

# TITLE 4

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## ZONING PURPOSE AND INTERPRETATION

SECTION:

### 4-1-1: Short Title

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### 4-1-5: Scope of Regulations

#### 4-1-1: SHORT TITLE:

This Title shall be known, cited and referred to as the *MANHATTAN ZONING ORDINANCE*. (Ord., 4-7-70)

#### 4-1-2: INTENT AND PURPOSE:

A. It is the intent of this Title be adopted for the following purposes:

1. To provide that adequate light, pure air, and safety from fire and other dangers may be secured.
2. To provide that the taxable value of land and buildings throughout the Municipality may be conserved.
3. To provide that congestion in the public streets may be lessened or avoided.
4. To provide that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided.
5. To provide that the public health, safety, comfort, morals, and welfare may otherwise be promoted.

B. Methods of Accomplishing Purpose:

1. In order that the purposes of this Title may be fulfilled, conditions, regulations, and requirements are set forth in the Title:
  - a. To regulate and limit the height and bulk of buildings hereafter to be erected:
  - b. To establish, regulate and limit the building or setback lines on or along any street, trafficway, drive, parkway or storm or floodwater runoff channel or basin;
  - c. To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding buildings;
  - d. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses;
  - e. To divide the entire Municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Title.
  - f. To fix standards to which buildings or structures therein shall conform;
  - g. To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Title; and
  - h. To prohibit uses, buildings, or structures incompatible with the character of such districts.
2. Also this Title, to fulfill its purpose, provides conditions, regulations, and requirements:
  - a. To protect the character and the stability of the residential, business and manufacturing areas and to promote the orderly and beneficial development of such areas;
  - b. To provide convenient access to properties;
  - c. To provide for off-street parking and loading facilities;
  - d. To protect against noise, vibrations, noxious fumes, explosion hazards, and other undesirable industrial and commercial hazards;
  - e. To prevent the overcrowding of land and undue concentration of structures;
  - f. To provide for the elimination of nonconforming uses of land, buildings and structures, which are incompatible and adversely affecting the character and value of desirable development in each district;
  - g. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
  - h. To provide for the obtaining of permits and certificates; and
  - i. To prescribe penalties for the violation of the provisions of this Title. (Ord., 4-7-70)

#### 4-1-3: INTERPRETATION:

A. Minimum Requirements: In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and welfare.

B. Conflicting Laws: Where the conditions imposed by any provisions of this Title upon the: (1) use of land or buildings; (2) bulk of buildings; (3) floor area requirements; (4) lot area requirements; and (5) yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Title, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

C. Existing Agreements: This Title is not intended to abrogate any easement, covenant or other private agreement; provided, that where the regulations of this Title are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Title shall govern.

D. Existing Violations: No building, structure or use, not lawfully existing at the time of the adoption of this Title, shall become or be made lawful solely by reason of the adoption of this Title and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this Title, said building, structure or use remains unlawful hereunder. (Ord., 4-7-70)

**4-1-4: SEPARABILITY:**

It is hereby declared to be the intention of the President and Village Board of the Village that the several provisions of this Title are separable, in accordance with the following:

A. Title Provisions: If any court of competent jurisdiction shall adjudge any provisions of this Title to be invalid, such judgment shall not affect any other provision of this Title not specifically included in said judgment.

B. Property Application: If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Title to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment. (Ord., 4-7-70)

**4-1-5: SCOPE OF REGULATIONS:**

It is hereby declared that the provisions of this Title shall apply to all properties as hereinafter specifically provided:

A. New Uses: No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered, and no building, structure or land shall hereafter be used, occupied, or arranged or designed for use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this Title for the zoning district in which such building, structure or land is located.

B. Existing Uses: Except as may otherwise be provided, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such buildings, uses or land shall be located.

C. Nonconforming Uses: Any lawful building, structure or use existing at the time of the enactment of this Zoning Title may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions in Chapter 8 of this Title.

D. Special Uses: Where a structure and use thereof of land lawfully exists on the effective date of this Title, and is classified by this Title as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of such existing legal special use.

E. Lots of Record: A lot of record at the time of the adoption of this Title in a residence district which is unable to meet the requirements of this Title as to area, lot width, and yard requirements may be used for a single-family detached dwelling, provided it shall meet all the other requirements of this Title.

F. Contiguous Parcels: When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this Title or amendment, they shall be used as one zoning lot for such use.

G. Building Permits: Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Title, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated subject thereafter to the provisions of Chapter 12 of this Title. This subsection shall also control building permits lawfully issued prior to future amendments to this Title. (Ord., 4-7-70)

## CHAPTER 2

### RULES AND DEFINITIONS

SECTION:

**4-2-1: General**

**4-2-2: Rules of Word Construction**

**4-2-3: Definitions**

#### **4-2-1: GENERAL:**

The rules and definitions contained in this Chapter shall be observed and applied in the interpretation of all other Chapters of this Title, except when the context clearly indicates otherwise. (Ord., 4-7-70)

#### **4-2-2: RULES OF WORD CONSTRUCTION:**

- A. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", and "parcel"; the word "building" includes all other structures or improvements of every kind, regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- E. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- F. The masculine gender includes the feminine and neuter. (Ord., 4-7-70)

#### **4-2-3: DEFINITIONS:**

The following words and terms, when used in this Title, shall have the meanings set forth, except where otherwise specifically indicated.

**ABUTTING:** To have a common property line or district line.

**ACCESSORY BUILDING OR USE:** An "accessory building or use" is one which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent, or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served.
- D. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off- street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- E. Occupies not more than ten percent (10%) of the area on which the main building is situated, and which is not higher than the principal building, and which conforms to all setback requirements, and in residentially zoned districts shall not exceed fifteen feet (15') in height.

**AGRICULTURAL BUILDING OR STRUCTURE:** For the purposes of this Title, shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**ALLEY:** A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this title related to frontage on a dedicated street.

**ALTERATION:** A change in size, shape, character, occupancy or use of a building or structure.

**ANCHORED MASONRY:** Masonry veneer secured to and supported laterally by the backing through anchors and supported vertically by the foundation or other structural elements.

**APARTMENT:** One or more rooms in an apartment building or combination apartment and commercial building, arranged, intended or designed or occupied as a dwelling unit of a single family, an individual or a group of individuals.

**APARTMENT BUILDING:** A multiple-family dwelling or originally designed and constructed to accommodate three (3) or more apartments, designed with more than one dwelling unit connecting to a common corridor or entrance way, in contrast to single- or two-family dwellings converted for multiple- family use.

**AUTO REPAIR, MAJOR:** Engine rebuilding or major reconditioning of worn or damaged motor vehicles, or trailers; collision service, including body, frame or fender straightening or repair, and overall painting of vehicles.

**AUTO REPAIR, MINOR:** Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under the definition of Auto Repair, Major.

**AUTOMOBILE LAUNDRY:** A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

**AUTOMOBILE SALVAGE YARD:** Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

**AUTOMOBILE SERVICE STATION:** Any building or premises used for the dispensing, sale or offering for sale at retail to the

public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conduct or major auto repair, automobile wrecking, automobile sales, or automobile laundries; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

**BASEMENT:** A story having part but not more than one-half ( $\frac{1}{2}$ ) of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by janitor employed on the premises.

**BILLBOARD:** See definition of Sign, Advertising.

**BLOCK:** That property abutting on one side of a street between two (2) nearest intersecting streets, railroad rights of way, or natural barriers; provided, however, that where a street curves so that any two (2) chords thereof form an angle of one hundred twenty degrees ( $120^{\circ}$ ) or less, measured on the lot side, such curve shall be constructed as an intersecting street.

**BOARDING HOUSE OR LODGING HOUSE:** A building or premises where meals are regularly served by prearrangement for definite periods for compensation for three (3) or more persons, not a family but not exceeding twelve (12) persons, not open to transient guests, in contradistinction to hotels or restaurants open to transients.

**BOUNDARY LINE:** A line on the zoning district map designating the edge of a use district. Such boundary line may be a boundary line for two (2) use districts depending on the particular use district located on each side of said line.

**BRICK:** A solid masonry unit of clay or shale formed into a rectangular prism while plastic and burned or fired in a kiln, laid up in small, individual units with concrete mortar joints and with a veneer depth of at least three inches (3").

**BUILDABLE AREA:** The space remaining on a zoning lot after the minimum open space requirements of this title have been complied with.

**BUILDING:** A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, animals, or chattels; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

**BUILDING LINE:** A line between which and any street line of a district, lot, tract, or parcel of land, no buildings or parts of buildings may be erected, altered, or maintained.

**BUILDING LINE SETBACK:** The distance between the building line and the street right of way line.

**BUILDING, NONCONFORMING:** See definition of Nonconforming Building.

**BUILDING, PRINCIPAL:** A nonaccessory building in which a principal use on the zoning lot on which it is located is conducted.

**BUILDING, UNIT GROUP:** Two (2) or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals, institutions, churches and temples, and industrial plants and shopping centers.

**BULK:** The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following:

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings.
- C. Gross floor area of buildings in relation to lot area (floor area ratio).
- D. All open spaces allocated to buildings.
- E. Amount of lot area per dwelling unit.

**BULK STORAGE PLANT:** Any place where flammable liquids of ten thousand (10,000) gallons or more are received by tanker, barge, pipeline, tank car, tank vessel or truck and are stored or blended in bulk for the purpose of distributing such liquids by tank truck, pipeline, tank car, tank vessel or container.

**BUSINESS; COMMERCE:** When used in this title means the engaging in the purchase, sale, barter, or exchange of goods, wares, or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises.

**CARGO CONTAINER:** An industrial, standardized reusable vessel that was:

- A. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or
- B. Designed for or capable of being mounted or moved on a railcar, and/or
- C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**CARPORT:** A roofed automobile shelter with one or more open sides.

**CELLAR:** A story having more than one-half ( $\frac{1}{2}$ ) of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

**COMMON OPEN SPACE:** Land unoccupied by structures, buildings, streets, rights of way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned development. Common open space may contain structures for recreational use. No area within thirty feet (30') of any building or structure except a structure used for recreational use shall be

includable as common open space.

CORNER LOT: See "Lot, Corner".

COURT: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by a building or buildings and is completely open to the sky.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the center line of the street shall be considered the "curb level".

DENSITY: The numerical value obtained by dividing the total dwelling units in a development by the gross area of the tract of land upon which the dwelling units are located.

DRIVE-IN ESTABLISHMENT: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

DWELLING: A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

DWELLING, ATTACHED (Group, Row or Town Houses): A dwelling containing two (2) or more dwelling units and joined to other dwellings by party wall or walls, originally constructed for said purposes.

DWELLING, CONVERTED: Any building which was originally designed and constructed as one-, two- or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

DWELLING, DETACHED: A dwelling which is surrounded on all sides by open space on the same lot.

DWELLING, GROUND FLOOR AREA: The first floor area in square feet measured from the outside of the exterior walls but excluding cellars, basements, open porches, breezeways, garages and other infrequently used spaces.

DWELLING, MULTIPLE-FAMILY: A dwelling containing three (3) or more dwelling units, originally constructed for said purpose, and not including converted dwellings.

DWELLING, SEMI-ATTACHED: A dwelling which is joined to another dwelling by a garage, carport, recreation structure, or other nonresidential facility.

DWELLING, SINGLE-FAMILY: A dwelling containing accommodations for and occupied by one family only.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT: One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

EDUCATIONAL INSTITUTION: A public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

EFFICIENCY UNIT: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove, directly off the principal room.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons (excluding servants), not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.

FENCE: Any construction of wood, metal, wire mesh, masonry, or other material, erected for the purpose of assuring privacy or protection.

FLOOR AREA (For determining floor area ratio): The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area of a building" shall include the basement floor area when more than one-half ( $\frac{1}{2}$ ) of the basement height is above the established curb level; off-street parking space; elevator shafts, and stairwells at each floor; floor space used for mechanical equipment, (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet ten inches (7'10") or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses.

The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of the height of such structures in feet; ten feet (10') in height shall be deemed to be equal to one floor (if a structure measures more than five feet (5') over such floor equivalent, it shall be construed to have an additional floor).

FLOOR AREA RATIO: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot.

FRONTAGE: All the property fronting on one side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, BUS or TRUCK: A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors,

and commercial vehicles exceeding one and one-half ( $1\frac{1}{2}$ ) tons capacity.

**GARAGE, PRIVATE:** A detached accessory building or portion of the main building, designed, arranged, used, or intended to be used for the storage of passenger automobiles of the occupants of the premises.

**GARAGE, PUBLIC:** A building other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, and truck-trailers, and commercial vehicles exceeding one and one-half ( $1\frac{1}{2}$ ) tons capacity.

**GRADE, STREET:** Same as "Curb Level".

**GROUP HOME:** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities.

**HEIGHT OF BUILDING:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**HOME OCCUPATION:** An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services, excepting members of the immediate family residing on the premises and one receptionist or office assistant; not using any mechanical equipment, other than is usual for purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than twenty five percent (25%) of the total floor area of any one story.

**HOTEL:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment hotel, which are separately defined.

**HOTEL, APARTMENT:** A hotel in which at least ninety percent (90%) of the hotel accommodations are occupied by permanent guests.

**HOSPITAL or SANITARIUM:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty four (24) hours in any week, of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, and other abnormal physical conditions. The term "hospital" as used in this Title does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding houses.

**JUNK YARD:** Any parcel of land where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

**JUNKER:** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or such a vehicle which does not comply with State or Village laws or ordinances.

**KENNEL, COMMERCIAL:** Any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

**LIMITED ACCESS HIGHWAY:** A trafficway, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**LOADING AND UNLOADING SPACE, OFF-STREET:** An open, hard-surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor trucks, tractors, and trailers. Such space is not less than ten feet (10') in width, thirty five feet (35') in length, and fourteen feet (14') in height, exclusive of access aisles and maneuvering space.

**LOT:** A parcel of land occupied or to be occupied by one building and accessory buildings and uses or a unit group of buildings and including the open spaces required under these regulations. A lot may be land so recorded on official records or it may include parts or a combination of such lots when adjacent to one another, provided such ground is used for only one improvement, or may be a parcel of land described by metes and bounds.

**LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty degrees ( $120^\circ$ ) or less measured on the lot side.

**LOT COVERAGE:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot having frontage on two (2) or more streets. An alley shall not be considered a street.

**LOT, FRONTAGE:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard

requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this Chapter.

**LOT, INTERIOR:** A lot other than a corner or reversed corner lot.

**LOT LINE, FRONT:** The front property line of a zoning lot.

**LOT LINE, INTERIOR:** A side lot line common with another lot.

**LOT LINE, REAR:** The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been legally recorded. A lot of record shall also include parts of lots of a subdivision, the plat of which has been legally recorded, which cumulatively have at least the same dimensions and area of a full lot in the same subdivision.

**LOT, REVERSED CORNER:** A corner lot at right angles or approximately right angles to the general pattern of the area, the street side lot line of which is substantially a continuation of the front lot line of the front lot to the rear. The rear of the corner lot is adjacent to the side of another lot, whether across an alley or not.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**MARQUEE OR CANOPY:** A rooflike structure of a permanent nature which projects from the wall of a building and overhangs the public way.

**MOTEL:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel" less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

**MOTOR VEHICLE:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**MOTOR VEHICLE REPAIR, MAJOR and MINOR:** See "Auto Repair, Major and Minor".

**NONCONFORMING BUILDING:** A building or structure or portion thereof lawfully existing at the time of adoption of this Title, or amendment thereto, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

**NONCONFORMING USE:** A use which lawfully occupies a building or land at the time of adoption of this Title, or amendment thereto, and which does not conform with the use regulations of the district in which it is located.

**NURSERY, CHILD CARE:** An establishment for the part-time care of five (5) or more children of pre-elementary school age in addition to the members of the family residing therein.

**NURSING HOME:** A home for the aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those suffering bodily disorders in which three (3) or more persons, not members of the immediate family residing on the premises, are received, kept or provided with food and shelter or care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

**OPEN SALES LOT:** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. (Such merchandise includes, but is not limited to passenger cars, trucks, motor scooters, motorcycles, boats, and monuments.)

**PARKING SPACE, AUTOMOBILE:** Space within a public or private parking area of not less than one hundred eighty (180) square feet (9 feet by 20 feet) exclusive of access drives for the storage of one passenger automobile or commercial vehicle under one and one-half ( $1\frac{1}{2}$ ) tons capacity.

**PERFORMANCE STANDARD:** A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include:

**Active to Intense Burning:** The rate of combustion described by materials that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium and pyroxylin.

**Closed Cup Flash Point:** The lowest temperature at which a combustible liquid, under prescribed conditions will give off a flammable vapor which will burn momentarily.

**Decibel:** A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

**Detonable Materials:** Materials which decompose by detonation. Such materials include explosives, unstable compounds, and fissionable matter.

**Earthborne Vibrations:** The periodic displacement, measured in inches, of earth.

**Fireproof Containers:** Enclosures of steel or concrete but not lead or other low-melting metals or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.



**Flash Point:** The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The Tag flash point testers shall be authoritative.

**Foot Candle:** A unit of illumination; technically, the illumination of all points one foot distance from a uniform point source at one candle power.

**Free Burning:** Implies a rate of combustion described by a material which burns actively, and easily supports combustion.

**Frequency:** Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

**Impact Noise:** A short duration sound such as those from a forging hammer or punch press.

**Impulsive Noise:** A sound which is no longer than two (2) seconds in duration, followed by no less than a two (2) second rest.

**Intense Burning:** Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**Microcurie:** One millionth of a curie, which is a standard unit of radioactivity.

**Moderate Burning:** Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

**Noxious Matter:** A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**Octave Band:** A prescribed interval of sound frequencies which classifies sound according to its pitch.

**Odor Threshold:** The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

**Odorous Matter:** Any matter or material that yields an odor which is offensive in any way.

**Particulate Matter:** Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

**Preferred Frequency Octave Bands:** A standardized series of octave bands prescribed by the U.S.A.S.I. in S1.6-1967, Preferred Frequencies for Acoustical Measurements.

**Pre-1960 Octave Bands:** A standardized series of octave bands prescribed by the U.S.A.S.I. in Z24.10-1953, Octave Band Filter Set.

**Ringelmann Chart:** One which is described in the United States Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

**SCF (Standard cubic feet):** The measure of the volume of a gas, at any other conditions, reduced to fourteen and seventy three one-hundredths (14.73) pounds per square inch absolute and sixty degrees (60°) Fahrenheit.

**Slow Burning or Incombustible:** Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of twelve hundred degrees (1200°) Fahrenheit shall be designated "incombustible".

**Smoke:** Small gasborne particles, other than water, that form a visible plume in the air.

**Smoke and Particulate Matter (Ringelmann Number):** The shade of smoke as it appears on the standard Ringelmann chart published by the United States Bureau of Mines.

**Sound Level:** The "sound level" of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

**Sound Level Meter:** An electronic instrument which includes a microphone, an amplifier and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

**Sound Pressure Level:** The intensity of a sound measured in decibels mathematically described as twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

**Threshold Limit Value:** The maximum allowable airborne concentration of toxic material, as established by the American Conference of Governmental Industrial Hygienists.

**Toxic Matter:** Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**United States of America Standards Institute (U.S.A.S.I.):** A national organization promulgating authoritative standards in many technical fields. Formerly American Standards Association.

**Vibration:** The periodic displacement or oscillation of the earth.

**PILOT PLANT:** A building or group of buildings in which a test, sample, or experimental manufacturing or assembling is operated until such time as the process is perfected. This use is not to provide for the continuing operation of a manufacturing or assembling use.

**PLANNED UNIT DEVELOPMENT PLAT:** A drawing or map made to a measurable scale upon which is presented a description

and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the County Recorder of Deeds.

**PORCH:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**PROPERTY LINE:** An imaginary line at the edge or boundary of a zoning lot.

**PUBLIC UTILITY:** Any person duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

**PUBLIC WAY:** Any sidewalk, street, alley, highway, or other public thoroughfare.

**RAILROAD RIGHT OF WAY:** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots, or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**REST HOME OR NURSING HOME:** A private home for the care of children or the aged or infirm or any other person in need of nursing care. Such home does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

**RESTAURANT:** A business where the dispensing of edible foodstuff and/or beverage on the premises is the principal business operation; including a cafe, cafeteria, coffee shop, lunch room, tearoom, and dining room, but not including a drive-in restaurant.

**RESTAURANT, DRIVE-IN OR CARRYOUT:** A restaurant, whose principal business operation is the dispensing of edible foodstuff and/or beverage, ready for consumption on the premises, in automobiles, at outdoor tables, or at stand up counters, or to be carried off the premises. One or the other of the following conditions shall prevail:

A. Total seating area located within the enclosed portion of the premises shall be less than fifty percent (50%) of the total floor area.

B. Total automobile parking spaces on the premises shall exceed the total indoor seats provided for customers.

**RETAIL, RETAIL STORE:** Sale to the ultimate consumer for direct consumption and not for resale.

**SCHOOL:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including prekindergarten, kindergarten, elementary school, and junior and senior high school, but excluding trade, business, or commercial schools.

**SELF-STORAGE WAREHOUSE ESTABLISHMENTS:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

**SETBACK:** The minimum horizontal distance between the street wall of a building and the street property line.

**SETBACK, ESTABLISHED BUILDING:** When fifty percent (50%) or more of the lots fronting on one side of a street with a block are improved the existing building setbacks of such improved lots shall be the "established building setback" for determining the required setbacks for the remainder of the lots along such street frontage, as regulated in this title.

**SIGN:** A name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

**SIGN, ADVERTISING:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

**SIGN, FLASHING:** Any illuminated sign on which the artificial light is not maintained stationary and/or is constant in intensity and color at all times when such sign is in use. For the purpose of this title, any revolving, illuminated sign shall be considered a "flashing sign".

**SIGN, GROSS SURFACE AREA OF:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. In the case of a sign with two (2) visible surfaces, the gross surface area shall be the sum of both sides of the sign.

**SPECIAL USE:** A specific use of land or buildings, or both, described and permitted herein, subject to special provisions and which because of its unique characteristics cannot be properly classified as a permitted use.

**STONE:** A natural stone or a manufactured cement based architectural product made to match the appearance of natural stone and laid up in small individual units with a veneer depth of at least two inches (2").

**STORAGE, OUTDOOR:** The outdoor accumulation of vehicles, equipment, or products, or materials for permanent or temporary holding.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

**STORY, HALF:** That portion of a building under a gable, hip, or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half feet ( $4\frac{1}{2}$ ') above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this title. In the case of multiple-family dwellings three (3) or more stories in height, a

half story shall be counted as a story.

**STREET:** All property dedicated or intended for public highway, freeway, or roadway purposes or subject to public easements.

**STREET FRONTAGE:** All of the property fronting on one side of a street between two (2) intersecting streets, or in the case of a dead end street, all of the property along one side of a street between an intersecting street and the end of such dead end street.

**STREET LINE:** The division line between private property and a dedicated street or way, usually uninterrupted from corner to corner in any given block.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such alterations as may be required for the safety of the building.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting, the generality of the foregoing, to advertising signs, billboards, backstops for tennis courts, and pergolas.

**TEMPORARY MOBILE SIGN:** An advertising device of a not permanent type, used principally for commercial purposes.

**TEMPORARY PORTABLE STORAGE UNIT:** A box like container without permanently attached wheels which is transported by truck to and from desired locations and is used primarily for storage, commonly known as PODS (portable on demand storage). Cargo containers shall not be considered temporary portable storage units.

**TERRACE, OPEN, AND PATIO:** A level plane or platform which, for the purpose of this title, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet (4') in height above the average level of adjoining ground.

**THROUGH LOT:** A lot having its front and rear lot lines on adjacent and substantially parallel streets, otherwise known as a double frontage lot.

**TRAILER:** A vehicle without motive power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car". A permanent foundation shall not change its character unless the entire structure is erected in accordance with the village building code.

**TRAILER HOUSE, OR MOBILE HOME:** Any "trailer" as defined herein used for residential purposes.

**UNIFIED CONTROL:** The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned development.

**USE:** The purposes for which land or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, let or leased.

**USE, PERMITTED:** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

**USE, PRINCIPAL:** The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be either a "permitted use" or a "special use".

**USE, SPECIAL:** See definition of Special Use.

**USED CAR LOT:** A zoning lot on which used or new cars, trailers, or trucks are displayed for sale or trade outside of buildings.

**VALUATION:** For the purpose of this title, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation.

**WAREHOUSE AND STORAGE FACILITIES:** A building used in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WHOLESALE:** Sale for resale not for direct consumption.

**YARD:** An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**YARD, FRONT:** A yard extending across the full width of the zoning lot in accordance with the setback requirements of this title. See definition of Setback.

**YARD, REAR:** A yard extending across the rear of the lot between the side yards. Double frontage and reverse corner lots will have no rear yard.

**YARD, SIDE:** A yard extending from the rear line of the front yard to the lot line most nearly parallel to that rear line.

**ZONING LOT:** A parcel of land of sufficient size to meet the minimum requirements of this title concerning use, coverage, width, area, yards and other open space and having frontage on an improved public street.

**ZONING MAP:** The map or maps incorporated into this title as a part thereof, designating zoning districts. (Ord., 4-7-1970; amd. Ord. 560, 1-7-1992; Ord. 634, 9-17-1996; Ord. 700, 7-6-1999; Ord. 929, 11-21-2006; Ord. 1031, 8-4-2009)

## CHAPTER 3

### GENERAL ZONING PROVISIONS

#### SECTION:

#### 4-3-1: Lots

#### 4-3-2: Open Space On Lots

#### 4-3-3: Building Height

#### 4-3-4: Accessory Buildings

#### 4-3-5: Agricultural Exemptions

#### 4-3-6: Flood Plain Reservation Areas

#### 4-3-7: Lighting Standards

#### 4-3-8: Screening

#### 4-3-1: LOTS:

A. Number Of Buildings On A Lot: Except in the case of a planned development, not more than one principal detached single-family residential building shall be located on a residential lot, nor shall a principal detached single-family residential building be located on the same zoning lot with any other principal building.

B. Division Of Lots: No lot shall hereafter be divided into two (2) or more lots for the purpose of transfer of ownership, unless all lots resulting from each such division shall conform with all the applicable regulations required by this Title.

C. Through Lots: On vacant through lots the front lot lines shall be along the street right of way designated by the Building Commissioner except that when a front lot line has been established on one or more lots in the same block and all have front lot lines established along the same street right-of-way line, the street right-of-way line designated as the front lot line for such lot or lots shall be the front line on all vacant through lots in such block. Only such obstructions as herein permitted in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except for lots backing to thoroughfares in subdivisions where no-access strips have been provided on the recorded plats.

D. Corner Lots: On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.

E. Two Uses On A Lot: Where two (2) or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.

F. Lots Without Street Frontage: Every structure or group of structures, and every use or group of uses, shall be located upon a lot. Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:

1. Adequate provision is made for free access to the lot for the property owner, or in the case of a nonresidential lot, for these persons who would normally require access to the lot.

2. Adequate provision is made for the unobstructed access of firefighting services, police protection, mail carrier letter service, rubbish collection and other governmental services.

3. Adequate provision is made for the extension and maintenance of public and private utility services.

4. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking or other reasons.

5. The character of proposed structures and landscaping are of a quality which will minimize maintenance. (Ord., 4-7-1970)

#### 4-3-2: OPEN SPACE ON LOTS:

The following general provisions dealing with open spaces, lot coverage, yards, setbacks, vision clearance, and permitted obstructions are provided for herewith:

A. Maintenance of Open Spaces: The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, not legally required yards, courts or other open space, or minimum lot area allocated to any building, shall by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

B. Location of Open Spaces: All yards, courts and other open space allocated to a building or group of buildings shall be located on the same zoning lots as such building or group of buildings.

C. Yards for Existing Buildings: No yards now or hereafter provided for a building existing on the effective date hereof shall subsequently be reduced below if already less than, the minimum yard requirements of this Title for equivalent new construction. However, a yard adjoining a street may be reduced to provide right of way for a street widening.

D. Required Setbacks: Minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard, adjoining a street, in the districts where such lots are located, measured from the existing right-of-way line as designated on the official map, and as duly established by other ordinances or as established by County or State highway authorities, whichever has the greater right-of-way width requirements.

E. Exceptions for Established Setbacks:

1. Where fifty percent (50%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed (within a variation of 5 feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

2. Where fifty percent (50%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard as herein required, then:

a. Interior Lots:

(1) Where a building is to be erected within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two (2) existing buildings.

(2) Where a building is to be erected within one hundred feet (100') of an existing building on one side only, it may be erected as close to the street as the existing building.

b. Corner Lots: The depth of the setback lines shall be as normally required in the district where the lot is located.

F. Vision Clearance; Corner Lots: On corner lots no structures or plant materials shall obstruct a clear path of motor vehicle drivers' vision of approaching vehicles within twenty five feet (25') of the street intersections.

In any business district the distance may be reduced to ten feet (10') and shall not apply to that part of a building above the first floor.

G. Permitted Obstructions in Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:

1. In All Yards:

a. Open terraces not over four feet (4') above the average level of the adjoining ground, but not including permanently roofed over terrace or porch.

b. Awnings and canopies, but not projecting more than ten feet (10'), and at least seven feet (7') above the average level of the adjoining ground.

c. Steps, four feet (4') or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.

d. Chimneys projecting eighteen inches (18") or less than into the yard.

e. Arbors, trellises, flag poles, fountains, sculptures, plant boxes and other similar ornamental objects.

f. Fences and walls not exceeding three feet (3') in height above natural grade level in front yards and not exceeding six feet (6') in height in side and rear yards; and open-type fences exceeding five feet (5') in any side or rear yard, provided that visibility at right angles to any surface of such fence not be reduced by more than forty percent (40%).

2. In Front Yards: One-story bay windows projecting three feet (3') or less into the yards; and overhanging eaves and gutters projecting three feet (3') or less into the yard.

3. In Rear Yards: Enclosed, attached or detached off-street parking spaces, accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies, breezeways and open porches, one-story bay windows projecting three feet (3') or less into the yard; overhanging eaves and gutters projecting three feet (3') or less into the yard. In any residential district, no accessory buildings shall be nearer than five feet (5') to the rear lot line, nor nearer than ten feet (10') to any principal building unattached.

4. In Side Yards: Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty percent (40%) of the required yard width, but in no case exceeding two feet (2'). (Ord., 4-7-1970)

#### **4-3-3: BUILDING HEIGHT:**

The following requirements qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Title.

A. Public, semi-public hospitals, institutions, schools or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty feet (60'), provided said specified buildings shall be set back from the front, rear and side lot lines on the ratio of two feet (2') for every one foot (1') of building height greater than forty feet (40'); provided, however, that said specified requirements shall apply to setbacks and for rear and side yards specifically set forth in this Title.

B. 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, wireless towers, necessary mechanical appurtenances, may be erected above the height limits herein prescribed.

C. Planned unit developments may exceed the height limits established for the district in which the structure is located. (Ord., 4-7-1970)

#### **4-3-4: ACCESSORY BUILDINGS:**

Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the

principal use.

A. Location: When a side yard is required, no part of an accessory building shall be located closer than five feet (5') to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet (5') to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residential district, no detached accessory building shall be closer than ten feet (10') to the principal building and each foot over twenty feet (20') in length that the wall of an accessory structure parallels and is next to the principal structure, the required distance between the structures shall be increased by an additional foot.

B. Time Of Construction: No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

C. Rear Yard: No accessory building or buildings shall occupy more than forty percent (40%) of the area of a required rear yard.

D. Height In Rear Yards: No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet (15') in height.

E. Reversed Corner Lots: On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within five feet (5') of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.

