestanding system is eight feet. Freestanding systems are prohibited in front and corner side yards and setbacks.

### 4. Co-Location

Solar panels may be co-located on structures such as light poles.

## SOLAR PANELS



## M. Wind Turbines (Accessory)

1. Wind turbines for the generation of electricity for use on premises are permitted and may be designed as either vertical or horizontal axis turbines with or without exposed blades, including designs that combine elements of the different types of turbines.

2. Wind turbines are subject to the following height restrictions:

a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. A taller height may be allowed by special use.

b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.

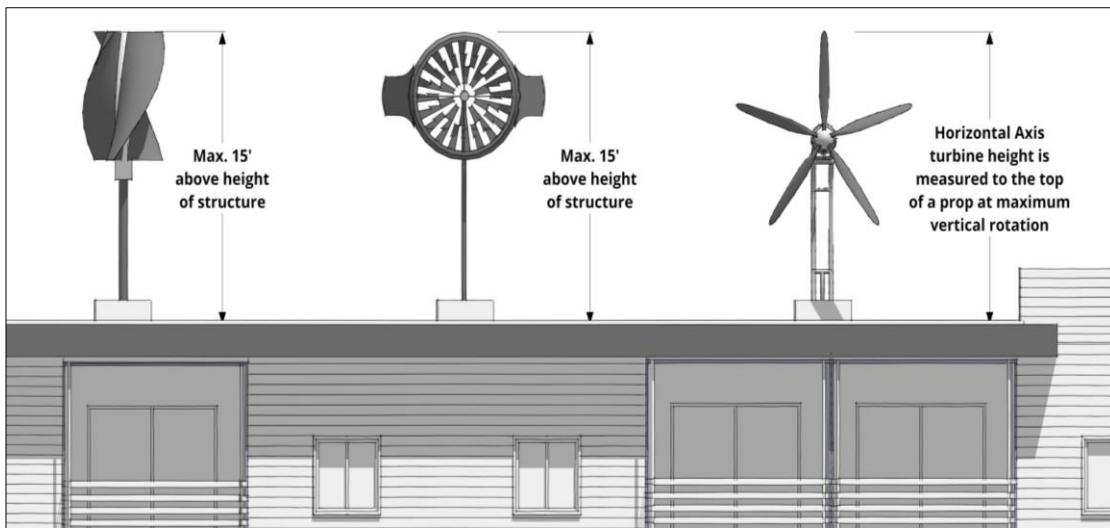
c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.

d. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within 10 feet of the ground.

3. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten feet to any lot line. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.

4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

### WIND TURBINES



#### 9.4 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of any attached or detached accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 9-1: Permitted Encroachments into Required Setbacks.

- A. Additional restrictions on certain permitted encroachments, including additional placement restrictions and dimensional standards, can be found in Section 9.3. In the case of conflict between Section 9.3 and Table 9-1, Section 9.3 controls.
- B. Unless constructed as part of and concurrently with the principal building, attached or detached accessory structures or architectural features require a separate building permit, unless exempted by this Section or Section 9.3.
- C. Unless otherwise indicated, all accessory structures and architectural features must be at least five feet from any lot line, which controls over permissions to encroach into a required setback, unless otherwise specifically permitted or further restricted by this section.
- D. When an attached or detached accessory structure or architectural feature regulated by Table 8-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.

**TABLE 9-1: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS**

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i> <i>No min. distance from lot lines required</i>	N	N	N	Y
Awning or Canopy <i>Max. of 2' into any setback</i> <i>No min. distance from lot lines required</i>	Y	Y	N	Y
Balcony <i>No closer than 7-1/2 feet to lot line</i> <i>Max. vertical clearance of 8'</i>	N	N	N	Y
Bay Window (one story only)	Y	Y	Y	Y

TABLE 9-1: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Max. of 2' into any setback <i>Bay width limited to 1/3 length of wall</i> <i>Bay shall not be closer than 3' from lot line</i>				
Canopy: Non-Structural (Non-Sign) <i>Max. of 6' into any setback</i>	Y	Y	Y	Y
Canopy: Structural (Non-Sign) or Porte-Cochere <i>Min. of 10' from any lot line</i>	Y	Y	N	N
Chimney <i>Max. of 8' in width</i> <i>No more than 24" into setback</i>	Y	Y	Y	Y
Cistern, entirely below grade enclosed structure <i>Min. of 3' from any lot line</i>	Y	Y	Y	Y
Deck or Patio <i>No closer than 7-1/2 feet to lot line</i>	N	N	N	Y
Driveways <i>Max. 18' wide</i>	Y	Y	Y	Y
Eaves and Overhanging Roofs <i>Max. of 2' into setback</i> <i>No min. distance from lot lines required</i>	Y	Y	Y	Y
Gazebo or Pergola <i>Prohibited in front yard</i>	N	N	Y	Y
Greenhouse <i>Prohibited in front yard</i>	N	N	N	Y
Landscaping, Including Planter Boxes	Y	Y	Y	Y
Personal Recreation Game Court <i>Prohibited in front yard</i> <i>Min. of 10' from any lot line</i>	N	N	N	Y
Porch – Open and Unenclosed <i>No closer than 7.5 feet to lot line</i> <i>Enclosed porches are part of the principal structure</i>	N	N	N	Y
Rain Barrels, above ground <i>No more than 24" into setback</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 10' from any lot line</i>	N	N	Y	Y
Sidewalk <i>Max. 5' wide in front, corner side, and rear yards;</i> <i>Max. 3' wide in interior side yards</i> <i>No min. distance from lot lines required</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 30" into setback</i> <i>No min. distance from lot lines required</i>	Y	Y	Y	Y
Steps and Stoops <i>Maximum of 4' above the ground (roofed or unroofed, includes support posts)</i>	Y	Y	Y	Y
Window Wells <i>Max. of 2' into any setback</i>	N	N	Y	Y

## **9.5 ENVIRONMENTAL PERFORMANCE STANDARDS**

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

### **A. Noise**

No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

### **B. Glare and Heat**

Any activity or the 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. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

### **C. Stormwater Management**

All development must comply with local, county, state, and federal stormwater management requirements.

### **D. Vibration**

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

### **E. Dust and Air Pollution**

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

### **F. Discharge and Disposal of Radioactive and Hazardous Waste**

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

### **G. Electromagnetic Interference**

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

### **H. Odors**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.

### **I. Fire and Explosion Hazards**

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

## **9.6 FENCES**

### **A. Clear View at Intersection Streets**

On any corner zoning lot, no fence, wall or hedge or other similar obstruction shall be placed so as to interfere with clear vision from one street to the other across such corner and in no event shall any such fence, wall hedge or other similar obstruction exceed, or be allowed to exceed three feet in height above the grade at the center line of the street nearest thereto within 50 feet of the center line of the intersection of any street or street lines projected.

## **B. Height of Fences**

### **1. R-1, R-2, and R-3 Districts**

- a. Fences shall not exceed three feet in height in front and corner side yards.
- b. Fences shall not exceed six feet in height in interior side and rear yards.

### **2. B-1, B-2, B-3, L-O, O-T, and P- I Districts**

- a. Fences are prohibited in the required front or corner side yard.
- b. Fences shall not exceed six feet in height in interior side and rear yards.

### **3. Restrictions**

No fence shall utilize barbed wire except in the B-3 District.

## **C. Setback of Fences and Walls**

Fences and walls may be located up to the property lines of the property.

## **D. Facing of Finished Side of Fence**

The finished side (i.e., the side that does not contain the supports of the fence) of a fence must face neighboring properties.

## **E. Location of Fences**

All perimeter fences must be located within six inches of the lot line.

## **F. Fence Height Measurement**

The measurement of fence height shall be from existing grade to the highest point of the fence structure.

## ARTICLE 10. OFF-STREET PARKING AND LOADING

- 10.1 GENERAL APPLICATION
- 10.2 COMPUTATION OF REQUIREMENTS
- 10.3 REQUIRED OFF-STREET VEHICLE SPACES
- 10.4 REQUIRED OFF-STREET LOADING SPACES
- 10.5 REQUIRED BICYCLE SPACES
- 10.6 DESIGN OF VEHICLE PARKING FACILITIES
- 10.7 DESIGN OF OFF-STREET LOADING SPACES
- 10.8 SHARED PARKING
- 10.9 STORAGE OF COMMERCIAL VEHICLES

### 10.1 GENERAL APPLICATION

#### A. Existing Facilities

1. The existing number of off-street vehicle and loading spaces may not be reduced below the minimum requirements of this Ordinance. If the number of existing spaces is already less than the requirements of this Article, it may not be further reduced.
2. If a building permit was lawfully issued prior to the effective date of this Ordinance, and if substantial construction has begun within 90 days of the issuance of a permit, the number of off-street vehicle and loading spaces is that required by building permit and supersedes the requirements of this Ordinance.

#### B. New Construction

The construction of a new principal building must provide all required parking unless the site is eligible for a parking exemption or other parking flexibility allowed by this Article.

#### C. Change in Use

When the existing use of a structure or land is changed to a new use, vehicle parking spaces must be provided as required for the new use.

#### D. Change in Intensity of Use

Whenever the intensity of a use is increased based on an increase in the number of dwelling units, floor area, seating capacity, or other unit of measurement used to calculate the number of required number of vehicle parking spaces, additional spaces must be provided for that increase.

#### E. Provision of Additional Spaces

The establishment of additional off-street parking or loading facilities above the minimum required by this Ordinance is not prohibited.

#### F. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies, or the display of goods in off-street parking areas is prohibited, unless otherwise permitted by this Ordinance.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by tenants, employees, visitors, or other authorized persons.
3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

### 10.2 COMPUTATION OF REQUIREMENTS

This section describes how the number of vehicle and loading spaces is calculated based upon the requirements of this Article. The total number of required vehicle parking and loading spaces is based upon the requirements for the principal use or uses located on the lot.

- A. Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Ordinance.

**B.** A fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one parking or loading space.

**C.** For uses where patrons or spectators occupy benches, pews or open floor areas used for service, each 48 linear inches of benches, pews, or permanent seating areas, or five square feet of open floor areas used for seating is counted as one seat for the purpose of determining the requirement for the required number of spaces.

**D.** In the B-1 and B-2 Districts, the number of parking space required for business uses shall be one-half of that shown in Table 10.1. For dwelling units provided in the B-1 and B-2 Districts, one and one-half spaces are required per unit. If the number of required parking spaces cannot be provided on the lot the use being served is located, the owner may request that the Village Board authorize a fee in lieu of parking provided to be assessed. Any such fees collected by the Village shall be used to provide parking for the downtown area.

### **10.3 REQUIRED OFF-STREET VEHICLE SPACES**

#### **A. General Requirements**

1. Except as otherwise provided in this Ordinance, the minimum number of off-street vehicle parking spaces to be provided for each use is listed in Table 10-1: Off-Street Vehicle Parking Requirements.
2. Table 10-1 lists parking requirements for each use. In some cases, uses that are considered part of a generic use category are listed with specific vehicle parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain uses listed within the districts are not listed in Table 10-1 and therefore do not have vehicle parking requirements.

#### **B. Provision of Car- and Bike-Share Facilities**

1. Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance.
2. Spaces within parking lots and structures may include designated areas for bike-share facilities. A bike-share facility provides bicycle rentals to the public and it is not considered a vehicle rental establishment. When a minimum of 15 bicycles are provided for rental, such bike-share facilities may substituted for up to four automobile spaces or 5% of the required parking spaces, whichever is less.

#### **C. Provision of Electric Vehicle Charging Stations**

Spaces within parking lots and structures may include designated parking spaces for electric vehicle charging. Spaces reserved for electric vehicle charging count toward minimum parking requirements of this Ordinance.

#### **D. Multi-Tenant Retail Center Parking Calculation**

A multi-tenant retail center is defined as a group of three or more separate commercial establishments, primarily retail, but also including personal service, restaurant, office, and similar non-residential uses, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers and strip centers. Multi-tenant retail centers require a minimum of one parking space per 300 square feet of total gross floor area, rather than calculation by the individual uses.

#### **E. Accessible Parking**

Accessible (handicapped) parking spaces shall be provided in conformance with the Illinois Accessibility Code.

**Table 10-1: Off-Street Vehicle Parking Requirements**

USE	MINIMUM REQUIRED
Amusement Facility - Indoor	1 per 500sf GFA
<i>Movie Theater</i>	1 per 4 seats for first 400 seats + 1 per 6 seats after first 400
Amusement Facility - Outdoor	1 per 500sf of total site area
Animal Care Facility	1 per 300sf GFA
Animal Kennel: Commercial	5 spaces
Animal Shelter	1 per 500sf GFA
Art Gallery	1 per 300sf GFA
Arts Studio	1 per 300sf GFA
Body Modification Establishment	1 per 300sf GFA
Bar	1 per 100sf GFA
Brew Pub	1 per 250sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office, chapel/parlor, and/or preparation area
Community Center	1 per 500sf GFA
Community Garden	No parking required
Conservation Area	No parking required
Contractor Office – With or Without Outdoor Equipment Storage	1 per 300sf of GFA of office
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA
Day Care Home	Parking for single family use required
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit
Dwelling, Multi-Family	2 per dwelling unit + 1 visitor space per 10 dwelling units
Financial Institution	1 per 500sf GFA + 4 stacking spaces per drive-through lane
Funeral Home	1 per 200sf GFA
Gas Station	2 per pump (in addition to pump space) + 1 per 500sf GFA of retail area + 2 per service bay of accessory motor vehicle service and repair + 4 stacking spaces for car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Facility	1 per 300sf GFA
Group Home, Large and Small	1 per 2 beds
Healthcare Facility	3 per room
Heavy Retail, Rental & Service	1 per 500sf GFA (includes any outdoor display or sales)
Hotel	1.5 per room
Industrial Design	1 per 500sf GFA
Landscape Business	1 per 300sf of GFA of office + 1 per work vehicle stored on-site
Live Entertainment	1 per 200sf GFA
Medical Cannabis Dispensing Organization	1 per 300sf GFA
Medical/Dental Office	1 per 300sf GFA
Micro-Brewery/Distillery/Winery	1 per 200sf of tasting room and retail areas + 1 per 1,000sf of production facility
Nursery/ Greenhouse - Retail	1 per 500sf of GFA (includes any outdoor display or storage)
Office	1 per 500sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 3 seats + 1 per 1,000sf of residential living component (convent, rectory, etc.)
Private Club or Lodge	1 per 500sf GFA
Public Safety Facility	1 per 500sf GFA
Public Works Facility	1 per 500sf GFA
Reception/Banquet Facility	1 per 300sf GFA
Research & Development	1 per 300sf GFA
Residential Care Facility	To be calculated per facility type or combination of facilities provided below
<i>Independent Living Facility</i>	0.75 per dwelling unit
<i>Assisted Living Facility</i>	0.5 per dwelling unit
<i>Nursing Home, Hospice</i>	1 per patient room
Restaurant	1 per 100sf GFA

**Table 10-1: Off-Street Vehicle Parking Requirements**

USE	MINIMUM REQUIRED
Retail Goods Establishment	1 per 500sf GFA
School – Primary or Secondary	2 per classroom and office
School - University or College	2 per classroom and office + 1 per 4 students of maximum enrollment
School - Vocational	2 per classroom and office + 1 per 8 students of maximum enrollment
Self-Storage Facility	1 per 20 storage units
Specialty Food Service	1 per 500sf GFA
Vehicle Dealership	1 per 500sf GFA of indoor sales and display area + 4 per service bay
Vehicle Operations Facility	1 per 300sf of GFA of office
Vehicle Rental Agency	1 per 300sf of GFA of office
Vehicle Repair	4 per service bay
Wholesale	1 per 1,000sf GFA

#### **10.4 REQUIRED OFF-STREET LOADING SPACES**

**A.** Off-street loading spaces must be provided for any use that distributes or receives materials or merchandise by trucks or other commercial vehicles in accordance with Table 10-2: Off-Street Loading Requirements. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one commercial tenant of a multi-tenant development is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required.