F. Swimming Pool: Noncommercial swimming pools in residence districts shall have a safety fence surrounding the pool. (Ord., 4-7-1970)

G. Cargo Containers:

1. The storage and use of cargo containers are a prohibited use in all agricultural districts.

2. The storage and use of cargo containers are a prohibited use in all residential districts.

3. The storage and use of cargo containers are a prohibited use in all commercial districts.

4. The storage and use of cargo containers are a prohibited use in the I-1 office, research and light industrial district.

5. The storage and use of cargo containers are a prohibited use in the I-2 light industrial district.

6. The storage and use of cargo containers are a permitted use in the I-3 heavy industrial district, subject to the following conditions:

a. Cargo containers may only be stored on the same site and in conjunction with an intermodal facility or a manufacturing facility.

b. Cargo containers may only be stored on a parcel of property that is no less than twenty (20) acres in size.

c. The area for storage of cargo containers shall be limited to less than thirty percent (30%) of the buildable area of the site.

d. Cargo containers shall not be stacked greater than three (3) containers in height.

e. Cargo containers shall be stored on a paved surface.

f. Screening shall be provided with a minimum width of one hundred feet (100') around the entire perimeter of any facility with cargo container storage. Screening shall be a combination of fencing, berming, natural vegetation and landscaping. A berm shall contain a three to one (3:1) slope and a minimum height of fifteen feet (15').

g. Cargo containers shall not be used as accessory structures for the purpose of the storage of materials.

7. Licensed and bonded contractors may use cargo containers in any zoning district for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a village building permit for a period of up to one year. A licensed or bonded contractor may reapply for a permit after the one year period. A permit is valid until ninety percent (90%) of the building permits have been issued for a development. The area containing the cargo containers must be kept in a neat and orderly fashion.

H. Temporary Portable Storage Units: Temporary portable storage units delivered to and picked up from a site on a temporary basis by a storage company such as, but not limited to, PODS, are allowed in all zoning districts subject to the following conditions:

1. Temporary portable storage units shall not be placed on village owned property or public right of way.

2. In residential zoning districts, temporary portable storage units shall only be placed on driveways.

3. No more than one temporary portable storage unit may be placed on any individual property at any one time.

4. Temporary portable storage units shall not be allowed for periods greater than seventy two (72) hours.

5. Temporary portable storage units may be placed on a specific lot on not more than three (3) occasions in any one year period. (Ord. 929, 11-21-2006)

#### **4-3-5: AGRICULTURAL EXEMPTIONS:**

The provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes; or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural

purposes shall conform to buildings or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this title apply. (Ord., 4-7-1970)

**4-3-6: FLOODPLAIN RESERVATION AREAS:**

In order to protect watershed areas subject to periodic flooding or other hazards resulting from interruption of flood flow, spreading or overflow of streams or channels, certain areas may be established as floodplain reservation areas, and be so designated upon the zoning district map. No building or portion thereof which is designed for living purposes as a dwelling, school, hospital, institution or home for the treatment of convalescent persons, children, aged persons or for any combination thereof shall be built and no existing building may be altered so as to be used in whole or in part for any one or more of such uses where the land to be covered by such building or portion thereof is unfit for human habitation. (Ord., 4-7-1970)

**4-3-7: LIGHTING STANDARDS:**

At the expense of the developer, all roads, driveways, sidewalks, parking lots and other common areas and facilities in unsubdivided and other developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities. Without limiting the generality of the foregoing standards, the following minimum standards shall apply:

A. For residential uses, lights shall be installed in parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn. For nonresidential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn, whenever said premises are open for operation. "Open for operation" shall be construed to mean any time that a retail business is open for the sale of goods or services or a retail, office or industrial facility actually has employees working within or upon said premises, other than guards or watchmen. Lights shall not be more than fifteen feet (15') in height in residential zoning districts, and not more than thirty feet (30') in height in other zoning districts.

B. Where lighted areas are required, lighting shall be provided as follows:

	<u>Minimum*</u>	<u>Maximum*</u>
Residential zoning districts	1.0	2.0
Commercial zoning districts	1.0	3.0
Industrial zoning districts	2.5	5.0

\*Average ground level foot-candles.

C. Average foot-candles at property line shall not exceed 0.5 foot-candles as measured at the property line.

D. All lighting shall be constructed, positioned and maintained in such a way so as not to reflect light either directly or indirectly onto adjacent properties. (Ord. 700, 7-6-1999)

**4-3-8: SCREENING:**

A. Screening Of Mechanical Equipment: All rooftop building service equipment must be screened from view from the grade level of any street, parking lot, or from other properties within the district. All mechanical equipment shall be screened or colored to blend in with the field color of the building. Rooftop equipment may be permitted without screening if it is of a low profile design, in a location on the roof which is not visible from adjoining properties, and is of a color which blends with the building color.

B. Screening Of Trash Enclosures: All trash enclosure areas and containers shall be fully screened from streets and adjacent properties with a six foot (6') high sight obscuring fence, wall or landscaped area placed around said facility. All trash enclosures must be placed on a concrete pad sufficient to support said enclosure to the satisfaction of the zoning administrator.

C. Sidewalks: Sidewalks shall be constructed for all nonresidential uses which require the use of off street parking facilities. Such construction shall include, but not be limited to, connections between all parking lots, principal structures and adjacent rights of way. Sidewalks shall be five feet (5') in width.

D. Screening Of Outdoor Storage: All permanent outdoor storage areas of goods, products, materials, supplies, machinery equipment or overnight parking of commercial vehicles shall not be allowed in the front yard. Where permitted, permanent outdoor storage areas of goods, products, materials, supplies, machinery equipment or overnight parking of commercial vehicles shall be enclosed to a height of eight feet (8') above grade and screened to an opacity of not less than seventy five percent (75%).

These requirements can be achieved by using any one or a combination of the following methods:

1. The storage area can be screened with trees having a leafy structure or with fences having structural components through which only twenty five percent (25%) of the image is visible.
2. Fences, berms and/or landscaping can be installed to a height where only twenty five percent (25%) of the image is visible.
3. Fences, berms and/or landscaping can be installed having a width or design where only twenty five percent (25%) of the remaining horizontal image is visible. (Ord. 700, 7-6-1999)

SECTION:

**4-4-1: Districts Established**

**4-4-2: Zoning Map**

**4-4-3: District Boundaries**

**4-4-4: Entire Area Zoned**

**4-4-5: Annexed Territory**

**4-4-6: Commercial And Industrial Table Of Permitted And Special Uses**

**4-4-1: DISTRICTS ESTABLISHED:**

The village, for the purpose of this title, is hereby divided into the following zoning districts:

A. Agricultural districts:

A-1 Agricultural district

CR Conservation/recreation district

B. Residential districts:

ER Estate residential district

GR General residential district

R-1 Single-family residence district

R-2 Multi-family residence district

R-3 Multi-family residence district

R-4 Two-family residence district

R-5 Multiple-family residence district

R-6 Residential apartment district

C. Commercial districts:

C-1 Local shopping district

C-2 Community shopping district

C-3 General commercial district

CBD Central business district

BP Business park district

DD Downtown district

D. Industrial districts:

I-1 Office, research and light industrial district

I-2 Light industrial district

I-3 Heavy industrial district

E. Overlay districts: Manhattan lowland conservancy overlay district. (Ord., 4-7-1970; amd. Ord. 587, 6-1-1993; Ord. 591, 11-16-1993; Ord. 633, 9-17-1996; Ord. 634, 9-17-1996; Ord. 642, 12-3-1996; Ord. 700, 7-6-1999; Ord. 1083, 7-19-2011; Ord. 1112, 6-19-2012)

**4-4-2: ZONING MAP:**

A. Authorization: The location and boundaries of the districts established by this title are indicated upon the map entitled, "official zoning map, village of Manhattan, Illinois", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title.

B. Location Of Map: The official zoning map shall be located in the office of the village clerk and shall be the final authority as to the current zoning status of land and buildings, subject to such authorized amendments which may be in effect. (Ord., 4-7-1970)

**4-4-3: DISTRICT BOUNDARIES:**

A. Interpretation Of District Boundaries: Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following village limits shall be construed as following village limits.



3. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
4. Boundaries indicated as approximately following the centerlines of streams shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections A1 through A4 of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.
6. All streets, alleys, public ways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways and railroad rights of way. The centerline of a street, alley, public way or railroad right of way, unless otherwise specifically designated, shall be deemed to be the district boundary.
7. Streets or alleys which are shown on the map and which have heretofore been vacated, or which are vacated hereafter, shall be in the same district as the land abutting both sides of the street or alley. If the land abutting each side of the street or alley was located in different districts before the street or alley was vacated, the centerline of the vacated street or alley shall be the district boundary.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A1 through A5 of this section, the zoning board of appeals shall interpret the district boundaries.

B. Changes: If, by amendment to this title, any change is made in any district boundary or in any other matter shown on the official zoning map, such change shall be indicated on the map promptly after the amendment is adopted. The date of the latest updating of the official zoning map shall be shown on the face of the map. (Ord., 4-7-1970)

#### 4-4-4: ENTIRE AREA ZONED:

It is the intent that the entire area of zoning jurisdiction, including all land and water areas, rivers, streets, alleys, and railroad and other rights of way, be included in the districts established by this title. If any area is not shown on the official zoning map as being included in any district, it shall be deemed to be in the R-1 single-family residence district. (Ord., 4-7-1970)

#### 4-4-5: ANNEXED TERRITORY:

Any territory hereafter annexed shall, upon annexation, be automatically classified in the ER estate residential district, until such territory is reclassified in a manner provided by law. If within ninety (90) days after annexation, no application for reclassification of the property has been filed, the plan commission shall on its own motion schedule a public hearing on the advisability of the zoning classification of the property and thereafter, if needed, make recommendations for the reclassification of the property. This section shall not apply to territory annexed with a valid preannexation agreement adopted pursuant to 65 Illinois Compiled Statutes 5/11-15.1-1 et seq. (Ord. 645, 6-3-1997)

#### 4-4-6: COMMERCIAL AND INDUSTRIAL TABLE OF PERMITTED AND SPECIAL USES:

S = Special use required		P = Permitted use				Blank cell = Prohibited		
Use	C-1	C-2	C-3	CBD	BP	I-1	I-2	I-3
Use	C-1	C-2	C-3	CBD	BP	I-1	I-2	I-3
Retail businesses:								
Adult-use cannabis dispensing organization			S		S	S	S	
Amusement establishments including, but not limited to, batting cages, bowling alleys, pool halls, dance halls, miniature golf, skating rinks, video arcades and banquet facilities		S	P	P	P	P	P	
Amusement parks, including, but not limited to, permanent carnivals, kiddie parks and other similar outdoor amusements			S		S	P	P	
Apparel store	P	P	P	P	P			

Automobile service stations, repair facilities and car washes when used in conjunction with the automobile service station		S	P		P	P	P	
Automobile, truck and recreational vehicle sales and rental			P	S	P	P	P	P
Automobile, truck and recreational vehicle service							P	P
Bakeries manufacturing products for off site sales as a primary use		S	P	P	P			
Bakery, in which the manufacture of goods is limited to goods retailed on the premises only	P	P	P	P	P			
Bars, taverns and package liquor stores	S	S	P	P	P			
Bicycle sales, rental and repair stores		P	P	P	P			
Boat showrooms, sales and repairs			P		P	P	P	
Book and stationery store	P	P	P	P	P			
Building contractor's office and material storage; provided, however, that all equipment and vehicles are stored or parked indoors or adequately screened from view of the right of way			S		P			
Building material and products, sales, storage and accessory manufacturing of building components			S		S		P	P
Camera store	P	P	P	P	P			
Candy and confectionery store	P	P	P	P	P			
Catering establishments, including pizza delivery		P	P	P	P			
Clothing and shoe stores, costume rental and sales		P	P	P	P			
Convenience store not associated with automobile fuel sales	S	S	P	S	P			
Dairy products store	P	P	P	P	P			
Delicatessen	P	P	P	P	P			

Department, discount and general retail stores		P	P	P	P			
Drive-through as an accessory use		S	S	S	S			
Drugstore	P	P	P	P	P			
Dry goods store	P	P	P	P	P			
Electric appliance stores including radio and television sales and repair		P	P	P	P			
Electrical showrooms and shops			P		P			
Farm equipment sales and service			S				P	P
Farm implement, feed and seed stores			P		P			
Firearm range, indoor			S		S	S	S	
Firearm range, outdoor							S	S
Firearm sales and service, including off premises FFL sales			S		S	S	S	
Floral shop	P	P	P	P	P			
Furniture stores, including upholstering when conducted as part of the retail operation and secondary to the principal use		P	P	P	P			
Greenhouses, nurseries, garden supply, tool and seed stores		P	P	P	P			
Grocery and food store	P	P	P	P	P			
Hardware store	P	P	P	P	P			
Household appliance stores, sales, service and rental		P	P	P	P			
Ice cream store	P	P	P	P	P			
Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles, when conducted as a part of the retail operation and secondary to the principal use		P	P	P	P			
Jewelry store	P	P	P	P	P			
Lumberyards			P	S	P		P	P
Meat market	P	P	P	P	P			
Medical cannabis dispensary			S		S	S	S	
Musical instrument sales and repair		P	P	P	P			
Office supply stores		P	P	P	P			

	Pawnshops					S	S	S	
	Pet stores and animal grooming shops		P	P	P	P			
	Plumbing and heating service and equipment stores			P		P			
	Restaurants, drive-in	S	P	P	P	P	S	S	
	Restaurants, excluding drive- in or drive-through service	P	P	P	P	P	S	S	
	Restaurants which include drive-through facilities			S		S	S	S	
	Restaurants with alcohol brewing as an accessory use			S	S	S			
	Shoe store	P	P	P	P	P			
	Showrooms and retail outlets							P	P
	Sporting goods store	P	P	P	P	P			
	Theaters, indoor		P	P	P	P			
	Theaters, outdoor and drive-in			S		S			
	Tire stores, sales and service			P		P		P	P
	Tobacco and/or vape store		S	P		S			
	Tobacco, for use on site as a primary or accessory use					S	S	S	
	Toy store	P	P	P	P	P			
	Variety store	P	P	P	P	P			
	Wireless communications sales and service	P	P	P	P	P			
Personal service establishments:									
	Barbershop	P	P	P	P	P			
	Beauty parlor	P	P	P	P	P			
	Body piercing and/or tattooing establishments					S	S	S	S
	Car washes		S	S		S		S	S
	Clubs, lodges and meeting halls		P	P	P	P	S	S	
	Dancing school or studio	P	P	P	P	P			
	Daycare centers	S	P	P		S			
	Daycare centers and early childhood learning facilities						S		
	Day spa/massage establishments			S		S	S	S	
	Dry cleaner, but not a central plant serving more than 1 retail outlet	P	P	P	P	P			

Funeral homes, mortuaries, cemeteries and mausoleums		P	P	P	P			
Garages for repair and servicing of motor vehicles, including body repair, painting and engine rebuilding			P		P			
Hotels and motels		S	P	P	P	P		
Laundry and dry cleaner, self- service only	P	P	P	P	P			
Music school	P	P	P	P	P			
Photographic studio	P	P	P	P	P			
Printing and publishing and duplicating establishments		P	P	P	P			
Recreational centers and facilities, health and fitness centers and athletic clubs		P	P	P	P		S	
Schools for business, professional or technical training, music or dance		P	P	P	P		P	P
Self-storage warehouse establishments			S		S		P	P
Shoe repair shop	P	P	P	P	P			
Tailor shop	P	P	P	P	P			
Taxidermists			P		P			
Union halls, hiring halls and trade association offices/ meeting rooms			P	P	P		P	P
Warehouse and storage facilities			S	S	S			
Business service establishments:								
Bank, not including drive-in facilities	P	P	P	P	P	P	P	P
Banks and financial institutions with drive-through facilities	S	S	S	S	S	S	S	S
Cash for gold business					S	S	S	
Currency exchange			P	P	P	P	P	
Financial institution	P	P	P	P	P			
Insurance agency	P	P	P	P	P			
Loan company	P	P	P	P	P			
Real estate office	P	P	P	P	P			
Savings and loan, not including drive-in facilities	P	P	P	P	P			
Title/payday loan store					S	S	S	
Professional office establishments:								

	Animal hospitals		S	P		P			
	Attorney and law offices	P	P	P	P	P	P	P	P
	Chiropractor's office	P	P	P	P	P	P	P	P
	Dentist's office	P	P	P	P	P	P	P	P
	Doctor's, surgeon's and/or physician's offices	P	P	P	P	P	P	P	P
	Medical and dental clinics, licensed	P	P	P	P	P	P	P	P
	Newspaper offices			P	P	P	P	P	P
	Office building, general	P	P	P	P	P	P	P	P
	Optician's office	P	P	P	P	P	P	P	P
	Osteopath's office	P	P	P	P	P	P	P	P
	Private clinic	P	P	P	P	P	P	P	P
Public, quasi-public and governmental buildings and facilities:									
	Airports, heliports and landing strips							P	P
	Bus and train stations			S	S	S			
	Church	P	P	P	P	P			
	Convention centers			S		P	P	P	
	Essential services: gas regulator stations, telephone exchanges and/or electric substation	S	S	S	S	S	S	S	S
	Filtration plant, pumping station, well and water reservoir	S	S	S	S	S	P	S	S
	Golf courses and other open space and recreational uses typically allowed in the conservation recreation zoning district							P	P
	Governmental and public utility uses on lots having areas, widths, yards and other conditions as approved by the village board	S	S	S	S	S	S	S	S
	Hospitals			P	P	P			
	Microwave relay tower	S	S	S	S	S	S	S	S
	Museums and art galleries		P	P	P	P			
	Off street parking facility as an accessory use	P	P	P	P	P	P	P	P
	Parking lots and parking structures as a principal use			P	P	P	P	P	P
	Post office	P	P	P	P	P			
	Power plants							S	P

Radio and television stations and recording studios		P	P	P	P			
Sewage treatment plant						S	S	S
Stadiums and arenas			S		S	S	S	
Training and educational facilities						P		
Industrial:								
Adult-use cannabis craft grower			S		S	S	S	
Adult-use cannabis cultivation center					S	S	S	S
Adult-use cannabis infuser organization			S		S	S	S	
Adult-use cannabis processing organization					S	S	S	
Adult-use cannabis transporting organization					S	S	S	
Cartage and express facilities			S		S		P	P
Electronic industries					P	P	P	P
Experimental product development					P	P	P	P
Foundries, forges and smelters								S
Industrial design firms					P	P	P	P
Junkyards, salvage yards and automobile graveyards							S	S
Laboratories, excluding any outdoor testing of animal, plant or other biological and genetic research					P	P	P	P
Light assembly operations					P	P	P	P
Light industrial, assembly and laboratory facilities, as such uses relate to the production of products and parts; excluding, however, uses that require EPA or NPDES approval					P	P	P	P
Light industrial, assembly and laboratory facilities, as such uses relate to the production of products and parts that require EPA or NPDES approval					S	P	P	P
Machine shops							P	P

Manufacturing activities, including electronic and scientific precision instruments manufacture and light machinery production and assembly, but excluding those uses which may be obnoxious or pose a nuisance for any reason including emission of toxic or hazardous substances, odor, noise, dust, smoke or gas					P	P	P	P
Manufacturing, compounding, processing and storage of flammable liquids, gasses, chemicals, acids, fertilizers								S
Manufacturing, heavy, which includes the fabricating, assembly, disassembly, processing or treatment of goods and products, including, but not limited to: asphalt products; concrete and cement products; construction equipment; motor vehicles; and paints, inks								P
Manufacturing, light, which includes the fabricating, assembly, disassembly, processing or treatment of goods and products, including, but not limited to: appliances; books, printed materials; bottling companies; clothing and textiles; drugs; electrical components; food processing, food manufacture; furniture, bedding, and carpet manufacture; glass and ceramics; paper and paper products; plastic and fiberglass; sheet metal; tools; and wood assembly and finishing							P	P



Medical cannabis cultivation center							S	S
Mining operations								S
Motor and rail freight terminals							P	P
Newspaper and magazine publishing							P	P
Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards							P	P
Petroleum production, refining and storage								S
Pharmaceutical industries					P	P	P	P
Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability					P	P	P	P
Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability					P	P	P	P
Railroad yard, including switching, storage, loading, unloading and maintenance facilities, except those considered accessory to a permitted use, which shall be considered as a permitted use							S	P
Recycling centers							S	P
Sanitary landfills, solid waste transfer stations, composting, energy reclamation facilities, incinerators, and similar uses, but excluding hazardous or radioactive waste disposal							S	S
Steel mills								S
Synthetic natural gas plants								S

Technology and research centers, including medical and hospital research establishments					P	P	P	P
Warehousing and distribution facilities							P	P
Warehousing and distribution facilities, but excluding motor freight terminals						P	P	P
Welding							P	P
Wholesale establishments, storage, warehousing and distribution centers (excluding "motor freight terminals", defined as "a building or area in which trucks, including tractor trailer units are parked, stored or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transport") in conjunction with an office use or wholesale establishment. The storage of fuel oil shall be prohibited, unless incidental to the on site operation					P	P	P	P
Woodworking							P	P
Other:								
Buildings whose height exceeds the maximum building height in the I-1 district						S		
Buildings whose height exceeds the maximum building height in the I-2 district							S	
Comprehensive sign plan	S	S	S	S	S	S	S	S
Dwelling units when located above the ground floor only when utilized as a mixed use in conjunction with a commercial use	P	P	P	P				

Dwelling units when located on the ground floor only when utilized as a mixed use in conjunction with a commercial use	S	S	S	S				
Planned unit developments (in accordance with the applicable regulations of chapter 9 of this title)	S	S	S	S	S	S	S	S
Residence (1 only) of the proprietor, caretaker, or watchman, when located on the premises						S	S	S
Uses whose lot area is less than the minimum lot area required in the I-3 district								S
Other uses which are of the same general character as the above permitted uses or special uses, as determined by the zoning administrator	S	S	S	S	S	S	S	S

(Ord. 1235, 9-20-2016; amd. Ord. 1307-09, 11-19-2019; Ord. 1334-20, 10-6- 2020)

## CHAPTER 4.1

### AGRICULTURAL DISTRICTS

SECTION:

#### 4-4.1-1: Purpose

#### 4-4.1-1: PURPOSE:

The Agricultural District regulations are intended to govern the location, intensity and method of development of the agricultural areas of the Village. The regulations preserve lands optimally suited for agricultural and allied uses and prohibit the intrusion of residential and other noncompatible uses into the agricultural area. There is one agricultural district. (Ord. 591, 11-16-93)

## ARTICLE A. A-1 AGRICULTURAL DISTRICT

SECTION:

#### 4-4.1A-1: Purpose

#### 4-4.1A-2: Policy

#### 4-4.1A-3: Uses Permitted

#### 4-4.1A-4: Special Uses Permitted

#### 4-4.1A-5: Temporary Permit Uses Permitted

#### 4-4.1A-6: Accessory Uses

#### 4-4.1A-7: Prohibited Uses

#### 4-4.1A-8: Site and Structure Requirements

#### 4-4.1A-9: Special Provisions

**4-4.1A-1: PURPOSE:**

- A. The A-1 Agricultural Zoning District is hereby established to further the use of lands optimally suited for agriculture use because of location, topography, soil characteristics, wetness, vegetation or other natural or man-induced factors.
- B. To provide lands for agricultural uses which are the optimum use due to topography, soils, natural characteristics, man-made features and/or location and existing uses.
- C. To provide the opportunity to keep horses or other large animals and the right to practice agriculture, floriculture, horticulture, silvaculture, cultivation of field or garden crops and similar related activities. (Ord. 591, 11-16-93)

**4-4.1A-2: POLICY:**

To achieve the purpose of the A-1 Agricultural District, it shall be the policy of the Village to:

- A. Foster uses where adequate police and fire protection are available.
- B. Require a minimum, continuous area for the A-1 Agricultural District to be ten (10) acres in area.
- C. Zone as A-1 lands adaptable for sustained long-term agriculture uses because of location, topography, geology, soil types, other natural features of the land or surrounding land use. (Ord. 591, 11-16-93)

**4-4.1A-3: USES PERMITTED:**

No land shall be used or occupied, and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this Title for other than one or more of the following specified uses:

A. Residential Uses:

One farm homestead for each forty (40) acres of land area.

B. Agricultural Uses:

Gardening and general farming, either commercial or private, including poultry and livestock.

Farms and farm buildings, provided no building in which livestock or poultry are housed, shall be located within three hundred feet (300') of any existing adjacent residence or abutting property in any existing residential subdivision.

Care and raising of animals provided that there shall be not more than one animal unit per acre or part thereof plus one additional animal unit per parcel. The following table shows the value in animal units for mature animals:

Animal	Number of Animal Units
Animal	Number of Animal Units
Horse, mule	1.00
Cow	1.00
Sheep	0.40
Goat	0.40
Pig	1.00
Fowl, poultry	0.05
Fur-bearing animals	0.05

The Zoning Administrator shall be empowered to determine the value in animal units for mature animals not listed above.

C. Nurseries.

D. Greenhouses. (Ord. 591, 11-16-93)

**4-4.1A-4: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Board as allowed:

- A. Similar and compatible uses to those allowed as "permitted uses" in this District.
- B. Clubhouses, country clubs, private or public golf courses, tennis clubs, swimming pools and similar recreational uses.
- C. Railroad right of way and passenger stations, but not including railroad yards and shops.
- D. Public utility buildings and structures.
- E. Cemeteries.
- F. Riding academy.
- G. Kennels. (Ord. 591, 11-16-93)

**4-4.1A-5: TEMPORARY PERMIT USES PERMITTED:**

Upon application to and issuance by the Zoning Official of any permit thereof, the following uses may be operated as temporary uses:

Temporary building, trailer or yard for construction materials and/or equipment, both incidental and necessary to construction in the

zoning district. Each permit shall specify the location of both building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location. (Ord. 591, 11-16-93)

**4-4.1A-6: ACCESSORY USES:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or conditioned permitted use may be permitted; provided they are operated and maintained under the same ownership and on the same lot as the permitted use and do not include structural features inconsistent with the permitted use.

- A. Garages, carports or other parking spaces for the exclusive use of residents or occupants of the premises.
- B. Barns, stables, greenhouses and other similar structures for the exclusive use of the occupants of the premises, which are incidental to the use of the property.
- C. Home occupations. (Ord. 591, 11-16-93)

**4-4.1A-7: PROHIBITED USES:**

All uses not expressly authorized are prohibited. (Ord. 591, 11-16-93)

**4-4.1A-8: SITE AND STRUCTURE REQUIREMENTS:**

- A. Minimum Lot Area: A separate ground area of not less than ten (10) acres shall be designated, provided and continuously maintained for agriculture uses or land containing a permitted or special use.
- B. Minimum Lot Width: A minimum lot width of three hundred feet (300') shall be provided for each parcel containing a permitted or special use.
- C. Front Yard: All structures shall set back at least fifty feet (50') from the front lot line.
- D. Side Yard: All structures shall be set in from the side lot line a distance of not less than forty feet (40') from the side lot line.
- E. Rear Yard: All structures shall be set in a distance of not less than forty feet (40') from the rear lot line.
- F. Maximum Height: No principal structure shall exceed thirty five feet (35') in height, and no accessory structure shall exceed twenty feet (20') in height.
- G. Floor Area Ratio: Not to exceed 0.3.
- H. Single-Family Dwellings: Each single-family detached dwelling, and any other structure occupied in whole or in part for residential purposes, shall contain, at least one thousand four hundred (1,400) square feet of liveable floor area, exclusive of garages and any story below grade. (Ord. 591, 11-16-93)

**4-4.1A-9: SPECIAL PROVISIONS:**

- A. Parking Requirements: In accordance with applicable regulations set forth in Chapter 10 of this Title.
- B. Sign Requirements: In accordance with the applicable regulations set forth in Chapter 11 of this Title. (Ord. 591, 11-16-93)



**ARTICLE B. CR CONSERVATION/RECREATION DISTRICT**

SECTION:

**4-4.1B-1: Description Of District**

**4-4.1B-2: Uses Permitted**

**4-4.1B-3: Special Uses Permitted**

**4-4.1B-4: Temporary Uses Permitted**

**4-4.1B-5: Accessory Uses Permitted**

**4-4.1B-6: Prohibited Uses**

**4-4.1B-7: Site And Structure Requirements**

**4-4.1B-8: Special Provisions**

**4-4.1B-1: DESCRIPTION OF DISTRICT:**

The Conservation/Recreation District is established to encourage the development of lands for both passive and active recreational opportunities as well as the preservation of natural resources. The only structures permitted in this District are those which supplement and are incidental to the principal open use. (Ord. 633, 9-17-1996)

**4-4.1B-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this Title, for other than one or more of the following specified uses:

- A. General farming, including one single-family residence and incidental agricultural structures, provided on a tract a minimum of ten (10) acres in size.
- B. Forest preserves.

- C. Parks and playgrounds.
- D. Golf courses. (Ord. 633, 9-17-1996)

**4-4.1B-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

- A. Similar and compatible uses to those allowed as "permitted uses" in this District.
- B. Restaurants and banquet facilities when in conjunction with a golf course and when in conformance with all other applicable codes.
- C. Public utility and governmental service uses on lots having areas, widths, yards, and other conditions as approved by the Village Board. Including, but not limited to:
  - Electric substations and booster stations.
  - Filtration plants, pumping stations, water reservoirs, and wells.
  - Gas regulator stations.
  - Police and fire stations.
  - Sewage treatment plant.
  - Telephone exchange and microwave relay towers.
  - Other government and utility service uses. (Ord. 633, 9-17-1996)

**4-4.1B-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location. (Ord. 633, 9-17-1996)

**4-4.1B-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted, provided, that they are operated and maintained under the same ownership and on the same lot as the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Parking.
- B. Maintenance and storage buildings. (Ord. 633, 9-17-1996)

**4-4.1B-6: PROHIBITED USES:**

All uses not expressly authorized in Sections 4-4.1B-2, 4-4.1B-3, 4-4.1B-4 and 4-4.1B-5 of this Article, including, but not limited to:

Residential uses.

Commercial uses.

Hotels and motels.

Industrial uses.