**B.** No structure is required to provide more than five loading spaces.

**TABLE 10-2: OFF-STREET LOADING REQUIREMENTS**

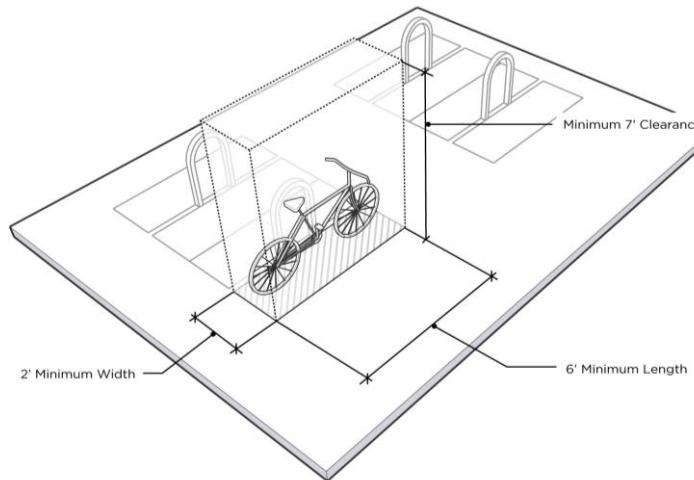
Use Type	Number of Spaces Required
<b>Multi-Family Dwelling</b>	
40,000sf or more GFA	1 loading space
<b>Commercial &amp; Institutional Use</b>	
20,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 200,000sf)	1 additional loading space

#### **10.5 REQUIRED BICYCLE SPACES**

As of the effective date of this Ordinance, new development is required to provide bicycle parking.

##### **A. Design**

1. Required bicycle spaces must have a minimum dimension of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet. Bicycle spaces are counted by the number of bicycles than can be stored on a rack, meeting these dimensions for a bicycle space.
2. Bicycle parking facilities must provide racks where the bicycle may be locked by the user or lockable enclosed lockers. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the structure to prevent the racks and lockers from being removed from the location.
3. If required bicycle parking facilities are not readily visible, signs must be posted indicating their location.
4. Areas used for required bicycle parking must be paved and drained to be free of mud, dust, and standing water, and must be well-lit.



## B. Location

1. All required bicycle spaces must be located on the same lot as the use served. However, the Zoning Administrator, upon consultation with other Village Departments, may approve the location of bicycle spaces in the public right-of-way.
2. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible secure areas. Space within dwelling units, including areas such as balconies, are not counted toward satisfying bicycle parking requirements.

## C. Required Number of Bicycle Spaces

Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as indicated in Table 10-4: Required Bicycle Spaces. In all cases where bicycle parking is required, a minimum of two spaces is required. However, no more than a total of 50 bicycle parking spaces are required to be provided.

TABLE 10-3: REQUIRED BICYCLE SPACES	
Use	Required Bicycle Spaces
Multi-Family Dwelling	1 per 10 dwelling units
Retail Goods Establishment, Personal Service Establishment, Office, or Multi-Tenant Retail Center over 10,000sf in GFA	1 per 10 parking spaces
Indoor or Outdoor Amusement Facility	1 per 10 parking spaces
School, Primary or Secondary	1 per 10 parking spaces
School, University or Vocational	1 per 25 parking spaces

## 10.6 DESIGN OF VEHICLE PARKING FACILITIES

### A. Location

#### 1. Residential Uses

- a. All required off-street vehicle parking spaces for residential uses and the residential component of mixed-use developments must be located on the same lot as the structure.
- b. For single-family (detached and attached) and two-family dwellings, required vehicle parking spaces are permitted in private driveways, but must not encroach onto the public right-of-way.

#### 2. Non-Residential Uses

- a. Vehicle parking for a nonresidential use may be located on the same lot or within 600 feet of the building entrance of the principal building of the use being served, and must be within the same zoning

district. The maximum 600 foot distance restriction does not apply to valet parking services. However, valet parking services must provide evidence of a lot reserved for vehicle parking within the same zoning district.

**b.** Off-street parking facilities serving nonresidential uses of property may be permitted in the R-1, R-2, and R-3 Districts as a conditional use, subject to the following requirements and any other section of the Municipal Code that pertains to private parking lot standards:

**i.** The parking lot must be accessory to and for use in connection with one or more nonresidential establishments located in adjoining zoning districts or in connection with one or more existing professional or institutional office buildings or institutions.

**ii.** The parking lot must be used solely for the parking of passenger automobiles.

**iii.** No commercial work or service of any kind may be conducted on the parking lot.

**iv.** No parking lot can access a residential area.

**v.** Each entrance to and exit from the parking lot must be no less than 20 feet from any adjacent property located in any residential district, except where egress and ingress to the parking lot is provided from a public way or public alley separating the residential areas from the proposed parking lot.

**vi.** The number of parking spaces is the minimum required by this Article.

**vii.** Parking facilities must be designed with appropriate means of vehicular access to a street or alley in such a manner that will least interfere with the movement of traffic.

**viii.** No driveway or curb cut in any zoning district can exceed 25 feet in width.

**ix.** Buffer yards as required by Section 11.8 must be on any lot line of a parking lot that adjoins a residential district.

**x.** The parking lot must be located on property that is contiguous to the principal use. For purposes of this section, contiguity is not construed to include properties across public streets and rights-of-way unless a variance is granted.

**xi.** A parking lot cannot be less than 132 feet in width or cover more than 75% of the lot.

**xii.** Any lighting used to illuminate a parking lot must be designed to direct light away from adjoining residential properties and must be approved by the Village Board.

**xiii.** Parking lots must conform to any further requirements and conditions as may be required by the Village Board for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

**xiv.** The property on which such off-site parking is located must either be owned by the owner of the use being served, or secured by a long-term lease acceptable to the Village Board. Such lease shall require the maintenance of the number of parking spaces required to serve the use.

## **B. Dimensions of Vehicle Parking Spaces**

Off-street vehicle parking space dimensions must meet the standards of Table 10-4: Off-Street Parking Space Dimensions.

TABLE 10-4: OFF-STREET PARKING SPACE DIMENSIONS					
Parking Angle	Stall Width	Stall Depth	Aisle Width Two-Way	Aisle Width One-Way	Vertical Clearance
0° (Parallel)	8'	18'	21'	12'	7' 6"
90° (Head-In)	9'	18'	24'	20'	7' 6"
60°	9'	21'	N/A	18'	7' 6"
45°	9'	19.8'	N/A	18'	7' 6"

#### C. Circulation Requirements for Off-Street Vehicle Parking Areas

1. Each off-street vehicle space must open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street parking facilities must provide access in a manner that least interferes with traffic movement. For all uses except single-family detached and two-family dwellings, the parking area must be designed so that the driver of the vehicle proceeds forward into traffic rather than backs out.
2. All required off-street parking facilities must have vehicular access from a street, alley, driveway, or cross-access easement.
3. Clearly delineated crosswalks of paving, brick paver, bituminous brick pattern stamping, or painted striping must connect landscaped areas and parking lot islands to building entrances to improve safe passageway for pedestrians. Curb cuts must be included on landscaped areas or islands where such crosswalks are located.
4. All parking lots must comply with the "ADA Accessibility Guidelines for Buildings and Facilities" regulations issued by federal agencies under the Americans with Disabilities Act (ADA) and State of Illinois and local requirements for the amount and design of accessible vehicle parking spaces required in parking lots and structures.
5. Only one driveway is permitted on a through lot. Driveway access is permitted from only one right-of-way.

#### D. Striping

Off-street parking areas must be marked by painted lines a minimum of four inches in width and maintained in clearly visible condition. Signs or markers should be used as necessary to ensure efficient and safe circulation within the lot. Vehicle parking spaces for handicapped persons must be identified with the appropriate sign and visible at all times of the year, regardless of plant growth or similar conditions.

#### E. Curbing and Wheel Stops

Wheel stops or curbing are required when a parking space abuts a pedestrian walkway, landscape area, or fence.

#### F. Surfacing

All parking lots must be surfaced with a durable all-weather material, such as asphalt, concrete, or other product, as approved by the Village. Pervious paving may be allowed, subject to review and approval by the Village.

#### G. Drainage

Off-street parking facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All drainage must comply with any stormwater management requirements.

#### H. Maintenance

Off-street parking areas must be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

#### I. Lighting

Parking lot lighting must meet the exterior lighting standards of Article 9.

#### J. Landscape and Screening

All parking lots must be landscaped and screened in accordance with Article 11.

#### **K. Turnaround Space**

Dead end parking lots are prohibited. A turnaround space is required, and the minimum depth and width of such turnaround space must be nine feet and designated with signs stating "No Parking."

### **10.7 DESIGN OF OFF-STREET LOADING SPACES**

#### **A. Location**

All off-street loading spaces must be located on the same lot as the use served. No off-street loading spaces may project into a public right-of-way. No off-street loading spaces are permitted in the front yard.

#### **B. Dimensions**

All required off-street loading spaces must be a minimum of 12 feet in width, a minimum of 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 15 feet.

#### **C. Surfacing**

All off-street loading spaces must be paved with a durable, all-weather material paving.

#### **D. Drainage and Maintenance**

Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street loading areas must be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

#### **E. Access**

Each required off-street loading space must be designed with adequate means of vehicular access to a street or alley and in a manner that will minimize interference with traffic movement.

#### **F. Lighting**

Parking lot lighting must meet the exterior lighting standards of Article 9.

#### **G. Landscape and Screening**

All parking lots must be landscaped and screened in accordance with Article 11.

### **10.8 SHARED PARKING**

**A.** Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Table 10-5: Shared Parking Calculation. Multi-tenant retail centers are not eligible for shared parking. Mixed-use developments, multi-use office parks, and similar types of development, and property owners that establish cross-access easements are all eligible for shared parking.

**B.** Table 10-5 is applied in the following manner:

1. The required number of spaces for each use is calculated according Table 10-1.
2. The required number of spaces for each use is then applied to the percentages for each timeframe according to the appropriate land use category in Table 10-5 to determine the number of required spaces. This is done for each timeframe category.
3. The numbers are summed for within each timeframe and the highest sum total in a timeframe is the required number of spaces.

**C.** Shared parking may be located off-site so long as it complies with the location requirements of this Article.

LAND USE	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	100%	100%	100%	100%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel	100%	50%	90%	100%	65%	80%
Office	5%	100%	5%	0%	40%	10%

## **10.9 STORAGE OF COMMERCIAL VEHICLES**

**A.** No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

**B.** All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.

**C.** For non-residential uses in the non-residential districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition. Signs placed or painted on parked vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited.

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## ARTICLE 11. LANDSCAPE

- 11.1 LANDSCAPE PLAN
- 11.2 ENFORCEMENT OF LANDSCAPE PLAN
- 11.3 SELECTION, INSTALLATION AND MAINTENANCE
- 11.4 LANDSCAPE DESIGN STANDARDS
- 11.5 PARKING LOT PERIMETER LANDSCAPE YARD
- 11.6 INTERIOR PARKING LOT LANDSCAPE
- 11.7 SITE LANDSCAPE
- 11.8 BUFFER YARDS

### 11.1 LANDSCAPE PLAN

#### A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and non-residential (including mixed-use) development, and any planned unit development. The landscape plan approval is a condition of the issuance of a building permit.

#### B. Content of Landscape Plan

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Any proposed berthing, earthwork, or stormwater management basins must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Any other details as determined necessary by the Zoning Administrator.

#### C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.

#### D. Alternative Landscape Design

Alternative landscape design intended to improve stormwater quality and/or intended to decrease stormwater quantity will be considered if submitted as part of a site-specific stormwater management plan.

### 11.2 ENFORCEMENT OF LANDSCAPE PLAN

- A. No certificate of occupancy will be issued until all the requirements of this Article and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in this Ordinance. All landscape is subject to periodic inspection.
- B. If weather prohibits the installation of landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued with provision of funds equaling 125% of the cost of the item(s) to be completed are held in escrow with a bank or title company or are available to be drawn down from an approved mortgage.

## **11.3 SELECTION, INSTALLATION AND MAINTENANCE**

### **A. Plant Selection**

1. All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
2. Species must be capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimate.
3. The use of species native or naturalized to northeastern Illinois is required.
4. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that must be considered when selecting plant material.
5. The use of drought and salt tolerant plant material is preferred.

### **B. Installation**

All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

### **C. Maintenance**

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
2. All landscape materials must be maintained in good condition, present a healthy, neat, and orderly appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 60 days of notification, unless an extension is approved by the Zoning Administrator.

## **11.4 LANDSCAPE DESIGN STANDARDS**

### **A. Minimum Planting Sizes**

1. Shade trees must have a minimum trunk size of three inches in caliper at planting.
2. Evergreens trees must have a minimum height of six feet at planting.
3. Single stem ornamental trees must have a minimum trunk size of two and one-half inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of eight feet at planting.
4. Evergreen or deciduous shrubs must have a minimum height of 24 or 30 inches in height at planting.

### **B. Tree Species Diversity**

Diversity among required trees planted is required for visual interest and to reduce the risk of losing a large population of trees due to disease. Table 11-1: Tree Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees. When the calculation of tree diversity requirements results in a fraction, the fraction is rounded up.)

TABLE 11-1: TREE DIVERSITY REQUIREMENTS		
Total Number of Trees	Maximum Number of One Species	Minimum Number of Species
1-4	100%	1
5-10	60%	2
10-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

### **11.5 PARKING LOT PERIMETER LANDSCAPE YARD**

A perimeter landscape yard is required for all parking lots that abut a public right-of-way and must be established along the edge of the parking lot to screen vehicle parking. The landscape treatment must run the full length of the parking lot perimeter along the right-of-way and must be located between the lot line and the edge of the parking lot. The landscaped area must be improved as follows:

#### **A. Landscape Yard Width**

The perimeter parking lot landscape area must be at least five feet in width, excluding a minimum linear distance of two feet along perimeter any wheels stops or curbs located next to the landscape area to accommodate vehicle bumper overhang.

#### **B. Shrub Screening**

Shrubs to screen parked vehicles must be planted at the rate of one shrub for every three linear feet of landscape yard. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.

#### **C. Tree Planting**

A minimum of one shade tree must be provided for each 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree.

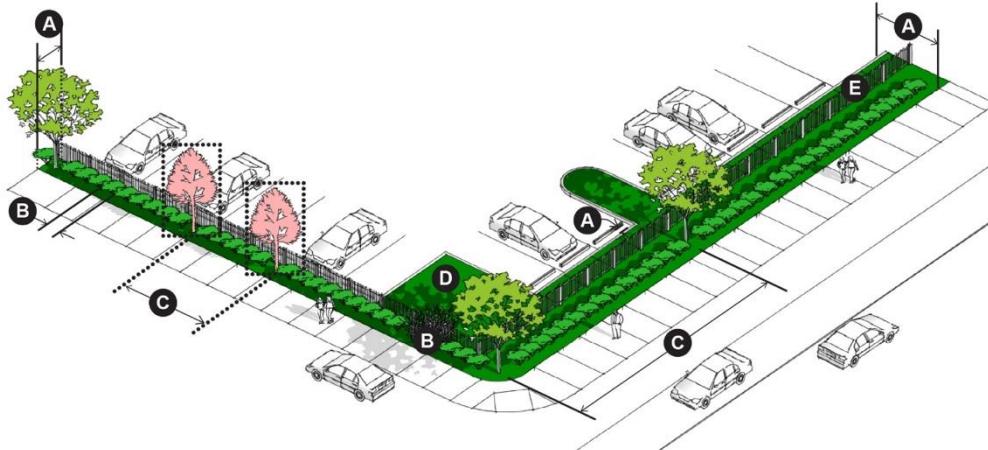
#### **D. Groundcover, Perennials or Ornamental Grasses**

60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.

#### **E. Decorative Metal Fencing**

In any Business District, a four foot high decorative metal fence, painted black, shall be installed located one foot inside the parking lot.

## PARKING LOT PERIMETER LANDSCAPING



- A** The perimeter parking lot landscape area must be at least five feet in width with a minimum distance of two feet between the landscape area and any wheel stops.
- B** One shrub must be planted for every three linear feet, or a mix of shrubs, perennials, native grasses, and other planting types.
- C** A minimum of one shade tree must be provided every 50 linear feet. Two ornamental trees may be substituted for one shade tree.
- D** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- E** A decorative metal fence four feet high shall be installed within the landscape area one foot inside the parking lot. The requirement for the decorative metal fence applies only to parking lots in Business Districts.

### 11.6 INTERIOR PARKING LOT LANDSCAPE

All parking lots consisting of 20 or more spaces require interior parking lot landscape as described in this section.

- A.** All rows of parking stalls must terminate in a parking lot island or landscape area.
- B.** Where more than 20 parking stalls are provided in a row, one parking lot island must be provided between every 20 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 20 spaces.
- C.** Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- D.** A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. In addition to the required shade trees, a minimum of 60% of every parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or ornamental grasses.
- E.** The use of stormwater management techniques, such as rain gardens and bioswales, is encouraged in landscape areas. Parking lot islands and landscape areas are encouraged to be designed to accommodate stormwater infiltration.
- F.** In addition to parking lot islands, additional landscape areas must be provided within the interior of parking lots when the parking area is 10,000 square feet or more in area. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.

## PARKING LOT INTERIOR LANDSCAPE



- A** All rows terminate in a parking lot island or landscape area.
- B** Where more than 20 parking stalls are provided in a row, one parking lot island must be provided between every 20 parking spaces.
- C** Parking lot islands are the same dimension as the parking stall.
- D** A minimum of one shade tree provided in every parking lot island or landscape area. In addition, a minimum of 60% of the area of every parking lot island is planted in shrubs, live groundcover, perennials, or ornamental grasses.
- E** Additional landscape areas provided within the interior of parking lots when the parking area is 10,000 square feet or more in area

### 11.7 SITE LANDSCAPE

**A.** Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of the landscape area.

**B.** Where multi-family and non-residential (including mixed-use) developments are located ten feet or more from a street lot line and no parking is located in front of the structure and also where any the façade abuts any parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate entry design and other building functional operations during landscape plan review.

1. A single hedge row is required planted with one shrub every 36 inches on center, spaced linearly
2. Shade trees are required in the amount of one tree every 40 feet. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 20 feet.
3. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are required for any remaining area.
4. Planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement.

## SITE LANDSCAPE



- Ⓐ Multi-family and non-residential (including mixed-use) developments are located ten feet or more from a street lot line.
- Ⓑ A single hedge row must be planted with one shrub every 36 inches on center.
- Ⓒ Shade trees are required in the amount of one tree every 40 feet, or two ornamental trees every 20 feet.
- Ⓓ 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.

### 11.8 BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

**A.** As of the effective date of this Ordinance, buffer yards are required for new construction along interior side and rear yards in the following cases:

1. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling.
2. Where a non-residential use is located within a residential district. This does not include public parks.
3. Where a non-residential district abuts a residential district.

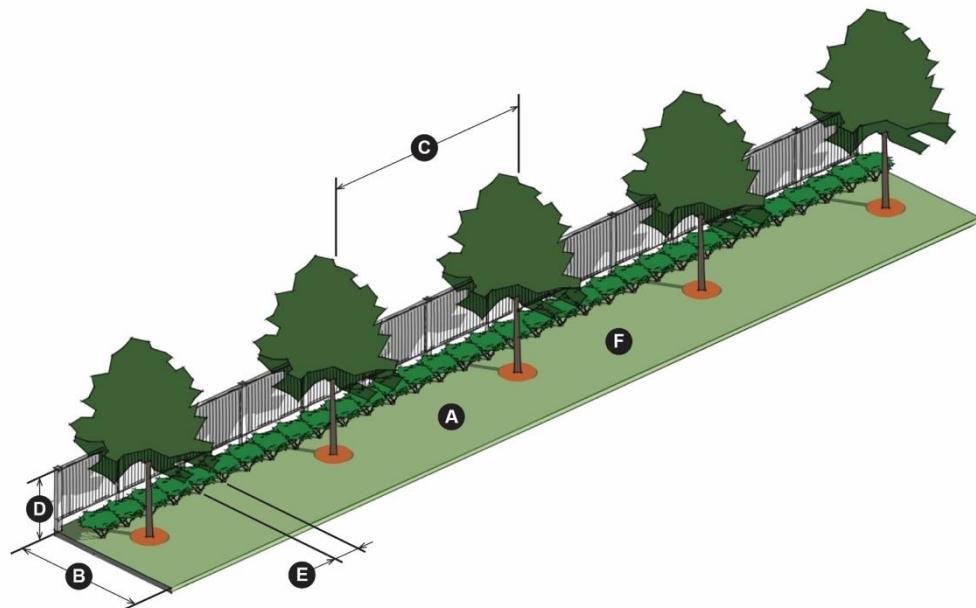
**B.** Buffer yards may be located within required yards, but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or other impervious surfaces are permitted within the buffer yard area.

**C.** The required design of buffer yards is as follows:

1. A buffer yard must be a minimum of ten feet in width.
2. One shade tree must be planted for every 25 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 25 linear feet of buffer yard length.
3. Existing trees that are preserved may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.

4. Unless otherwise specifically required by the use standards of this Ordinance, a solid fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the buffer yard length.
5. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, must be planted for every three linear feet of buffer yard length, spaced linearly.
6. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.

#### BUFFER YARD



- Ⓐ Reserved for the planting of material and installation of screening as required by this section.
- Ⓑ Minimum of ten feet in width.
- Ⓒ Shade or evergreen trees planted one per 25 linear feet.
- Ⓓ Solid fence or wall at a minimum of six feet and a maximum of eight feet in height erected along 100% of the buffer yard length.
- Ⓔ Shrubs planted one per three linear feet.
- Ⓕ 60% of the landscape area planted in live groundcover, perennials, or ornamental grasses.

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## ARTICLE 12. SIGN REGULATIONS

- 12.1 PURPOSE**
- 12.2 GENERAL SIGN STANDARDS**
- 12.3 PROHIBITED SIGNS**
- 12.4 EXEMPT SIGNS - NO PERMIT REQUIRED**
- 12.5 SIGN PERMIT REQUIRED**
- 12.6 SUMMARY OF PERMITTED SIGNS**
- 12.7 SIGN ENFORCEMENT**

### **12.1 PURPOSE**

The regulations set forth in this section are established to promote and protect the public health, safety and welfare. To accomplish this, the following specific purposes are given:

- A.** To regulate outdoor advertising and signs of all types, in an effort to reduce visual confusion and restrict signs which increase the probability of accidents by distracting attention, obstructing the vision, or otherwise adversely affecting the public good.
- B.** To maintain the inherent right of business to communicate reasonably and identify their products and services by promoting the reasonable, orderly and effective display of signs and outdoor advertising.
- C.** To maintain the inherent right of residents and organizations to effectively communicate through signage in a reasonable and orderly fashion.
- D.** To protect the public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the Village.
- E.** To enhance the physical appearance of the Village.
- F.** To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

### **12.2 GENERAL SIGN STANDARDS**

All signs constructed, erected, modified, or altered must comply with the following standards.

#### **A. Prohibited Installations**

- 1.** No sign may be erected in a location that violates the building Article, fire Article, and other applicable Village Articles or Articles.
- 2.** No sign may obstruct the sight triangle, as described in Section 9.1 of this Article.
- 3.** Only signs that have been placed by or authorized by federal, state, or the Village may be installed on public property. Any sign installed on public property including rights-of-way without prior authorization may be removed by the Village without notice.
- 4.** No permanent sign may be erected on private property without the consent of the property owner or his/her authorized agent. When a sign permit applicant proposes to install a sign on property not owned by the applicant, written permission from the property owner or his/her authorized agent must be submitted as part of the sign permit application.
- 5.** No sign may be erected in a manner that obstructs access to any ingress or egress to a building, or obstruct access to fire escapes, or standpipes or similar fire safety connections.
- 6.** No sign may be attached to a utility pole, tree, standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to a roof.
- 7.** No sign shall be erected, constructed or maintained where by reason of its position, shape, color or wording, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal device, nor shall it otherwise cause a safety hazard.

## **B. Construction Standards**

1. Supports and braces must be designed as an integral part of the overall sign and obscured from public view to the extent technically feasible.
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials. To the greatest extent feasible, such penetrations should be located at joints of masonry units, or at locations of structural members of wood or other like constructed facades.
3. All signs must be designed and constructed in compliance with the building Article, electrical Article, and all other applicable Articles and Articles.
4. All permanent signs must be constructed of rigid, weather-proof materials, as determined by the Zoning Administrator.
5. No sign may be painted on a wall or any other structure.
6. Glass comprising any part of a sign must be safety glass.
7. All letters, figures, characters, or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built into or attached to the sign structure.
8. Audio components are prohibited on any sign, with the exception of menuboards. For menuboards, the audio component is limited to communication between the customer and service window.

## **C. Electrical Wiring**

1. All electrical fixtures, devices, circuits, conduits, raceways, or similar features must be installed and maintained in compliance with the current Village electrical Article.
2. Conduits and other components of a sign illumination system must be designed as an integral part of the overall sign structure and obscured from public view to the extent technically feasible.

## **D. Required Maintenance**

1. All signs must be kept in a safe and well-maintained condition and appearance, and must be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.
2. All signs must be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.
3. All unused sign hardware or wiring must be removed. The Zoning Administrator will serve written notice to the permit holder and property owner that unused sign hardware or wiring must be removed within 30 days of written notice for permanent signs or 24 hours for temporary signs. If the unused sign hardware or wiring is not removed within the required time period, the Zoning Administrator may enforce this order through permitted enforcement procedures.
4. If a sign is maintained in an unsafe or unsecured condition, it must be removed or the condition corrected. The Zoning Administrator will serve written notice to the permit holder and property owner that the sign must be removed or the condition corrected within 30 days of written notice for permanent signs or 24 hours for temporary signs. If the sign is not removed or the condition is not corrected within the required time period, the Zoning Administrator may enforce this order through permitted enforcement procedures.
5. The Village may remove any sign that is an immediate public peril to persons or property summarily and without notice.

## **E. Abandoned Signs**

1. Whenever any business, service or other use moves from or vacates premises previously occupied by it, or for any reason renders a sign not applicable to the premises (an abandoned sign), all signs relating to such business, service or use shall be removed from such premises within ten (10) days of the date of such move, vacation or rendering.
2. In the event that such sign is not removed by the owner or operator of such business, service or use, the owner of the premises upon which such sign is displayed shall be liable for such removal.

## **F. Illumination Standards**

1. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, must be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.
2. The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible.
3. All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.
4. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.
5. The use of neon or LED lighting is prohibited, including their use as a sign accent or outline.
6. Neon or LED lighting to outline doors, windows, architectural features, and building facades is prohibited.
7. For all signs with the exception of electronic message signs, the maximum allowable foot-candle at the lot line is one foot-candle unless such signs are allowed to extend over the lot line, where the maximum of one foot-candle is measured at the back of curb or edge of pavement.
8. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

### **12.3 PROHIBITED SIGNS**

All signs not expressly permitted by this Article are prohibited. In addition, the following sign types are specifically prohibited:

- A. Banners used as permanent signs, including banners wrapped around a permanent sign structure, such as a ground sign, blade sign, or wall sign.
- B. Balloon signs, including air-infused/air-inflated signs.
- C. Bench signs.
- D. Billboards.
- E. Exposed neon signs.
- F. Flashing or animation.
- G. Home occupations signs within residential districts.

**H.** Moving signs including any sign that rotates, revolves, or has any visible moving part. Any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. This excludes clocks and barber poles.

**I.** Obsolete copy and obsolete signs. For any sign that becomes obsolete after the effective date of this Article, all obsolete copy must be removed within 30 days of the discontinuance of the activity that is the subject of such copy. Compliance with the requirement to remove obsolete copy is not satisfied by reversing (i.e., turning such copy so that it faces inward), rotating, altering, covering, or otherwise hiding or obfuscating such copy. In the case of obsolete copy upon panels within a sign frame, such panels must be removed and replaced with a blank panel or panel with lawfully approved copy. No sign frame may remain unfilled or allow any internal part or element of the sign structure to be visible.