Billboards. (Ord. 633, 9-17-1996)

**4-4.1B-7: SITE AND STRUCTURE REQUIREMENTS:**

Except as otherwise provided herein, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

- A. Minimum Lot Area: Not less than five (5) acres.
- B. Minimum Lot Width: Not less than three hundred feet (300') in buildable area.
- C. Yards: All structures must be set back a minimum of one hundred feet (100') from the property line.
- D. Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 633, 9-17-1996)

**4-4.1B-8: SPECIAL PROVISIONS:**

- A. Parking Requirements: In accordance with the applicable regulations set forth in Chapter 10 of this Title.
- B. Sign Requirements: In accordance with the applicable regulations set forth in Chapter 11 of this Title. (Ord. 633, 9-17-1996)

## CHAPTER 5

### RESIDENTIAL DISTRICTS

SECTION:

**4-5-1: Purpose**

**4-5-1: PURPOSE:**

The residential district regulations are intended to govern the location, intensity and method of development of the residential areas of Manhattan. The regulations of each district are designed to provide for the protection of existing residential areas and to provide for new residential growth in accord with the design and density objectives of the community. There are eight (8) residential districts:

- ER Estate Residential District
- GR General Residential District
- R-1 Single-Family Residence District
- R-2 Multi-Family Residence District
- R-3 Multi-Family Residence District
- R-4 Two-Family Residence District
- R-5 Multiple-Family Residence District
- R-6 Residential Apartment District

(Ord. 634, 9-17-1996)

## ARTICLE A. ER ESTATE RESIDENTIAL DISTRICT

SECTION:

**4-5A-1: Description Of District**

**4-5A-2: Uses Permitted**

**4-5A-3: Special Uses Permitted**

**4-5A-4: Temporary Uses Permitted**

**4-5A-5: Accessory Uses Permitted**

**4-5A-6: Prohibited Uses**

**4-5A-7: Site And Structure Requirements**

**4-5A-8: Special Provisions**

**4-5A-1: DESCRIPTION OF DISTRICT:**

The Estate Residential District is established to provide for detached, single-family residential developments having a low density and a rural character. (Ord. 634, 9-17-1996)

**4-5A-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this Title, for other than one or more of the following specified uses:

- A. Single-family detached dwellings.
- B. General farming, provided on a tract a minimum of ten (10) acres in size. (Ord. 634, 9-17-1996)

**4-5A-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

- A. Similar and compatible uses to those allowed as "permitted uses" in this District.
- B. Churches, temples, synagogues, or other places of worship.
- C. Cemeteries on a lot not less than ten (10) acres and provided no building shall be located less than three hundred feet (300') from a lot line.
- D. Golf courses, public or private, but not including Par 3 courses, commercially operated driving ranges, or miniature golf courses; and provided that no clubhouse or accessory building shall be located less than two hundred feet (200') from a property line.
- E. Planned unit developments.
- F. Public land, including, but not limited to, parks, playgrounds, forest preserves, recreational areas, and public golf courses.
- G. Public utility and governmental service uses on lots having areas, widths, yards, and other conditions as approved by the Village Board. Including, but not limited to:
  - Electric substations and booster stations.

Filtration plants, pumping stations, water reservoirs, and wells.

Gas regulator stations.

Police and fire stations.

Sewage treatment plant.

Telephone exchange and microwave relay towers.

Other government and utility service uses.

H. Schools, public or private.

I. Seminaries, convents, monasteries, and similar religious institutions on a lot not less than five (5) acres in area and provided no building or structure shall be located less than one hundred feet (100') from a lot line.

J. Public libraries.

K. Group homes subject to the following additional standards:

1. Group homes must be licensed and/or certified by the appropriate Federal, State or local agencies.
2. All group homes must conform to the requirements set forth in the BOCA National Property Maintenance Code.
3. No proposed group home shall be located within one thousand feet (1,000') of an existing group home as measured from the lot line.
4. Group home structures and sites must be visually and structurally compatible with the surrounding area.
5. Only one identification sign, not to exceed two (2) square feet, may be displayed on the lot.
6. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a twenty four (24) hour basis or present whenever residents are present at the dwelling, shall be required unless an additional special use permit is obtained to eliminate the requirement of supervision. A "group home" shall comply with the zoning regulations for the district in which the site is located.
7. There shall be not less than one off-street parking space per bedroom. (Ord. 634, 9-17-1996)

#### **4-5A-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- B. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- C. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- D. Trailer, to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 634, 9-17-1996)

#### **4-5A-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted, provided, that they are operated and maintained under the same ownership and on the same lot as the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises.
- B. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
- C. Home occupations.
- D. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
- E. Real estate signs, not exceeding twelve (12) square feet for each face and set back from every property line at least ten feet (10').
- F. Roomers and boarders, not to exceed two (2).
- G. Swimming pools, exclusively for the use of the residents and their guests and set back from every property line at least ten feet (10'). (Ord. 634, 9-17-1996)

#### **4-5A-6: PROHIBITED USES:**



All uses not expressly authorized in sections 4-5A-2, 4-5A-3, 4-5A-4 and 4-5A-5 of this article, including, but not limited to:

Commercial uses.

Hotels and motels.

Industrial uses.

Mobile homes.

Signs and billboards. (Ord. 634, 9-17-1996)

#### **4-5A-7: SITE AND STRUCTURE REQUIREMENTS:**

Except as otherwise provided herein, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

A. Minimum lot area:

Single-family detached dwelling: Twenty thousand (20,000) square feet.

Special uses: Forty thousand (40,000) square feet.

B. Minimum lot width:

Single-family detached dwelling: One hundred feet (100').

Special uses: One hundred forty feet (140'). (Ord. 634, 9-17-1996)

C. Yards:

Front: Not less than thirty feet (30').

Side: Not less than ten feet (10').

Rear: Not less than forty feet (40'). (Ord. 820, 8-3-2004)

D. Building height:

Principal building: Not greater than two and one-half ( $2\frac{1}{2}$ ) stories (35 feet).

Accessory buildings: Not greater than one story (15 feet).

E. Floor area ratio: Not applicable to residential, but all others 0.25. (Ord. 634, 9-17-1996)

F. Minimum size of dwelling:

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand (1,000) square feet of finished livable floor area, exclusive of basement or garage space.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage. (Ord. 879, 1-3-2006)

d. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred eighty (480) square feet. (Ord. 1031, 8-4-2009)

e. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

#### **4-5A-8: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable parking regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable sign regulations set forth in chapter 11 of this title. (Ord. 634, 9-17-1996)

C. Trucks: No truck tractor of any size, apportioned power unit, semitrailer, stinger steered semitrailer, road tractor, pole trailer, converter dolly, apportioned trailer, apportioned semitrailer, type B or greater bus, whether privately owned or a school bus, implement of husbandry or any vehicle requiring an Illinois registration plate suffix of "H" or greater, including foreign registered vehicles, which would require such registration, if registered in Illinois, any vehicle required to have mileage plates of "MG" suffix or greater, farm plates of "VG" or greater, or tow trucks capable of towing any vehicle which is prohibited under this section, shall at any

time be parked or stored within any residential district. (Ord. 1048, 2-2-2010)

D. Mobile Travel Trailers, Camper Trailers And Boats: Only one mobile travel trailer, camper trailer or boat may be parked or stored on a lot in the ER district, except that additional mobile travel trailers, camper trailers, and/or boats may be parked or stored on the lot only when located in a garage or other fully enclosed structure.

E. Tents: Tents shall not be erected, used or maintained in any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 634, 9-17-1996)

F. Design Requirements: All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## ARTICLE B. GR GENERAL RESIDENTIAL DISTRICT

### SECTION:

#### 4-5B-1: Description Of District

#### 4-5B-2: Uses Permitted

#### 4-5B-3: Special Uses Permitted

#### 4-5B-4: Temporary Uses Permitted

#### 4-5B-5: Accessory Uses Permitted

#### 4-5B-6: Prohibited Uses

#### 4-5B-7: Site And Structure Requirements

#### 4-5B-8: Special Provisions

#### 4-5B-1: DESCRIPTION OF DISTRICT:

The General Residential District is established to provide for the development of detached single-family dwellings at a medium suburban density. (Ord. 634, 9-17-1996)

#### 4-5B-2: USES PERMITTED:

No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this Title, for other than one or more of the following specified uses:

A. Single-family detached dwellings.

B. General farming, provided on a tract a minimum of ten (10) acres in size. (Ord. 634, 9-17-1996)

#### 4-5B-3: SPECIAL USES PERMITTED:

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section\ of this Title:

Special uses permitted in the GR District shall be the same as in the ER District. (Ord. 634, 9-17-1996)

#### 4-5B-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

B. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

C. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

D. Trailer, to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 634, 9-17-1996)

#### **4-5B-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted, provided, that they are operated and maintained under the same ownership and on the same lot as the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises.
- B. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
- C. Home occupations.
- D. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
- E. Real estate signs, not exceeding twelve (12) square feet for each face and set back from every property line at least ten feet (10').
- F. Roomers and boarders, not to exceed two (2).
- G. Swimming pools, exclusively for the use of the residents and their guests and set back from every property line at least ten feet (10'). (Ord. 634, 9-17-1996)

#### **4-5B-6: PROHIBITED USES:**

All uses not expressly authorized in sections 4-5B-2, 4-5B-3, 4-5B-4 and 4-5B-5 of this article, including, but not limited to:

Commercial uses.

Hotels and motels.

Industrial uses.

Mobile homes.

Signs and billboards. (Ord. 634, 9-17-1996)

#### **4-5B-7: SITE AND STRUCTURE REQUIREMENTS:**

Except as otherwise provided herein, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

##### **A. Minimum lot area:**

Single-family detached dwelling: Twelve thousand five hundred (12,500) square feet

Special uses: Forty thousand (40,000) square feet

##### **B. Minimum lot width:**

Single-family detached dwelling: Eighty five feet (85')

Special uses: One hundred forty feet (140')

(Ord. 634, 9-17-1996)

##### **C. Yards:**

Front: Not less than thirty feet (30')

Side: Not less than ten feet (10')

Rear: Not less than thirty feet (30')

(Ord. 820, 8-3-2004)

##### **D. Building height:**

Principal building: Not greater than two and one-half ( $2\frac{1}{2}$ ) stories (35 feet)

Accessory buildings: Not greater than one story (15 feet)

##### **E. Floor area ratio: Not applicable to residential, but all others 0.25. (Ord. 634, 9-17-1996)**

##### **F. Minimum size of dwelling:**

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand (1,000) square feet of finished livable floor area, exclusive of basement or garage space.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of

livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage. (Ord. 879, 1-3-2006)

d. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred eighty (480) square feet. (Ord. 1031, 8-4-2009)

e. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

#### **4-5B-8: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable parking regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable sign regulations set forth in chapter 11 of this title. (Ord. 634, 9-17-1996)

C. Trucks: No truck tractor of any size, apportioned power unit, semitrailer, stinger steered semitrailer, road tractor, pole trailer, converter dolly, apportioned trailer, apportioned semitrailer, type B or greater bus, whether privately owned or a school bus, implement of husbandry or any vehicle requiring an Illinois registration plate suffix of "H" or greater, including foreign registered vehicles, which would require such registration, if registered in Illinois, any vehicle required to have mileage plates of "MG" suffix or greater, farm plates of "VG" or greater, or tow trucks capable of towing any vehicle which is prohibited under this section, shall at any time be parked or stored within any residential district. (Ord. 1048, 2-2-2010)

D. Mobile Travel Trailers, Camper Trailers And Boats: Only one mobile travel trailer, camper trailer or boat may be parked or stored on a lot in the GR district, except that additional mobile travel trailers, camper trailers, and/or boats may be parked or stored on the lot only when located in a garage or other fully enclosed structure.

E. Tents: Tents shall not be erected, used or maintained in any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 634, 9-17-1996)

F. Design Requirements: All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## **ARTICLE C. R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

### **SECTION:**

#### **4-5C-1: Description Of District**

#### **4-5C-2: Uses Permitted**

#### **4-5C-3: Special Uses Permitted**

#### **4-5C-4: Temporary Uses Permitted**

#### **4-5C-5: Accessory Uses Permitted**

#### **4-5C-6: Prohibited Uses**

#### **4-5C-7: Site And Structure Requirements**

#### **4-5C-8: Special Provisions**

#### **4-5C-1: DESCRIPTION OF DISTRICT:**

The R-1 Single-Family Residence District is established to provide for detached, single-family residential dwellings at a medium to high suburban density. (Ord. 634, 9-17-1996)

#### **4-5C-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this Title, for other than one or more of the following specified uses:

Single-family detached dwellings. (Ord. 634, 9-17-1996)

#### **4-5C-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

Special uses permitted in the R-1 District shall be the same as in the ER District. (Ord. 634, 9-17-1996)

#### **4-5C-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

B. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

C. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

D. Trailer, to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 634, 9-17-1996)

#### **4-5C-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted; provided, that they are operated and maintained under the same ownership and on the same lot as the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises.
- B. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
- C. Home occupations.
- D. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
- E. Real estate signs, not exceeding twelve (12) square feet for each face and set back from every property line at least ten feet (10').
- F. Roomers and boarders, not to exceed two (2).
- G. Swimming pools, exclusively for the use of the residents and their guests and set back from every property line at least ten feet (10'). (Ord. 634, 9-17-1996)

#### **4-5C-6: PROHIBITED USES:**

All uses not expressly authorized in sections 4-5C-2, 4-5C-3, 4-5C-4 and 4-5C-5 of this article, including, but not limited to:

Commercial uses.

Hotels and motels.

Industrial uses.

Mobile homes.

Signs and billboards. (Ord. 634, 9-17-1996)

#### **4-5C-7: SITE AND STRUCTURE REQUIREMENTS:**

Except as otherwise provided herein, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

A. Minimum lot area:

Single-family detached dwelling: Ten thousand (10,000) square feet

Special uses: Forty thousand (40,000) square feet

B. Minimum lot width:

Single-family detached dwelling: Seventy five feet (75')

Special uses: One hundred forty feet (140')

(Ord. 634, 9-17-1996)

C. Yards:

Front: Not less than thirty feet (30')

Side: Not less than ten feet (10')

Rear: Not less than thirty feet (30')

(Ord. 820, 8-3-2004)

D. Building height:

Principal building: Not greater than two and one-half ( $2\frac{1}{2}$ ) stories (35 feet)

Accessory buildings: Not greater than one story (15 feet)

E. Floor area ratio: Not applicable to residential, but all others 0.25. (Ord. 634, 9-17-1996)

F. Minimum size of dwelling:

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand (1,000) square feet of finished livable floor area, exclusive of basement or garage space.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage. (Ord. 879, 1-3-2006)

d. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred eighty (480) square feet. (Ord. 1031, 8-4-2009)

e. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

**4-5C-8: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable parking regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable sign regulations set forth in chapter 11 of this title. (Ord. 634, 9-17-1996)

C. Trucks: No truck tractor of any size, apportioned power unit, semitrailer, stinger steered semitrailer, road tractor, pole trailer, converter dolly, apportioned trailer, apportioned semitrailer, type B or greater bus, whether privately owned or a school bus, implement of husbandry or any vehicle requiring an Illinois registration plate suffix of "H" or greater, including foreign registered vehicles, which would require such registration, if registered in Illinois, any vehicle required to have mileage plates of "MG" suffix or greater, farm plates of "VG" or greater, or tow trucks capable of towing any vehicle which is prohibited under this section, shall at any time be parked or stored within any residential district. (Ord. 1048, 2-2-2010)

D. Mobile Travel Trailers, Camper Trailers And Boats: Only one mobile travel trailer, camper trailer or boat may be parked or stored on a lot in the R-1 district, except that additional mobile travel trailers, camper trailers, and/or boats may be parked or stored on the lot only when located in a garage or other fully enclosed structure.

E. Tents: Tents shall not be erected, used or maintained in any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 634, 9-17-1996)

F. Design Requirements: All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## ARTICLE D. R-2 MULTI-FAMILY RESIDENCE DISTRICT

SECTION:

#### **4-5D-1: Description Of District**

#### **4-5D-2: Uses Permitted**

#### **4-5D-3: Special Uses Permitted**

#### **4-5D-4: Temporary Uses Permitted**

#### **4-5D-5: Accessory Uses Permitted**

#### **4-5D-6: Prohibited Uses**

#### **4-5D-7: Site And Structure Requirements**

#### **4-5D-8: Special Provisions**

##### **4-5D-1: DESCRIPTION OF DISTRICT:**

This District is composed of certain medium-density residential areas representing a compatible commingling of single-family, two-family and multi-family dwellings, including certain open areas where similar residential development appears likely to occur. It is the intent of this District to provide for an environment of medium-density dwellings plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents living in the District. Large apartments, with corresponding proportions of open space, may also be developed under prescribed standards of density and open space. In addition to large areas allocated for this District, it has useful application as a buffer or transition zone along highways, major streets, and bordering shopping centers. (Ord. 634, 9-17-1996)

##### **4-5D-2: USES PERMITTED:**

A. Permitted Uses: As of September 17, 1996, no land shall be used or occupied and no building, structure or premises shall be erected or used as provided in this Article except in the following conditions:

1. An existing use in an R-2 District as of September 17, 1996, may be continued provided that the use conforms to the requirements for the use as provided in this Article. No other use than that which existed at the aforementioned date is permitted under this Article.
2. Any R-2 parcel for which a preliminary plat has been approved by the Village Board in accordance with the requirements set forth in Chapter 3 of the Subdivisions Regulations Ordinance <sup>1</sup> may be improved and developed in accordance with the approved preliminary plat and the regulations provided in this Article.

All vacant land in an R-2 District for which no formally approved preliminary plat exists as of September 17, 1996, may only be used or occupied as provided in the R-1 or R-4 Districts.

B. Residential Uses:

Single-family detached dwellings.

Two-family dwellings.

Multi-family dwellings.

C. Public, Quasi-Public, And Governmental Buildings And Facilities: Such as, but not limited to:

Public, quasi-public, and governmental buildings permitted in the R-1 District.

Churches and other places of worship, provided the property for said use fronts on a primary or secondary thoroughfare so designated in the Comprehensive Plan.

D. Agriculture Uses: Such as, but not limited to:

Gardening and general farming.

Greenhouses.

Nurseries. (Ord. 634, 9-17-1996)

Notes

<sup>1</sup> 1. See Title 5 of this Code.

##### **4-5D-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

- A. Similar and compatible uses to those allowed as "permitted uses" in this District.
- B. Clubs, lodges, social or recreational buildings or properties; not-for-profit.
- C. Convalescent or nursing home.
- D. Country clubs, tennis clubs, swimming pools, and similar recreational uses.
- E. Hospitals, clinics, and sanitariums.

F. Mobile home parks.

G. Nursery school, day nursery, and child care center; at least one hundred fifty (150) square feet of outdoor play area must be provided for each child that is cared for.

H. Planned unit developments.

I. Private schools or colleges. (Ord. 634, 9-17-1996)

#### **4-5D-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

Temporary uses permitted in the R-1 District. (Ord. 634, 9-17-1996)

#### **4-5D-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted; provided that they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

A. Accessory uses permitted in the ER District.

B. Professional office or resident in his dwelling involving the employment of not to exceed one person not a resident on the premises.

C. Roomers or boarders, not to exceed four (4) by a resident family. (Ord. 634, 9-17-1996)

#### **4-5D-6: PROHIBITED USES:**

All uses not expressly authorized in Sections 4-5D-2 through 4-5D-5 of this Article, including, but not limited to:

A. Commercial uses.

B. Hotels and motels.

C. Industrial uses.

D. Signs and billboards. (Ord. 634, 9-17-1996)

#### **4-5D-7: SITE AND STRUCTURE REQUIREMENTS:**

A. Minimum Lot Area: A separate ground area of not less than seven thousand two hundred (7,200) square feet for single-family use, nine thousand (9,000) square feet for two-family use, twelve thousand (12,000) square feet for multi-family use with at least three thousand five hundred (3,500) square feet for each multi-family dwelling unit of one or two (2) bedrooms, with an additional five hundred (500) square feet for each bedroom over two (2) bedrooms in the multi-family units, and six thousand (6,000) square feet for other uses, shall be designated, provided and continuously maintained for each permitted or special use.

B. Minimum Lot Width: A minimum lot width of sixty feet (60') shall be provided for each lot used for a permitted or special use.

C. Yards:

1. Front Yard: All structures shall be set back at least twenty five feet (25') from the front lot line.

2. Side yard: All structures shall be set in from the side lot line a distance of not less than five feet (5') on the least side, with the sum of the two (2) sides not less than fifteen feet (15').

3. Rear yard: All structures shall be set in a distance of not less than twenty five feet (25') from the rear lot line.

D. Maximum Height: No principal structure shall exceed two and one-half ( $2\frac{1}{2}$ ) stories or thirty five feet (35') in height, and no accessory structure shall exceed one story or fifteen feet (15') in height, except as provided in section 4-3-3 of this title.

E. Floor Area Ratio: Not to exceed 0.7. (Ord. 634, 9-17-1996)

F. Minimum Size Of Dwelling:

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling shall contain at least seven hundred twenty (720) square feet of livable floor area, each two-family dwelling shall contain at least six hundred (600) square feet of livable floor area for each dwelling unit, and each multi-family dwelling shall contain at least five hundred (500) square feet of livable floor area for each dwelling.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement



equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage.

d. Each attached, multi-family or two-family dwelling shall contain at least one thousand two hundred fifty (1,250) square feet of livable floor area for each dwelling unit, exclusive of basement and garage space. (Ord. 879, 1-3-2006)

e. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred forty (440) square feet. (Ord. 1031, 8-4-2009)

f. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

#### **4-5D-8: SPECIAL PROVISIONS:**

A. Special provisions as required in the ER district.

B. There shall be no application for any map amendment to the R-2 multi-family residence district accepted after September 17, 1996.

C. No land annexed into the village after September 17, 1996, shall be zoned R-2 multi-family residence district. (Ord. 634, 9-17-1996)

D. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## **ARTICLE E. R-3 MULTI-FAMILY RESIDENCE DISTRICT**

### **SECTION:**

#### **4-5E-1: Description Of District**

#### **4-5E-2: Uses Permitted**

#### **4-5E-3: Special Uses Permitted**

#### **4-5E-4: Temporary Uses Permitted**

#### **4-5E-5: Accessory Uses Permitted**

#### **4-5E-6: Prohibited Uses**

#### **4-5E-7: Site And Structure Requirements**

#### **4-5E-8: Special Provisions**

#### **4-5E-1: DESCRIPTION OF DISTRICT:**

This District provides for certain high-density residential areas within the community. It is the intent of this District to create a predominantly residential environment of all types of residential structures, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the District. General commercial or industrial uses, except certain enumerated uses, are prohibited. This District normally abuts major thoroughfares and expressways that provide direct access to the site. (Ord. 634, 9-17-1996)

#### **4-5E-2: USES PERMITTED:**

A. Permitted Uses: As of September 17, 1996, no land shall be used or occupied and no building, structure or premises shall be erected or used as provided in this Title except in the following conditions:

1. An existing use in an R-3 District as of September 17, 1996, may be continued provided that the use conforms to the requirements for the use as provided in this Article. No other use than that which existed at the aforementioned date is permitted under this Article.

2. Any R-3 parcel for which a preliminary plat has been approved by the Village Board in accordance with the requirements set forth in Chapter 3 of the Subdivisions Regulations Ordinance may be improved and developed in accordance with the approved preliminary plat and the regulations provided in this Article.

All vacant land in an R-3 District for which no formally approved preliminary plat exists as of September 17, 1996, may only be used or occupied as provided in the R-1 or R-4 Districts.

B. Residential Uses:

Single-family detached dwellings.

Two-family dwellings.

Multi-family dwellings.

C. Public, Quasi-Public, And Governmental Buildings And Facilities: Such as, but not limited to:

Public, quasi-public and governmental buildings and facilities permitted in the R-2 District.

Clubs, lodges, social or recreational buildings or properties; not-for-profit.

Convalescent or nursing homes.

Private schools or colleges. (Ord. 634, 9-17-1996)

Notes

1. See Title 5 of this Code.

**4-5E-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

A. Similar and compatible uses to those allowed as "permitted uses" in this District.

B. Country clubs, tennis clubs, swimming pools, and similar recreational uses.

C. Hospitals, clinics, and sanitariums.

D. Hotels and motels.

E. Planned unit developments. (Ord. 634, 9-17-1996)

**4-5E-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

A. Temporary permit uses permitted in the R-1 District. (Ord. 634, 9-17-1996)

**4-5E-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

A. Accessory uses permitted in the R-2 District.

B. Multi-family uses may contain one or more of the hereinafter set forth accessory uses if each such use meets the following conditions:

1. Is provided for the convenience of the owner and/or tenant only;

2. Does not have exterior signs except for one nonilluminated sign not exceeding three (3) square feet in area attached to the building;

3. Does not have a separate outside entrance; and

4. Is not evident from the street:

Barber shop.

Beauty shop.

Delicatessen.

Eating place.

Gift shop.

Laundry and dry cleaning collection station.

News, cigar and/or candy shop. (Ord. 634, 9-17-1996)

**4-5E-6: PROHIBITED USES:**

All uses not expressly authorized in Sections 4-5E-2 through 4-5E-5 of this Article, including, but not limited to:

Mobile homes.

Industrial uses. (Ord. 634, 9-17-1996)

#### 4-5E-7: SITE AND STRUCTURE REQUIREMENTS:

A. Minimum Lot Area: A separate ground area of not less than seven thousand two hundred (7,200) square feet for single-family use, nine thousand (9,000) square feet for two-family use, twelve thousand (12,000) square feet for multi-family use, with the minimum lot area per dwelling unit being not less than provided for in the following table:

Number Of Bedrooms	Minimum Lot Area
Efficiency dwelling unit	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedroom	1,500 sq. ft.
Three bedroom	3,000 sq. ft.
Each additional bedroom	1,500 sq. ft.

and six thousand (6,000) square feet for other uses, shall be designated, provided, and continuously maintained for each permitted or special use.

B. Minimum Lot Width: A minimum lot width of sixty feet (60') shall be provided for each lot used for a permitted or special use.

C. Yards:

1. Front Yard: All structures shall be set back at least twenty five feet (25') from the front lot line.

2. Side Yard: All structures shall be set in from the side lot line a distance of not less than five feet (5') on the least side, with the sum of the two (2) sides not less than fifteen feet (15') for one or one and one-half ( $1\frac{1}{2}$ ) story structures; the least side shall be increased by two feet (2') and the sum of the two (2) sides by three feet (3') for each additional story.

3. Rear Yard: All structures shall be set in a distance of not less than twenty five feet (25') from the rear lot line for one or one and one-half ( $1\frac{1}{2}$ ) story structures; the rear yard shall be increased by four feet (4') for each additional story.

D. Maximum Height: No principal structure shall exceed eight (8) stories or eighty five feet (85') in height, and no accessory structures shall exceed two (2) stories or twenty five feet (25') in height, except as provided in section 4-3-3 of this title.

E. Floor Area Ratio: Not to exceed 2.5. (Ord. 634, 9-17-1996)

F. Minimum Size Of Dwelling:

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling shall contain at least seven hundred twenty (720) square feet of livable floor area, each two-family dwelling shall contain at least six hundred (600) square feet of livable floor area for each dwelling unit, and each multi-family dwelling shall contain at least five hundred (500) square feet of livable floor area for each dwelling.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage.

d. Each attached, multi-family or two-family dwelling shall contain at least one thousand two hundred fifty (1,250) square feet of livable floor area for each dwelling unit, exclusive of basement and garage space. (Ord. 879, 1-3-2006)

e. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred forty (440) square feet. (Ord. 1031, 8-4-2009)

f. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

#### 4-5E-8: SPECIAL PROVISIONS:

A. Special provisions as required in the ER district.

B. There shall be no application for any map amendment to the R-3 multi-family residence district accepted after September 17, 1996.

C. No land annexed into the village after September 17, 1996, shall be zoned R-3 multi-family residence district. (Ord. 634, 9-17-1996)

D. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## ARTICLE F. R-4 TWO-FAMILY RESIDENCE DISTRICT

### SECTION:

#### 4-5F-1: Description Of District

#### 4-5F-2: Uses Permitted

#### 4-5F-3: Special Uses Permitted

#### 4-5F-4: Temporary Uses Permitted

#### 4-5F-5: Accessory Uses Permitted

#### 4-5F-6: Prohibited Uses

#### 4-5F-7: Site And Structure Requirements

#### 4-5F-8: Special Provisions

#### 4-5F-1: DESCRIPTION OF DISTRICT:

The R-4 Two-Family Residence District is established to provide for two-family residential dwellings at a medium to high suburban density. (Ord. 634, 9-17-1996)

#### 4-5F-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used except as otherwise provided in this Article, for other than one or more of the following specified uses:

- A. Single-family detached dwellings.
- B. Two-family dwellings. (Ord. 634, 9-17-1996)

#### 4-5F-3: SPECIAL USES PERMITTED:

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

Special uses permitted in the R-4 District shall be the same as in the ER District. (Ord. 634, 9-17-1996)

#### 4-5F-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- B. Temporary office, both incidental and necessary for the sale of rental or real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- C. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. The sign shall not be illuminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- D. Trailer, to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 634, 9-17-1996)

#### 4-5F-5: ACCESSORY USES PERMITTED:

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structure or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Garages, carports or other parking spaces for the exclusive use of residents or occupants of the premises.

B. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.

C. Home occupations.

D. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.

E. Real estate signs, not exceeding twelve (12) square feet for each face and set back from every property line at least ten feet (10').

F. Roomers and boarders, not to exceed two (2).

G. Swimming pools, exclusively for the use of the residents and their guests and set back from every property line at least ten feet (10'). (Ord. 634, 9-17-1996)

#### **4-5F-6: PROHIBITED USES:**

All uses not expressly authorized in sections 4-5F-2, 4-5F-3, 4-5F-4 and 4-5F-5 of this article, including, but not limited to:

Commercial uses.

Hotels and motels.

Industrial uses.

Mobile homes.

Signs and billboards. (Ord. 634, 9-17-1996)

#### **4-5F-7: SITE AND STRUCTURE REQUIREMENTS:**

Except as otherwise provided herein, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

A. Minimum lot area:

Single-family detached dwelling: Ten thousand (10,000) square feet

Two-family dwelling: Twelve thousand (12,000) square feet

Special uses: Forty thousand (40,000) square feet

B. Minimum lot width:

Single-family detached dwelling: Seventy five feet (75')

Two-family dwelling: Eighty feet (80')

Special uses: One hundred forty feet (140')

(Ord. 634, 9-17-1996)

C. Yards:

Front: Not less than thirty feet (30')

Side: Not less than ten feet (10')

Rear: Not less than thirty feet (30')

(Ord. 820, 8-3-2004)

D. Building height:

Principal building: Not greater than two and one-half ( $2\frac{1}{2}$ ) stories (35 feet)

Accessory buildings: Not greater than one story (15 feet)

E. Floor area ratio: Not applicable to residential, but all others 0.25. (Ord. 634, 9-17-1996)

F. Minimum size of dwelling:

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling, shall contain at least one thousand (1,000) square feet of livable floor area, exclusive of basement and garage space and each two-family dwelling shall contain at least eight hundred (800) square feet of livable floor area for each dwelling unit, exclusive of basement and garage space.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of

livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage.

d. Each attached, multi-family or two-family dwelling shall contain at least one thousand two hundred fifty (1,250) square feet of livable floor area for each dwelling unit, exclusive of basement and garage space. (Ord. 879, 1-3-2006)

e. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred forty (440) square feet. (Ord. 1031, 8-4-2009)

f. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

#### **4-5F-8: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable parking regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable sign regulations set forth in chapter 11 of this title. (Ord. 634, 9-17-1996)

C. Trucks: No truck tractor of any size, apportioned power unit, semitrailer, stinger steered semitrailer, road tractor, pole trailer, converter dolly, apportioned trailer, apportioned semitrailer, type B or greater bus, whether privately owned or a school bus, implement of husbandry or any vehicle requiring an Illinois registration plate suffix of "H" or greater, including foreign registered vehicles, which would require such registration, if registered in Illinois, any vehicle required to have mileage plates of "MG" suffix or greater, farm plates of "VG" or greater, or tow trucks capable of towing any vehicle which is prohibited under this section, shall at any time be parked or stored within any residential district. (Ord. 1048, 2-2-2010)

D. Mobile Travel Trailers, Camper Trailers And Boats: Only one mobile travel trailer, camper trailer or boat may be parked or stored on a lot in the R-4 district, except that additional mobile travel trailers, camper trailers, and/or boats may be parked or stored on the lot only when located in a garage or other fully enclosed structure.