**J.** Off-premise commercial signs – permanent. Also known as billboards.

**K.** Off-premise commercial signs – temporary.

**L.** Outlining of windows, doors, or architectural features with LED, neon, or any type of lighting.

**M.** Pennants and streamers.

**N.** Pylon signs.

**O.** Portable reader-board signs.

**P.** Roof signs.

**Q.** Strobe of flashing lights, moving or fixed spotlights, floodlights/searchlights.

**R.** Signs that constitute a traffic hazard, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color to resemble a traffic signal.

2. Make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING, or any other word, phrase, symbol, or character in a manner that misleads, interferes with, or confuses traffic.

**S.** Signs painted directly on the wall of the building, or on fences, walls or roofs. Artistic expressions painted onto a wall that have no advertising content are not considered signs.

**T.** Vehicle signs on unlicensed, uninsured, or inoperable vehicles that are placed on the vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked. This prohibition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign, and that they are parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition. Vehicle for-sale signs are exempt from this provision.

**U.** Video display signs (electronic).

## **12.4 EXEMPT SIGNS**

### **A. Exempt Alteration and Maintenance on Existing Signs**

The following activities are exempt from requiring a sign permit:

1. Painting, cleaning, or other normal maintenance and repair of a sign, not involving structural changes, or changes in the electrical components of the sign, including the removal and replacement of electrical components. Any activity that increases the sign area, sign height, or any sign dimension, or moves the location of a sign, requires a sign permit. The changing of a sign face is not exempt from a sign permit.

2. Changing the copy of a changeable message sign or electronic message sign.

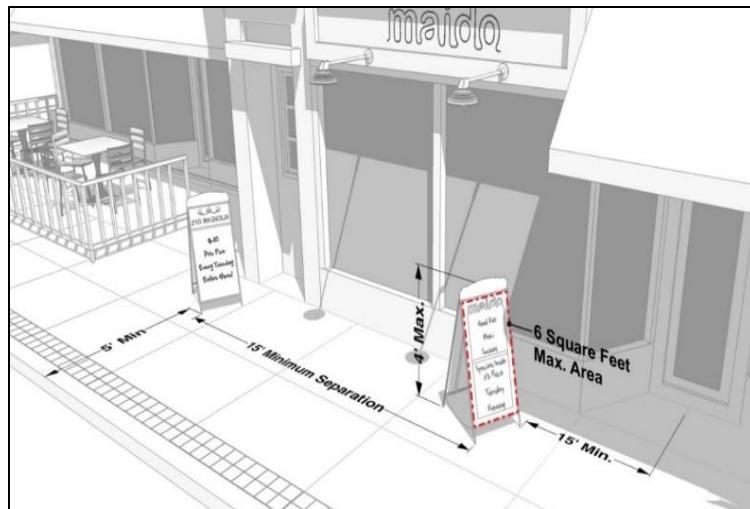
## B. Exempt Ancillary Signs

1. Signs not visible from any public right-of-way up to 32 square feet in sign area.
2. Logos and labels located on mechanical equipment, recycling bins, trash containers, and the like, which are part of the equipment as manufactured and/or installed, are exempt.
3. A maximum of one sign mounted on each gas station pump island is permitted and is limited to 1.5 square feet in sign area. Such signs must be oriented to face the vehicle fueling.
4. Signs identifying only the address and name of a building or the name of an occupant thereof. A maximum of one such sign is allowed per street frontage or primary building entry, whichever is greater. Signs must be wall-mounted and no more than two square feet in area, unless authorized by the Village.

## C. Exempt Permanent and Temporary Signs

### 1. A-Frame Sign

- a. A-frame signs are permitted in the B-1 and B-2 Districts on private property.
- b. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development. A minimum 15 foot separation is required between all A-frame signs.
- c. An A-frame sign must be placed within 15 feet of the primary entrance of the business, and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility Articles. A-frame signs may be placed in the public right-of-way concurrent with the lot of the establishment being advertised, but must maintain a five foot sidewalk clearance at all times.
- d. A-frame signs are limited to six square feet in area per side and four feet in height.
- e. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs must be stored indoors at all other times.



- f. A-frame signs must not be used outdoors when high winds, heavy rain, or snow conditions exist.
- g. Illumination of A-frame signs is prohibited.
- h. No A-frame sign may have any type of electronic component.

## **2. Construction Activity Sign**

On a lot where active construction is taking place, a temporary sign is permitted in conjunction with such construction and may identify the proposed use for the property even if such use is not yet established, subject to the following:

- a.** Construction activity signs are permitted in all districts on all sites with active construction projects.
- b.** Construction activity signs may be installed only after approval of a building permit for such activity. Construction activity signs must be removed as follows:
  - i.** For additions, alterations, or repairs to an existing structure: 60 days or when the building permit expires, whichever occurs first.
  - ii.** For new construction: once construction is complete or the building permit expires, whichever occurs first.
- c.** Construction activity signs may be constructed as either freestanding signs, wall signs, or installed on accessory structures such as fences, and subject to the following:
  - i.** Signs are limited to 16 square feet in area for construction sites for individual single-family or two-family dwellings, and for any site of less than one acre in lot area. Signs are limited to 32 square feet in area for all other construction sites.
  - ii.** Freestanding signs are limited to seven feet in height and must be located five feet from any lot line.
  - iii.** Signs may not be illuminated.

## **3. Flags**

Flags are permitted in any district.

- a.** Flags may be freestanding or wall-mounted.
- b.** Flagpoles are limited to the maximum number of three poles and a maximum height of 30 feet.
- c.** Flagpoles must be setback a minimum of 10 feet from any lot line.
- d.** Wall-mounted flags may not extend over the public right-of-way.
- e.** External illumination of flags is permitted but must be focused on the flagpole and flag.
- f.** All flags must be maintained in good condition.

## **4. Government Sign**

Federal, state, or local governments or taxing bodies may install signs in the public interest in any number, configuration, or size in any district. Such signs may be illuminated as required by the agency. Any electronic message signs require Village approval, with the exception of temporary roadway work, utility work, or emergency information signs.

## **5. Holiday Decorations**

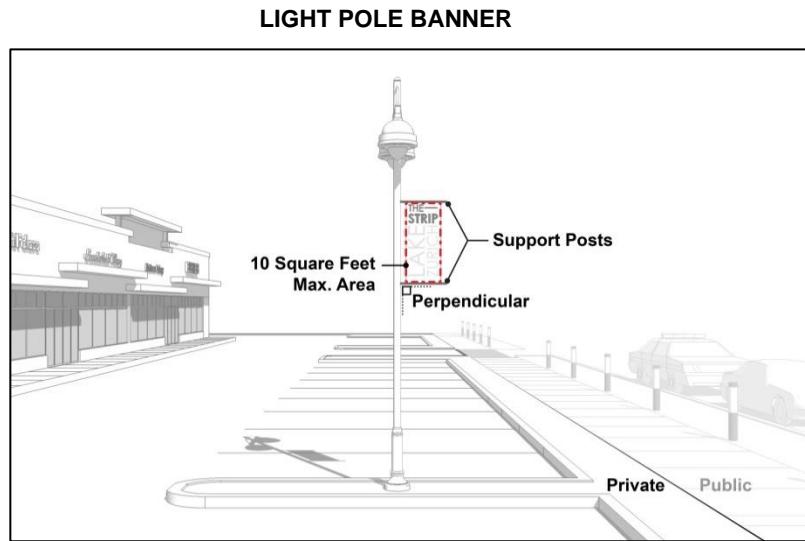
Decorations on private property clearly incidental and customary, and commonly associated with, national, local, or religious holidays, are allowed but are limited to a maximum display period of 45 days for each holiday.

## **6. Light Pole Banner**

Light pole banners on private property are allowed as follows:

- a.** Light pole banners are permitted for light poles on private property and must be mounted so that they are held taut between support posts.
- b.** Light pole banners are limited to a maximum area of 10 square feet.
- c.** Light pole banners must be mounted to project perpendicular from light poles.

- d. Light pole banners must not be used as a temporary off-premise sign.



## 7. Multiple Tenant Building Entryway Sign

Multiple tenant buildings, such as townhouse dwellings, multi-family dwellings, and non-residential developments with multiple tenants, are permitted an additional building entryway sign subject to the following.

- a. Multiple tenant building entryway signs may be constructed as either freestanding or wall signs, subject to the following:
  - i. Signs are limited to six square feet in area.
  - ii. Freestanding signs are limited to five feet in height, and must be located within five feet of the building entry and no less than five feet from any lot line. Freestanding building entryway signs must be installed so that they are primarily viewable from the building entryway and not intended to be viewed from a public right-of-way.
  - iii. Signs may only be internally illuminated.
- b. Multiple tenant building entryway signs are limited to one per building entry.

## 8. Noncommercial

Expressions of *noncommercial* ideas and *messages*, which include but are not limited to advocating a public issue, candidate, alerts, or warnings, are permitted in all districts.

- a. Noncommercial messages may be constructed as either freestanding, wall, or window signs. There is no limit on the number of signs permitted.
- b. Freestanding and wall-mounted noncommercial messages in all districts are limited to six square feet in area.
- c. Window-mounted noncommercial messages must meet the coverage limitations of window signs. If no coverage is specified, the limitation is 30% of the window area.
- d. Freestanding noncommercial messages must be located five feet from any lot line.
- e. Noncommercial messages posted on private property must have the permission of the property owner.
- f. Noncommercial messages may not be illuminated.
- g. Noncommercial messages cannot be used as a temporary off-premise sign.

## 9. Not-for-Profit Community Event Signs

- a. Not-for-profit community events are permitted temporary signs. Signs allowed for not-for-profit community events cannot be used as temporary off-premise signs, which are prohibited, that direct attention to a for-profit commercial activity.
- b. When located on private property, permission from the property owner is required. When located on public property, permission from the Village or other applicable authority is required.
- c. Signs for not-for-profit community events are limited to six square feet in area.
- d. All signs for not-for-profit community events must be removed within 48 hours of the close of the event.

#### **10. Parking Lots and Structures: Additional Signs**

Parking lots and structures are permitted additional signs, whether such parking lots or structures a principal or ancillary use.

- a. An additional sign is permitted at each entrance/exit, driveway intersection, drive-through lane, and other circulation points.
- b. Signs are limited to four square feet in area.
- c. A freestanding sign is limited to six feet in height and must be five feet from any lot line that abuts a street.
- d. Signs located at an entrance/exit, driveway intersection, drive-through lane, and other circulation points may be internally or externally illuminated.

#### **11. Real Estate Activity Sign**

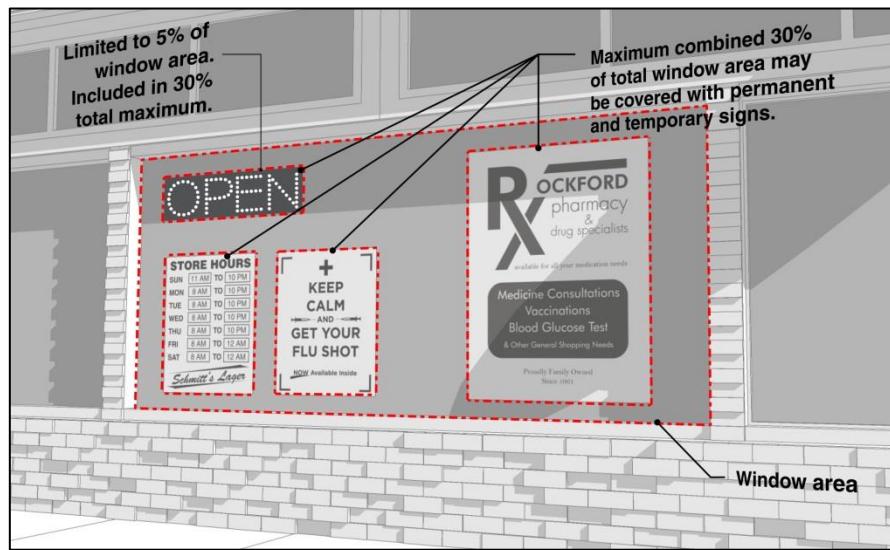
When a structure or lot is offered for sale, lease, or rent, such lot is permitted an additional temporary sign as follows:

- a. Real estate activity signs are permitted in all districts. Real estate signs must be located on the site of the property for sale, lease, or rent.
- b. Real estate signs are limited to one per street frontage.
- c. Real estate activity signs may be constructed as either freestanding, wall, or window signs.
- d. Real estate activity signs are limited to 6 square feet in residential districts and 32 square feet in all other districts.
- e. Freestanding signs are limited to five feet in height and must be located at least five feet from any lot line.
- f. Real estate activity signs may not be illuminated.
- g. Real estate activity signs must be removed within five days of final closing, lease, or rental. If such real estate signs are used in conjunction with a promotional event related to the sale, lease or rent, such signs may be installed 48 hours prior to event and must be removed within 24 hours of the end of the event

#### **12. Window Sign**

- a. Window signs are permitted for all non-residential uses in all districts.
- b. All window signs, whether temporary or permanent, are limited to no more than 30% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
- c. Up to 5% of window area may be an illuminated, but this area is included in the maximum total area of 30%. Flashing or animation is prohibited.

## WINDOW SIGNS



### 12.5 SIGN PERMIT REQUIRED FOR PERMANENT AND TEMPORARY SIGNS

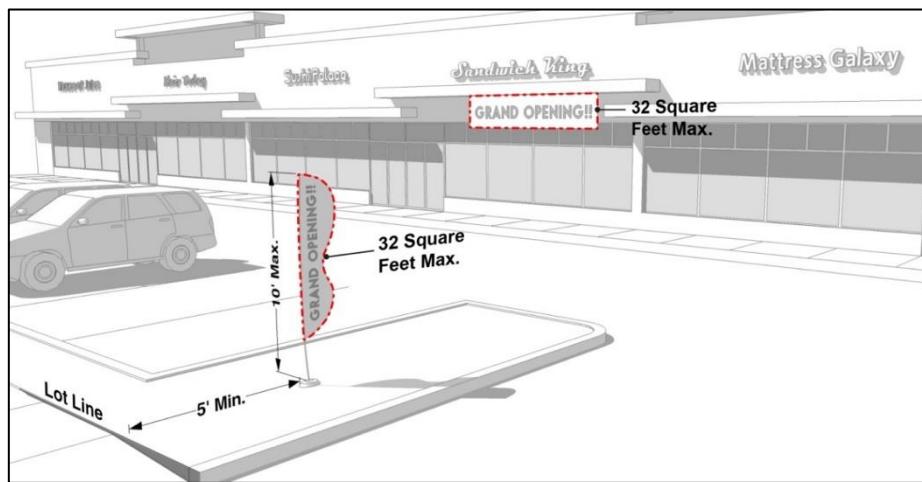
This section describes the types of signs allowed with a sign permit. Specific regulations on each sign type may include further restrictions on which districts and/or uses within a district may utilize these sign types.

#### A. Attention-Getting Device

1. Attention-getting devices are permitted for non-residential uses in the non-residential districts.
2. Each establishment may have one attention-getting device installed or mounted at any one time.
3. Attention-getting devices are limited to the following display periods:
  - a. When the attention-getting device advertises an event that has a specific start and end time: A total display period of seven days prior to the start of the event, the time period of the event, and three days following the end of the event.
  - b. All other attention-getting device advertises (non-time specific): 15 days.
  - c. A maximum of four display periods per year is permitted with a minimum of 30 days between displays.
4. Attention-getting devices for multi-tenant sites are subject to the following rules:
  - a. The display period and separation period apply to each establishment individually rather than the site as a whole.
  - b. For multi-tenant sites, the property owner(s) and/or tenants must coordinate display of attention-getting devices among tenants.
5. Freestanding attention-getting devices are subject to the following:
  - a. One freestanding attention-getting device is allowed for every 75 feet of street frontage. There must be a 15 foot separation between freestanding attention-getting devices.
  - b. Freestanding attention-getting devices are limited to a maximum height of ten feet and 32 square feet in area.
  - c. Freestanding attention-getting devices must be located a minimum of five feet from a lot line, as measured from the outermost portion of the sign. No part of a freestanding attention-getting device may extend over the lot line.

6. Wall-mounted attention-getting devices are limited to 32 square feet.

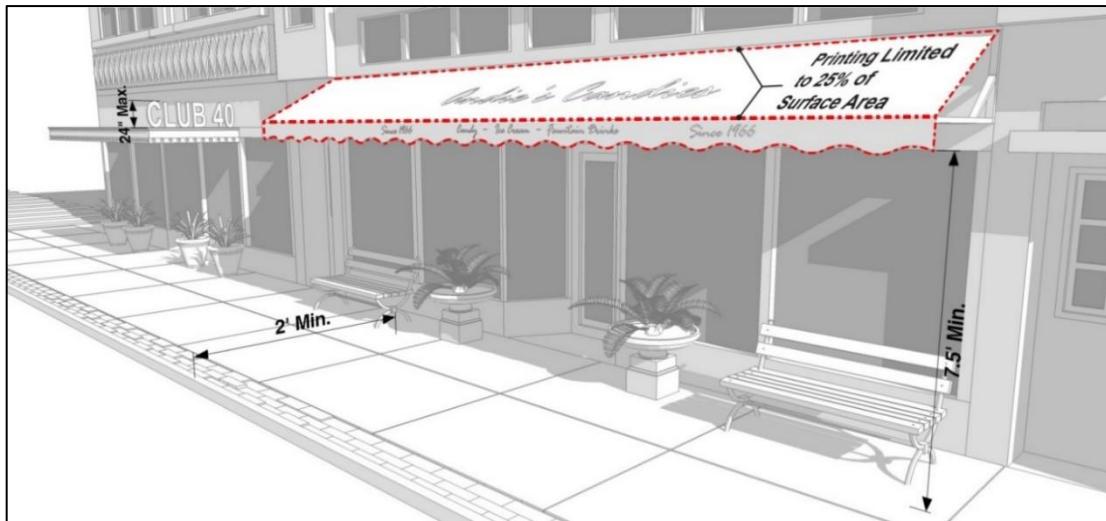
#### ATTENTION GETTING DEVICE



#### B. Awning Sign

1. Awning signs are permitted for multi-family dwellings and non-residential uses in any district.
2. Awning signs must maintain a minimum vertical clearance of seven feet six inches.
3. Awning signs may encroach into the public right-of-way but must be located at least two feet from the curb line.
4. Awning signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material such as metal.
5. Sign copy on any awning sign surface is limited to 25% of each surface area. A valance is considered a separate surface area.
6. Solid awnings are permitted lettering attached to and located above the top of the awning to a maximum height of 24 inches.
7. Awning signs may be externally illuminated and lighting must be focused on the printed area.
8. Back-lit awnings are prohibited.

## AWNING SIGN



### C. Blade Sign (Projecting Signs)

1. Blade signs are permitted only in the B-1 and B-2 Districts, subject to the following restrictions:
  - a. One blade sign shall be permitted for each street frontage which the building/use abuts.
  - b. The height shall not exceed 5 feet.
  - c. The width shall not exceed 3 feet.
  - d. The maximum projection from any wall may not exceed 42 inches.
  - e. The sign depth/thickness shall not exceed 3 inches.
  - f. The sign area shall not exceed 7.5 square feet.
  - g. No part of the sign may extend above the parapet wall of the building.
  - h. No part of the sign, mounting apparatus, or light may extend more than 20 feet from the ground.
  - i. There shall be a minimum clearance of 8 feet between any part of the sign and finished grade.
  - j. There shall be not less than 4 inches between the sign and the wall of the building.
  - k. No internal illumination is permitted.
  - l. External light fixtures may not extend more than 2 feet beyond the vertical centerline of the sign.
2. Blade signs may encroach into the public right-of-way but must be located at least two feet from the curb line.
3. Blade signs must be constructed of wood or simulated wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Blade signs constructed of canvas or similar material must be mounted so that they are held taut between support posts.

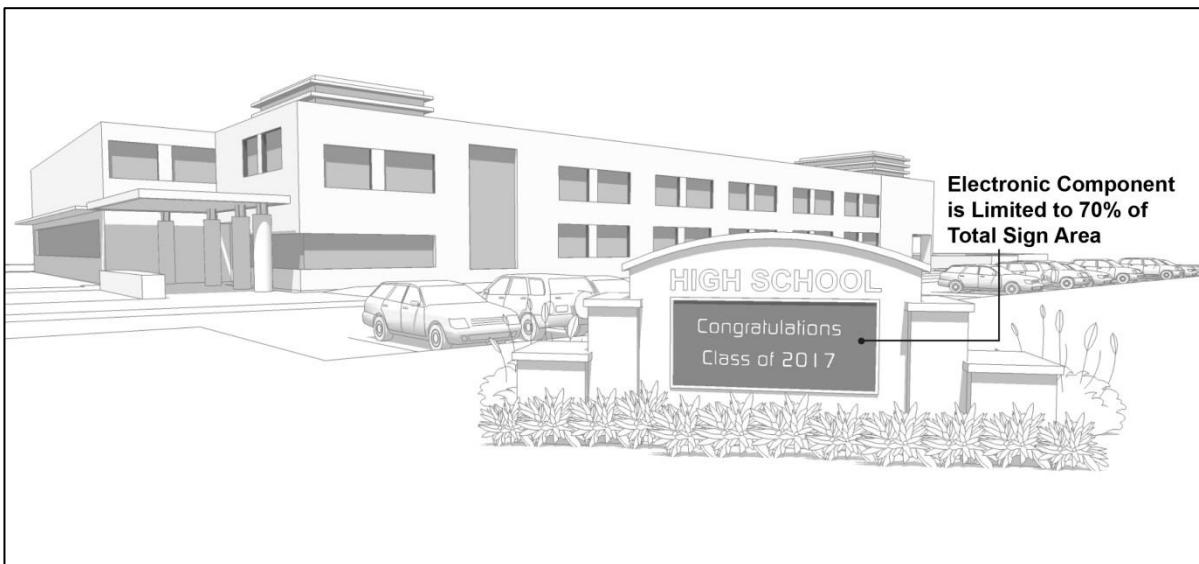
### BLADE SIGN



#### E. Electronic Message Sign

1. Electronic message signs are permitted in the P-I District only, however the following exception applies: motor vehicle service stations in any district are permitted an electronic message sign to display copy graphic that is required to be displayed by law, such as fuel prices.
2. Electronic message signs are permitted as part of a ground sign.
3. Electronic message signs must be a minimum of 25 feet from the lot line. This is measured from sign face to the lot line, including any public right-of-way.
4. Electronic message signs must be integrated into the larger sign structure. The electronic component is limited to a maximum of 70% of the total area of a sign.
5. Only one electronic message sign per lot is permitted.
6. Electronic message signs must display static text messages only, with no animation or effects simulating animation or video. Any scrolling, flashing, spinning, revolving, or shaking animation, or movement of the message or any component of the sign is prohibited. Any message change sequence must be accomplished immediately by changing from one screen to another without transition by means of, for example, fade or dissolve mode. Video display screens are prohibited. Each message or image displayed on an electronic message sign must be static for a minimum of four seconds. Multi-color messages and static images are permitted.
7. The content of electronic message signs is limited to the time, outdoor temperature and public service messages.

## ELECTRONIC MESSAGE SIGN



### F. Ground Sign

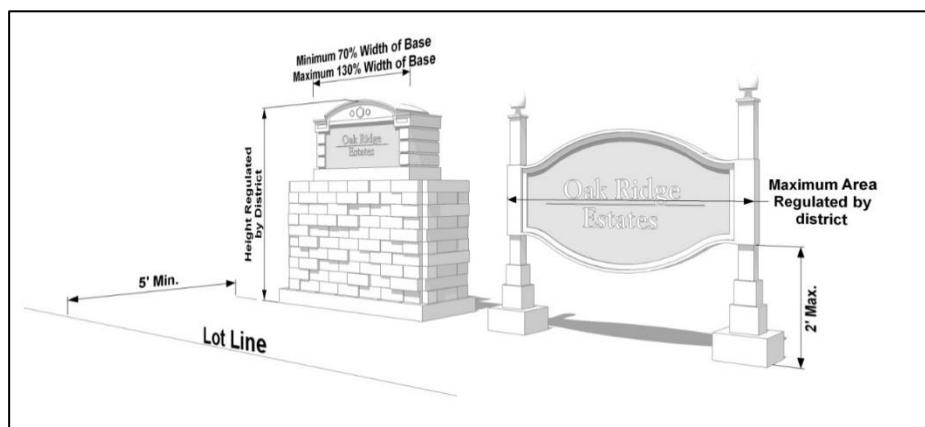
#### 1. Ground Signs Permitted

Ground signs are permitted in the B-3 and O-T Districts only.

#### 2. General Ground Sign Regulations

- a. Ground signs may be designed with the sign base installed at grade or mounted on posts.
- b. Ground signs must be set back five feet from any lot line. No ground sign may project into, over, or otherwise encroach on a public right-of-way.
- c. Ground signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- d. Ground signs must be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. The base on which a ground sign is principally supported should typically be constructed of masonry material.

## GROUND SIGNS



### 3. Number of Signs Permitted

One ground sign shall be permitted per zoning lot.

### 4. Permitted Height

a. In the B-3 District, ground signs shall not be higher than 24 feet above grade, with the maximum distance from grade to the bottom of the sign not more than 8 feet.

b. In the O-T District, ground signs shall not be higher than 10 feet above grade;

### 5. Sign Area

The maximum sign area shall not exceed the lot's street frontage, or 140 square feet, whichever is less.

### 6. Location

Ground signs are permitted in the front yard only.

### 7. Ground Sign Landscaping

All ground signs must be landscaped at the base of the sign in accordance with the following:

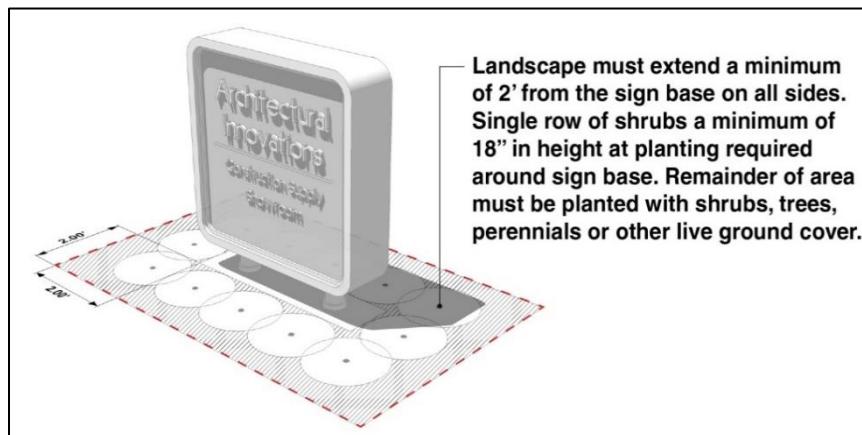
a. Landscape must extend a minimum of two feet from the sign base on all sides with small shrubs a minimum of 18 inches in height at planting in a single row around the perimeter of the sign base. The remainder of the required landscape area must be planted with trees, perennials, or other live groundcover.

b. If a ground monument sign is designed with a decorative base and such decorative base extends to the ground, the single row of shrubs around the perimeter of the sign base is not required. Landscape must extend a minimum of two feet from the sign base around a minimum of 50% of the perimeter of the sign base, and must be planted with shrubs, trees, perennials, or other live groundcover.

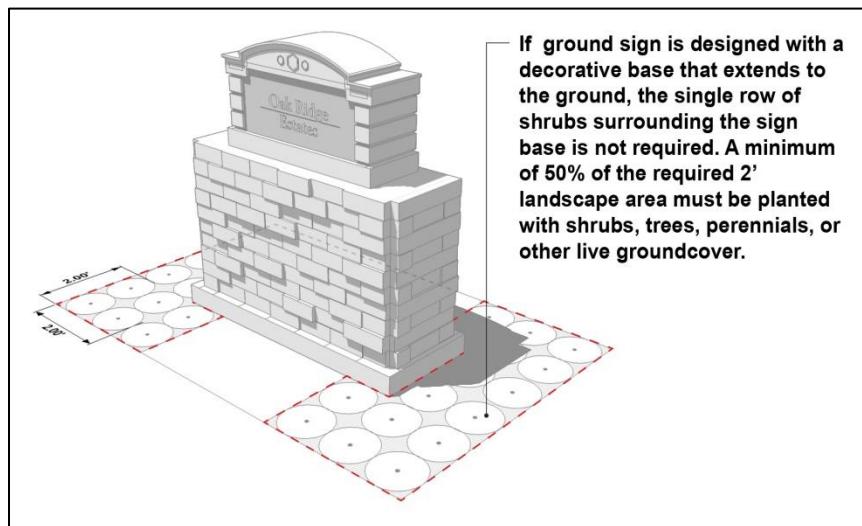
c. If landscape is required on a site, ground sign landscape is included in the total amount of landscape required on a site. Where a sign is installed in any landscape area of a site, the specific landscape requirements of this section do not apply and the sign landscape must be integrated into the overall site landscape plan. Sign landscape must be shown on the landscape plan.

d. All landscape must be maintained in good condition, and free and clear of rubbish and weeds.