E. Tents: Tents shall not be erected, used or maintained on any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 634, 9-17-1996)

F. Design Requirements: All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## **ARTICLE G. R-5 MULTIPLE-FAMILY RESIDENCE DISTRICT**

### **SECTION:**

#### **4-5G-1: Description Of District**

#### **4-5G-2: Uses Permitted**

#### **4-5G-3: Special Uses Permitted**

#### **4-5G-4: Temporary Uses Permitted**

#### **4-5G-5: Accessory Uses Permitted**

#### **4-5G-6: Prohibited Uses**

#### **4-5G-7: Site And Structure Requirements**

#### **4-5G-8: Special Provisions**

#### **4-5G-1: DESCRIPTION OF DISTRICT:**

The R-5 Multiple-Family Residence District is established to provide for a variety of medium- or high-density residential uses, plus certain additional uses to serve the residents living in the districts. All structures and uses are to be planned so as to create a cohesive and unified development. All R-5 developments must be planned unit developments in accordance with Chapter 9 of this Title. (Ord. 634, 9-17-1996)

#### **4-5G-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used except as otherwise provided in this Article, for other than one or more of the following specified uses in a planned unit development:

- A. Single-family detached dwellings.
- B. Two-family dwellings.
- C. Attached single-family dwellings (townhomes, coach homes).
- D. Multiple-family dwellings, excluding rental apartments. (Ord. 634, 9-17-1996)

#### **4-5G-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the Village Board as allowed in Section 4-12-5 of this Title:

- A. Special uses permitted in the ER District.
- B. Senior citizen housing subject to the following additional standards:
  - 1. Community Need: No special permit for senior citizen housing shall be granted unless sufficient evidence is provided to demonstrate that there is, and for the foreseeable future will continue to be, a market demand among current area residents for all of the dwelling units in the proposed development.
  - 2. Location: Every senior citizen housing development shall be located in an area of the Village so as to provide convenient access to public transportation (if available), retail stores, medical services, recreation, and cultural and religious activities.
  - 3. Design Requirements: Every senior citizen housing development shall be designed and constructed so as to be convertible to a permitted use in the District. The design should include sufficient developable open space to meet all ordinance requirements should the development be converted from senior housing to a permitted use.
  - 4. Required Approvals: No special permit for a senior housing development shall be granted without the prior licensing, certification or approval of every public agency charged with the regulation of any facet of the activity of the proposed development.
- C. Nursing or personal care facilities subject to the following additional standards:
  - 1. Availability Of Facilities: Every nursing or personal care facility shall be provided with, or have ready access to, facilities and services necessary and appropriate to the needs of its residents for public transportation (if available), retail stores, medical services, recreation, and cultural and religious activities.
  - 2. Required Approvals: No special permit for a nursing or personal care facility shall be granted without the prior licensing, certification or approval of every public agency charged with the regulation of any facet of the activity of the proposed facility. (Ord. 634, 9-17-1996)

#### **4-5G-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be for more than four (4) successive periods at the same location.
- B. Temporary office, both incidental and necessary for the sale of rental or real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- C. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. The sign shall not be illuminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- D. Trailer, to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 634, 9-17-1996)

#### **4-5G-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structure or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises.
- B. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
- C. Home occupations.
- D. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
- E. Real estate signs, not exceeding twelve (12) square feet for each face and set back from every property line at least ten feet (10').
- F. Roomers and boarders, not to exceed two (2).
- G. Swimming pools, exclusively for the use of the residents and their guests and set back from every property line at least ten feet (10'). (Ord. 634, 9-17-1996)

#### **4-5G-6: PROHIBITED USES:**

All uses not expressly authorized in Sections 4-5G-2, 4-5G-3, 4-5G-4, and 4-5G-5 of this Article, including, but not limited to:

- A. Mobile homes.
- B. Hotels and motels.
- C. Commercial uses.
- D. Industrial uses.
- E. Signs and billboards. (Ord. 634, 9-17-1996)

#### **4-5G-7: SITE AND STRUCTURE REQUIREMENTS:**

Every tract of land upon which an R-5 use is maintained shall have a minimum total area, a minimum gross area per dwelling unit, and a minimum lot width.

##### **A. Minimum total lot area:**

Single-family detached dwelling: Ten thousand (10,000) square feet  
Two-family dwellings: Twelve thousand (12,000) square feet  
Attached single-family: Thirty thousand (30,000) square feet  
Multiple-family dwellings: Thirty thousand (30,000) square feet  
Senior citizen housing: One hundred thousand (100,000) square feet  
Nursing or personal care facility: One hundred thousand (100,000) square feet  
All other special uses: Forty thousand (40,000) square feet

##### **B. Minimum gross lot area per dwelling unit:**

Single-family detached dwelling: Ten thousand (10,000) square feet  
Two-family dwellings: Six thousand (6,000) square feet  
Attached single-family: Seven thousand two hundred fifty (7,250) square feet  
Multiple-family dwellings: Three thousand seven hundred fifty (3,750) square feet  
Senior housing: Three thousand five hundred (3,500) square feet (excluding detached dwellings)  
Nursing or personal care facility<sup>1</sup>: Two thousand (2,000) square feet

Note:

1. When calculating the gross lot area per dwelling unit of a nursing or personal care facility, each patient bed shall be counted as a dwelling unit. In addition, any beds or dwelling units available for occupancy by staff of the facility shall be counted as a dwelling unit.

##### **C. Minimum lot width:**

Single-family detached dwelling: Seventy five feet (75')  
Two-family: Eighty feet (80')  
Attached single-family: One hundred twenty feet (120')  
Multiple-family: One hundred twenty feet (120')  
Senior housing: One hundred eighty feet (180')  
Nursing or personal care facility: One hundred eighty feet (180')  
Special uses: One hundred forty feet (140')

##### **D. Yards:**

Front:

Single-family detached: Not less than thirty feet (30')  
Two-family: Not less than thirty feet (30')  
Single-family attached: Not less than twenty five feet (25')  
Multiple-family: Not less than thirty feet (30')  
Special uses: Not less than fifty feet (50') (Ord. 634, 9-17-1996)

Side:

Single-family: Not less than ten feet (10')



Two-family: Not less than ten feet (10')

Attached single-family: Not less than fifteen feet (15')

Multiple-family: Not less than fifteen feet (15')

Special uses: Not less than fifty feet (50') (Ord. 820, 8-3-2004)

Rear:

All permitted uses: Not less than thirty feet (30')

Special uses: Not less than fifty feet (50')

E. Building Height:

Single-family, two-family, attached single-family: Thirty five feet (35').

Multiple-family: Forty feet (40').

Senior housing: Thirty five feet (35').

Nursing or personal care facility: Forty five feet (45').

All other special uses: Thirty five feet (35').

Accessory buildings: Fifteen feet (15').

F. Floor Area Ratio: Not applicable to residential, but all other uses not to exceed 0.5.

G. Spacing Between Buildings: When two (2) or more structures which contain two-family dwellings, attached single-family dwellings or multiple-family dwellings, or combinations thereof, are on a lot or on contiguous lots comprising a unified development under the same ownership or control, the distance between the exterior structure walls shall be as follows:

1. When the front wall of a structure faces any wall of another structure, the distance between the two (2) structure walls shall be not less than sixty feet (60').

2. When the rear wall of a structure faces the rear wall of the nearest structure, the distance between the two (2) structure walls shall not be less than fifty feet (50').

3. When the side wall of a structure faces the side wall of the nearest structure, the distance between the two (2) structure walls shall not be less than twenty feet (20').

4. Where structures are not parallel to each other, the required spacing shall be measured at the midpoint of the distance along which they face each other; however, the spacing between the structures at the narrowest point shall in no event be less than one-half ( $\frac{1}{2}$ ) the required distance. (Ord. 634, 9-17-1996)

H. Minimum Size Of Dwelling:

1. All land, parcels or lots for which a final plat of subdivision has been approved and recorded prior to December 1, 2005, shall be improved in accordance with the following:

a. Each single-family detached dwelling, single-family attached dwelling, two-family attached dwelling and multi-family dwelling shall contain at least one thousand (1,000) square feet of livable floor area, exclusive of basement and garage space.

2. All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following:

a. Each one-story single-family detached dwelling shall contain at least one thousand five hundred (1,500) square feet of livable floor area, exclusive of basement and garage space.

b. Each multi-story single-family detached dwelling shall contain at least one thousand eight hundred (1,800) square feet of livable floor area, exclusive of basement and garage space.

c. Each one-story single-family detached dwelling and two-story single-family detached dwelling must include a basement equal in square footage to at least one-half ( $\frac{1}{2}$ ) the ground floor square footage.

d. Each attached, multi-family or two-family dwelling shall contain at least one thousand two hundred fifty (1,250) square feet of livable floor area for each dwelling unit, exclusive of basement and garage space. (Ord. 879, 1-3-2006)

e. Each dwelling unit must include an attached garage with a minimum width of twenty feet (20') and a minimum total size of four hundred forty (440) square feet for attached dwellings and four hundred eighty (480) square feet for detached dwellings. (Ord. 1031, 8-4-2009)

f. Each dwelling unit must include a paved driveway designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a "paved driveway" shall consist of concrete, asphalt, paving bricks or similar material. The minimum width of the paved driveway between the property line and the building line shall be eighteen feet (18'). (Ord. 1047, 2-2-2010)

#### **4-5G-8: SPECIAL PROVISIONS:**

A. Planned Unit Developments: All developments in the R-5 district must be processed and approved as planned unit

developments in accordance with chapter 9 of this title.

B. Parking Requirements: In accordance with the applicable parking regulations set forth in chapter 10 of this title.

C. Sign Requirements: In accordance with the applicable sign regulations set forth in chapter 11 of this title. (Ord. 634, 9-17-1996)

D. Trucks: No truck tractor of any size, apportioned power unit, semitrailer, stinger steered semitrailer, road tractor, pole trailer, converter dolly, apportioned trailer, apportioned semitrailer, type B or greater bus, whether privately owned or a school bus, implement of husbandry or any vehicle requiring an Illinois registration plate suffix of "H" or greater, including foreign registered vehicles, which would require such registration, if registered in Illinois, any vehicle required to have mileage plates of "MG" suffix or greater, farm plates of "VG" or greater, or tow trucks capable of towing any vehicle which is prohibited under this section, shall at any time be parked or stored within any residential district. (Ord. 1048, 2-2-2010)

E. Mobile Travel Trailers, Camper Trailers And Boats: Only one mobile travel trailer, camper trailer or boat may be parked or stored on a lot in the R-5 district, except that additional mobile travel trailers, camper trailers, and/or boats may be parked or stored on the lot only when located in a garage or other fully enclosed structure.

F. Tents: Tents shall not be erected, used or maintained on any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 634, 9-17-1996)

G. Design Requirements: All land, parcels or lots for which a final plat of subdivision has been approved and recorded after December 1, 2005, shall be improved in accordance with the following: (Ord. 878, 1-3-2006)

1. Anchored masonry including, but not limited to, brick, stone or cut stone shall be placed on all four (4) sides of all dwellings. The amount of required masonry shall be, at minimum, fifty percent (50%) of the building's exterior surface area, excluding doors and windows. The village prefers a more varied elevation design, rather than a horizontal brick line at the top of the first floor. If the brick line is varied including some two-story brick portions, the balance of the building shall have a minimum of a three foot (3') brick wainscot. Ranch style dwellings shall be full masonry. If an elevation includes brick, stone or masonry which is adjacent to and extends above the top plane of a window, the brick, stone or masonry must be included above the window. (Ord. 1102, 3-3-2012)

2. Brick or stone that is used on a front elevation shall minimally incorporate a return around the corners of all structures. (Ord. 878, 1-3-2006)

## ARTICLE H. R-6 RESIDENTIAL APARTMENT DISTRICT

### SECTION:

#### 4-5H-1: Description Of District

#### 4-5H-2: Uses Permitted

#### 4-5H-3: Special Uses Permitted

#### 4-5H-4: Temporary Uses Permitted

#### 4-5H-5: Accessory Uses Permitted

#### 4-5H-6: Prohibited Uses

#### 4-5H-7: Site And Structure Requirements

#### 4-5H-8: Special Provisions

#### 4-5H-1: DESCRIPTION OF DISTRICT:

The R-6 District is established for the development of rental apartment buildings and apartment communities. All apartment developments are to be planned so as to create a cohesive, functional development that complements the Village as a whole. All R-6 developments shall be processed and approved as planned unit developments in accordance with Chapter 9 of this Title. (Ord. 634, 9-17-1996)

#### 4-5H-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used except as otherwise provided in this Article, for other than one or more of the following specified uses in a planned unit development:

Residential apartments. (Ord. 634, 9-17-1996)

#### 4-5H-3: SPECIAL USES PERMITTED:

Special uses permitted in the ER District. (Ord. 634, 9-17-1996)

#### 4-5H-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the Building Commissioner of a permit therefor, the following uses may be operated as temporary uses:

A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the Zoning District. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

- B. Temporary office, both incidental and necessary for the sale of rental or real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- C. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. The sign shall not be illuminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- D. Trailer, to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 634, 9-17-1996)

**4-5H-5: ACCESSORY USES PERMITTED:**

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or special permitted use may be permitted; provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structure or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

- A. Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises.
- B. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
- C. Home occupations.
- D. Real estate signs, not exceeding twelve (12) square feet for each face and set back from every property line at least ten feet (10').
- E. Roomers and boarders, not to exceed two (2).
- F. Swimming pools, exclusively for the use of the residents and their guests and set back from every property line at least ten feet (10'). (Ord. 634, 9-17-1996)

**4-5H-6: PROHIBITED USES:**

All uses not expressly authorized in Sections 4-5F-2, 4-5F-3, and 4-5F-5 of this Article, including, but not limited to:

- A. Mobile homes.
- B. Hotels and motels.
- C. Commercial uses.
- D. Industrial uses.
- E. Signs and billboards. (Ord. 634, 9-17-1996)

**4-5H-7: SITE AND STRUCTURE REQUIREMENTS:**

All R-6 developments shall be submitted as planned unit developments. Every tract of land upon which an R-6 use is maintained shall have a minimum total area, a minimum gross area per dwelling unit, and a minimum lot width.

- A. Minimum Total Lot Area:

Apartment building or complex:	100,000 square feet
Special uses:	100,000 square feet

- B. Minimum Gross Lot Area Per Dwelling Unit:

Apartment building or complex:	3,500 square feet
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- C. Minimum Lot Width:

Apartment building or complex:	180 feet
Special uses:	180 feet

- D. Yards:

Front:		
	Apartment building or complex:	50 feet
	Special uses:	50 feet
Side:		
	Apartment building or complex:	50 feet
	Special uses:	50 feet

Rear:

Apartment building or complex:	50 feet
Special uses:	50 feet

E. Building Height:

Principal building:	40 feet (3 stories)
Accessory buildings:	15 feet

F. Floor Area Ratio: Not to exceed 0.50

G. Spacing Between Buildings: When two (2) or more apartment structures are on a lot or on contiguous lots comprising a unified development under the same ownership or control, the distance between the exterior structure walls shall be as follows:

1. When the front wall of a structure faces any wall of another structure, the distance between the two (2) structure walls shall be not less than sixty feet (60').
2. When the rear wall of a structure faces the rear wall of the nearest structure, the distance between the two (2) structure walls shall not be less than fifty feet (50').
3. When the side wall of a structure faces the side wall of the nearest structure, the distance between the two (2) structure walls shall not be less than twenty feet (20').
4. Where structures are not parallel to each other, the required spacing shall be measured at the midpoint of the distance along which they face each other; however, the spacing between the structures at the narrowest point shall in no event be less than one-half ( $\frac{1}{2}$ ) the required distance. (Ord. 634, 9-17-1996)

**4-5H-8: SPECIAL PROVISIONS:**

A. Planned Unit Developments: All developments in the R-6 district must be processed and approved as planned unit developments in accordance with chapter 9 of this title.

B. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

C. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title. (Ord. 634, 9-17-1996)

D. Trucks: No truck tractor of any size, apportioned power unit, semitrailer, stinger steered semitrailer, road tractor, pole trailer, converter dolly, apportioned trailer, apportioned semitrailer, type B or greater bus, whether privately owned or a school bus, implement of husbandry or any vehicle requiring an Illinois registration plate suffix of "H" or greater, including foreign registered vehicles, which would require such registration, if registered in Illinois, any vehicle required to have mileage plates of "MG" suffix or greater, farm plates of "VG" or greater, or tow trucks capable of towing any vehicle which is prohibited under this section, shall at any time be parked or stored within any residential district. (Ord. 1048, 2-2-2010)

E. Mobile Travel Trailers, Camper Trailers And Boats: Only one mobile travel trailer, camper trailer or boat may be parked or stored on a lot in the R-6 district, except that additional mobile travel trailers, camper trailers, and/or boats may be parked or stored on the lot only when located in a garage or other fully enclosed structure.

F. Tents: Tents shall not be erected, used or maintained on any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 634, 9-17-1996)

## CHAPTER 6

### COMMERCIAL DISTRICTS

SECTION:

**4-6-1: Purpose**

**4-6-1: PURPOSE:**

The commercial district regulations are intended to govern the location, intensity, and method of development of the business and commercial uses needed to serve the citizens of Manhattan and its trade area. The regulations of each district are designed to provide for groupings of business and commercial uses that are compatible in scope of services and method of operations. All business uses are contained in the following commercial district classifications: (Ord., 4-7-1970)

- C-1 Local shopping district
- C-2 Community shopping district
- C-3 General commercial district
- CBD Central business district

BP Business park district

DD Downtown district

(Ord., 4-7-1970; amd. Ord. 700, 7-6-1999; Ord. 1083, 7-19-2011; Ord. 1112, 6-19-2012)

## ARTICLE A. C-1 LOCAL SHOPPING DISTRICT

### SECTION:

#### 4-6A-1: Description Of District

#### 4-6A-2: Uses Permitted

#### 4-6A-3: Special Uses Permitted

#### 4-6A-4: Temporary Uses Permitted

#### 4-6A-5: Site And Structure Requirements

#### 4-6A-6: Special Provisions

##### 4-6A-1: DESCRIPTION OF DISTRICT:

The C-1 local shopping district is intended to provide areas to be used by retail or service establishments to supply convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods. The district is designed to encourage shopping centers with planned off street parking and loading and provide for existing individual or small groups of local stores. This district is normally located on primary or secondary thoroughfares, is relatively small in size, and has bulk standards comparable to the bulk standards for low density residential districts. (Ord., 4-7-1970)

##### 4-6A-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

##### 4-6A-3: SPECIAL USES PERMITTED:

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

##### 4-6A-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location. (Ord. 700, 7-6-1999)

##### 4-6A-5: SITE AND STRUCTURE REQUIREMENTS:

A. Minimum Lot Area: No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

B. Minimum Lot Width: A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.

##### C. Building Setback Requirements:

1. Front Yard: No principal building shall be allowed within twenty five feet (25') of any front lot line or street right of way line.
2. Side Yard: None required except per subsection C5 of this section.
3. Rear Yard: None required except per subsection C5 of this section.
4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.

5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within twenty feet (20') of the residential lot line.

D. Maximum Site Coverage: Site coverage shall not exceed seventy percent (70%).

E. Building Height Limitations: No building shall exceed three (3) stories or forty five feet (45') in height. (Ord. 700, 7-6-1999)

##### 4-6A-6: SPECIAL PROVISIONS:

A. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title.

C. Landscaping: All commercial development shall be in accordance with the following regulations:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.

4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable zoning regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

Illinois pollution control board rules and regulations; public water supplies;

Illinois pollution control board rules and regulations; livestock waste regulations;

Illinois pollution control board rules and regulations; solid waste;

Illinois pollution control board rules and regulations; air pollution regulations;

Illinois pollution control board rules and regulations; noise pollution control regulations;

Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

F. Design Requirements: All buildings constructed in commercial zoning districts shall be constructed in accordance with the following standards:

1. Adjacent To Minor Streets, Secondary Or Collector Thoroughfares:

a. All sides of such buildings adjacent to a minor street, secondary or collector thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

(1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.

(2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

(3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

(4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').

(5) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed.

2. Adjacent To Major Thoroughfares:

a. All sides of such buildings adjacent to a major thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

(1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.

(2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

(3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

(4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').

(5) All structures and pavement, with the exception of ingress or egress aisles, shall be set back at least twenty feet (20') from the front lot line. This subsection F2a(5) shall not apply to the CBD central business district.

(6) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed. (Ord. 870, 8-16-2005)

## ARTICLE B. C-2 COMMUNITY SHOPPING DISTRICT

### SECTION:

#### 4-6B-1: Description Of District

#### 4-6B-2: Uses Permitted

#### 4-6B-3: Special Uses Permitted

#### 4-6B-4: Temporary Uses Permitted

#### 4-6B-5: Site And Structure Requirements

#### 4-6B-6: Special Provisions

#### 4-6B-1: DESCRIPTION OF DISTRICT:

The C-2 community shopping district encompasses areas located adjacent to arterial and major collector streets. The district is designed to accommodate retail and service needs of a wider population than the C-1 local shopping district. (Ord. 700, 7-6-1999)

#### 4-6B-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

#### 4-6B-3: SPECIAL USES PERMITTED:

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

#### 4-6B-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

C-1 temporary uses permitted. (Ord. 700, 7-6-1999)

#### 4-6B-5: SITE AND STRUCTURE REQUIREMENTS:

A. Minimum Lot Area: No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

B. Minimum Lot Width: A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.

##### C. Building Setback Requirements:

1. Front Yard: No principal building shall be allowed within forty feet (40') of any front lot line or street right of way line.
2. Side Yard: None required except per subsection C5 of this section.
3. Rear Yard: None required except per subsection C5 of this section.
4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within thirty feet (30') of the residential lot line.

D. Maximum Site Coverage: Site coverage shall not exceed seventy percent (70%).

E. Building Height Limitations: No building shall exceed three (3) stories or forty five feet (45') in height. (Ord. 700, 7-6-1999)

#### 4-6B-6: SPECIAL PROVISIONS:

A. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title.

C. Landscaping: All commercial development shall be in accordance with the following landscaping regulations:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.
2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.
3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.
4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from

the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable zoning regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

- Illinois pollution control board rules and regulations; public water supplies;
- Illinois pollution control board rules and regulations; livestock waste regulations;
- Illinois pollution control board rules and regulations; solid waste;
- Illinois pollution control board rules and regulations; air pollution regulations;
- Illinois pollution control board rules and regulations; noise pollution control regulations;
- Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

F. Design Requirements: All buildings constructed in commercial zoning districts shall be constructed in accordance with the following standards:

1. Adjacent To Minor Streets, Secondary Or Collector Thoroughfares:

a. All sides of such buildings adjacent to a minor street, secondary or collector thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

- (1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.
- (2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.
- (3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.
- (4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').
- (5) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed.

2. Adjacent To Major Thoroughfares:

a. All sides of such buildings adjacent to a major thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

- (1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.
- (2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.
- (3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.
- (4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').
- (5) All structures and pavement, with the exception of ingress or egress aisles, shall be set back at least twenty feet (20') from the front lot line. This subsection F2a(5) shall not apply to the CBD central business district.

(6) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed. (Ord. 870, 8-16-2005)

## ARTICLE C. C-3 GENERAL COMMERCIAL DISTRICT

SECTION:

**4-6C-1: Description Of District**

**4-6C-2: Uses Permitted**

**4-6C-3: Special Uses Permitted**

**4-6C-4: Temporary Uses Permitted**

**4-6C-5: Site And Structure Requirements**



#### **4-6C-6: Special Provisions**

##### **4-6C-1: DESCRIPTION OF DISTRICT:**

The C-3 general commercial district is intended to accommodate retail and wholesale commercial activities which are adjacent to arterial streets and serves the population of the village and its surrounding areas. (Ord. 700, 7-6-1999)

##### **4-6C-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

##### **4-6C-3: SPECIAL USES PERMITTED:**

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

##### **4-6C-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

C-2 temporary uses permitted. (Ord. 700, 7-6-1999)

##### **4-6C-5: SITE AND STRUCTURE REQUIREMENTS:**

A. Minimum Lot Area: No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

B. Minimum Lot Width: No minimum lot width is required.

C. Building Setback Requirements:

1. Front Yard: No principal building shall be allowed within forty feet (40') of any front lot line or street right of way line.

2. Side Yard: None required except per subsection C5 of this section.

3. Rear Yard: None required except per subsection C5 of this section.

4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.

5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within thirty feet (30') of the residential lot line.

D. Maximum Site Coverage: Site coverage shall not exceed seventy percent (70%).

E. Building Height Limitations: No building shall exceed three (3) stories or forty five feet (45') in height. (Ord. 700, 7-6-1999)

##### **4-6C-6: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable parking regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable sign regulations set forth in chapter 11 of this title.

C. Landscaping: All commercial development shall be in accordance with the following landscaping regulations:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.

4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable zoning regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

Illinois pollution control board rules and regulations; public water supplies;

Illinois pollution control board rules and regulations; livestock waste regulations;

Illinois pollution control board rules and regulations; solid waste;

Illinois pollution control board rules and regulations; air pollution regulations;

Illinois pollution control board rules and regulations; noise pollution control regulations;

Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

F. Design Requirements: All buildings constructed in commercial zoning districts shall be constructed in accordance with the following standards:

1. Adjacent To Minor Streets, Secondary Or Collector Thoroughfares:

a. All sides of such buildings adjacent to a minor street, secondary or collector thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

(1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.

(2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

(3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

(4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').

(5) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed.

2. Adjacent To Major Thoroughfares:

a. All sides of such buildings adjacent to a major thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

(1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.

(2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

(3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

(4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').

(5) All structures and pavement, with the exception of ingress or egress aisles, shall be set back at least twenty feet (20') from the front lot line. This subsection F2a(5) shall not apply to the CBD central business district.

(6) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed. (Ord. 870, 8-16-2005)

## ARTICLE D. CBD CENTRAL BUSINESS DISTRICT

### SECTION:

#### 4-6D-1: Description Of District

#### 4-6D-2: Uses Permitted

#### 4-6D-3: Special Uses Permitted

#### 4-6D-4: Temporary Uses Permitted

#### 4-6D-5: Site And Structure Requirements

#### 4-6D-6: Special Provisions

#### 4-6D-1: DESCRIPTION OF DISTRICT:

The CBD central business district is intended to accommodate those retail, office, and to a degree, residential, uses that are characteristic of downtown Manhattan. (Ord. 700, 7-6-1999)

#### 4-6D-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

#### 4-6D-3: SPECIAL USES PERMITTED:

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

#### 4-6D-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

C-2 temporary uses permitted. (Ord. 700, 7-6-1999)

#### **4-6D-5: SITE AND STRUCTURE REQUIREMENTS:**

A. Minimum Lot Area: No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

B. Minimum Lot Width: No minimum lot width is required.

C. Building Setback Requirements:

1. Front Yard: None required.

2. Side Yard: None required except per subsection C5 of this section.

3. Rear Yard: None required except per subsection C5 of this section.

4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.

5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within twenty feet (20') of the residential lot line.

D. Maximum Site Coverage: There is no limitation on site coverage in the CBD central business district.

E. Building Height Limitations: No building shall exceed three (3) stories or forty five feet (45') in height. (Ord. 700, 7-6-1999)

#### **4-6D-6: SPECIAL PROVISIONS:**

A. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title.

B. Parking Requirements: All permitted and special uses are exempt from the requirements of chapter 10 of this title.

C. Landscaping Requirements: No landscaping is required in this district except that when front, side or rear yards are provided or required, then landscaping in those yards shall be provided in accordance with the following regulations:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.

4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

Illinois pollution control board rules and regulations; public water supplies;

Illinois pollution control board rules and regulations; livestock waste regulations;

Illinois pollution control board rules and regulations; solid waste;

Illinois pollution control board rules and regulations; air pollution regulations;

Illinois pollution control board rules and regulations; noise pollution control regulations;

Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

F. Design Requirements: All buildings constructed in commercial zoning districts shall be constructed in accordance with the following standards:

1. Adjacent To Minor Streets, Secondary Or Collector Thoroughfares:

a. All sides of such buildings adjacent to a minor street, secondary or collector thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

(1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.

(2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

(3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

(4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').

(5) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed.

2. Adjacent To Major Thoroughfares:

a. All sides of such buildings adjacent to a major thoroughfare shall be constructed of masonry, brick, stone, decorative concrete block (excluding plain concrete block), architectural steel and glass, precast panels, EIFS or natural materials.

(1) Building facades, parapet walls and roofs shall not be colored in a manner that attracts attention to the building.

(2) Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

(3) Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

(4) Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4').

(5) All structures and pavement, with the exception of ingress or egress aisles, shall be set back at least twenty feet (20') from the front lot line. This subsection F2a(5) shall not apply to the CBD central business district.

(6) All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

b. Aluminum, steel or vinyl siding shall not be allowed. (Ord. 870, 8-16-2005)

## ARTICLE E. BP BUSINESS PARK DISTRICT

### SECTION:

#### 4-6E-1: Description Of District

#### 4-6E-2: Uses

#### 4-6E-3: Lot Size Regulations

#### 4-6E-4: Yard And Setback Regulations

#### 4-6E-5: Maximum Lot Coverage

#### 4-6E-6: Structure Height

#### 4-6E-7: Special Provisions

#### 4-6E-1: DESCRIPTION OF DISTRICT:

A. The business park district is established as a means to provide unified development of a variety of commercial, light industrial, warehousing, wholesale and office uses, in a campuslike setting. The mixes of uses that are identified as permitted uses in this development are aimed at promoting and maintaining desirable economic activities.

B. The business park district sets forth specific standards for integrated development that considers all elements of good land planning, so as to provide appropriate relationships between structures and land uses, while at the same time:

1. Provides for adequate space, light, air, use and bulk limitations.
2. Promotes the health, safety and welfare of the village of Manhattan and its residents.

C. All business park developments must be planned unit developments in accordance with chapter 9 of this title. (Ord. 1083, 7-19-2011)

#### 4-6E-2: USES:

A. Permitted Uses: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title.

B. Special Uses: The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

C. Permitted Accessory Uses: The following accessory uses shall be permitted, provided, however, they comply with standards for screening in section 4-6E-7 of this article:

Exterior vehicle loading.

With the exception of exterior storage of vehicles by a vehicle dealership, there shall be no outdoor storage of goods, materials, vehicles or equipment unless adequately screened from view from the public right of way.

D. Prohibited Uses: All uses not expressly authorized in subsections A and B of this section or as determined by the village's zoning officer to be similar and compatible to those permitted in subsections A and B of this section, including, but not limited to:

Bulk sales of fuel and ice.

Cargo container facilities.

"Motor freight terminals", defined as "a building or area in which truck, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transport".

Outdoor machinery storage and rental.

Radio and microwave transmitting and receiving stations, except as an accessory use.

Semitrailer and other nonrecreational type trailer sales.

The development, use and operation of: intermodal rail terminal facilities; connecting and switch tracks to provide rail connections between railroad main lines and intermodal rail terminal facilities; short term storage or staging of goods and commodities in transit.

Utility yards. (Ord. 1083, 7-19-2011)

#### **4-6E-3: LOT SIZE REGULATIONS:**

A. Minimum lot size: Not less than one acre.

B. Minimum lot width: Not less than one hundred fifty feet (150') shall be maintained at the building setback line. (Ord. 1083, 7-19-2011)

#### **4-6E-4: YARD AND SETBACK REGULATIONS:**

A. Minimum front and corner side yards: Not less than forty feet (40') from a front or corner side lot line of a public street.

B. Minimum interior side yards: Not less than fifteen feet (15') from an interior side lot line. Where a side lot line coincides with a side or rear lot line of a residential or institutional use or district, the interior side requirement shall be increased to twenty five feet (25').