### GROUND SIGN LANDSCAPE REQUIREMENTS (NON-DECORATIVE BASE)



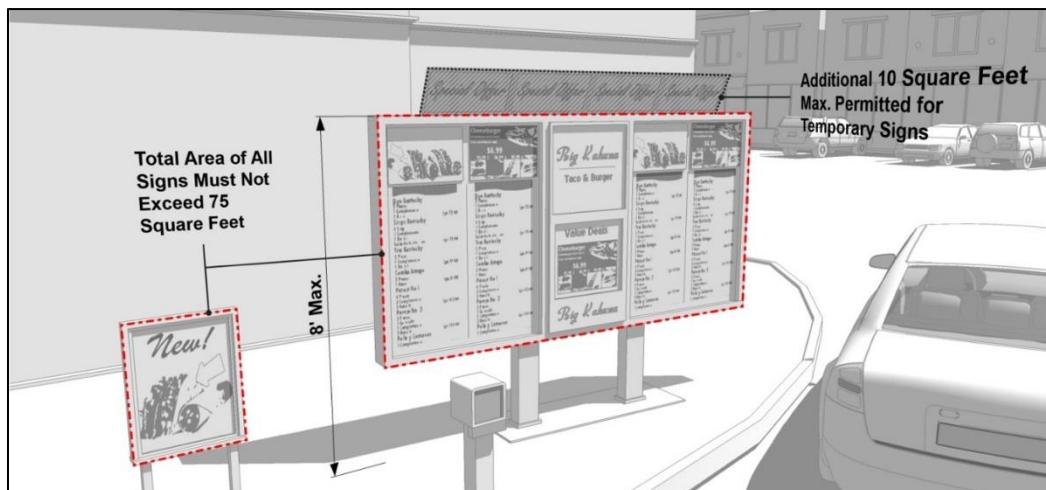
## GROUND SIGN LANDSCAPE REQUIREMENTS (DECORATIVE BASE)



### H. Menuboard

1. Menubards are permitted for all drive-through facilities in any district.
2. Menubards are limited to a maximum of two per drive-through lane.
3. Menubards are limited to 75 square feet in sign area and eight feet in height. The menubard may be designed as separate freestanding signs grouped together and may include the use of preview boards designed as separate freestanding signs installed a distance earlier in the drive-through lane, however the total area of all signs must not exceed 75 square feet.
4. Menubards are permitted an additional ten square feet of sign area for temporary signs attached to the top or sides of the menubard.
5. Menubards must be located a minimum of 15 feet from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.
6. Menubards may be internally illuminated. Menubards may also contain an electronic screen for interaction with each customer.

### MENUBARD



## **J. Wall Signs**

### **1. Districts Allowed**

Wall signs are permitted in the B-1, B-2, and B-3 Districts only.

### **2. Location**

Wall signs are permitted on all walls/facades of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one structure.

### **3. Maximum Sign Area**

#### **a. B-3 District**

The maximum sign area shall not exceed 1.5 times the length of:

- i. The wall on which the sign is located for a single tenant building; or
- ii. The tenant space for a multi-tenant building.

#### **b. B-1 and B-2 Districts**

The maximum sign area shall not exceed the length of:

- i. The wall on which the sign is located for a single tenant building;
- ii. The tenant space for a multi-tenant building; or
- iii. if a sign is mounted on the wall of the building facing an alley, the area of such sign shall not exceed 5 feet.

### **4. Sign Height**

Wall signs shall not extend above the height of the wall.

### **5. Vertical Dimension**

The vertical dimension of wall signs shall not exceed 6 feet.

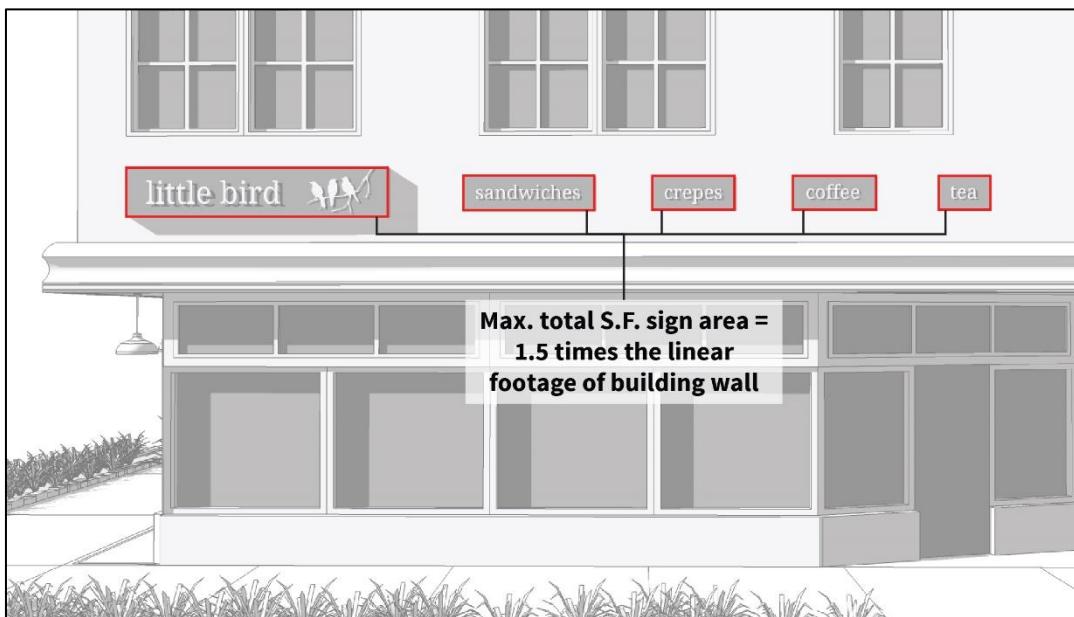
### **6. Sign Projection**

Wall signs shall not project more than 12 inches from the face of the wall and must provide at least 8 feet of clearance above grade.

### **7. Illumination**

External illumination of wall signs is preferred. Halo/backlit illumination is permitted. Internally illuminated wall signs are not permitted.

## WALL SIGN



### 12.6 SUMMARY OF ALLOWED SIGNS

Table 10-3: Summary of Allowed Signs catalogs the types of allowed signs, both permanent and temporary, and indicates whether such sign requires a sign permit. This table is provided for reference purposes; in the case of any conflict with the regulations of this Article, the specific sign regulations control over this table.

**Table 10-3: Summary of Allowed Signs**

Sign Type	Exempt/ No Permit Required (Section 12.9)	Permit Required (Section 12.10)	Sign Type <i>P</i> = Permanent <i>T</i> = Temporary
A-Frame Sign	●		<i>T</i>
Attention Getting Device		●	<i>T</i>
Awning Sign		●	<i>P</i>
Blade Sign (Projecting Signs)		●	<i>P</i>
Canopy Sign		●	<i>P</i>
Construction Activity	●		<i>T</i>
Electronic Message Sign		●	<i>P</i>
Flag	●		<i>P</i>
Government Sign	●		<i>P, T</i>
Ground Sign		●	<i>P</i>
Holiday Decorations	●		<i>T</i>
Light Pole Banner	●		<i>P, T</i>
Memorial	●		<i>P</i>
Menuboard		●	<i>P</i>
Multi-Tenant Building Entryway	●		<i>P</i>
Noncommercial	●		<i>T</i>

Table 10-3: Summary of Allowed Signs			
Sign Type	Exempt/ No Permit Required (Section 12.9)	Permit Required (Section 12.10)	Sign Type <i>P = Permanent T = Temporary</i>
Parking Lot/Structure	●		P
Not-for-Profit Community Event	●		T
Real Estate Activity	●		T
Wall Sign		●	P
Window Sign	●		P, T

## 12.7 SIGN ENFORCEMENT

### A. Relation to Other Laws and Regulations

Where there is a conflict between this Article and other Village statutes, Articles, or regulations, the more restrictive statute, Article, or regulation controls.

### B. Revocation and Termination of Permit

The Zoning Administrator may revoke any sign permit where there has been a violation of the provisions of this Article or misrepresentation of fact on the sign permit application. Upon termination or revocation of a sign permit, the sign must be removed without cost or expense of any kind to the Village.

### C. Inspection

The Village may inspect all signs at any time. The purpose of the inspection is to ascertain whether the structure is secure or insecure, whether in need of repair or removal, whether it is in conformance with the sign permit and/or sign variance approval, or otherwise in violation of the provisions of this Article.

### D. Illegally Constructed Signs

If a sign is determined to have been constructed illegally without a required sign permit, the Zoning Administrator will serve notice to the property owner that such sign must be removed within 30 days of notice for permanent signs or 24 hours for temporary signs. If the sign is not removed within the required time period, the Zoning Administrator may enforce this order through permitted enforcement procedures.

### E. Illegally Placed Signs

Any sign placed on public property or within the public right-of-way without authorization will be removed immediately by the Village without notice.

### F. Penalties

Any person who violates this Article may be fined for each offense. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation. Each violation, and each day that such violation continues, is subject to a fine as established in the Village Article.

## **ARTICLE 13. ADMINISTRATIVE BODIES**

- 13.1 DESIGNEES**
- 13.2 VILLAGE BOARD**
- 13.3 ZONING BOARD OF APPEALS AND PLAN COMMISSION**
- 13.4 ZONING ADMINISTRATOR**
- 13.5 DOWNTOWN DESIGN REVIEW COMMISSION**

### **13.1 DESIGNEES**

Certain Village officials within this Article are cited as having powers that may also be administered by a designee, indicated by the language "or his/her designee." The ability to direct powers to a designee applies to the actions of such officials throughout this Ordinance.

### **13.2 VILLAGE BOARD**

The Village Board has the following powers, pursuant to this Ordinance:

- A. To make final decisions on zoning text and map amendment applications.
- B. To make final decisions on conditional use applications.
- C. To make final decisions on non-single family variation applications.
- D. To make final decisions on planned unit development applications.

### **13.3 ZONING BOARD OF APPEALS AND PLAN COMMISSION**

The Zoning Board of Appeals and Plan Commission has the powers granted by State law and has the following powers, pursuant to this Ordinance:

- A. To make recommendations to the Village Board on zoning text and map amendment applications.
- B. To make recommendations to the Village Board on conditional use applications.
- C. To make recommendations to the Village Board on variation applications.
- D. To make recommendations to the Village Board on planned unit development applications.
- E. To make final decisions on single family residential variation applications and zoning appeals.
- F. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

### **13.4 ZONING ADMINISTRATOR**

The Zoning Administrator may designate one or more Village staff to act as the Zoning Administrator; however, a zoning decision may only be rendered once. The Zoning Administrator, or his/her designee, has the following powers, pursuant to this Ordinance:

- A. To make final decisions on site plan review applications.
- B. To make final decisions on zoning interpretation applications.
- C. To make final decisions on temporary use permit applications.
- D. To process applications for sign permits and issue such permits for conforming signs.
- E. To receive and forward zoning applications as required by this Ordinance to the Zoning Board of Appeals and Plan Commission, Village Board, or Village official, as appropriate.
- F. To maintain permanent and current records as required by this Ordinance.

**G.** To maintain and make available the Village's Official Zoning Ordinance and Zoning Map, and all permanent and current records required by this Ordinance.

**H.** To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.

**I.** To perform zoning analyses where required to determine zoning compliance of proposed/requested approvals.

### **13.5 DOWNTOWN DESIGN REVIEW COMMISSION**

The Downtown Design Review Commission shall have the duties and responsibilities established below for applications submitted for properties located within the D-O Downtown Design Review Overlay District as set forth in Article 7. These duties and responsibilities are listed below:

- A.** To review applications for Downtown Design Review approval.
- B.** To conduct required hearings for Downtown Design Review applications.
- C.** To coordinate with other administrative bodies involved with applications that require multiple approvals.
- D.** To make final decisions on Downtown Design Review Level 2 applications.
- E.** To make recommendations on Downtown Design Review Level 3 applications where the Village Board makes final decisions.

## ARTICLE 14. ZONING PROCEDURES

- 14.1 GENERAL REQUIREMENTS**
- 14.2 ZONING TEXT AND MAP AMENDMENT**
- 14.3 CONDITIONAL USES**
- 14.4 VARIATION**
- 14.5 PLANNED UNIT DEVELOPMENT**
- 14.6 ZONING INTERPRETATION**
- 14.7 TEMPORARY USE PERMIT**
- 14.8 SIGN PERMIT**
- 14.9 ZONING APPEALS**
- 14.10 DOWNTOWN DESIGN REVIEW**

### **14.1 GENERAL REQUIREMENTS**

- A. All applications must be submitted in accordance with Section 15.1.
- B. All notice for public hearings or meetings must meet the requirements of Section 15.2.
- C. All public hearings must be conducted in accordance with Section 15.3

### **14.2 ZONING TEXT AND MAP AMENDMENT**

#### **A. Purpose**

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

#### **B. Initiation**

- 1. The Village Board, the Zoning Board of Appeals and Plan Commission, or a property owner in the Village, or his/her designee, may propose a zoning text amendment.
- 2. The Village Board, the Zoning Board of Appeals and Plan Commission, or a property owner in the Village, or his/her designee, may propose zoning map amendments.
- 3. The Village Board or the Zoning Administrator may propose a Comprehensive Map Amendment, which is defined as a zoning map amendment initiated by the Village Board or the Zoning Administrator that seeks to rezone twenty (20) or more zoning lots.

#### **C. Authority**

The Village Board, after receiving a recommendation from the Zoning Board of Appeals and Plan Commission, will take formal action on requests for zoning text or map amendments.

#### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals and Plan Commission. Amendments initiated by the Village Board or the Zoning Board of Appeals and Plan Commission also require an application, but are exempt from fees.

##### **1. Action by Zoning Board of Appeals and Plan Commission**

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Zoning Board of Appeals and Plan Commission, the Zoning Board of Appeals and Plan Commission will consider the proposed zoning amendment at a public hearing.
- b. The Zoning Board of Appeals and Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. For zoning text amendments, the Zoning Board of Appeals and Plan Commission must recommend approval, approval with modifications, or denial of the application. For zoning map amendments, the Zoning Board of Appeals and Plan Commission must recommend approval or denial of the application.

- c. Within 60 days of the close of the public hearing, the Zoning Board of Appeals and Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

## **2. Action by Village Board**

The Village Board will review the application within 60 days of receipt of the Zoning Board of Appeals and Plan Commission recommendation, unless an extension of time is agreed to by the applicant and the Village Board. The Village Board must take action in the form of approval, approval with modifications, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments. The Village Board may also send the application back to the Zoning Board of Appeals and Plan Commission for further consideration.