C. Minimum rear yards: Not less than twenty five feet (25') from a rear lot line. (Ord. 1083, 7-19-2011)

#### **4-6E-5: MAXIMUM LOT COVERAGE:**

Provided the minimum pavement setback requirements of section 4-6E-7 of this article are met, the remainder of a lot may be occupied with buildings, accessory structures, pavement or impervious surfaces. (Ord. 1083, 7-19-2011)

#### **4-6E-6: STRUCTURE HEIGHT:**

A. Not more than thirty five feet (35') when within one hundred fifty feet (150') from property planned, zoned or used for residential purposes.

B. Not more than fifty feet (50') when more than one hundred fifty feet (150') from property planned, zoned or used for residential purposes. (Ord. 1083, 7-19-2011)

#### **4-6E-7: SPECIAL PROVISIONS:**

A. Minimum Pavement Setbacks: Pavement constructed for parking, drive aisles, off street loading and other accessory uses, including outdoor storage, shall comply with the following:

1. Front/Corner Side: Not less than thirty feet (30').

2. Interior Side: Not less than fifteen feet (15'), unless either of the following apply:

Where drive aisles are shared (0 setback) on one side of a property, pavement that extends along the opposite interior side lot line shall be set back at least twenty five feet (25').

If pavement used for parking, loading, drive aisles, outdoor storage or other accessory uses is proposed to be located next to an existing, planned or zoned residential or institutional use, the required setback shall be increased to twenty five feet (25').

B. Landscape Screening:

1. A minimum five foot (5') tall, landscape screen shall be required when properties are adjacent to, or across the street from properties planned, zoned or used for residential or institutional purposes.

2. The screen shall include evergreen trees, but may also include fences, walls, berms and other deciduous and ornamental plant material, or any combination thereof.

3. Trees used for landscape screening shall comply with the required minimum sizes:

Deciduous shade	Not less than 5 inch caliper, as measured 12 inches above grade
-----------------	---

Deciduous ornamental	Not less than 6 feet tall, if multibranched
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Not less than 2 inch caliper, if single stem

Evergreen

Not less than 6 feet tall

4. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

C. Off Street Loading:

1. Unenclosed loading shall be allowed in interior side and rear yards when possible. Where provided, it shall be screened from public rights of way by the building, construction of wing walls, or landscaping.

2. Loading shall be allowed in the front yard only if the overhead doors are painted the same color as the adjacent walls and the intensity of landscaping in the front yard shall be increased.

D. Sidewalks: Five foot (5') wide, concrete walks shall be provided in the public right of way, one foot (1') off the property line, along all streets. A ten foot (10') asphalt trail may be installed on one side of the street in place of a concrete sidewalk on both sides of the street if approved as part of the planned unit development.

E. Building Design/Materials:

1. The design of all buildings shall be compatible in form, textures, and colors, consistent with a campus setting.

2. Buildings shall be constructed of masonry, brick, stone or decorative concrete block (excluding plain concrete block), architectural steel and glass, or precast panels. Aluminum or vinyl siding shall not be allowed.

3. Entrances to buildings shall be designed as a focal point of the building.

4. Walls that exceed a length of two hundred feet (200') shall be articulated through changes in the plane of the facade, installation of windows, installation of landscaping, or any combination thereof.

F. Roof Mounted Mechanical Equipment:

1. Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.

2. Roof screens shall be allowed provided they are designed to blend with the architecture and color of the building. Where this cannot be accomplished, screening by the parapet wall or roof structure shall be required.

3. Flues, goosenecks or other equipment that is mounted on the roof shall also be screened when heights exceed four feet (4').

G. Landscape Requirements:

1. The following identifies the minimum number of trees and shrubs that will be required. Additional landscaping may be required where appropriate, to soften large expanses of building facades or screen unenclosed loading from public rights of way.

a. Front/Corner Side Yards: One 5-inch caliper shade tree and three (3) shrubs for every thirty (30) linear feet of front yard. Where evergreen or ornamental trees are used in addition to, or in lieu of shade trees, they shall be at least six feet (6') tall. Clustering of such landscaping is recommended.

b. Interior Side/Rear Yards: Except where the interior side yard or rear yard of a lot is a shared common drive or parkway between lots, one 5-inch caliper shade tree and three (3) shrubs for every forty (40) linear feet of interior side yard or rear yard. Where evergreen or ornamental trees are used in addition to, or in lieu of shade trees, they shall be at least six feet (6') tall. Clustering of such landscaping is recommended.

c. Parking Lot: One curbed, landscaped island, planted with one 5-inch caliper shade tree for each fifty (50) spaces. Trees shall be high branched to maintain a clear line of sight not less than five feet (5') above grade. Clustering of such landscaping is recommended.

2. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping initially installed.

H. Waste Materials: No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow.

I. Trash Enclosure: Bins used to store trash outside the building shall be enclosed by a fence or masonry wall at least equal to the height of the enclosure. A concrete pad and approach apron shall also be required, to bear the weight of receptacles.

J. Lighting: Parking and security lighting shall comply with the following:

1. Foot-candles shall average from 1.0 to 3.0, and be evenly distributed in the parking lot and drive aisles.

2. Luminaries shall be designed to avoid glare and confine light to the property. Excess spillage shall not exceed 0.5 foot-candle at any property line.

K. Performance Standards: Noise, glare, vibration, odor, etc., shall be regulated according to standards established by the Illinois pollution control board of the environmental protection agency, as may be amended from time to time.

L. Road Requirements: All public roads shall be constructed in accordance with the requirements of the subdivision ordinance for

commercial and industrial roadways. Private roadways, drive aisles and parking facilities intended for semitruck traffic shall be designed to the same pavement cross section standards as commercial and industrial roadways.

M. Signage: The village acknowledges that high quality, adequate signage is essential to the success of a commercial development and business park development and the ability to attract high quality retailers, tenants, users and businesses. The village further acknowledges that given the size and scope of the commercial development and business park development, the strict application of the sign restrictions contained in the village zoning ordinance may not be in the best interests of the village and its residents. A comprehensive sign plan shall be required in accordance with the requirements of and in accordance with chapter 11 of this title.

N. General Zoning Provisions: In accordance with the applicable regulations set forth in chapter 3 of this title.

O. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

P. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part thereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

1. Illinois pollution control board rules and regulations; public water supplies;
2. Illinois pollution control board rules and regulations; livestock waste regulations;
3. Illinois pollution control board rules and regulations; solid waste;
4. Illinois pollution control board rules and regulations; air pollution regulations;
5. Illinois pollution control board rules and regulations; noise pollution control regulations;
6. Illinois pollution control board rules and regulations; water pollution;
7. State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 1083, 7-19-2011)



## ARTICLE F. DD DOWNTOWN DISTRICT

SECTION:

**4-6F-1: Description Of District**

**4-6F-2: Uses Permitted**

**4-6F-3: Special Uses Permitted**

**4-6F-4: Temporary Uses Permitted**

**4-6F-5: Prohibited Uses**

**4-6F-6: Site And Structure Requirements**

**4-6F-7: Special Provisions**

**4-6F-8: Review Process**

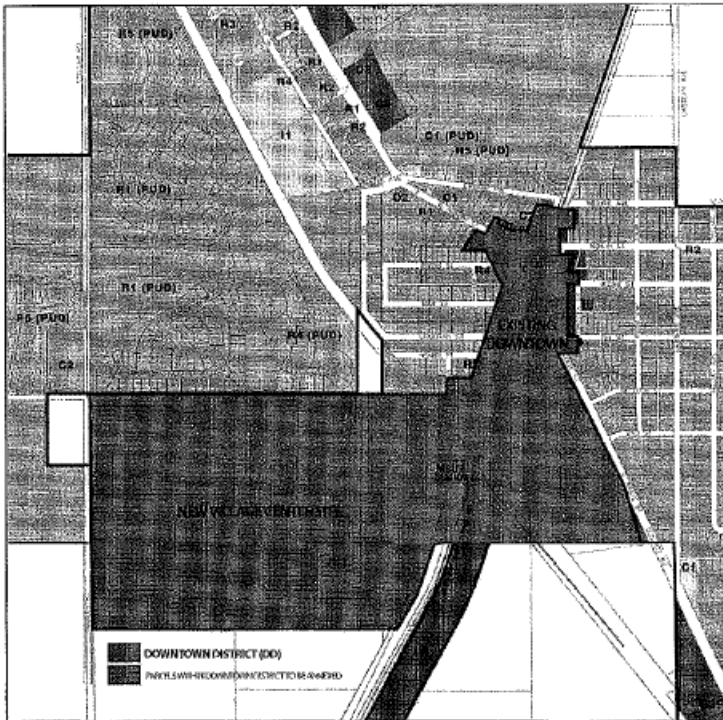
**4-6F-1: DESCRIPTION OF DISTRICT:**

The downtown district (DD) is bounded by the area shown in map DD.1 of this section. The district includes the existing downtown area, and will include the proposed village center site near the station upon annexation.

The intent of the downtown district is to implement the vision and principles identified by the community in the 2010 Manhattan village center master plan (appendix A attached to the ordinance codified herein). All development in the downtown district must follow the regulations set forth in this article, and also comply with the regulations and guidelines set forth in appendix A attached to the ordinance codified herein.

**MAP DD.1**

**DOWNTOWN DISTRICT BOUNDARY MAP**



(Ord. 1112, 6-19-2012)

#### 4-6F-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided for in this title, for other than one or more of the following specified uses:

Any use permitted in the C-1 and C-2 districts unless otherwise specified in section 4-6F-3 or 4-6F-5 of this article.

Accessory uses as allowed in section 4-3-4 of this title.

Following uses are also permitted in the DD district at the general locations shown in map DD.2 of this section:

Duplexes, apartments and condominiums.

Mixed use buildings, with residential uses over street level commercial.

Single-family attached, row houses and townhomes - rear loaded.

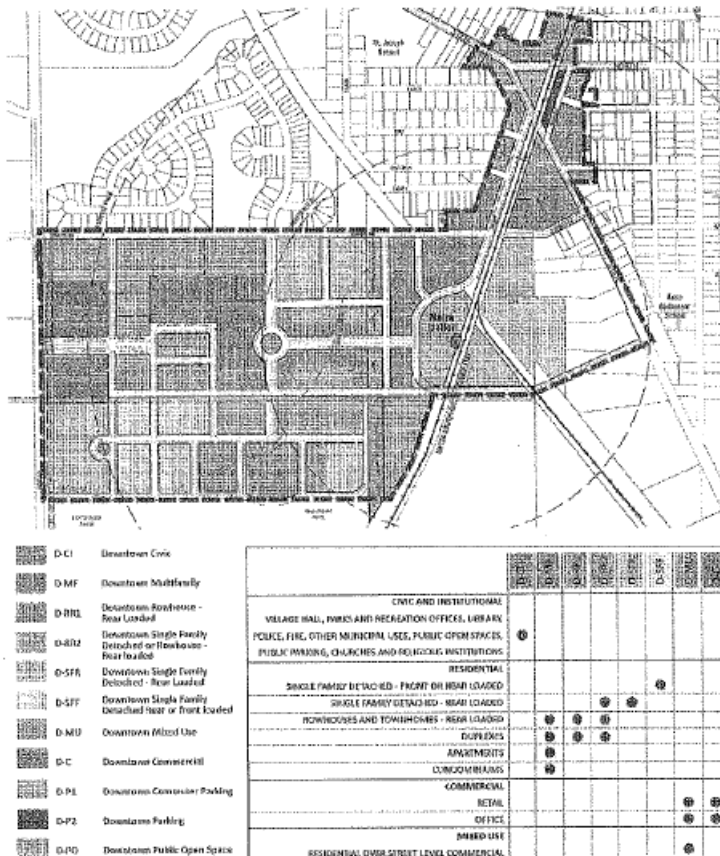
Single-family detached - front or rear loaded.

#### MAP DD.2

#### GENERAL LAND USE REGULATING PLAN



**MAP DD.2  
GENERAL LAND USE REGULATING PLAN**



(Ord. 1112, 6-19-2012)

**4-6F-3: SPECIAL USES PERMITTED:**

The following uses shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title:

All permitted and special uses which include drive-through facilities.

Animal hospital, or clinic with kennel.

Any new building or structure exceeding three (3) stories in height, or redevelopment larger than one acre; PUD required.

Automobile, motorcycle, or other motor vehicle sales with repair and service facilities allowed only as accessory to the principal use.

Banks and financial institutions with drive-through facilities.

Bus and train stations.

Gas station.

Group home.

Indoor retail sales of goods equal to or greater than fifty thousand (50,000) square feet; PUD required.

Nursing home, assisted living or independent living facility.

Package liquor store, tavern, bar.

Planned unit developments (in accordance with the applicable regulations of chapter 9 of this title).

Public utility and governmental service uses on lots having areas, widths, yards and other conditions as approved by the village board, including, but not limited to:

Electrical substations and booster stations.

Pumping station or well.

Other government and utility uses as authorized by the village board.

Recreation and community center equal to or greater than twenty five thousand (25,000) square feet.

Theater.

Transmission devices.

Other uses which are of the same general character as the above permitted uses or special uses, as determined by the zoning administrator. (Ord. 1112, 6-19-2012)

#### **4-6F-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

C-1 temporary uses permitted. (Ord. 1112, 6-19-2012)

#### **4-6F-5: PROHIBITED USES:**

This list is not all inclusive and other similar and compatible uses may be deemed prohibited as determined by the zoning administrator.

Automobile body shop.

Building materials sales, with bulk storage.

Building trades and contractor's office, including storage of materials or vehicles.

Car wash.

Cash for gold business.

Currency exchange.

Dry cleaning facility, including accessory equipment serving more than the principal retail outlet for which it is a part.

Freestanding storage facility, including self-service.

Industrial, warehouse and wholesale establishments.

Mobile homes.

Outdoor storage greater than one hundred (100) square feet in area.

Pawnshops.

Tattoo establishment.

Towing service with storage of vehicles. (Ord. 1112, 6-19-2012)

#### **4-6F-6: SITE AND STRUCTURE REQUIREMENTS:**

Requirements	Development Types				
	D-MU Mixed Use	D-MF Multi-Family	D-RR1/D-RR2 Row House	D-SFR/D-SFF Single-Family	D-C Commercial
Requirements	D-MU Mixed Use	D-MF Multi-Family	D-RR1/D-RR2 Row House	D-SFR/D-SFF Single-Family	D-C Commercial
Setback:					
Front	0' to 5' maximum	0' – 15' maximum	10'	20'	0' to 5' maximum
Side	0'	0'	0'	10'	0'
Rear (lot abuts alley)	10'	10'	10'	30'	10'
Rear (lot commercial use)	10'	10'	10'	30'	10'
Rear (lot abuts residential)	30'	30'	30'	30'	30'
Height (maximum)	4 stories	4 stories	3 stories	3 stories	4 stories
Use:					
Street level use	Retail/office	Residential	Residential	Residential	Retail/office
Upper level use	Office/residential	Residential	Residential	Residential	Office
Minimum lot size	n/a	n/a	n/a	40' x 120'	n/a
Off street parking	See note 1	See note 1	See note 1	See note 1	See note 1
Off street loading	1	n/a	n/a	n/a	1
Design standards	See note 2	See note 2	See note 2	See note 2	See note 2
Lot coverage	90%	90%	60%	40%	90%

Note:

1. See subsection 4-6F-7A of this article.
2. See appendix A attached to the ordinance codified herein.

(Ord. 1112, 6-19-2012)

#### **4-6F-7: SPECIAL PROVISIONS:**

A. Parking: Parking requirements shall be in accordance with the applicable regulations set forth in chapter 10 of this title.

To promote shared parking and reduce large paved areas, commercial developments may be allowed to reduce the on site parking requirements in the DD district by up to seventy five percent (75%) as determined by the village board.

B. Sign Requirements: Signage in the DD district shall be in accordance with the applicable regulations set forth in chapter 11 of this title.

C. Landscape Requirements: All commercial development shall be in accordance with the following landscaping regulations:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.

4. For parking areas greater than thirty (30) spaces, a minimum of one 20-square feet of interior landscaped area per thirty (30) spaces shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable zoning regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications, and regulations shall include those as required by the following:

Illinois pollution control board for public water supplies, livestock waste, solid waste, air pollution, noise pollution and water pollution.

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations.

F. Building Design Requirements: All buildings in the DD district shall be constructed in accordance with the design guidelines set forth in appendix A attached to the ordinance codified herein.

G. Rooftop Equipment: All heating, ventilating and air conditioning equipment that are exposed to public view shall be screened on all sides.

Roof screens shall be allowed, provided they are designed to blend with the architectural style and color of the building.

Flues, goosenecks or other equipment mounted on the roof shall also be screened when heights exceed four feet (4'). (Ord. 1112, 6-19-2012)

#### **4-6F-8: REVIEW PROCESS:**

All proposals that will be in compliance with the requirements set forth in the downtown district zoning code and appendix A attached to the ordinance codified herein will be considered as- of-right, and follow the typical plan review and approval process.

For residential proposals on already approved and platted lots, review and approval will be by village staff. (Ord. 1112, 6-19-2012)

## **CHAPTER 7**

### **INDUSTRIAL DISTRICTS**

SECTION:

#### **4-7-1: Purpose**

#### **4-7-1: PURPOSE:**

The industrial district regulations are intended to govern the location, intensity, and method of development of the industrial areas of the Village. The regulations are designed to provide for the grouping together of industries that are compatible to one another and that are not objectionable to the community as a whole. The regulations preserve lands for industrial and allied uses and prohibit the intrusion of residential and other noncompatible uses into the industrial area. The performance of the industrial uses is regulated by establishing standards for the external effects of noise, smoke, vibration and other potential nuisances. All industrial uses are contained in the following three (3) industrial districts:

I-1 Office, Research And Light Industrial District

I-2 Light Industrial District

## ARTICLE A. I-1 OFFICE, RESEARCH AND LIGHT INDUSTRIAL DISTRICT

### SECTION:

#### 4-7A-1: Description Of District

#### 4-7A-2: Uses Permitted

#### 4-7A-3: Special Uses Permitted

#### 4-7A-4: Temporary Uses Permitted

#### 4-7A-5: Site And Structure Requirements

#### 4-7A-6: Special Provisions

##### 4-7A-1: DESCRIPTION OF DISTRICT:

The I-1 office, research and light industrial district is intended to provide an environment suitable for and limited to research and development activities, office, warehousing and light manufacturing enterprises. The more stringent conditions and restrictions applied in this district are intended to preserve the quality of life in adjacent districts by encouraging a high degree of design quality, open space and environmental quality. (Ord. 700, 7-6-1999)

##### 4-7A-2: USES PERMITTED:

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

##### 4-7A-3: SPECIAL USES PERMITTED:

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

##### 4-7A-4: TEMPORARY USES PERMITTED:

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location. (Ord. 700, 7-6-1999)

##### 4-7A-5: SITE AND STRUCTURE REQUIREMENTS:

A. Minimum Lot Area: No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

B. Minimum Lot Width: A minimum lot width of one hundred fifty feet (150') shall be provided for each lot used for a permitted or special use.

##### C. Building Setback Requirements:

1. Front Yard: No principal building shall be allowed within fifty feet (50') of any front lot line or street right of way line.

2. Side Yard: No principal building shall be allowed within twenty feet (20') of any side lot line.

3. Rear Yard: No principal building shall be allowed within twenty feet (20') of any rear lot line.

4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.

5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within fifty feet (50') of the residential lot line.

D. Maximum Site Coverage: Site coverage shall not exceed forty percent (40%).

E. Building Height Limitations: No building shall exceed four (4) stories or forty five feet (45') in height. This height may be increased to a maximum of one hundred feet (100') by a special use permit, as long as all yard setbacks are increased by a ratio of one foot (1') for each two feet (2'), or portion thereof, of increased building height over forty five feet (45'), provided that no front yard setback exceeds one hundred fifty feet (150') and no side or rear yard exceeds seventy five feet (75'). (Ord. 700, 7-6-1999)

##### 4-7A-6: SPECIAL PROVISIONS:

A. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title.

C. Landscaping: All development in the I-1 district shall be landscaped as follows:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured at 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.

4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

Illinois pollution control board rules and regulations; public water supplies;

Illinois pollution control board rules and regulations; livestock waste regulations;

Illinois pollution control board rules and regulations; solid waste;

Illinois pollution control board rules and regulations; air pollution regulations;

Illinois pollution control board rules and regulations; noise pollution control regulations;

Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

## ARTICLE B. I-2 LIGHT INDUSTRIAL DISTRICT

SECTION:

**4-7B-1: Description Of District**

**4-7B-2: Uses Permitted**

**4-7B-3: Special Uses Permitted**

**4-7B-4: Temporary Uses Permitted**

**4-7B-5: Site And Structure Requirements**

**4-7B-6: Special Provisions**

**4-7B-1: DESCRIPTION OF DISTRICT:**

The I-2 light industrial district is intended to allow industrial uses that are conducted in such a manner so as to not be detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat. (Ord. 700, 7-6-1999)

**4-7B-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

**4-7B-3: SPECIAL USES PERMITTED:**

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

**4-7B-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

Temporary uses permitted in the I-1 district. (Ord. 700, 7-6-1999)

**4-7B-5: SITE AND STRUCTURE REQUIREMENTS:**

A. Minimum Lot Area: No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

B. Minimum Lot Width: A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.

C. Building Setback Requirements:

1. Front Yard: No principal building shall be allowed within fifty feet (50') of any front lot line or street right of way line.
2. Side Yard: No principal building shall be allowed within twenty feet (20') of any side lot line.
3. Rear Yard: No principal building shall be allowed within twenty feet (20') of any rear lot line.
4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within fifty feet (50') of the residential lot line.

D. Maximum Site Coverage: Site coverage shall not exceed sixty percent (60%).

E. Building Height Limitations: No building shall exceed four (4) stories or forty five feet (45') in height. This height may be increased to a maximum of one hundred feet (100') by a special use permit, as long as all yard setbacks are increased by a ratio of one foot (1') for each two feet (2'), or portion thereof, of increased building height over forty five feet (45'), provided that no front yard setback exceeds one hundred fifty feet (150') and no side or rear yard exceeds seventy five feet (75'). (Ord. 700, 7-6-1999)

**4-7B-6: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title.

C. Landscaping: All development in the I-2 district shall be landscaped as follows:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.
2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured at 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.
3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.
4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:

Illinois pollution control board rules and regulations; public water supplies;

Illinois pollution control board rules and regulations; livestock waste regulations;

Illinois pollution control board rules and regulations; solid waste;

Illinois pollution control board rules and regulations; air pollution regulations;

Illinois pollution control board rules and regulations; noise pollution control regulations;

Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

## ARTICLE C. I-3 HEAVY INDUSTRIAL DISTRICT

SECTION:

**4-7C-1: Description Of District**

**4-7C-2: Uses Permitted**

**4-7C-3: Special Uses Permitted**

**4-7C-4: Temporary Uses Permitted**

**4-7C-5: Site And Structure Requirements**

**4-7C-6: Special Provisions**

#### **4-7C-1: DESCRIPTION OF DISTRICT:**

The I-3 heavy industrial district is intended to be located in areas so that its permitted and special uses are conducted in such a manner so as not to be detrimental to the rest of the community by reason of their noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat that may be incidental to their operations. Further development of residences is prohibited in this district to keep residential uses from absorbing any adverse effects of the industries and to conserve the supply of industrial land for industrial use. (Ord. 700, 7-6-1999)

#### **4-7C-2: USES PERMITTED:**

No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this title, for other than one or more of the specified permitted uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title. (Ord. 1235, 9-20-2016)

#### **4-7C-3: SPECIAL USES PERMITTED:**

The special uses as outlined in section 4-4-6, "Commercial And Industrial Table Of Permitted And Special Uses", of this title shall be permitted only if specifically authorized by the village board as allowed in section 4-12-5 of this title. (Ord. 1235, 9-20-2016)

#### **4-7C-4: TEMPORARY USES PERMITTED:**

Upon application to and issuance by the building commissioner of a permit therefor, the following uses may be operated as temporary uses:

Temporary uses in the I-1 and I-2 districts. (Ord. 700, 7-6-1999)

#### **4-7C-5: SITE AND STRUCTURE REQUIREMENTS:**

A. Minimum Lot Area: A minimum lot area of fifteen (15) acres shall be provided for each lot used for a permitted or special use. This minimum lot area may be reduced by special use permit.

B. Minimum Lot Width: A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.

C. Building Setback Requirements:

1. Front Yard: No principal building shall be allowed within fifty feet (50') of any front lot line or street right of way line.
2. Side Yard: No principal building shall be allowed within twenty feet (20') of any side lot line.
3. Rear Yard: No principal building shall be allowed within twenty feet (20') of any rear lot line.
4. Exception: Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
5. Adjacency To A Residential District: Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within one hundred feet (100') of the residential lot line.

D. Maximum Site Coverage: Not more than seventy percent (70%) of the lot area may be occupied by buildings and structures, including accessory buildings.

E. Building Height Limitations: No building shall exceed four (4) stories or forty five feet (45') in height. This height may be increased to a maximum of one hundred feet (100') as long as all yard setbacks are increased by a ratio of one foot (1') for every two feet (2'), or portion thereof, of increased building height over forty five feet (45'), provided that no front yard setback exceeds one hundred fifty feet (150') and no side or rear yard exceeds seventy five feet (75').

Chimneys, cooling towers, elevator headhouses, monuments, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, power lines, power poles or necessary equipment and mechanical appurtenances usually required to be placed above the roof level are not subject to the height limitations herein prescribed. (Ord. 700, 7-6-1999)

#### **4-7C-6: SPECIAL PROVISIONS:**

A. Parking Requirements: In accordance with the applicable regulations set forth in chapter 10 of this title.

B. Sign Requirements: In accordance with the applicable regulations set forth in chapter 11 of this title.

C. Landscaping: All development in the I-3 district shall be landscaped as follows:

1. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.
2. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured at 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.
3. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.
4. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

D. General Zoning Provisions: In accordance with the applicable regulations set forth in chapter 3 of this title.

E. IEPA Regulations Adopted By Reference: The standards, specifications and regulations of the Illinois environmental protection agency are hereby incorporated into this section and made a part hereof by this reference. Such standards, specifications, and

regulations shall include those as required by the following:

- Illinois pollution control board rules and regulations; public water supplies;
- Illinois pollution control board rules and regulations; livestock waste regulations;
- Illinois pollution control board rules and regulations; solid waste;
- Illinois pollution control board rules and regulations; air pollution regulations;
- Illinois pollution control board rules and regulations; noise pollution control regulations;
- Illinois pollution control board rules and regulations; water pollution;

State of Illinois; the environmental protection act; and Illinois pollution control board rules and regulations; mine waste regulations. (Ord. 700, 7-6-1999)

## CHAPTER 8

### NONCONFORMING BUILDINGS, STRUCTURES AND USES

#### SECTION:

#### **4-8-1: Statement Of Purpose**

#### **4-8-2: Regulations**

#### **4-8-3: Continuance Of Nonconforming Use**

#### **4-8-4: Continuance Of Nonconforming Use Of Land**

#### **4-8-1: STATEMENT OF PURPOSE:**

The purpose of this chapter is to provide for the regulation of nonconforming uses, buildings, structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses may be continued, in accordance with the authority granted by 65 Illinois Compiled Statutes 5/11-13-1. (Ord., 4-7-1970)

#### **4-8-2: REGULATIONS:**

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this title and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this title or of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow:

A. Repairs And Alterations: Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located.

B. Additions And Enlargements:

1. A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such nonconforming building or structure, and use thereof, including all additions and enlargements thereto is made to conform to all the regulations of the district in which it is located.

2. A nonconforming building or structure, which is nonconforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all regulations of the district in which it is located.

C. Moving: No building or structure, which does not conform to all of the regulations of the district in which it is located, shall be moved in whole or in part to any other location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved. (Ord., 4-7-1970)

D. Restoration Of Damaged Nonconforming Building: A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion. If the nonconforming building is a single-family detached structure located within a commercial district the building may be reconstructed on the same footprint without regard to the cost of restoration. (Ord. 961, 6-5-2007)

E. Discontinuance Of Use Of Nonconforming Building Or Structure: A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant, unoccupied, and not used on the effective date hereof or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

F. Expansion Of Use In Nonconforming Building Or Structure: The nonconforming use of a part of a building or structure may be



expanded within the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

G. Change Of Use In Nonconforming Building Or Structure: The nonconforming use of a building or structure may be changed to any other nonconforming use allowed within the same or more restrictive zoning district that allows the existing nonconforming use; but no change shall extend or otherwise modify any provision made in this title for elimination of such nonconforming building or structure, and the use thereof. (Ord., 4-7-1970)

#### **4-8-3: CONTINUANCE OF NONCONFORMING USE:**

The lawfully existing nonconforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

A. Expansion Of Nonconforming Use: The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

B. Discontinuance: If a nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) months, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises is located.

C. Change Of A Nonconforming Use: Nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use. (Ord., 4-7-1970)

#### **4-8-4: CONTINUANCE OF NONCONFORMING USE OF LAND:**

The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

A. Expansion: A nonconforming use of land shall not be expanded or extended beyond the area it occupies.

B. Discontinuance: If a nonconforming use of land is discontinued for a period of three (3) consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.

C. Change Of Use: A nonconforming use of land may be changed to any other nonconforming use allowed within the same or more restrictive zoning district that allows the existing nonconforming use. (Ord., 4-7-1970)

## **CHAPTER 9**

### **PLANNED UNIT DEVELOPMENT REGULATIONS**

#### **SECTION:**

##### **4-9-1: Purpose**

##### **4-9-2: Procedure**

##### **4-9-2-1: Pre-Application Procedure, Conference**

##### **4-9-2-2: Approval of Preliminary Plat**

##### **4-9-2-3: Approval of Final Plat**

##### **4-9-2-4: Recording the Final Plat**

##### **4-9-2-5: Changes in the Planned Unit Development**

##### **4-9-2-6: Schedule**

##### **4-9-3: Location**

##### **4-9-4: Specific Content**

##### **4-9-4-1: Pre-Application Stage**

##### **4-9-4-2: Preliminary Plat Stage**

##### **4-9-4-3: Final Plat Stage**

##### **4-9-5: Standards**

##### **4-9-6: Findings**

##### **4-9-7: Conditions and Guarantees**

#### **4-9-1: PURPOSE:**

A. The purpose of the planned unit development is to permit:

1. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other Chapters of this Title.
2. Permanent preservation of common open space and recreation areas and facilities.
3. A pattern of development to preserve natural vegetation, topographic and geologic features.
4. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
5. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities.
6. A land use which promotes the public health, safety, comfort, morals, and welfare.

B. The planned unit development is intended to provide for developments incorporating a single type or a variety of related uses which are planned and developed as a unit. The planned unit development may provide amenities not otherwise required by law and should establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a planned unit development plat which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan. (Ord., 4-7-70)

#### **4-9-2: PROCEDURE:**

A planned unit development shall be granted as a special use in accord with the following procedures and may depart from the normal procedure, standards, and other requirements of the other Chapters of this Title. Applications shall be made on forms provided by the Village and shall be accompanied by the required plats and documents. (Ord., 4-7-70)

##### **4-9-2-1: PRE-APPLICATION PROCEDURE, CONFERENCE:**

Prior to the filing of an application for approval of a planned unit development, the developer may request of the Plan Commission an informal meeting to discuss the development of their land in conjunction with the Village Plan. Said meeting shall be a part of a regularly scheduled meeting, shall be open to the public, and included on their agenda in advance of the meeting.