## **E. Approval Standards**

The Zoning Board of Appeals and Plan Commission recommendation and the Village Board decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Zoning Board of Appeals and Plan Commission and the Village Board must consider the following standards. The approval of amendments is based on a balancing of these standards.

### **1. Approval Standards for Map Amendments**

- a. The proposed amendment shall be compatible with the existing use and zoning of nearby property.
- b. The proposed amendment shall promote the public health, safety, and welfare of the Village.
- c. The degree to which the proposed amendment results in a gain to the public, as compared to the hardship imposed upon the applicant.
- d. The property proposed for amendment is suitable for the uses permitted in the proposed zoning district.
- e. The length of time that the property in question has been vacant, as presently zoned, shall be considered in the context of development in the area where the property is located.
- f. The proposed amendment shall be consistent with the Comprehensive Plan and any adopted land use policies.
- g. The proposed amendment will benefit the residents of the Village as a whole, and not serve solely the interest of the applicant.
- h. The extent to which the proposed amendment creates nonconformities shall be considered as a factor against the amendment.
- i. The proposed amendment should be consistent with the trend of development, if any, in the general area surrounding the property in question.
- j. The permitted uses in the zoning district being requested can be adequately served by public facilities that are existing or can be reasonably provided prior to new development on the property including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines.

### **2. Approval Standards for Text Amendments**

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

- f. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.
- g. The extent to which the proposed amendment creates nonconformities.
- h. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

#### **F. Written Protest of Amendment**

Written protest of an amendment may be filed in accordance with Illinois state law.

### **14.3 CONDITIONAL USES**

#### **A. Purpose**

This Ordinance is based upon the division of the Village into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

#### **B. Initiation**

A property owner in the Village, or his/her designee, may file an application to use his/her land for one or more of the conditional uses authorized within the zoning district. A property owner may only propose a conditional use for property under his/her control.

#### **C. Authority**

The Village Board, after receiving a recommendation from the Zoning Board of Appeals and Plan Commission, will take formal action on conditional use applications.

#### **D. Procedure**

An application for a conditional use must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals and Plan Commission.

##### **1. Action by Zoning Board of Appeals and Plan Commission**

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Zoning Board of Appeals and Plan Commission, the Zoning Board of Appeals and Plan Commission will consider the conditional use at a public hearing.
- b. The Zoning Board of Appeals and Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Appeals and Plan Commission must recommend either approval, approval with conditions, or denial of the conditional use.
- c. Within 60 days of the close of the public hearing, the Zoning Board of Appeals and Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

##### **2. Action by Village Board**

The Village Board must act on the conditional use within 60 days of receipt of the Zoning Board of Appeals and Plan Commission recommendation. The Village Board must approve, approve with conditions, or deny the conditional use. The Village Board may also send the application back to the Zoning Board of Appeals and Plan Commission for further consideration.

### **3. Conditions on Conditional Uses**

The Zoning Board of Appeals and Plan Commission may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as may be deemed necessary for the protection of the public health, safety, and welfare. The Village Board may require such guarantees, as it may deem necessary, to assure compliance with any stipulated conditions.

### **E. Approval Standards**

The listing of a use as a conditional use within a zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each conditional use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Zoning Board of Appeals and Plan Commission and decision of the Village Board must make findings to support each of the following conclusions:

1. The proposed conditional use will not endanger the public health, safety, or welfare.
2. The proposed conditional use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. Adequate utilities, access roads, drainage and/or necessary facilities have been, or are being provided.
4. Adequate measures have been, or will be, taken to provide safe ingress and egress so designed to promote the smooth flow of traffic in the public streets.
5. The conditional use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted Village land use policies.

### **F. Modifications to Approved Conditional Uses**

Any modifications to the conditions of approval for a previously approved conditional use must be resubmitted as a new conditional use application. Any modifications that meet Ordinance standards are permitted, subject to the regulations of this Ordinance.

### **G. Expiration**

A conditional use approval expires if any one of the following conditions occurs and no request for an extension of the conditional use approval is pending.

1. When an approved conditional use is changed to another use.
2. For conditional uses approved in conjunction with new construction or additions or enlargements to an existing structure, the conditional use approval expires within one year of the date of approval if a building permit has not been issued.
3. For conditional uses approved in conjunction with an existing structure or on lot where no structure is planned, the conditional use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.
4. For conditional uses approved in conjunction with a preliminary plan for a planned unit development, the conditional use approval expires in conjunction with the preliminary plan expiration.
5. When the conditional use has been abandoned for six months or more.

## 14.4 VARIATION

### A. Purpose

The purpose of the variation process is to provide a narrowly proscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

### B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for a variation. A property owner, or his/her designee, may only propose a variation for property under his/her control.

### C. Authority

The Village Board, after receiving a recommendation from the Zoning Board of Appeals and Plan Commission, will take formal action on variations.

### D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals and Plan Commission.

#### 1. Action by Zoning Board of Appeals and Plan Commission

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Zoning Board of Appeals and Plan Commission, the Zoning Board of Appeals and Plan Commission will consider the variation at a public hearing.
- b. The Zoning Board of Appeals and Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Appeals and Plan Commission must recommend either approval, approval with conditions, or denial of the variation.
- c. Within 60 days of the close of the public hearing, the Zoning Board of Appeals and Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

#### 2. Action by Village Board

The Village Board must act on the variation within 60 days of receipt of the Zoning Board of Appeals and Plan Commission recommendation. The Village Board must approve, approve with conditions, or deny the variation. The Village Board may also send the application back to the Zoning Board of Appeals and Plan Commission for further consideration.

#### 3. Conditions

- a. The Zoning Board of Appeals and Plan Commission may recommend and the Village Board impose such conditions and restrictions upon the variation as may be deemed necessary for the protection of the public health, safety, and welfare.
- b. The Zoning Board of Appeals and Plan Commission may recommend and the Village Board may grant a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variation application.

### E. Approval Standards

The recommendation of the Zoning Board of Appeals and Plan Commission and the decision of the Village Board must make the following findings to support a ruling in favor of a variation:

1. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.

2. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.
4. The variation requested represents the least deviation from the applicable regulation needed.
5. The variation will not materially:
  - a. Impair an adequate supply of light and air on adjacent properties;
  - b. Increase the hazard from fire and other public safety dangers;
  - c. Diminish the value of adjacent property;
  - d. Impede the flow of traffic or create traffic hazards in the public streets;
  - e. Otherwise impair the public health, safety, comfort, morals or general welfare;

#### **F. Expiration of Variation**

An approved variation will expire 180 days from the date of approval unless a building permit is obtained or applied for within such period. The Zoning Administrator may grant an extension for a period of validity longer than 180 days, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

### **14.5 PLANNED UNIT DEVELOPMENT**

#### **A. Purpose**

Planned unit developments (PUD) are allowed as a distinct category of conditional use. In particular, however, the planned unit development technique is intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the Village. The underlying district dimensional and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, the planned unit development is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecological conditions.
7. Facilitate the implementation of adopted Village land use policies, particularly with respect to areas planned for potential redevelopment.

#### **B. Initiation**

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

#### **C. Authorization**

A planned unit development is authorized in all zoning districts. A planned unit development must be granted in accordance with the procedures and standards of this section. Unless specifically approved as part of the planned unit development approval, the requirements of the underlying district apply.

#### **D. Exceptions from District Regulations**

1. The planned unit development is subject to the underlying district dimensional and use regulations unless an exception is specifically granted. The Zoning Board of Appeals and Plan Commission may recommend and the Village Board may grant exceptions to the zoning district use and dimensional regulations where a planned unit development is located. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:
  - a. Enhance the overall merit of the planned unit development.
  - b. Promote the objectives of both the Village and the development.
  - c. Enhance the quality of the design of the structures and the site plan.
  - d. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
  - e. Are compatible with adopted Village land use policies.
  - f. Provide a public benefit to the Village, as described below.
2. The underlying zoning district requirements apply, unless an exception is granted as part of the planned unit development approval. Exceptions to district regulations may be granted where it is determined that such modifications do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or traffic circulation on-site and off-site. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the Village. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:
  - a. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and public transit facilities
  - b. Preservation of existing environmental features.
  - c. Preservation of historic features.
  - d. Open space and recreational amenities
  - e. The use of green building and sustainable development techniques, including LEED or LEED-equivalent certification of structures.
  - f. Incorporation of stormwater management techniques above that required by the development.
  - g. Adaptive reuse of existing buildings.
  - h. Provision of public car and/or bike share facilities

#### **E. Procedure**

The following procedures, requirements, restrictions, and conditions are required. Approval of a planned unit development includes a pre-application consultation, required concept plan review, preliminary plan approval, and final plan approval. A preliminary plan and a final plan may not be submitted and reviewed simultaneously but must follow the procedures as laid out sequentially in this section.

##### **1. Pre-Application Consultation**

- a. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is required.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned unit development, the proposed uses, proposed improvements including the public

benefits and amenities, anticipated exceptions to this Ordinance, and any other information necessary to explain the planned unit development.

- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of concept plan, so that the applicant may determine whether the proposed planned unit development is in compliance with the provisions of this Ordinance and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the Village.
- d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Zoning Administrator are in no way binding with respect to any official action that may be taken on the subsequent formal application.

## **2. Concept Plan**

- a. Before submitting a formal application for a planned unit development, the applicant must present a concept plan before the Zoning Board of Appeals and Plan Commission for the purpose of obtaining information and guidance prior to formal application. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:
  - i. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned unit development, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
  - ii. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
  - iii. The Zoning Board of Appeals and Plan Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Zoning Board of Appeals and Plan Commission is in no way binding with respect to any official action the Zoning Board of Appeals and Plan Commission or Village Board may take on the subsequent formal application. The review of the concept plan is not a public hearing.

## **3. Preliminary Plan**

### **a. Action by Zoning Administrator**

An application for a preliminary plan for a planned unit development must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals and Plan Commission.

### **b. Action by Zoning Board of Appeals and Plan Commission**

- i. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Zoning Board of Appeals and Plan Commission, the Zoning Board of Appeals and Plan Commission will consider the preliminary plan at a public hearing.
- ii. The Zoning Board of Appeals and Plan Commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Appeals and Plan Commission must recommend either approval, approval with conditions, or denial of the preliminary plan.
- iii. Following the close of the public hearing, the Zoning Board of Appeals and Plan Commission will forward its recommendation to the Village Board.

### **c. Action by Village Board**

The Village Board will review the preliminary plan within 60 days of receipt of the Zoning Board of Appeals and Plan Commission recommendation, unless an extension of time is agreed to by the applicant and the Village Board. The Village Board must approve, approve with conditions, or deny the preliminary plan. The

Village Board may also send the application back to the Zoning Board of Appeals and Plan Commission for further consideration.

**d. Conditions**

The Zoning Board of Appeals and Plan Commission may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

**e. Approval Standards**

The recommendation of the Zoning Board of Appeals and Plan Commission and decision of the Village Board to approve a planned unit development must make a finding that the following standards for a planned unit development have generally been met.

- i. The proposed planned unit development meets the purpose of a planned unit development.
- ii. The proposed planned unit development will not be injurious to the use and enjoyment of other property in the vicinity.
- iii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
- iv. There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- v. There is provision for adequate vehicular ingress and egress that does not impede the flow of traffic in public streets.
- vi. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

**f. Expiration**

The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within one year after the date the Village Board grants preliminary plan approval. As part of the Village Board approval of the preliminary plan, the Village Board may extend this period of time. An extension of this one year period may also be granted by the Village Board if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

**4. Final Plan**

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Zoning Administrator.

**a. Action by Zoning Administrator**

The Zoning Administrator will review the final plan within 30 days of receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the Zoning Administrator will recommend approval of the final plan to the Village Board. The Zoning Administrator will certify to the Village Board that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Zoning Administrator to render a decision to be forwarded to the Village Board. In such case, the Zoning Administrator will recommend to the Village Board that the final plan be denied. If denied, the applicant may reapply by submitting a new preliminary plan.

**b. Action by Village Board**

Within 60 days of receipt of the Zoning Administrator recommendation, the Village Board must review the final plan. The Village Board must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect.

**c. Effect of Approval**

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

**d. Expiration**

The final plan approval expires if a building permit has not been issued within one year after the date the Village Board grants final plan approval. As part of the Village Board approval of the final plan, the Village Board may extend this period of time. An extension of this one-year validity period may be granted by the Village Board prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.

**F. Modifications to Approved Final Plans**

No adjustments may be made to the approved final plan, except upon application to the Village in accordance with the following.

**1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Zoning Board of Appeals and Plan Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
- b. Changes in building location of no more than five feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- d. Interior modifications that do not increase the area of the building footprint.
- e. Changes in building design, including building materials, which continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform to all landscape requirements of this Ordinance.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

**2. Minor Modifications**

The Zoning Board of Appeals and Plan Commission may approve the following minor modifications to an approved final plan when it is determined by the Zoning Board of Appeals and Plan Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Zoning Board of Appeals and Plan Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the Village Board. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in the number of dwelling units of up to 10%.

- b. An increase or decrease in building height of up to 10%.
- c. An increase or decrease in building coverage up to 10%.
- d. An increase or decrease in open space up to 10%.
- e. A change of in the location of walkways, vehicle circulation ways, and parking areas between 10 to 20 feet.
- f. A change in the location and arrangement of general land use categories within the development, or an increase or decrease of up to 10% in the overall final approved land use mix in any phase.
- g. A change or relocation of any rights-of-way.
- h. An increase or decrease in the number of parking spaces of up to 10 parking spaces.
- i. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.
- j. Altering any final grade by no more than 20% of the originally planned grade.

### **3. Major Modifications**

- a. The Village Board may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
  - i. Any request for an extension of time of the final plan approval.
  - ii. Changes to any conditions imposed as part of final plan approval.
  - iii. Reductions or alterations in the approved public benefit and amenities to be provided.
  - iv. Any development action that does not comply with zoning district regulations.
- b. All major modifications to the final plan must be approved by the Village Board. Approval of major modifications will follow the conditional use process. The Village Board may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted Village land use policies.
- c. Upon review of the proposed major modifications, the Village Board may determine that the proposed modifications constitute a new planned unit development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section.

## **14.6 ZONING INTERPRETATION**

### **A. Purpose**

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

### **B. Initiation**

The Village Board, the Zoning Board of Appeals and Plan Commission, or a property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application. All interpretation requests must be for the purpose of furthering some actual development.

### **C. Authority**

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

### **D. Procedure**

1. All applications for interpretations must be filed with the Zoning Administrator.

2. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Zoning Administrator may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period described in item 2 above is temporarily suspended.