The pre-application conference is not mandatory and does not require formal application, fee, or filing of a planned unit development plat. (Ord., 4-7-70)

##### **4-9-2-2: APPROVAL OF PRELIMINARY PLAT:**

A preliminary plat of the planned unit development shall be submitted to the President and Board of Trustees, who shall refer same to the Plan Commission for public hearing, report, and recommendation as to whether or not the President and Board of Trustees should issue the special use permit applied for. The required procedure for approval of the preliminary plat shall be:

A. Submission of the following:

1. Written application for approval of a planned unit development shall be made on forms and in the manner prescribed by rules of the Village.
2. The application shall be accompanied by a fee which shall be established by the President and Board of Trustees.
3. The preliminary plat and supporting data shall be in accord with the stipulations of Section 4-9-4 of this Chapter.

B. The Plan Commission shall hold a public hearing on the application for a planned unit development, giving notice of the time and place not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof at least once in a newspaper published or having general circulation within the Village.

C. Copies of the preliminary planned unit development plat and supporting data shall be submitted to the Zoning Board of Appeals for their review and recommendations. The report of the Zoning Board of Appeals shall be made to the Plan Commission within thirty (30) days and preceding the Plan Commission's recommendation to the Village Board.

D. Copies of the preliminary planned unit development plat and supporting data shall be submitted to the Village Engineer for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.

E. Following the public hearing and review of the preliminary planned unit development plat and supporting data for conformity to these regulations, the Plan Commission shall, within sixty (60) days, recommend approval, modification, or disapproval, and the reasons therefor, to the President and Village Board.

As a condition to the approval of the preliminary plat, the Plan Commission shall set forth in a separate communication to the President and Board of Trustees, findings of fact, in accord with Section 4-9-6 of this Chapter, on which they base their approval and describing how the proposal meets the standards of Section 4-9-5 of this Chapter.

F. The President and Board of Trustees after receipt of the preliminary unit development plat from the Plan Commission, shall approve, modify, or disapprove the preliminary plat. In the case of approval, or approval with modification, the Village Board shall pass an ordinance granting the special use and indicate their approval upon the plat, and arrange zoning map modifications as necessary. The Village Board may require such special conditions as they may deem necessary to insure conformance with the intent of all Comprehensive Plan elements and the stated purposes of the planned development.

G. Approval of a preliminary planned unit development plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The final plat shall be approved as the final land use and zoning plat if it conforms with the preliminary land use and zoning plat.

The preliminary and final plat may be filed and approved simultaneously or the final plat may be filed and approved without a

preliminary plat if all of the land is to be developed at one time, and if all requirements hereof are met.

No building permit shall be issued for any structure until the approval of the final plat. (Ord., 4-7-70)

#### **4-9-2-3: APPROVAL OF FINAL PLAT:**

The final planned unit development plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer, it may be submitted in stages with each stage reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plat shall be:

A. A final planned unit development plat and other supporting data required for approval shall be submitted to the Plan Commission in accord with the provisions of Section 4-9-4 of this Chapter.

The final plats must be submitted for approval in accordance with agreed to scheduling, but not later than five (5) years from the approval of the preliminary plat; in the event that same is not done, the Plan Commission shall initiate such zoning changes as it deems necessary to preserve the public interest.

Final plats and supporting data shall show in detail the design, location, and use of all buildings and overall land development as well as such additional information as the Plan Commission may require.

B. The final plat and supporting data shall be submitted to the Village Engineer for certification that the final plat is in conformity with these regulations and in agreement with the approved preliminary plat.

C. After review of the final plat, the Plan Commission shall, within thirty (30) days, recommend approval or disapproval, and the reasons therefor, to the President and Board of Trustees.

D. The President and Board of Trustees after receipt of the final plat from the Plan Commission, shall approve, or disapprove the final plat and shall pass an ordinance authorizing the planned unit development as a special use and allowing the issuance of a zoning certificate and all other necessary permits.

Permits are to be issued only after the final planned unit development plat and supporting data have been recorded with the Recorder of Deeds, and shall be issued in full conformance with Chapter 12 of this Title. (Ord., 4-7-70)

#### **4-9-2-4: RECORDING THE FINAL PLAT:**

A. The ordinance authorizing construction of the planned unit development shall be effective only upon recording of the final planned unit development plat and supporting data with the County Recorder of Deeds. No permit, allowing construction of a building or other development, shall be granted until the required recording of the final plat, and proof of filing provided to the Village.

B. The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. The preliminary plat shall generally locate buildings whereas the final plat shall show the exact location of each building. All streets and easements shall be shown on the final plat.

C. The recording of the final plat shall inform all who deal with the planned unit development of the restrictions placed upon the land and act as a zoning control device. (Ord., 4-7-70)

#### **4-9-2-5: CHANGES IN THE PLANNED UNIT DEVELOPMENT:**

A. The planned unit development project shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data together with all recorded amendments shall be binding on the applicant, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

1. Major Changes: Changes which alter the concept or intent of the planned unit development including increases in density, increases in the height of buildings, reductions or proposed open space, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, or other changes, may be approved only by submission of a new preliminary plat and supporting data and following the "preliminary approval" steps and subsequent amendment of the final planned unit development plat.

All changes to the final plat shall be recorded with the County Recorder of Deeds as amendments to the final plat or reflected in the recording of a new "corrected" final plat.

2. Minor Changes: The Village Plan Commission may approve minor changes, errors, or omissions, in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change. (Ord., 4-7-70)

#### **4-9-2-6: SCHEDULE:**

The President and Board of Trustees shall consider the planned unit development subject to revocation if construction falls more than two (2) years behind the schedule filed with the final plat. Extensions in the building schedule may be granted by the Plan Commission. (Ord., 4-7-70)

#### **4-9-3: LOCATION:**

The planned unit development is authorized as a special use in each of the zoning districts of this Title. (Ord., 4-7-70)

#### **4-9-4: SPECIFIC CONTENT:**

The planned unit development plats and supporting data shall include the following information; unless waived by the Plan Commission. (Ord., 4-7-70)

#### **4-9-4-1: PRE-APPLICATION STAGE:**

A. General Site Information: Data regarding site conditions, land characteristics, available community facilities and utilities,

existing covenants, and other related information.

B. Sketch Plan: A drawing in simple sketch form showing the proposed location and extent of the land use, streets, lots, and other features.

C. Legal Description: A property survey and legal description of the site proposed for development. (Ord., 4-7-70)

#### **4-9-4-2: PRELIMINARY PLAT STAGE:**

A. Detailed Plan: A drawing of the planned unit development shall be prepared at a scale of not less than one inch equals one hundred feet (1" = 100') and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

1. Boundary Lines: Bearings and distances.
2. Easements: General location, width, and purpose.
3. Streets On and Adjacent to the Tract: Street name, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, culverts, etc.
4. Utilities On and Adjacent to the Tract: Location, size, and invert elevation of sanitary, storm, and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest usable water mains and sewers adjacent to the tract showing invert elevation of sewers.
5. Ground Elevations on the Tract: For land that slopes less than one-half of one percent (.05%), show one foot (1') contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions; for land that slopes more than one-half of one percent (.05%) show two foot (2') contours.
6. Subsurface Conditions on the Tract, if Required by the Plan Commission: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet (5'); location and results of soil percolation tests if individual sewage disposal systems are proposed.
7. Other Conditions on the Tract: Watercourses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one foot (1') or more in diameter, houses, barns, accessory buildings, and other significant features.
8. Other Conditions on Adjacent Land: Approximate direction and gradient on ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, and show approximate percent built-up, typical lot size, and dwelling type.
9. Zoning on and adjacent to the tract.
10. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
11. Open Space: All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
12. General location, purpose, and height, in feet or stories, of each building other than single-family residences on individually platted lots.
13. Map Data: Name of development north point, and scale, date of preparation, and acreage of site.
14. Miscellaneous: Such additional information as may be required by the Plan Commission.

B. Character: Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the flexibility of these regulations.

C. Ownership: Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County Recorder.

D. Names: The names and addresses of the persons to whom the notice of the hearing to be held by the planning agency should be sent (the subdivider, the designer of the subdivision, and the owners of the land immediately adjoining the land to be platted).

E. Schedule: Development schedule indicating:

1. Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material
2. Estimated dates for beginning and completion of each stage.
3. If different land use types are to be included within the planned unit development, the schedule must include the mix of uses to be built in each stage.

F. Covenants: Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.

G. Density: Provide information on the density of residential uses and the number of dwelling units by type.

H. Nonresidential Use: Provide information on the type and amount of ancillary and nonresidential uses in a residential development.

I. Service Facilities: Provide information on all service facilities and off-street parking facilities.

J. Architectural Plans: Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.

K. Facilities Plans: Preliminary plans for:

1. Roads including classification, width of right of way, width of pavement, and typical construction details.
2. Sanitary sewers.
3. Storm drainage.
4. Water supply system.
5. Lighting program.

L. Need: Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential. (Ord., 4-7-70)

#### **4-9-4-3: FINAL PLAT STAGE:**

A. Final Detailed Plan: A final planned unit development plat, suitable for recording with the County Recorder of Deeds shall be prepared. The purpose of the planned unit development plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final planned unit development plat shall include, but not be limited to:

1. An accurate legal description of the entire area under immediate development within the planned development.
2. If subdivided lands are included, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
3. An accurate legal description of each separate unsubdivided use area, including common open space.
4. Designation of the exact location of all buildings to be constructed.
5. Certificates, scale, and signatures required for the dedication of lands, and recording the document.
6. Tabulations on separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.

B. Common Open Space Documents: All common open space shall be either conveyed to a Municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development or retained by the developer with legally binding guarantees, in a form approved by the Village Attorney, that the common open space will be permanently preserved as open area. All land conveyed to a not-for-profit corporation or like entity, shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.

C. Public Facilities: All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plat or escrow deposits, or performance bonds posted to guarantee construction of the required improvements.

D. Guarantee Deposit: A deposit shall be made to the Village in cash, or maintenance bond equal to fifteen percent (15%) of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the Village for a period of eighteen (18) months. After such eighteen (18) months, the deposit shall be refunded if no defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.

E. Delinquent Taxes: A certificate shall be furnished from the County collector that he finds no delinquent taxes and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.

F. Covenants: Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the planned unit development. (Ord., 4-7-70)

#### **4-9-5: STANDARDS:**

The planned unit development must meet the following standards:

A. Comprehensive Plan: A planned unit development must conform with the intent and spirit of the proposals of the Comprehensive Plan.

B. Size: The site of the planned unit development must be under single ownership and/or unified control and be not less than five (5) acres in area.

C. Compatibility: The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.

D. Need: A clear showing of need must be made.

E. Space Between Buildings: The minimum horizontal distance between buildings shall be:

1. Fifteen feet (15') between one story, two (2) story, two and one-half (2<sup>1</sup>/<sub>2</sub>) story buildings or combinations thereof.

2. Equal to the height of the taller buildings in the case of freestanding unattached buildings other than one, two (2) or two and one-half (2<sup>1</sup>/<sub>2</sub>) story buildings.

F. Yards: The required yards along the periphery of the planned unit development shall be at least equal in width or depth to that of the adjacent zoning district.

Buildings of more than twenty four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings.

G. Parking Requirements: Adequate parking shall be provided and in no event shall the parking be less than that provided for in Chapter 10 of this Title.

H. Traffic: Adequate provision shall be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

I. Density: The density of any planned unit development shall not exceed, by more than fifteen percent (15%), the density allowed in the district in which the planned unit development is located. Land within the planned unit development which is used for industrial purposes, commercial purposes, and open space may be included as gross area for calculations of density.

J. Other Standards: The planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use, and other regulations for the standard zoning districts and other provisions of this Title to the extent specified in the preliminary land use and zoning plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. (Ord., 4-7-70)

**4-9-6: FINDINGS:**

The Plan Commission shall provide findings of fact setting forth the reasons for the recommendation, and said findings shall set forth with particularity in what respects the proposal would be in the public interest including but not limited to findings of fact on the following:

- A. In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations.
- B. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
- C. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest.
- D. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.
- E. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
- F. The desirability of the proposed plan to physical development, tax base and economic well-being of the entire community.
- G. The conformity with the intent and spirit of the Comprehensive Plan. (Ord., 4-7-70)

**4-9-7: CONDITIONS AND GUARANTEES:**

Prior to the granting of any planned unit development the Plan Commission may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified in Section 4-9-5 of this Chapter. In all cases in which planned unit developments are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be complied with. (Ord., 4-7-70)

CHAPTER 10

OFF-STREET PARKING AND LOADING

SECTION:

**4-10-1: Off-Street Parking**

**4-10-1-1: Scope**

**4-10-1-2: General Requirements**

**4-10-1-3: Location**

**4-10-1-4: Combined Facility**

**4-10-1-5: Design, Development and Maintenance**

**4-10-1-6: Units of Measurement**

**4-10-1-7: Space Required**

#### **4-10-1-8: Plot Plan**

#### **4-10-2: Off-Street Loading**

##### **4-10-2-1: When Required**

##### **4-10-2-2: Location**

##### **4-10-2-3: Design, Development and Maintenance**

##### **4-10-2-4: Amount of Space Required**

#### **4-10-1: OFF-STREET PARKING:**

##### **4-10-1-1: SCOPE:**

The provisions of this Chapter shall apply and govern in all zoning districts. (Ord., 4-7-70)

##### **4-10-1-2: GENERAL REQUIREMENTS:**

A. For all uses established or placed into operation after the effective date hereof, there shall be constructed, provided, preserved, and maintained the amount of off-street parking space hereinafter set forth.

B. Whenever the intensity of use of any structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, additional employment, or other unit of measurement, such additional parking as required herein to provide for the expanded use shall be provided.

C. Parking in existence on the effective date hereof or that was provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this Title for a new use.

D. No vehicle shall be parked in any yard area except upon a regularly constructed driveway which has a continuous connection to a public right-of-way, public alley, or public access easement. A regularly constructed driveway that currently exists as gravel or stone may be expanded upon with gravel or stone. Formally constructed parking lots may be allowed in the front yard if authorized by the Zoning Board of Appeals, and provided that the district does not require that the front yard be landscaped and devoted to no other use, and further provided that the parking is in accord with the other provisions of this title. (Ord., 4-7-70; amd. Ord. 1303, 10-1-2019)

##### **4-10-1-3: LOCATION:**

Off-street parking space shall be located on the same lot as the use for which provided, except as otherwise specifically provided:

A. Special Location Plan: Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking space may be located off the lot of the use for which the space is provided. Also two (2) or more uses may share the same off-street parking space and each of such uses may be considered as having provided such shared space individually. The following limitations shall apply to the "special location plan".

1. Separation from Use: Off-street parking shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

a. In all residential districts, parking facilities shall be located on the same lot or lots with the building they are required to serve.

b. In all commercial districts, parking facilities shall be located within three hundred feet (300') of the building they are required to serve.

c. In all industrial districts, parking facilities shall be located within six hundred feet (600') of the building they are required to serve.

2. Sharing of Space: Two (2) or more uses may share the same off-street parking space if the schedules of operation of all such uses are such that none of the uses sharing the space requires the off-street parking space the same time as any other use sharing the space. Each such use that is sharing space shall be considered as having provided such shared space individually.

3. Application: All applications for approval of a special location plan hereunder shall be filed with the Plan Commission by the owners of the entire land area to be included within the special location plan, the owner or owners of all structures then existing on said land area and all encumbrances of said land area and structures shall contain sufficient evidence to establish to the satisfaction of the Plan Commission that the applicants are the owners and encumbrancers of the designated land and structures; shall contain such information and representations required by this Title or deemed necessary; and shall include plans showing the following details:

a. The location of the uses or structures for which off-street parking space is required.

b. The location at which the off-street parking space is to be provided.

4. Procedure:

a. All applications shall be reviewed and approved by the Plan Commission. Any approval may establish necessary conditions and limitations.

b. Upon approval of a special location plan, a copy of such plan shall be registered and recorded among the records of the Village.

c. All special location plans registered and recorded hereunder shall be binding upon the applicants for such special plans, their successors and assigns, shall limit and control the issuance and validity of all zoning permits and zoning certificates and shall

restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.

d. All special location plans registered and recorded hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved, registered and recorded.

e. Upon application to the Plan Commission by the owner or owners of the entire land area included within any special location plan registered and recorded hereunder, the owner or owners of any structures then existing thereon and all encumbrancers of said land and structures, any such plan may be withdrawn, either partially or completely, from registration and released from recording if all uses, land and structures remaining under such plan can be made to comply with all conditions and limitations of the plan and all uses, land and structures withdrawn from such plan can be made to comply with all regulations established by this Title and unrelated to any special location plan. (Ord., 4-7-70)

#### **4-10-1-4: COMBINED FACILITY:**

Off-street parking space shall be provided for each use. However, two (2) or more uses may jointly provide for one combined parking facility.

A. Where off-street parking space is combined and used jointly by two (2) or more uses having different standards for determining the amount of off-street parking space required, the parking space shall be adequate in area to provide the sum total of off-street parking space requirements of all such uses.

B. Where off-street parking space is combined and used jointly by two (2) or more uses having the same standards for determining the amount of off-street parking space required, all such uses, for the purposes of this Chapter, shall be considered a single unit and the gross floor area of all such uses in all structures on the same lot or the number of employees of all such uses in all structures on the same lot as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the amount of off-street parking space required. (Ord., 4-7-70)

#### **4-10-1-5: DESIGN, DEVELOPMENT AND MAINTENANCE:**

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be designed, developed, and maintained in accordance with the following requirements:

A. In the residential districts, unless fully enclosed, parking areas shall be used only by vehicles up to three-fourths ( $\frac{3}{4}$ ) ton manufacturer's capacity rating.

B. Shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies; except when the zoning district allows such use.

C. Shall be provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris. If such surfacing would be detrimental because of the excessive runoff of storm water, the Zoning Board of Appeals may direct such area to be left unpaved and designed to remain dust-free and attractive.

D. Shall be pitched and drained so as to prevent the flow of water from such areas onto adjoining property or onto streets or alleys that have no drainage facilities.

E. Off-street parking areas for more than four (4) vehicles, that adjoin or are across the street from property zoned for any residential use, shall have a dense evergreen planting, fence, masonry wall, and/or such other screening, as may be determined by the Plan Commission.

F. Shall be provided with entrances and exits not less than twelve feet (12') or more than thirty five feet (35') in width and so located as to minimize traffic congestion.

G. Shall be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the parking space.

H. Where hazards exist which can be eliminated or lessened by lighting, the Plan Commission may require lighting at such hours and in such manner as deemed necessary in the interest of the public safety and security. Such lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.

I. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and conditions. (Ord., 4-7-70)

#### **4-10-1-6: UNITS OF MEASUREMENT:**

For purposes of this Chapter the following units of measurement shall apply:

A. Floor Area: In the case of offices, merchandising or service types of uses, "floor area" shall mean the gross floor area or gross leasable area designed for tenant or owner occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center lines of joint partitions and exteriors of outside walls. It shall not include areas used principally for utilities and space incidental to the management or maintenance of the building.

B. Dwelling Unit: A dwelling unit shall mean one room, or a suite of two (2) or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

C. Seat or Bench: A seat shall be the space intended for one individual; in places where patrons or spectators occupy benches, pews, or other seating facilities, each twenty inches (20") of such seating facilities shall be counted as one seat.

D. Employees: Employees shall be based on the maximum number of persons on duty or residing, or both, on the premises at any one time.



E. Fractions: When units of measurement result in the requirement of a fractional space, any fraction shall require one parking space. (Ord., 4-7-70)

#### 4-10-1-7: SPACE REQUIRED:

At least the following numbers of usable off-street parking spaces, shall be provided; also adequate provision for ingress, egress, and maneuvering shall be provided.

##### A. Residential Uses:

One-family dwellings and two-family dwellings	2 parking spaces for each dwelling unit
Multiple-family dwelling	1 <sup>1</sup> / <sub>2</sub> parking spaces for every dwelling unit
Hotels, motels, inns and auto courts	1 parking space for each guest or sleeping room or suite, plus 1 additional space for the owner or manager
Lodging, rooming and boarding houses	1 parking space for each 2 lodging rooms, plus 1 space for the owner or manager.

##### B. Commercial Uses:

Automobile laundry	Stacking space shall be provided to accommodate waiting automobiles equal in number to 5 times the maximum capacity of the automobile laundry for each wash rack, plus 1 parking space for each 2 employees. Maximum capacity, in this instance, shall mean the greatest number of automobiles undergoing some phase of laundering at the same time.
Automobile service stations	2 parking spaces for each island of pumps and each service stall plus 1 parking space for each 2 employees.
Banks	1 parking space for each 200 square feet of floor area. Drive-in establishments shall provide 6 stacking spaces per teller or customer service window.
Barber shop	2 parking spaces for each barber chair plus 1 per each employee.
Beauty parlor	1 parking space for each 150 square feet of floor area.
Bowling alleys	3 parking spaces for each alley, plus such additional spaces as may be required herein for affiliated users (bars, restaurants, and the like).
Furniture and appliance stores, household equipment or furniture repair shops	1 parking space for each 600 square feet of floor area in excess of 1,000 square feet.
Motor vehicle sales and machinery sales	1 parking space for each 800 square feet of floor area.
Restaurants or establishments dispensing food and/or beverages for consumption on the premises (not including drive-in establishments)	1 parking space for each 100 square feet of floor area, or 1 parking space for each 3 seats, plus 1 parking space for each 3 employees, whichever is greater.
Restaurants (Carry-out)	1 parking space for each 50 square feet of floor area.
Restaurants (Drive-in) and/or refreshment stand (where food and/or beverage is consumed in a vehicle)	1 parking space for each 20 square feet of floor area, but not less than 10 spaces.
Retail stores	1 parking space for each 180 square feet of floor area.
Theaters (Indoor)	1 parking space for each 4 seats up to 400 seats, plus 1 for each 6 seats over 400 seats.
Theaters (Outdoor)	Reservoir parking spaces at the entrance to the theater equal to 10% of the vehicle capacity of the theater. 6 parking spaces for each chapel or parlor, or 1 for each 50 square feet of floor area used for services, whichever is greater, plus 1 parking space for each funeral vehicle kept on the premises.
Undertaking establishments, funeral parlors	

##### C. Office Uses:

Business or professional offices	1 parking space for each 250 square feet of floor area.
Medical or dental clinics	2 parking spaces for each office, examining room or treatment room, plus 1 for each employee.

##### D. Industrial Uses:

Manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods, or products	1 parking space for each 2 employees, plus 1 parking space for each vehicle used in the conduct of the enterprise.
Truck terminals	1 parking space for each 2 employees, plus 1 for each truck.
Warehouses and storage buildings	1 parking space for each 2 employees, plus 1 space for each vehicle used in the conduct of the enterprise.

Wholesale establishments (but not including warehouses and storage buildings other than accessory)

1 parking space for each 600 square feet of floor area in excess of 4,000 square feet.

E. Schools, Institutions, and Places of Assembly:

Auditoriums, gymnasiums, convention halls, and all places of assembly

1 parking space for each 5 seats or parking spaces equal to  $\frac{1}{5}$  the capacity of the facility in persons.

Churches

1 parking space for each 4 seats in the main auditorium.

Colleges, universities, trade schools

1 parking space for each 5 students (based on the maximum number of students that the facility is designed to handle at any one time), plus 1 for each 2 employees.

Elementary school

2 parking spaces for each classroom. However, if a place of assembly is provided in the school and the parking spaces provided for the place of assembly is equal to or in excess of the requirement for the classrooms, the classroom requirement need not be provided.

Hospitals

1 parking space for each 2 beds, plus 1 for each staff doctor or visiting doctor, plus 1 for each 2 employees.

Junior high and high school

1 parking space for each 8 students (based on the maximum number of students that the facility is designed to handle at any one time), plus 1 for each 2 employees.

Nursery school

1 parking space for each employee.

Nursing home, convalescent home and similar type establishments

1 parking space for each 3 beds, plus 1 for each 2 employees.

Library

1 parking space for each 1,000 square feet of floor area.

Private clubs and lodges

Parking spaces equal to  $\frac{1}{5}$  the capacity of the facility in persons.

F. Other Uses: For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses, or as determined by the Zoning Board of Appeals. (Ord., 4-7-70)

**4-10-1-8: PLOT PLAN:**

Any application for a building permit, or a certificate of occupancy shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all parking facilities required by this Title. (Ord., 4-7-70)

**4-10-2: OFF-STREET LOADING:**

**4-10-2-1: WHEN REQUIRED:**

Off-street loading space shall be required and maintained in connection with any building or part thereof, hereafter erected or altered which is to be occupied by uses requiring the receipt or distribution of materials or merchandise. (Ord., 4-7-70)

**4-10-2-2: LOCATION:**

Off-street loading space shall be located on the same lot as the structure for which provided. (Ord., 4-7-70)

**4-10-2-3: DESIGN, DEVELOPMENT AND MAINTENANCE:**

Every parcel of land hereafter used for off-street loading space shall be designed, developed, and maintained in accordance with the following requirements:

A. Shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

B. Off-street loading spaces that adjoin or are across the street from property zoned for any residential use, shall have a dense evergreen planting, fence, masonry wall, or such other screening, as may be determined by the Plan Commission. The Plan Commission shall also determine the height, location and density of screening used to provide adequate protection to adjoining property.

C. Shall be provided with entrances and exits not less than twelve feet (12') or more than thirty five feet (35') in width and so located as to minimize traffic congestion.

D. No portion of a vehicle shall project into a street or alley while being loaded or unloaded.

E. Each off-street loading space shall be not less than ten feet (10') in width, twenty five feet (25') in length, and twelve feet (12') in height, exclusive of access drives. When more than three (3) spaces are required, the spaces other than the first three (3) shall be twelve feet (12') in width, sixty five feet (65') in length, and fifteen feet (15') in height.

F. Off-street loading space may occupy all or any part of any required yard space, unless otherwise prohibited by this Title. (Ord., 4-7-70)

**4-10-2-4: AMOUNT OF SPACE REQUIRED:**

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress:

Square Feet of Gross Floor Area	Required Number of Spaces
Up to 20,000 square feet	1
20,001 to 40,000 square feet	2
40,001 to 70,000 square feet	3
70,001 to 120,000 square feet	4
120,001 to 200,000 square feet	5
For each additional 100,000 square feet	1 additional

(Ord., 4-7-70)

CHAPTER 11

SIGNS

SECTION:

- 4-11-1: Scope
- 4-11-2: Interpretation
- 4-11-3: Rules
- 4-11-4: Definitions
- 4-11-5: Limit On Number Of Signs
- 4-11-6: Limit On Sign Area
- 4-11-7: Permits For Permanent Signs
- 4-11-8: Permits For Temporary Signs
- 4-11-9: Prohibited Signs
- 4-11-10: Placement Of Signs On Corner Lots
- 4-11-11: Placement Of Signs On Lots
- 4-11-12: Illumination Of Signs
- 4-11-13: Design, Safety And Maintenance
- 4-11-14: Certain Signs Permitted In All Districts
- 4-11-15: Signs Permitted In Residential And Agricultural Districts
- 4-11-16: Signs In Commercial Zoning Districts
- 4-11-17: Signs In Industrial Zoning Districts
- 4-11-18: Comprehensive Sign Plan
- 4-11-19: Nonconforming Signs
- 4-11-20: Duties

**4-11-1: SCOPE:**  
 From and after the effective date of this chapter, the use of all signs and portions of signs erected, altered with respect to height and area of sign face, added to, or relocated in the village shall be in conformity with the provisions of this chapter. Any existing sign not in conformity with the regulations herein prescribed shall be regarded as nonconforming. (Ord. 1035, 10-6-2009)

- 4-11-2: INTERPRETATION:**
- A. The provisions of this chapter shall be deemed to be an expression of the maximum allowable number and size of signs which causes the least potential conflict with surrounding uses and which promotes improved physical appearance and aesthetics within the village.
  - B. Where the conditions imposed by any provision of this chapter upon the control of signs are either more restrictive or less restrictive than comparable conditions imposed by the provisions of any other law, code, ordinance, statute, resolution, rule or regulation of any governmental body, the regulations which are more restrictive or which impose higher standards shall govern.
  - C. When a sign type is not specifically listed in the sections devoted to permitted signs, it shall be assumed that such signs are hereby expressly prohibited. (Ord. 1035, 10-6-2009)

**4-11-3: RULES:**  
 The language set forth in this chapter shall be interpreted as follows:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. All measured distances or standards shall be to the nearest integer; if a fraction is one-half ( $\frac{1}{2}$ ) or less, the integer next below shall be taken.
- E. Height of signs shall be measured to the highest point thereon, from the crown of the street directly opposite the sign, or from the average normal grade level directly below the sign, whichever is higher. (Ord. 1035, 10-6-2009)

#### **4-11-4: DEFINITIONS:**

The following terms when used in this chapter shall be construed as follows:

**CHANGEABLE COPY SIGN:** A sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

**CHANGEABLE COPY SIGN, ELECTRONIC:** A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area.

**COMPREHENSIVE SIGN PLAN:** A sign plan for a building and its associated grounds, a multibuilding development site or a multi-tenant building indicating the number, types, locations, dimensions, materials, and colors of signs proposed.

**CORNER LOT:** A lot with property lines of two (2) streets bisecting on an angle.

**ELECTRONIC GRAPHIC DISPLAY SIGN:** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

**FACADE:** The face or wall of a building as it is presented to view; the apparent width and/or height of a building as viewed from streets, driveways, and parking lots. Minor changes in wall elevations do not constitute the creation of additional facades.

**FREESTANDING SIGN:** A permanent sign which is supported by a structure or supports that are permanently anchored in the ground and that are independent from any building or other structure.

**HUMAN SIGN:** Animals or human beings, live or simulated, holding or carrying a sign, or dressed in costume, designed or used so as to attract attention to the premises or activity.

**MULTIVISION SIGN:** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows a single sign structure to display at any given time one of two (2) or more images.

**NEON SIGN:** Brightly colored signs produced by pumping neon and other noble gases through a vacuum tube and applying electricity.

**PERMANENT SIGN:** Any sign which is permanently attached to a structure or a foundation.

**REAL ESTATE SIGN:** A sign placed upon a property advertising that particular property for sale or lease.

**RESIDENTIAL MONUMENT SIGN:** A permanent freestanding sign placed at the major entrances to and identifying a multi-family development or multi-family planned unit development.

**SHOPPING CENTER:** A commercial development in excess of ten (10) acres of land improved with a structure of at least fifty thousand (50,000) square feet containing five (5) or more distinct and separate retail businesses.

**SHOPPING PLAZA:** A commercial development in excess of one acre of land, improved with a structure containing three (3) or more distinct and separate retail businesses, also sharing common parking areas and access drives.

**SIGN:** Any structure, vehicle, device, or any part thereof, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business and which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen by persons in the public right of way.

**SIGN AREA:** Unless otherwise specified, the area of the smallest triangle, rectangle, or circle which can wholly enclose the surface area of the sign. In the event that individual letters or insignia of a wall sign are attached directly to the wall and vary significantly in size, sign area may be computed using not more than two (2) triangles, rectangles or circles per word or insignia. Visible faces of a multifaced sign shall be treated as if it were a single faced sign with only the area of the largest single faced sign visible at any one time being computed to determine sign area.

**SIGN FACE:** The surface of a sign or sign board upon, against or through which a message is displayed.

**TEMPORARY MOBILE SIGN:** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached

temporarily or permanently to the ground since this characteristic is based on the design of the sign.

**TEMPORARY SIGN:** Signs, freestanding panels, flags, streamers or banners used to advertise products, prices and services or attract attention, intended to be displayed a limited length of time and not permanently attached to a structure or a foundation.

**TEMPORARY WINDOW SIGN:** A sign or display installed inside a window or door window and intended to be viewed from the adjacent public right of way and not constructed or intended for long term use and permitting reasonable viewing of the interior or exterior.

**VIDEO DISPLAY SIGN:** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

**WALL SIGN:** A sign attached directly to a building wall which does not extend more than twelve inches (12") therefrom, nor extend above the eaves line of a gable, hip or gambrel roof, nor extend above the facade of a flat roof, nor above the deck line of a mansard roof.

**WINDOW SIGN:** A permanent wall sign which is visible to persons in the public right of way and which is placed within or on the outside of a window or on the inside of a glass window, or on the inside of a building and within one foot (1') of a window. (Ord. 1035, 10-6-2009)

#### **4-11-5: LIMIT ON NUMBER OF SIGNS:**

The number of signs which may be maintained on any premises is governed by the zoning district in which the property is located. A double faced sign shall count as a single sign. When a premises or where a building has both a front and rear public entrance, a rear sign may be erected. The rear sign shall not exceed in size the front sign. Signs described in section 4-11-14 of this chapter shall not be counted in calculating the total number of signs. (Ord. 1035, 10-6-2009)

#### **4-11-6: LIMIT ON SIGN AREA:**

Each premises shall be allowed an aggregate total of four (4) square feet of signage per linear foot of building frontage, for all signs located on the property. Premises having frontage on more than one dedicated street will be allowed signage for frontage on each street in accordance with the above formula. (Ord. 1035, 10-6-2009)

#### **4-11-7: PERMITS FOR PERMANENT SIGNS:**

A. No permanent sign shall hereafter be erected, altered, or moved until the person proposing to erect, alter, or move such sign shall have obtained a permit therefor from the building commissioner. Such permit shall be issued only when the sign complies with all of the applicable provisions of this chapter.

B. Any person desiring such a permit shall file application therefor upon a form which shall contain the following information:

1. Name, address, and telephone number of the applicant;
2. A plot plan drawn to scale showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares;
3. A plan drawn to scale showing the design of the sign, materials used, method of construction, and means of attachment to the building or ground;
4. The name of the person, firm, corporation, or association erecting, altering, or moving said sign;
5. Written consent of the owner of the land on which the sign is to be erected, altered, or relocated;
6. Any other information as the building and zoning officer shall require in order to show full compliance with this and all other applicable codes of the village. (Ord. 1035, 10-6-2009)

#### **4-11-8: PERMITS FOR TEMPORARY SIGNS:**

A. Permit Not Required: No permit shall be required for the installation of temporary signs.

B. Duration Of Temporary Signs: Duration of temporary signs shall be as follows:

1. Residential marketing signs, on and off site: Twelve (12) months, renewable on a six (6) month basis thereafter;
2. Commercial or industrial real estate signs, exceeding six (6) square feet in area: Six (6) months, renewable on a six (6) month basis;
3. Temporary mobile signs advertising a special sale or event not to exceed thirty (30) days and not more than three (3) times per year with at least thirty (30) days between such advertising periods.
4. Temporary signs advertising a special sale or event limited to three (3) per business location not to exceed fifteen (15) days and not more than six (6) times per year with at least fifteen (15) days between such advertising periods.
5. A temporary sign displayed for the purpose of advertising a private, governmental or charitable function prior to and during a unique special event or occasion, gathering, happening, occurrence, incident, affair or function (i.e., grand opening, festival, auto race, business anniversary, etc.) occurring either in or within ten (10) miles of the corporate limits of the village that is designed to attract people to or through the village.

Signs for unique special events shall be limited to one per business location and shall not be erected or displayed longer than thirty (30) days prior to the event unless additional signs and/or a longer period is approved by the village board of trustees for unique circumstances and must be removed within forty eight (48) hours upon conclusion of the event. Such signs shall be constructed of

materials that are durable, wind resistant, neat and professional in appearance and properly secured. Signs for unique special events may only be erected or displayed on private property and only with the owners' written permission.

C. Searchlights: The use of searchlights for grand openings shall not exceed seventy two (72) hours in duration. The use of large inflatables (i.e., hot air balloons) for special events shall not exceed seventy two (72) hours in duration.

D. Sandwich Board: One sandwich board per public street frontage. The placement of sandwich board signs under this subsection shall be further restricted as follows:

1. The placement and use of a sandwich board sign is restricted to the business hours of operation.
2. There shall be no less than five feet (5') of unobstructed clearance upon the sidewalk between the street curb and the building frontage in order to permit safe and unimpeded pedestrian flow upon the public sidewalks.
3. A sandwich board sign shall not be placed in the public roadway.
4. A sandwich board sign shall not be permanently anchored to the ground, shall not exceed five feet (5') in height as measured from the sidewalk, lawn or other surrounding grade upon which it stands, and shall have no sign panel in excess of ten (10) square feet in area. (Ord. 1035, 10-6-2009)

#### **4-11-9: PROHIBITED SIGNS:**

The following signs are prohibited:

A. Moving, rotating or animated signs, except traditional barber poles, not exceeding two feet (2') in height and projecting not more than twelve inches (12") from the building, utilized only to identify a haircutting establishment. In authorizing the latter exemption, the corporate authorities find it in the public interest to retain this historic symbol of American commerce.

B. Searchlights other than for grand openings.

C. Sign illumination that is not steady and constant.

D. Signs that emit noise, an odor or other visible matter.

E. Signs attached to trees, standpipes, or fire escapes.

F. Signs attached to fences, public utility poles or stanchions located in the right of way other than signs or banners of a community oriented nature issued by or approved by government officials or public utilities.

G. Windows painted or posted in excess of an amount that would restrict reasonable view of the interior or exterior.

H. Human signs.

I. Video display signs.

J. Multivision signs.

K. Signs not listed in sections 4-11-14, 4-11-15, 4-11-16, 4-11-17, 4-11-18 and 4-11-19 of this chapter shall be deemed to be prohibited, even though such signs are not specifically listed in this section.

L. Electronic graphic display signs. (Ord. 1035, 10-6-2009)

#### **4-11-10: PLACEMENT OF SIGNS ON CORNER LOTS:**

No sign having a height of more than thirty inches (30") above the crown of the adjacent streets shall be constructed or placed within the part of the yard or open area of a corner lot which is included within a triangular area of twenty five feet (25') from the point of intersection of the two (2) street right of way lines forming such corner lot. (Ord. 1035, 10-6-2009)

#### **4-11-11: PLACEMENT OF SIGNS ON LOTS:**

With the exception of wall mounted signs not projecting more than twelve inches (12") from wall, no sign shall be placed closer than five feet (5') from any lot line. Temporary mobile signs shall be located not less than one foot (1') from the property line and shall not obstruct the view of traffic. (Ord. 1035, 10-6-2009)

#### **4-11-12: ILLUMINATION OF SIGNS:**

The illumination of signs shall be diffused or indirect and shall be arranged so no direct rays shall reflect into a public way or any lot on the perimeter of the premises on which the signs are located. Exposed light bulbs, flashing, blinking or traveling and similar illumination are not permitted. (Ord. 1035, 10-6-2009)

#### **4-11-13: DESIGN, SAFETY AND MAINTENANCE:**

A. All freestanding signs shall be built with similar materials, colors and design as the primary structure such as wood, brick, stone or other masonry materials. Colors and design must complement the principal structure.

B. Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in compliance with the building, electrical and fire protection codes of the village.

C. All signs and all parts thereof shall be kept in a good state of repair.

D. In addition to the general requirements for sign maintenance, all changeable copy signs shall bear a legible message, other suitable display or left blank. Electronic devices when not in use may be left blank and unlighted. Any lighted or electronic changeable copy sign in which the electrical or lighting components are operating in an erratic, broken or damaged fashion shall be turned off or removed. (Ord. 1035, 10-6-2009)

#### **4-11-14: CERTAIN SIGNS PERMITTED IN ALL DISTRICTS:**

Unless otherwise stated, signs listed in this section are permitted in all zoning districts and shall not require a sign permit nor be counted when calculating the number of signs or square footage on a premises. However, such signs shall conform to all other general regulations in this chapter, for example, height, area, setback, clearance, etc.:

- A. Name and address plates which give only the name and address of the resident of the building, and which are not more than one square foot in sign area.
- B. Memorial signs or tablets and signs denoting the date of erection of buildings, no larger than five (5) square feet.
- C. No trespassing signs or other such signs regulating the use of a property, not more than two (2) square feet in sign area in residential districts and six (6) square feet in all commercial and industrial districts.
- D. Real estate signs, not exceeding six (6) square feet per side in all districts. Such real estate signs shall be removed within fifteen (15) days after the premises so advertised has been sold or leased.
- E. Signs regulating on premises traffic and parking, and signs denoting building facilities such as lavatories and public telephone areas, when less than six (6) square feet in area and bearing no commercial advertising.
- F. Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, and signs identifying public schools and playgrounds.
- G. The flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization.
- H. One logo flag of a company shall be allowed provided it is flown with and is not larger than the American flag.
- I. Garage sale signs, not exceeding six (6) square feet in area, may be placed at the curb in residential areas for not to exceed ten (10) days.
- J. Temporary signs no larger than thirty two (32) square feet in area advertising the sale of edible farm products on the premises, advertising auctions, political candidates, or special events of charitable, governmental or public service groups. Such signs, must be located entirely on privately owned property and must be removed upon close of the event.
- K. Temporary window signs of paper or similar material shall be allowed in commercial districts, provided that such signs are to be used to notify the public of special sales or current prices, and further provided that such signs do not restrict the reasonable viewing of the interior or exterior. (Ord. 1035, 10-6-2009)

#### **4-11-15: SIGNS PERMITTED IN RESIDENTIAL AND AGRICULTURAL DISTRICTS:**

- A. All signs enumerated in section 4-11-14 of this chapter.
- B. Name and address plates for buildings containing more than two (2) dwelling units, provided that such signs shall not be more than three (3) square feet in area.
- C. Identification signs for nonresidential uses, i.e., churches, cemeteries, golf courses, private nonprofit recreational areas, provided that such signs are limited to one sign per building entrance, and provided that each such sign be limited to thirty two (32) square feet of area, and eight feet (8') in height if a freestanding sign.
- D. Permanent residential monument signs at entrances to a residential development or a residential planned unit development and containing no commercial advertising, constructed entirely upon privately owned property, constructed of material which is the same or of a more permanent nature than the material used in the buildings and as approved by the planning and zoning commission and village board.
- E. Temporary residential marketing signs at major entrances to planned unit developments or residential subdivisions; not to exceed one hundred (100) square feet in area or fifteen feet (15') in height, containing the name of the development and the names of builders or units therein.
- F. Temporary residential marketing signs, off site shall be allowed at not more than four (4) off site locations within the village to call attention and give directions to the development. Each sign shall be located entirely on private property, shall not exceed thirty two (32) square feet in area and shall not have a total height of more than ten feet (10'). Such signs may be located in any zoning district. Location and construction shall be approved by the village board upon recommendation of the planning and zoning commission.
- G. Identification signs for churches, cemeteries, golf courses and private non-profit uses which have street frontage on a state highway may follow the requirements set forth in Section 4-11-16, provided that such signs must be located directly on the frontage of a state highway. (Ord. 1035, 10-6-2009; amd. Ord. 1300-19, 9-3-2019)

#### **4-11-16: SIGNS IN COMMERCIAL ZONING DISTRICTS:**

The following signs are permitted, subject to area, height and location requirements of this chapter. A comprehensive sign plan may deviate from all of the requirements of this chapter except subsections 4-11-9A through L of this chapter.

- A. Permitted Signs: All signs permitted in the residential districts (sections 4-11-14 and 4-11-15 of this chapter).
- B. Freestanding Signs: Freestanding signs as follows:
  - 1. Single Or Combined Use Building And Lot: One per street frontage, not to exceed one hundred (100) square feet in area and ten feet (10') in height.
  - 2. Shopping Plaza: One per street frontage, not to exceed one hundred fifty (150) square feet in area and fifteen feet (15') in height.
  - 3. Shopping Center: One per street frontage, not to exceed one hundred eighty (180) square feet in area or fifteen feet (15') in

height; plus one per street frontage, not to exceed one hundred (100) square feet in area per sign face, or fifteen feet (15') in height, provided that advertising displayed thereon shall be limited to business, merchandise, and services found within the shopping center.

4. Real Estate Signs: One per street frontage except as defined in subsection 4-11-14D of this chapter, not to exceed thirty two (32) square feet of sign area per face for each one acre of land area up to a maximum of one hundred (100) square feet of sign area per face; not to exceed ten feet (10') in height.

5. Gasoline Price Signs: No more than one gasoline price sign per street frontage with a maximum sign size of fifteen (15) square feet if attached to poles. The sign must be permanently mounted on a pole and will not be included in the computation of the total signage requirement. Gasoline price signs greater than fifteen (15) square feet shall be included in the computation of the total signage requirement.

6. Pole Mounted Banners: Shall be located only in shopping plazas and shopping centers and must be constructed of cloth, canvas or light fabric, not to exceed ten (10) square feet in area, located on a light pole within the retail area of a shopping center. The lower limit of the face of any such banner shall be a minimum height of nine feet (9') from the ground.

7. Addresses: Building addressing shall not be included in the computation of the total signage requirement provided that it is not greater than six (6) square feet.

C. Wall Signs: Wall signs as follows:

1. Single Use Building And Lot: Two (2) signs per facade, but not to exceed a total of four (4) such signs.
2. Combined Use Building And Lot: Three (3) signs per facade, but not to exceed a total of six (6) such signs.
3. Shopping Plaza: One sign per individual business or other enterprise; two (2) signs per corner unit, one on each facade.
4. Shopping Center: Same as shopping plaza.

5. Sign Area: The above signs are limited to an area equal to two (2) square feet for each linear foot of the facade of the building containing the business or other enterprise or the facade upon which the sign is to be mounted.

D. Total Sign Area Per Lot: See section 4-11-6 of this chapter.

E. Awning Signs: Awning signs as follows:

1. Awning shall not project more than forty eight inches (48") from the wall of the building.
2. Awning shall not project beyond the lot line.
3. Awning signs shall comply with all other requirements of wall signs.

F. Changeable Copy Signs, Electronic:

1. Changeable copy signs, electronic, shall utilize a single monochrome color such as white, red or amber. No RGB (red-green-blue) technology or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video display sign or an "electronic graphic display sign" as defined by section 4-11-4 of this chapter.

2. Displays shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on or leaves the signboard.

3. Displays shall contain static messages only, changed only through dissolve or fade transitions which may otherwise not have movement.

4. Each message on the sign must be displayed for a minimum of four (4) seconds. Transitions shall be no more than two (2) seconds.

5. The electronic message display board must consist of only alphabetic or numeric characters on a plain background and may not include any graphic, pictorial or photographic images.

6. Lightness, brightness and color must remain constant within a message and between messages.

7. The electronic sign must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meters) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meters) between dusk to dawn as measured from the sign's face at maximum brightness.

8. All electronic message display signs shall be required to have an ambient light monitor or similar device that will automatically adjust the brightness level based on ambient light conditions.

G. Changeable Copy Signs: Changeable copy signs shall only be permitted if covered with glass, Plexiglas or other material to secure and protect letters. (Ord. 1035, 10-6-2009)

#### **4-11-17: SIGNS IN INDUSTRIAL ZONING DISTRICTS:**

The following signs are permitted, subject to area, height and location requirements of this chapter. A comprehensive sign plan may deviate from all of the requirements of this chapter except subsections 4-11-9A through K of this chapter.

A. Permitted Signs: All signs enumerated in sections 4-11-14 and 4-11-15 of this chapter.

B. Wall Signs: Wall signs are limited to an area equal to two (2) square feet for each one linear foot of the tenant building frontage.



C. Freestanding Signs: One per street frontage, provided that the maximum size of signs in the industrial zone shall be two hundred (200) square feet.

D. Real Estate Signs (Except As Defined In Subsection 4-11-14D Of This Chapter): One per street frontage, not to exceed thirty two (32) square feet of sign area per face for each one acre of contiguous land area, but not to exceed a maximum of two hundred (200) square feet of area per sign face; not to exceed fifteen feet (15') in height.

E. Maximum Height: No sign shall project higher than thirty five feet (35') above the normal finished grade beneath it.

F. Industrial Development Signs: Permanent industrial development signs at entrances to industrial parks not exceeding two hundred (200) square feet, constructed entirely upon privately owned property, constructed of material which is the same or of a more permanent nature than the material used in the buildings and as approved by the planning and zoning commission and village board.

G. Changeable Copy Signs, Electronic:

1. Changeable copy signs, electronic, shall utilize a single monochrome color such as white, red or amber. No RGB (red-green-blue) technology or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video display sign or an "electronic graphic display sign" as defined by section 4-11-4 of this chapter.

2. Displays shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on or leaves the signboard.

3. Displays shall contain static messages only, changed only through dissolve or fade transitions which may otherwise not have movement.

4. Each message on the sign must be displayed for a minimum of four (4) seconds. Transitions shall be no more than two (2) seconds.

5. The electronic message display board must consist of only alphabetic or numeric characters on a plain background and may not include any graphic, pictorial or photographic images.

6. Lightness, brightness and color must remain constant within a message and between messages.

7. The electronic sign must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meters) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meters) between dusk to dawn as measured from the sign's face at maximum brightness.

8. All electronic message display signs shall be required to have an ambient light monitor or similar device that will automatically adjust the brightness level based on ambient light conditions.

H. Changeable Copy Signs: Changeable copy signs shall only be permitted if covered with glass, Plexiglas or other material to secure and protect letters. (Ord. 1035, 10-6-2009)

#### **4-11-18: COMPREHENSIVE SIGN PLAN:**

The purpose of a comprehensive sign plan is to provide for the establishment of signage criteria that are tailored to a specific development or location, and which may vary from specific ordinance provisions. The intent is to provide for flexible sign criteria that promotes superior design through architectural integration of the site, buildings and signs. A comprehensive sign plan shall be granted as a special use in accordance with the following procedure, standards and other requirements of the other chapters of this title:

A. The comprehensive sign plan shall include the location, size, height, construction material and color, type of illumination and orientation of all proposed signs, either permanent or temporary.

B. A comprehensive sign plan containing elements which exceed the permitted height, area and number of signs specified in this chapter may be permitted as a special use with a recommendation from the planning and zoning commission and approval by the village board only upon a finding that:

1. The development site contains unique or unusual physical conditions, such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility; or

2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent a clear variation from conventional development; or

3. The proposed signage incorporates special design features such as logos, emblems, murals or statuary that are integrated with the building architecture; or

4. The proposed deviations from the standards of this chapter result in a more unified sign package and greater aesthetic appeal between signs on the site.

The construction and placement of individual signs contained in the approved comprehensive sign plan shall be subject to the issuance of sign permits in accordance with section 4-12-2-1 of this title.

C. The comprehensive sign plan review shall consider five (5) elements that shall govern all signs within the development: location, materials, size, color and illumination. The comprehensive sign plan application shall include details, specifications, dimensions, and plans showing the proposed locations of signs and how such signs conform to or vary from the requirements of this chapter. It shall also show the computations of the maximum total sign area permitted for the site as well as any special computations regarding additional signs proposed.

D. The following may be included as part of a comprehensive sign plan and shall be exempt from sign permits in accordance with section 4-12-2-1 of this title:

1. Signs, not to exceed twelve feet (12') in height and sixteen (16) square feet in area, that direct pedestrians to major retailers or amenities within a planned shopping center. Such signs shall not be visible from any major arterial street and may be ground, wall or blade mounted. Such signs may be illuminated.
2. Planned shopping center map sign, not to exceed eight feet (8') in height and thirty two (32) square feet in area, that directs pedestrians to multiple store locations within a planned shopping center. Such signs shall not be visible from any major arterial street and may be illuminated.
3. Parking lot identification signs, not to exceed six (6) square feet in area, located on light poles within the parking lot of a planned shopping center, that direct automotive and pedestrian traffic to designated parking areas. The lower limit of the face of any sign shall be a minimum height of thirteen and one-half feet (13.5') and may be illuminated.
4. Any sign/banner/flag constructed of cloth, canvas or light fabric, not to exceed ten (10) square feet in area, located on a light pole within the retail area of a planned shopping center, which identifies a shopping district/area. The lower limit of the face of any such sign shall be a minimum height of nine feet (9'), shall not be visible from any major arterial street, and may be illuminated.
5. Signs, not to exceed seven feet (7') in height and three (3) square feet in area, that direct automobile traffic to locations that offer valet parking services. Each business offering valet services shall be limited to two (2) such signs. Such signs may be ground or wall mounted.
6. Signs, not to exceed three (3) square feet in area, located on light poles within a planned shopping center, which identify the name of private drive aisles within such planned shopping center. The lower limit of the face of any such sign shall be a minimum height of nine feet (9'), shall not be visible from any major arterial street, and may be illuminated.
7. Signs, not to exceed five (5) square feet in area, which identify delivery service areas. Such signs may be ground or wall mounted and may be illuminated.
8. Signs, not to exceed eight (8) square feet in area, that direct pedestrians to restrooms, management offices, and other amenities within a planned shopping center. The lower limit of the face of any such sign shall be a minimum height of nine feet (9'), shall not be visible from any major arterial street, and shall be wall mounted.
9. Electronic graphic display signs, provided that they shall only display static images and be equipped with a regulator to automatically dim the sign during periods of low light or darkness.

E. An applicant may request a change in an approved comprehensive sign plan. A change in an approved comprehensive sign plan which results in a major change shall require approval of the amendment by the village board of trustees after recommendation on the matter by the village planning and zoning commission. All major amendments shall follow the procedures and conditions herein required for the original application submittal and review. A change considered only a minor change shall require only the submission of a revised plan to the village administrator or his/her designee for approval.

1. Guidelines for a major change:
  - a. A change in the original concept of the comprehensive sign plan.
  - b. An increase in the number of freestanding signs.
  - c. An increase in size of any freestanding sign exceeding ten percent (10%).
2. Guidelines for a minor change:
  - a. Any variation in the comprehensive sign plan that does not constitute a major change.
  - b. An increase in size of any freestanding sign not exceeding ten percent (10%). (Ord. 1035, 10-6-2009)

#### **4-11-19: NONCONFORMING SIGNS:**

A. Any permanent sign which was legally in existence at the time of passage of this chapter but which does not conform to one or more provisions of this chapter may be continued in use, repaired or replaced in its entirety without regard to the cost of restoration. The area and height of the replacement sign must not exceed the area and height of the original nonconforming sign. The restoration or repair must be started within a period of thirty (30) days from the date of damage or destruction, and diligently prosecuted to completion.

B. Whenever a nonconforming sign has been discontinued for a period of six (6) consecutive months, or whenever there is evidently a clear intent on the part of the owner to abandon a nonconforming sign, such sign shall not, after being discontinued or abandoned, be reestablished, and the sign thereafter shall be brought into conformity with the regulations of this chapter. Any such discontinued sign shall be taken down and removed by the owner, agent, or person having the beneficial use of the structure upon which such sign may be found within ten (10) days after written notification from the building commissioner, and upon failure to comply with such notice within the time specified in such order, the building commissioner may cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property to which such sign is attached. (Ord. 1035, 10-6-2009)

#### **4-11-20: DUTIES:**

The building commissioner shall examine all applications for permits for erection of new signs to ensure conformity with the requirements of this chapter, record and file all applications for permits with any accompanying plans and documents, make a periodic inspection of all signs in the village, and submit reports as directed by the village board. (Ord. 1035, 10-6-2009)

## ADMINISTRATION AND ENFORCEMENT

### SECTION:

#### **4-12-1: Administration**

##### **4-12-1-1: Building Commissioner**

##### **4-12-1-2: Planning And Zoning Commission (PZC)**

##### **4-12-1-3: Village Board Of Trustees**

#### **4-12-2: Certificates**

##### **4-12-2-1: Zoning Certificates**

##### **4-12-2-2: Certificate Of Occupancy**

#### **4-12-3: Variations**

#### **4-12-4: Appeals**

#### **4-12-5: Special Use Permits**

#### **4-12-6: Amendments**

#### **4-12-7: Temporary Permits**

#### **4-12-8: Fees**

#### **4-12-9: Penalties**

#### **4-12-1: ADMINISTRATION:**

The administration of this title is vested in the offices or agencies of the village government as follows:

Office of the building commissioner

Planning and zoning commission

Village board of trustees

(Ord., 4-7-1970; amd. Ord. 846, 2-15-2005)

#### **4-12-1-1: BUILDING COMMISSIONER:**

The building commissioner and his authorized organizational personnel, shall administer and enforce this title, and in addition thereto and in furtherance of said authority, shall:

- A. Issue all zoning certificates, and make and maintain records thereof.
- B. Issue all certificates of occupancy, and make and maintain records thereof.
- C. Conduct inspections of buildings, structures, and land to determine compliance with this title, and notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
- D. Order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by statute or by this title to ensure compliance with or to prevent violation of its provisions.
- E. Prepare and cause to be published, on or before March 31 of each year, a map showing the existing zoning uses, divisions, restrictions, regulations, and classifications in effect on the preceding December 31.
- F. Maintain permanent and current records of this title, including, but not limited to, all maps, amendments, special use permits, planned unit developments, variations, appeals, and applications therefor.
- G. Provide and maintain a source of public information relative to all matters arising out of this title.
- H. Receive, file, and forward to the plan commission all applications for special use permits, for planned unit development approvals, and for amendments to this title.
- I. Receive, file, and forward to the zoning board of appeals all applications for appeals, variations, and other matters on which the board is required to pass under this title.
- J. Initiate, direct, and review, from time to time, a study of the provisions of this title and make recommendations to the plan commission as such study requires.
- K. Keep the village board advised of zoning activities.
- L. Decide or make recommendations on all matters under this title upon which the building commissioner is required to act. (Ord., 4-7-1970)

#### **4-12-1-2: PLANNING AND ZONING COMMISSION (PZC):**

A. Creation: There is hereby created a planning and zoning commission of the village of Manhattan. The commission shall be known as the planning and zoning commission (PZC).

B. Membership And Appointment:

1. The PZC shall consist of seven (7) members appointed by the president with the advice and consent of the board of trustees. Each member shall reside in the village of Manhattan. The president with the advice and consent of the board of trustees may remove any member of the commission for cause following public hearing after notice to the member and to the public.

2. The president with the advice and consent of the board of trustees shall appoint one of the members of the PZC to act as its chairperson and one member as vice chairperson. The term of the chairperson and vice chairperson shall be two (2) years.

C. Terms Of Members: Members of the PZC appointed after the effective date hereof shall be initially appointed to the following terms:

1. One member shall be appointed to a term which shall expire on May 1, 2006.
2. One member shall be appointed to a term which shall expire on May 1, 2007.
3. One member shall be appointed to a term which shall expire on May 1, 2008.
4. One member shall be appointed to a term which shall expire on May 1, 2009.
5. One member shall be appointed to a term which shall expire on May 1, 2010.
6. One member shall be appointed to a term which shall expire on May 1, 2011.
7. One member shall be appointed to a term which shall expire on May 1, 2012.

Upon expiration of the terms set forth in subsections C1 through C7 of this section, members shall be reappointed to a term of five (5) years. Members of the PZC shall serve until their successors have been duly appointed and qualified. Appointments to fill a vacancy shall be for the unexpired term of the member whose place has become vacant.

D. Compensation: See subsection 1-8-3C of this code for PZC compensation.

E. Meetings And Rules: All meetings of the PZC shall be at the call of the chairman and at such other times as the PZC may determine. All hearings conducted by said PZC shall be in accordance with Illinois statutes. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses. All testimony by any witness at any hearing provided for in this title shall be given under oath. All meetings of the PZC shall be open to the public. The PZC shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the PZC being present, which shall consist of a majority of all the members. The PZC shall adopt its own rules and procedures, not in conflict with this section or with applicable Illinois statutes.

F. Jurisdiction: The planning and zoning commission is hereby vested with the following jurisdiction and authority:

1. To hear and decide applications for variations from the terms in this title in the manner prescribed by and subject to the standards set out in section 4-12-3 of this chapter; and
2. To hear and decide appeals in which it is alleged that there is error in any order, requirement, decision, interpretation, or determination (all hereinafter referred to collectively as "decision") made by the building commissioner under this title, in the manner and subject to the standards set out in section 4-12-4 of this chapter; and

3. To hear and decide all other matters referred to it or upon which it is required to pass under this title; and

All of the above decisions made by the PZC shall be subject to further review if the decision(s) of the PZC is appealed. Any appeal of the PZC decision shall be heard and decided by the village board.

4. To hear, consider, and recommend to the village board matters dealing with amendments to this title; and
5. To hear, consider and recommend to the village board matters dealing with the granting of planned unit developments; and
6. To consider and decide upon all matters which it is required to act upon under the terms of this title; and
7. To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the village; and
8. Recommend to the corporate authorities ordinances to implement the comprehensive plan; and
9. Recommend to the corporate authorities from time to time changes in the official comprehensive plan; and
10. Prepare and recommend to the corporate authorities from time to time plans for specific improvements in furtherance of the official comprehensive plan; and
11. Give aid to the village officials charged with the direction of projects for improvements embraced within the comprehensive plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan; and
12. Make recommendations to the corporate authorities regarding the subdivision ordinance and to review all plats of subdivision and site plans for development and make recommendation to the corporate authorities on such plats and site plans; and
13. Exercise such other powers and duties germane to the powers and duties granted by state statutes and this chapter or as may from time to time be conferred on the PZC by the corporate authorities; and

14. To establish reasonable standards of design for subdivisions and for resubdivisions of improved land and of areas subject to redevelopment in respect to public improvements; and

15. To establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and

16. To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation; and

17. To initiate, study, and make recommendations regarding matters dealing with the planning of the community; and

18. To initiate, direct and review, from time to time, studies of the provisions of this title, and to make recommendations to the village board regarding any changes to this title.

All decisions and findings of the PZC upon application(s) for a variation or on appeal(s) after hearing in all instances or upon applications for a variation, after a hearing, shall in all instances not be final administrative decisions and shall be subject to review in all cases by the village board.

G. Subdivision Or Resubdivision; Official Map: At any time or times, before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half ( $1\frac{1}{2}$ ) miles from the corporate limits of the village. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds, and filing of said plan and ordinances, including the official map, with the village clerk shall be complied with as provided by law.

No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the village or within contiguous territory which is not more than one and one-half ( $1\frac{1}{2}$ ) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, streetlights, public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and distribution, sanitary sewers and sewage collection and treatment in conformity with the applicable requirements of the village ordinances, including the official map.

H. Expenditures: The planning and zoning commission may, at the discretion of the village board of trustees employ a paid secretary or staff, or both, whose salaries, wages and other necessary expenses shall be provided for by the village board of trustees from the public funds.

I. Actions And Decisions: All actions taken by the PZC shall be recommendations made to the corporate authorities for final action.

J. Fees: The corporate authorities shall establish from time to time the fees necessary to appear and conduct business before the PZC, including fees for reproduction of any public records of the commission.

K. Records: Every rule, regulation, amendment, or repeal thereof and every order, requirement, decision or determination of the PZC shall immediately be filed in the office of the village clerk and shall be public record. These records are available for inspection by the public during regular office hours in accordance with state statutes and ordinances of the village.

L. Prior Decisions And Recommendations: All prior decisions and recommendations of the previously existing zoning board of appeals and/or plan commission shall be deemed valid and to have survived the adoption of this section.