## **14.7 TEMPORARY USE PERMIT**

### **A. Purpose**

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the Village Code.

### **B. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

### **C. Authority**

The Zoning Administrator will review and make final decisions on temporary use permit applications.

### **D. Procedure**

1. All applications for temporary use permit must be filed with the Zoning Administrator.
2. The Zoning Administrator must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve with conditions, or deny the application.

### **E. Approval Standards**

All temporary uses must comply with the requirements of this Ordinance, including the temporary use standards of Article 8, and the following standards:

1. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire Department, or other Village officials, may require.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

### **F. Expiration**

The temporary use permit is valid for the time period granted as part of the approval.

## **14.8 SIGN PERMIT**

### **A. Purpose**

No sign, unless specifically identified as exempt by this Article, may be erected, constructed, altered, or relocated without first obtaining approval of a sign permit in accordance with the following.

### **B. Authority**

The Zoning Administrator issues sign permits.

### **C. Application**

A complete application for a sign permit is required. The application must be made on a form prepared by the Village, and be accompanied by all required submittals, unless waived by the Zoning Administrator.

**D. Process**

Upon the filing of a complete application for a sign permit, the Zoning Administrator will examine the plans and specifications for the proposed sign and will issue a sign permit if the plans comply with the requirements of this Article and other applicable Village Articles and Articles.

**E. Fees**

All fees must be paid to receive a permit. No permit will be issued without full payment of required fees. Applicable fees are listed in the Village Article.

**F. Expiration**

If the work authorized under a sign permit is not completed within one year of issuance of the permit, unless the Zoning Administrator has allowed a longer time period of validity at the issuance of the sign permit, the sign permit expires and becomes null and void.

**14.9 ZONING APPEALS****A. Purpose**

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator.

**B. Initiation**

A property owner in the Village that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on a site plan review, zoning interpretation, temporary use permit, or other administrative decision related to this Ordinance.

**C. Authority**

The Zoning Board of Appeals and Plan Commission will take formal action on zoning appeal applications.

**D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals and Plan Commission.

1. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Zoning Board of Appeals and Plan Commission, the Zoning Board of Appeals and Plan Commission will consider the appeal at a public hearing.
2. The Zoning Board of Appeals and Plan Commission must evaluate the application based upon the evidence presented at the public hearing.
3. Within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant, the Zoning Board of Appeals and Plan Commission must either confirm or overturn the Zoning Administrator's decision.

**E. Limitations on Zoning Appeals**

A decision of the Zoning Administrator may only be appealed if an application is filed within 30 days of the date the decision is made.

**14.10 DOWNTOWN DESIGN REVIEW**

Procedures for Downtown Design Review are as established in Article 7.

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## **ARTICLE 15. ZONING APPLICATIONS**

- 15.1 APPLICATION**
- 15.2 NOTICE**
- 15.3 PUBLIC HEARING**

### **15.1 APPLICATION**

#### **A. Filing, Pre-Application Conference, and Referrals**

1. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the Village and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Zoning Administrator. The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application.

#### **B. Completeness**

1. An application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Zoning Administrator will examine all applications within 30 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will reject the application and provide the applicant with the reasons for the rejection. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.
4. Once the application is under consideration by the appropriate body, additional information, or revisions are not subject to this provision.

#### **C. Fees**

Each application must be accompanied by the required filing fee as established and modified, from time to time, in the Village Code. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the Village Board or Planning and Zoning Commission, then all fee requirements are considered waived.

#### **D. Withdrawal of Application**

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled by a board or official. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

#### **E. Consideration of Successive Applications**

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

## 15.2 NOTICE

### A. Required Notice

Table 15-1: Required Notice, indicates the types of notice required for zoning applications.

Zoning Application	Notice Type		
	Published	Mailed	Posted
<b>Zoning Text Amendment</b> Notice for Public Hearing	X		
<b>Zoning Map Amendment</b> Notice for Public Hearing	X	X	X
<b>Comprehensive Map Amendment</b> Notice for Public Hearing	X	X	
<b>Conditional Use and Planned Development</b> Notice for Public Hearing	X	X	X
<b>Variation</b> Notice for Public Hearing	X	X	X
<b>Zoning Appeals</b> Notice for Public Hearing	X		

### B. Published Notice

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the Village at the expense of the applicant. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date.

### C. Mailed Notice

The following mailed notice requirements apply to all applications cited in Table 15-1 as requiring notice for a public hearing.

1. Written notice will be mailed, at the expense of the applicant, by the Zoning Administrator no less than 15 and no more than 30 days in advance of the scheduled hearing date to all taxpayers of record within 250 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the Village, notification must also be mailed to the owner of the subject property.
2. Nothing in this section is intended to prevent the applicant or the Zoning Administrator from giving additional notice as he/she may deem appropriate.
3. The applicant is responsible for providing mailing material and postage costs.

### D. Posted Notice

The following posted notice requirements apply to all applications cited in Table 15-1 as required notice for a public hearing.

1. A public notice sign, provided by the Zoning Administrator, at the expense of the applicant, shall be placed by the applicant on the property that is the subject of the public hearing (the "subject property"). The public notice sign shall be posted at least 15 days before the public hearing, and remain on the subject property until final action on the petition that is the subject of the public hearing, whether by the zoning board of appeals/plan commission or the village board.
2. The public notice sign shall be placed on the subject property, so as to be visible to the general public from the public right of way adjacent to the frontage of the subject property, as determined by the director of community development. In the event that the Zoning Administrator determines that a public notice sign cannot be placed on the subject property or will not be visible to the general public if placed on the subject property, the director of community development shall have the discretion to place the public notice sign within the adjacent public right of way or at another location that meets the intent of this subsection.
3. The public notice sign shall be weatherproof, no less than six square feet in area, have a white background, and contain the word "NOTICE" in red capital letters at least five inches high, with the remaining lettering in black capital letters, a minimum of two inches in height. The public notice sign shall contain at least the following language:

*This property will be the subject of a public hearing before the Village of Clarendon Hills ZBA/PC on (date) at (time) at the Village Hall - 1 N Prospect Ave. Contact the Community Development Department at (630) 286-5410 with questions or comments.*

4. After final action is taken relative to the petition that is the subject of the public hearing, whether by the zoning board of appeals/plan commission or the village board, the public notice sign shall be removed from the subject property by the director of community development, or his/her designee.
5. In the event that a public notice sign does not remain posted on the subject property, as required by this subsection, as a result of theft, vandalism, acts of God or other causes outside of the control of the village, such event shall not affect the validity of the public notice sign requirement of this subsection, or the public hearing related thereto.

### **15.3 PUBLIC HEARING**

#### **A. Pre-Hearing Examination**

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

#### **B. Conduct of the Public Hearing**

The public hearing must be conducted in accordance with any applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.

#### **C. Continuances**

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that is required for the initial public hearing.

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## ARTICLE 16. NONCONFORMITIES

- 16.1 GENERAL APPLICABILITY
- 16.2 NONCONFORMING USE
- 16.3 NONCONFORMING STRUCTURE
- 16.4 NONCONFORMING LOT OF RECORD
- 16.5 NONCONFORMING SITE ELEMENTS
- 16.6 NONCONFORMING SIGNS

### 16.1 GENERAL APPLICABILITY

#### A. Authority to Continue

Any use, structure, lot, or site element that legally existed as a nonconformity as of the effective date of this Ordinance, and any use, structure, lot, or site element that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal. A use, structure, lot, or site element that is illegal as of the effective date of this Ordinance, remains illegal.

#### B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming use, structure, lot, or site element, or the operator of the use.

#### C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

### 16.2 NONCONFORMING USE

#### A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

#### B. Expansion

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

#### C. Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

#### D. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

#### E. Discontinuation or Abandonment

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of six (6) months, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of discontinuance for this section.

## **F. Damage or Destruction**

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is also a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 16.3. However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished.

## **16.3 NONCONFORMING STRUCTURE**

### **A. Definition**

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional regulations.

### **B. Maintenance**

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

### **C. Structural Alterations**

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. (For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if that addition meets all other bulk and setback requirements of the district.)

### **D. Relocation**

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

### **E. Damage or Destruction**

1. Non-residential nonconforming structures are subject to the following:

a. In the event that any nonresidential nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.

b. When a nonresidential nonconforming structure is damaged or destroyed to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed to its pre-damaged state provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

2. If a nonconforming single-family or two-family structure is destroyed or damaged by an act of God, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss if a building permit is obtained within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

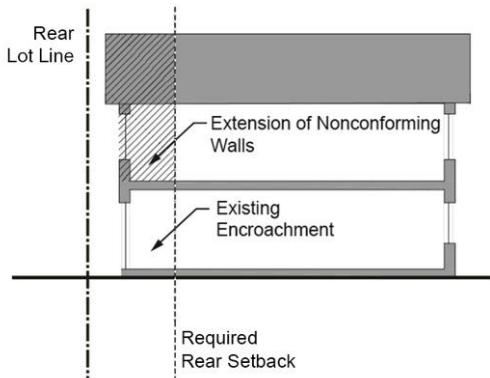
3. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Village.

## F. Extension of Walls for Nonconforming Single-Family and Two-Family Dwellings

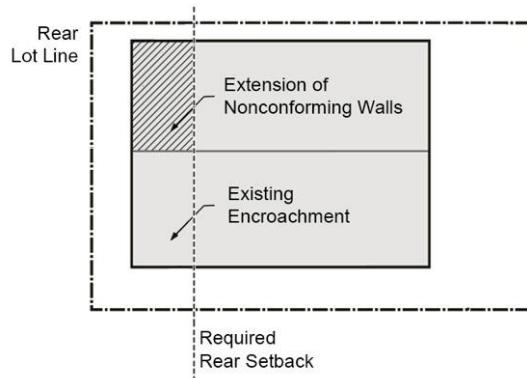
Where a single-family or two-family dwelling is deemed nonconforming because of encroachment into a required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter walls, provided that the interior side yard setback is at least five feet and the resulting structure does not violate any other district regulation.

### EXTENSION OF NONCONFORMING WALLS

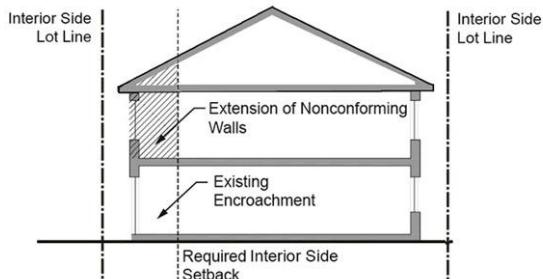
**Vertical Extension into Rear Setback**  
(Elevation View)



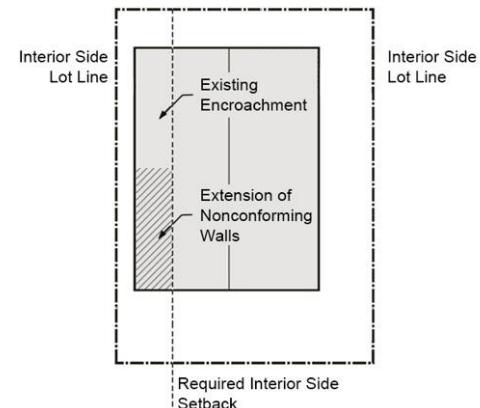
**Horizontal Extension into Rear Setback**  
(Plan View)



**Vertical Extension into Interior Side Setback**  
(Elevation View)



**Horizontal Extension into Interior Side Setback**  
(Plan View)



## 16.4 NONCONFORMING LOT OF RECORD

### A. Definition

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

### B. Use

A nonconforming lot of record may be used for a permitted or conditional use allowed within the zoning district.

### C. Development

Development of a nonconforming lot of record must meet all applicable dimensional or bulk regulations of the district in which it is located with the exception of that lot dimension requirement that renders it nonconforming.

### D. Lot Division

No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

### E. Building Permits

No building permit will be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Article.

## 16.5 NONCONFORMING SITE ELEMENTS

### A. Definition

A nonconforming site element is a site development element, such as parking spaces, landscape, or lighting, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming. This does not include nonconforming signs, which are regulated separately.

### B. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

### C. Required Conformance

#### 1. General

All nonconforming site elements must be brought into conformance when the following occurs:

- a. A new principal building is constructed on a site
- b. An existing principal building is increased in building footprint or gross floor area by 30% or more.

#### 2. Nonconforming Parking Lot Landscape

When a parking lot of 20 or more spaces does not conform to required parking lot landscape requirements, it must be brought into conformance when such parking lot is fully reconstructed or expanded by an additional 50% or more spaces (viz., the total number of spaces after expansion is 150% or more of the spaces prior to expansion).

- a. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other paving material, is not considered reconstruction.
- b. If such action would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site and such finding must be verified by the Zoning Administrator.
- c. If only certain requirements are able to be accommodated on the site, those elements are required. The Zoning Administrator will make the determination that all or a portion of required landscape does not have to be installed.

### **3. Nonconforming Exterior Lighting**

For exterior lighting, when 25% or more of exterior lighting fixtures are replaced, all exterior lighting on the site must be brought into conformance. This is calculated as installation of new lighting posts and/or non-post mounted lighting fixtures based on the total lighting installed by the type of mounting. For example, if over 25% of the wall-mounted fixtures are to be replaced, all wall-mounted fixtures must be brought into conformance while nonconforming freestanding fixtures may remain.

## **16.6 NONCONFORMING SIGNS**

- A.** A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of 50% or more of its value as assessed prior to the damage. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of more than 50% of its value prior to the damage, or if it the sign and/or sign structure has been removed, cannot be restored or repaired unless it conforms to all applicable regulations for the district. Sign owners must supply the Planning Director with a cost estimate for repair of the damaged sign and an estimate of the cost of a new identical sign.
- B.** The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change. A change of a sign face requires a sign permit.
- C.** No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.
- D.** No nonconforming sign can be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This does not include normal maintenance and cleaning, or changing of the sign face.

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## **ARTICLE 17. ENFORCEMENT**

- 17.1 ENFORCEMENT OFFICIAL**
- 17.2 APPLICATION OF PENALTIES**
- 17.3 FINES**

### **17.1 ENFORCEMENT OFFICIAL**

This Ordinance is enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the Village Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

### **17.2 APPLICATION OF PENALTIES**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, will be fined for each offence. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

### **17.3 FINES**

- A.** Each violation, and each day that such violation continues, is subject to a fine as established in the Village Code.
- B.** Upon proof of compliance, the Zoning Administrator may recommend to the Village Board reduced accumulated fines. Such recommendation shall be at the discretion of the Zoning Administrator. The violating party may appeal the decision of the Zoning Administrator should he not recommend a reduction in accumulated fines.