M. References: All references in this code to the zoning board of appeals, the "board" as it relates to the zoning board of appeals, the plan commission or the "commission" as it relates to the plan commission are after the effective date hereof amended to and deemed to be references to the planning and zoning commission ("PZC"). (Ord. 846, 2-15-2005)

#### **4-12-1-3: VILLAGE BOARD OF TRUSTEES:**

The village board of trustees shall establish the standards, procedures, and content of this title and shall reserve all matters of final decision to itself and may delegate certain other matters to other individuals or agencies. Decisions of the village board shall be subject to judicial review as the law may provide. The village board is hereby vested with the following jurisdiction and authority:

A. To decide amendments to this title after public hearing and report by the planning and zoning commission (PZC).

B. To decide on special use permits after public hearing and report by the planning and zoning commission (PZC).

C. To decide on planned unit developments after public hearing and report by the planning and zoning commission (PZC).

D. To decide on any appeal or challenge to a decision made by the planning and zoning commission (PZC).

E. To make appointments to the planning and zoning commission (PZC).

F. To decide all other matters required by this title. (Ord. 846, 2-15-2005)

#### **4-12-2: CERTIFICATES:**

##### **4-12-2-1: ZONING CERTIFICATES:**

A. Certificates Required: No building or structure shall be erected, constructed, reconstructed, enlarged, moved, or structurally altered, nor shall any excavation or grading for any building or structure be done, without a building permit. No building permit, and no other permit pertaining to the use of land, buildings, or structures, shall be issued by any employee of the village unless the

proposed building or structure and the proposed use thereof comply with all the provisions of this title, nor shall any such permit be issued unless the application for such permit has affixed to it or stamped thereon a certificate of the building commissioner certifying such compliance. Any permit or zoning certificate issued in conflict with the provisions of this title shall be void.

B. Application: Every application for a building permit shall also be deemed an application for a zoning certificate, shall be made in duplicate in such form as the building commissioner may from time to time provide, and shall include:

1. Plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of buildings and structures already existing, if any; the location and dimensions of the proposed building or alteration; the location and dimensions of all proposed off street parking and loading spaces and accessways thereto; and such other matters as the building commissioner may deem necessary to determine conformance with this title.

2. Information describing the existing and proposed case of each building and land area on the lot; the number of families or dwelling units proposed to be accommodated; and such other matters as the building commissioner may deem necessary to determine conformance with this title.

3. A certificate of a registered architect or a registered structural engineer licensed by the State of Illinois, or, if no architect or engineer was employed, affidavits of the owner and builder, that the proposed construction and the proposed use thereof comply with all the provisions of this Title, or stating the extent of noncompliance. Where the use requires compliance with manufacturing performance standards herein set forth, the certification of a professional engineer, licensed in the State of Illinois and having an expertise in such standards, shall be required.

C. Action by Building Commission: Within fifteen (15) days after the receipt of an application for a zoning certificate, the Building Commissioner shall issue the certificate, provided all applicable provisions of this Title are complied with, or the Building Commissioner shall refuse to issue a zoning certificate and shall advise the applicant in writing of the reasons for the refusal. If the Building Commissioner fails to act within fifteen (15) days, the applicant may then file with the Building Commissioner a written demand that action be taken immediately. If the Building Commissioner fails to act within three (3) days after receipt of said written demand, the applicant may treat the application as denied and may appeal from such denial to the Zoning Board of Appeals in the manner and subject to the standards of Section 4-12-4 of this Chapter.

D. Period of Validity: No building permit shall be valid for a period longer than one hundred eighty days (180) from the date of its issuance unless the work authorized by it is substantially under way by the end of said period. (Ord., 4-7-70)

#### **4-12-2-2: CERTIFICATE OF OCCUPANCY:**

A. Certificate Required: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of occupancy shall have been issued therefor by the Building Commissioner. No such certificate shall be issued unless the proposed use or occupancy complies with all the provisions of this Title. Any certificate of occupancy issued in conflict with the provisions of this Title shall be void.

B. Application: Every application for a building permit shall also be deemed an application for a certificate of occupancy. Where no building permit is required, an application for a certificate of occupancy shall be made to the Building Commissioner in such form as he may from time to time provide.

C. Issuance: No certificate of occupancy for a building, structure, or portion thereof, constructed after the effective date hereof, shall be issued until construction has been completed and the premises inspected and certified to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition or during partial occupancy of the premises. A certificate of occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fifteen (15) days after the Building Commissioner is notified in writing that the building or premises is ready for occupancy.

D. Period of Validity: No certificate of occupancy shall be valid for a period longer than ninety (90) days from the date of its issuance unless the use or occupancy authorized by it shall have been established within such period. (Ord., 4-7-70)

#### **4-12-3: VARIATIONS:**

A. Authority: In specific cases in which there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this Title, the Zoning Board of Appeals shall have the power and duty to determine and vary the applications of such regulations, in harmony with their general purpose and intent, but only in accordance with the requirements hereinafter set forth.

B. Application and Notice of Hearing: An application for a variation shall be filed in duplicate with the Village Clerk, who shall forward a copy of the application to the Board without delay. The application shall be in such form, contain such information, and be accompanied by such plans, as the Board may by rule require. The Board shall hold a public hearing on such application not more than sixty (60) days after its filing. Notice of the time and place of such public hearing shall be published at least once. Not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional form of notice as the Board may provide by rule.

C. Standards:

1. The Zoning Board of Appeals shall not vary the provisions of this Title as authorized in this Section, unless it shall have made findings based upon the evidence presented to it in the following cases:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

- b. The plight of the owner is due to unique circumstances; or

c. The variation, if granted, will not alter the essential character of the locality.

2. A variation shall be permitted only if the evidence in the judgment of the Board of Appeals, sustains each of the three (3) conditions enumerated above.

3. For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making this determination whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

a. The particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

b. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoned classification;

c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property;

d. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;

e. The granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; or

f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

4. The Zoning Board of Appeals may require each conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Title. (Ord., 4-7-1970)

D. Authorized Variations: The Zoning Board of Appeals shall decide variations from the provisions of this Zoning Ordinance that are in harmony with its general purpose and intent, and shall only vary them in specific instances where it has made a finding of facts based on the standards provided in subsection C of this Section, and may be granted only in the following instances, and in no others:

1. To permit any variations from the setback, lot coverage, landscaping, lighting, screening, building height, general zoning provisions listed in Chapter 3 of this Zoning Ordinance and IEPA regulations adopted by reference in this Zoning Ordinance.

2. To permit the use of a lot or lots of record on the effective date hereof for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than ninety percent (90%) of the required area and width.

3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.

4. To reduce the applicable off-street parking or loading facilities required by twenty percent (20%) of the applicable regulations.

5. To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.

6. To increase by not more than twenty percent (20%) the gross area of a sign. (Ord. 700, 7-6-1999)

E. Effective Period: No order of the board granting a variation shall be valid for a period longer than one hundred eighty (180) days from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The board may grant one extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application, and good cause shown, without notice of hearing. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned, or are not utilized for any continuous period of one year, said variation shall, to the extent of such abandonment or nonutilization, become void.

F. Decisions: Not more than sixty (60) days after the close of the public hearing, the board shall make its findings of fact and its determination, in writing, and shall forthwith transmit a copy thereof to the applicant. The concurring vote of four (4) members of the board shall be necessary to grant a variation. (Ord., 4-7-1970)

G. Appeal Of PZC Decision: Within thirty (30) days after a written decision of the PZC is transmitted to the applicant, the applicant may appeal said decision to the village board. All decisions and findings of the village board on appeals of a PZC shall in all instances be final administrative decisions and shall be subject to judicial review as the law may provide. (Ord. 846, 2-15-2005)

#### **4-12-4: APPEALS:**

A. Authority: The zoning board of appeals shall hear and decide appeals from an administrative order, requirement, or determination under this title.

B. Scope Of Appeals: An appeal, in which it is alleged that there is error in any decision made by the building commissioner under this title, may be taken to the board by any person or governmental agency aggrieved by such decision or by any department, officer, board, or bureau of the village. Such an appeal shall be taken, within such time as shall be prescribed by the board by rule, by filing with the village clerk a notice of appeal in such form as the board may provide by rule. The building commissioner shall, without delay, forward to the board a copy of the notice of appeal together with all of the papers constituting the record upon which the decision appealed from was made.

C. Stay Of Proceedings: An appeal shall stay all proceedings in furtherance of the decision appealed unless the building

commissioner certifies to the board, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceeding shall not be stayed unless by a restraining order, which may be granted by the board or by a court of record on application, on notice to the building commissioner and on due cause shown.

D. Hearing: The board shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, including the appellant, the building commissioner, and any other affected party who has requested in writing that he be so notified. (Ord., 4-7-1970)

E. Decisions: The planning and zoning commission (PZC) shall render a written decision on the appeal within a reasonable time, but in no event more than sixty (60) days after the filing of the notice of appeal, and shall promptly forward a copy of the decision to the parties. The PZC may affirm or may, upon the concurring vote of four (4) members, reverse, wholly or in part, or modify, the decision of the building commissioner, as in its opinion ought to be done, and to that end shall have all the powers of the building commissioner. All decisions, after hearing, of the PZC on appeals from an administrative order, requirement, decision or determination of the building commissioner shall be an administrative determination and shall be subject to further review by the village board.

F. Appeal Of PZC Decision: Within thirty (30) days after a written decision of the PZC is transmitted to the applicant, the applicant may appeal said decision to the village board. All decisions and findings of the village board on appeals of a PZC shall in all instances be final administrative decisions and shall be subject to judicial review as the law may provide. (Ord. 846, 2-15-2005)

#### **4-12-5: SPECIAL USE PERMITS:**

A. Purpose: This title is based upon the division of the village into districts, within which the use of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two (2) categories:

1. Uses publicly operated or traditionally affected with a public interest; and
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities, or the Village as a whole.

B. Authority: Special use permits may be granted by the Village Board, but only in accordance with the requirements hereinafter set forth.

C. Application and Notice of Hearing: An application for special use permit shall be filed in duplicate with the Village Clerk, who shall forward a copy of the application to the Plan Commission without delay. The application shall be in such form, contain such information, and be accompanied by such plans, as the Plan Commission may by rule require. The Plan Commission shall hold a public hearing on such application not more than sixty (60) days after its filing. Notice of the time and place of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. the published notice may be supplemented by such additional form of notice as the Commission may provide by rule.

D. Report: Within sixty (60) days after the close of the hearing, unless the applicant shall have consented to a longer period, the Commission shall transmit to the Village Board a written report giving its findings and recommendations for action to be taken by the Village Board on the application. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefited by the special use permit.

E. Standards: No special use permit may be granted unless:

1. The proposed use is designated by this Title as a special use in the district in which the use is to be located.
2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
4. The location, nature, and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
5. Parking areas will be of adequate size for the particular use; properly located, and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
7. Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.

The Village Board shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Title. Failure to comply with such conditions or restrictions shall constitute a violation of this Title.

F. Effective Period: No special use permit shall be valid for a period longer than one hundred eighty (180) days from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Board may grant one extension of this period, valid for no more than one



hundred eighty (180) additional days, upon written application and good cause shown, without notice or hearing. If any special use is abandoned, or is discontinued for a continuous period of one year, the special use permit for such use shall become void, and such use shall not thereafter be re-established unless a new special use permit is obtained.

G. Decisions: The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed special use in accordance with applicable statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.

H. Planned Unit Development: A planned unit development shall be granted a special use. The standards, requirements, and procedures granted shall be in accord with Chapter 9 of this Title. (Ord., 4-7-70)

#### **4-12-6: AMENDMENTS:**

A. Authority: The regulations and districts established by this Title may be amended from time to time, by the Village Board through the enactment of an amending ordinance. No such amendment shall be made without a public hearing before the Plan Commission and after a report of findings and recommendations has been submitted to the Village Board by the Plan Commission.

B. Initiation: Amendments may be proposed by the Village Board, Plan Commission, and by any other person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

No application for amendment to this Title shall be made which proposes reclassification of any of the same property for the same zoning district that has been the subject of a public hearing held by the Plan Commission within the twelve (12) months preceding the date of filing.

C. Processing: The process for obtaining an amendment shall be as follows:

1. An application for an amendment shall be filed with the Village Clerk, and thereafter entered into the records of the first meeting thereafter of the Village Board.

2. A copy of such application shall thereafter be forwarded by the Village Clerk to the Zoning Board of Appeals with a request to hold a public hearing and submit to the Village Board a report of its findings and recommendations.

3. The Plan Commission shall hold a public hearing within sixty (60) days after receiving the application from the Village Board. Notice of the time and place of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

4. The Plan Commission shall, within sixty (60) days after the hearing, transmit a written report giving its findings and recommendations to the Village Board.

D. Decisions: The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Illinois statutes, or may refer it back to the Plan Commission for further consideration.

If no action is taken by the Village Board within six (6) months after the report of the Plan Commission, the application shall be deemed to have been denied and shall not thereafter be granted,

In case a written protest against any proposed amendment signed and acknowledged by owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining, or by owners of twenty percent (20%) of the frontage directly opposite the frontage to be altered, is filed with the Village Clerk, the amendment cannot be passed except on the favorable vote of two-thirds ( $\frac{2}{3}$ ) of all members of the Village Board. (Ord., 4-7-70)

#### **4-12-7: TEMPORARY PERMITS:**

A. Authority: The Building Commissioner is authorized by this Title to issue a temporary permit for uses specifically authorized in particular zoning districts as temporary permit uses.

B. Application: An application for a temporary permit shall be made to the Building Commissioner in writing on a form provided by the Village. The Building Commissioner shall issue a permit only after he is satisfied that the use allowed by the temporary permit will not adversely affect the public health, safety or general welfare of the Village and/or immediate neighborhood.

C. Hearing: The Building Commissioner may, if he so desires, hold a public hearing on the request for a temporary permit, or may contact the property owners affected by the proposed use regarding their opinion of the use.

D. Conditions: The building commissioner may require that certain conditions relating to the public health, safety or general welfare be complied with before the issuance of a temporary permit.

E. Decisions: The building commissioner shall render a written decision on the application for a temporary permit within a reasonable time and promptly forward a copy of the decision to the petitioner. Appeals from the decision of the building commissioner can be made to the zoning board of appeals. (Ord., 4-7-1970)

#### **4-12-8: FEES:**

The village board shall establish a schedule of fees, charges, and expenses required for building permits, zoning certificates, certificates of occupancy, variations, special use permits, temporary use permits, amendments, planned unit development approvals, and other matters pertaining to this title.

Until all such required fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application.

All fees shall be paid to the village clerk and none shall in any event be refunded. (Ord., 4-7-1970)

#### **4-12-9: PENALTIES:**

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this title, shall be subject to a fine as established in section 1-4-1 of this code for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense. (Ord., 4-7-1970; amd. Ord. 1061, 4-20-2010)

The owner or tenant of any building, structure, or land, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord., 4-7-1970)

## **CHAPTER 13**

### **MANHATTAN LOWLAND CONSERVANCY OVERLAY DISTRICT**

#### **SECTION:**

##### **4-13-1: Authority**

##### **4-13-2: Short Title**

##### **4-13-3: Purpose And Intent**

##### **4-13-4: Definitions**

##### **4-13-5: Special Use Permit**

##### **4-13-6: General Provisions; Area Affected**

##### **4-13-6-1: Lowland Conservancy Overlay District**

##### **4-13-6-2: District Boundary**

##### **4-13-6-3: Minimum Setback Of Development Activity**

##### **4-13-6-4: Site Development Plan**

##### **4-13-6-5: Geologic And Soil Characteristics; Report**

##### **4-13-6-6: Hydrologic Controls; Drainage Control Plan**

##### **4-13-6-7: Site Grading And Excavation Plan**

##### **4-13-6-8: Natural Vegetation Strip Required; Landscape Plan**

##### **4-13-7: Watercourse Relocation And Minor Modifications**

##### **4-13-8: Impact Assessment**

##### **4-13-9: Stream Maintenance Easement**

##### **4-13-10: Nonconforming Uses**

##### **4-13-11: Board Of Appeals**

##### **4-13-12: Bonds**

##### **4-13-13: Liability**

##### **4-13-14: Separability**

##### **4-13-15: Retroactivity**

##### **4-13-16: Enforcement**

##### **4-13-17: Violations And Penalties**

#### **4-13-1: AUTHORITY:**

The Lowland Conservancy Overlay District is adopted by the Corporate Authority of the Village under the authority of the Village Home Rule Powers as set forth in article 7, section 6, of the 1970 Illinois Constitution. (Ord. 642, 12-3-1996)

#### **4-13-2: SHORT TITLE:**

This Chapter shall be known and may be cited as the *VILLAGE OF MANHATTAN LOWLAND CONSERVANCY OVERLAY DISTRICT ORDINANCE*. (Ord. 642, 12-3-1996)

#### **4-13-3: PURPOSE AND INTENT:**

It is the purpose and intent of this Chapter to promote the health, safety and general welfare of the present and future residents of the

Village and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the Village watercourses, lakes, ponds, flood plain and wetland areas. This Chapter is more specifically adopted:

- A. To prevent flood damage by preserving storm and flood water storage capacity;
- B. To maintain the normal hydrologic balance of streams, flood plains, ponds, lakes, wetlands, and ground water by storing and providing for infiltration of wet-period runoff in flood plains and wetlands, and releasing it slowly to the stream to maintain instream flow;
- C. To manage storm water runoff and maintain natural runoff conveyance systems, and minimize the need for major storm sewer construction and drainageway modification;
- D. To improve water quality, both by filtering and storing sediments and attached pollutants, nutrients, and organic compounds before they drain into streams or wetlands, and by maintaining the natural pollutant-assimilating capabilities of streams, flood plains and wetlands;
- E. To protect shorelines and stream banks from soil erosion, using natural means and materials wherever possible;
- F. To protect fish spawning, breeding, nursery and feeding grounds;
- G. To protect wildlife habitat;
- H. To preserve areas of special recreational, scenic, or scientific interest, including natural areas and habitats of endangered species;
- I. To maintain and enhance the aesthetic qualities of developing areas; and
- J. To encourage the continued economic growth and high quality of life of the Village which depends in part on an adequate quality of water, a pleasing natural environment, and recreational opportunities in proximity to the Village.

In order to achieve the purpose and intent of this Chapter, the Village hereby designates the Lowland Conservancy Overlay District which shall be considered as an overlay to the zoning districts created by the Village zoning ordinances as amended <sup>1</sup>. Any proposed development activity within the District must obtain a special use permit as approved by the governing body of the Village <sup>2</sup>. (Ord. 642, 12-3-1996)

Notes

- <sup>1</sup> 1. See Section 4-13-1 of this Chapter.
- <sup>2</sup> 2. See Section 4-13-5 of this Chapter.

4-13-4: DEFINITIONS:

ARMORING: A form of channel modification which involves the placement of materials (concrete, riprap, bulkheads, etc.) within a stream channel or along a shoreline to protect property above streams, lakes and ponds from erosion and wave damage caused by wave action and stream flow.

BULKHEAD: A retaining wall that protects property along water.

CHANNEL: A natural or artificial watercourse or perceptible extent that periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water. It has a definite bed and banks that serve to contain the water.

CHANNEL MODIFICATION OR CHANNELIZATION: To alter a watercourse by changing the physical dimension or materials of the channel. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of debris or trash from the watercourse. Channelization is a severe form of channel modification involving a significant change in the channel cross section and typically involving relocation of the existing channel (e.g., straightening).

CONTROL STRUCTURE: A structure designed to control the rate of storm water runoff that passes through the structure, given a specific upstream and downstream water surface elevation.

CULVERT: A structure designed to carry drainage water or small streams below barriers such as roads, driveways, or railway embankments.

DEPRESSIONAL AREA: Any area which is lower in elevation on all sides than surrounding properties (i.e., does not drain freely), or whose drainage is severely limited such as by a restrictive culvert. A depressional area will fill with water on occasion when runoff into it exceeds the rate of infiltration into underlying soil or exceeds the discharge through its controlled outlet. Large depressional areas may provide significant storm water or flood plain storage.

DEVELOPMENT: The carrying out of any building, agricultural, or mining operation, or the making of any change in the use or appearance of land, and the dividing of land into two (2) or more parcels. The following activities or uses shall be taken, for the purposes of this Chapter, to involve "development" as defined herein:

- A. Any construction, reconstruction, or alteration of a structure to occupy more or less ground area, or the on-site preparation for same;
- B. Any change in the intensity of use of land, such as an increase in the number of dwelling units on land, or a material increase in the site coverage of businesses, manufacturing establishments, offices, and dwelling units, including mobile homes, campers, and

recreational vehicles, on land;

C. Any agricultural use of land including, but not limited to, the use of land in horticulture, floriculture, forestry, dairy, livestock, poultry, beekeeping, pisciculture, and all forms of farm products and farm production;

D. The commencement of drilling, except to obtain soil samples, or the commencement of mining, filling, excavation, dredging, grading or other alterations of the topography;

E. Demolition of a structure or redevelopment of a site;

F. Clearing of land as an adjunct of construction for agricultural, private residential, commercial or industrial use;

G. Deposit of refuse, solid or liquid waste, or fill on a parcel of land, or the storage of materials;

H. Construction, excavation, or fill operations relating to the creation or modification of any road, street, parking facility or any drainage canal, or to the installation of utilities or any other grading activity that alters the existing topography;

I. Construction or erection of dams, levees, walls, fences, bridges or culverts; and

J. Any other activity that might change the direction, height, or velocity of flood or surface waters.

DISTRICT: The "Lowland Conservancy Overlay District" as defined in subsection 4-13-6-1 of this Chapter.

EROSION: The general process whereby soils are moved by flowing water or wave action.

FILTERED VIEW: The maintenance or establishment of woody vegetation of sufficient density to screen developments from a stream or wetland, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the view. Filtered view means no clear cutting.

FLOOD PLAIN: That land adjacent to a body of water with ground surface elevations at or below the 100-year frequency flood elevation.

FLOODWAY: That portion of the flood plain (sometimes referred to as the base flood plain or special flood hazard area) required to store and convey the base flood. The floodway is the 100-year floodway as designated and regulated by the Illinois Department of Transportation/Division of Water Resources. The remainder of the flood plain which is outside the regulatory floodway is referred to as the flood fringe or floodway fringe.

HYDRAULIC CHARACTERISTICS: The features of a watercourse which determine its water conveyance capacity. These features include, but are not limited to: size and configuration of the cross section of the watercourse and floodway; texture and roughness of materials along the watercourse; alignment of watercourse; gradient of watercourse; amount and type of vegetation within the watercourse; and size, configuration, and other characteristics of structures within the watercourse. In low-lying areas the characteristics of the overbank area also determine water conveyance capacity.

LAKE OR POND: Any inland waterbody, fed by spring or surface water flow.

LOT: An area of land, with defined boundaries, that is designated in official assessor's records as being one parcel.

NATURAL (In Reference To Watercourses): Those stream channels, grassed waterways and swales formed by the existing surface topography of the earth prior to changes made by unnatural causes. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no alteration of the course or cross section of the stream caused by filling or excavating.

ORDINARY HIGH-WATER MARK (OHWM): The point on the bank or shore, up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

QUALIFIED PROFESSIONAL: A person trained in one or more of the disciplines of biology, geology, soil science, engineering, or hydrology whose training and experience ensure a competent analysis and assessment of stream, lake, pond and wetland conditions and impacts.

REGISTERED PROFESSIONAL ENGINEER: A professional engineer registered under the provisions of "The Illinois Professional Engineering Act" and any act amendatory thereof.

RETENTION/DETENTION FACILITY: A facility that provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

RUNOFF: The portion of precipitation on the land that is not absorbed by the soil or plant material and which runs off the land.

SEDIMENTATION: The processes that deposit soils, debris, and other materials either on other ground surfaces or in water bodies or watercourses.

SETBACK: The horizontal distance between any portion of a structure or any development activity and the ordinary high- water mark of a perennial or intermittent stream, the ordinary high-water mark of a lake or pond, or the edge of a wetland, measured from the structure's or development's closest point to the ordinary high-water mark, or edge.

STREAM: A body of running water flowing continuously or intermittently in a channel on or below the surface of the ground. 7.5 minute topographic maps of the U.S. Geological Survey are one reference for identifying perennial and intermittent streams. For purposes of this Chapter, the term "stream" does not include storm sewers.

**STRUCTURE:** Anything that is constructed, erected or moved to or from any premises which is located above, on, or below the ground including, but not limited to, tents, camper trailers, and recreation vehicles are not considered structures when used less than one hundred eighty (180) days per year and located landward of the minimum setback provided as a natural vegetation strip.

**VEGETATION:** All plant growth, especially trees, shrubs, mosses, and grasses.

**WATERCOURSE:** Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, slough, gulch, draw, ditch, channel, conduit, culvert, swale, grass waterway, gully, ravine, wash, or natural or manmade drainageway, which has a definite channel, bed and banks, in or into which storm water runoff and flood water flow either regularly or intermittently.

**WETLAND:** Those transitional lands between terrestrial and aquatic system where the water table is usually at or near the surface or the land is covered by shallow water. Classification of areas as wetlands shall follow the Classification of Wetlands and Deepwater Habitats of the United States as published by the U.S. Fish and Wildlife Service (FWS/OBS-79/31). (Ord. 642, 12-3-1996)

#### **4-13-5: SPECIAL USE PERMIT:**

A. Request For Permit: To ensure that proposed development activity can be carried out in a manner which is compatible and harmonious with the natural amenities of the Lowland Conservancy Overlay District and with surrounding land uses, a request for a special use permit for such development activity must be submitted for approval by the governing body of the Village.

No special use permit shall be issued unless the Village finds that:

1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;
2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;
3. Adequate assurances have been received that the clearing of the site of topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;
4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities; and
5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

There shall be no development, including the immediate or future clearing or removal of natural ground cover and/or trees, within the Lowland Conservancy Overlay District for any purpose, unless a special use permit is granted subject to the provisions of this Chapter or the provisions of the Village Zoning Ordinance.

Dumping, filling, mining, excavating, dredging, or transferring of any earth material within the District is prohibited unless a special use permit is granted.

No ponds or impoundments shall be created nor other alterations or improvements shall be allowed in the District for recreational uses, storm water management, flood control, agricultural uses or as scenic features unless a special use permit is granted.

B. Application For Permit: Application for a special use permit shall be made by the owner of the property, or his/her authorized agent, to the Village on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

C. Submissions: Each application for a special use permit shall be accompanied by the following information as specified in the Chapter sections cited:

##### **General Provisions:**

Site development plan	Section 4-13-6-4
Geologic and soil report	Section 4-13-6-5
Drainage control plan	Section 4-13-6-6
Site grading and excavation plan	Section 4-13-6-7
Landscape plan	Section 4-13-6-8

##### **Justification For Watercourse Relocation And Minor Modifications:**

Stream modification/relocation plan	subsection 4-13-7C
Channel and bank armoring	subsection 4-13-7D
Culverts	subsection 4-13-7E
On-stream impoundments	subsection 4-13-7F
Impact assessment	Section 4-13-8

Where a proposed development activity is less than two and one-half (2<sup>1</sup>/<sub>2</sub>) acres in area the corporate authority, upon recommendation of the Village Engineer, may waive or simplify any or all of the submission requirements <sup>1</sup> provided that the person responsible for any such development shall implement necessary protection measures to satisfy the purpose and intent set forth in Section 4-13-3 of this Chapter <sup>2</sup>.

D. Bonds: The applicant may be required to file with the Village a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Village Attorney, in an amount deemed sufficient by the Village to cover all costs of improvements, landscaping, for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

E. Review And Approval: Each application for a special use permit shall be reviewed and acted upon according to the following procedures:

1. The Village will review each application for a special use permit to determine its conformance with the provisions of this Chapter. The Village may also refer any application to any other local government or public agency within whose jurisdiction the site is located for review and comments. Within sixty (60) days after receiving an application, the Village shall in writing: a) approve the permit application, if it is found to be in conformance with the provisions of this Chapter, and issue the permit; b) approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Chapter, and issue the permit subject to these conditions; or c) disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

2. No special use permit shall be issued for an intended development site unless:

- a. The development, including, but not limited to, subdivisions and planned unit developments, has been approved by the Village where applicable; or
- b. Such permit is accompanied by or combined with a valid building permit issued by the Village; or
- c. The proposed development is coordinated with any overall development program previously approved by the Village for the area in which the site is situated.

3. Failure of the Village to act on an original or revised application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed, unless such time is extended by agreement between the Village and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Village.

F. Permit Exceptions: The provisions of this Chapter shall not apply to:

1. Emergency work necessary to preserve life or property; when emergency work is performed under this Section, the person performing it shall report the pertinent facts relating to the work to the corporate authority within ten (10) days after commencement of the work and shall thereafter obtain a special use permit and shall perform such work as may be determined by the agency to be reasonably necessary to correct any impairment to the watercourse, lake, pond, flood plain or wetland <sup>3</sup> ;

2. Work consisting of the operation, repair, or maintenance of any lawful use of land existing on the date of adoption of this Chapter;

3. Lands adjacent to farm ditches if:

- a. Such lands are not adjacent to a natural stream or river; or
- b. Those parts of such drainage ditches adjacent to such lands were not streams before ditching; or
- c. Such lands are maintained in agricultural uses without buildings and structures.

Where farm ditches are found to contribute to adverse environmental impacts or hazards to persons or property, the Village may include designated farm ditches in the District. The Village may also require that linings, bulkheads, dikes and culverts be removed to mitigate hazards, or that other mitigative measures be taken, such as the maintenance of a natural vegetation buffer strip.

G. Effect On Other Permits: The granting of a special use permit under the provisions herein shall in no way affect the owner's responsibility to obtain the approval required by any other statute, ordinance, or regulation of any state agency or subdivision thereof, or to meet other Village ordinances and regulations. Where State and/or Federal permits are required, a special use permit will not be issued until they are obtained. (Ord. 642, 12-3-1996)

Notes

<sup>1</sup> 1. See Sections 4-13-6-4 through 4-13-6-8 of this Chapter.

<sup>2</sup> 2. See subsection 4-13-11A of this Chapter.

<sup>3</sup> 1. See subsections 4-13-3A through 4-13-3J of this Chapter.

#### **4-13-6: GENERAL PROVISIONS; AREA AFFECTED:**

This Chapter applies to development in or near streams, lakes, ponds and wetlands within the Village. Streams, lakes, and ponds (including intermittent streams) are those which are shown on the United States Department of the Interior Geological Survey (USGS) 7.5 minute quadrangle maps and those additional streams, lakes, and ponds delineated on maps adopted as part of this Chapter. Those maps are hereby made a part of this Chapter, and two (2) copies thereof shall remain on file in the office of the Village Administrator for public inspection. Within the jurisdiction of the Village, those waterbodies and watercourses that are named and are subject to the provisions of this Chapter are Wilson Creek, Prairie Creek and Jackson Creek. Wetlands are those designated in the U.S. Fish and Wildlife Service/Illinois Department of Conservation wetland inventory and those additional wetlands delineated on maps adopted as part of this Chapter.

If new drainage courses, lakes, ponds or wetlands are created as part of a development, the requirements for setbacks and uses within setbacks, and the criteria for watercourse relocation and minor modification shall apply. The District shall be amended as appropriate to include these areas. (Ord. 642, 12-3-1996)

#### **4-13-6-1: LOWLAND CONSERVANCY OVERLAY DISTRICT:**

The Lowland Conservancy Overlay District shall be considered as an overlay to the zoning districts created by the Village Zoning Ordinance as amended. In addition to the requirements of this Chapter, applicants for a special use permit within the District shall meet all requirements of the underlying zoning districts. In the event of a conflict between the overlay district requirements and the underlying zoning district requirements, the most restrictive requirements prevail. (Ord. 642, 12-3-1996)

#### **4-13-6-2: DISTRICT BOUNDARY:**

The procedures, standards and requirements contained in this Chapter shall apply to all lots within wetlands and streams, and all lots lying wholly or in part:

- A. Within the Special Flood Hazard Area (SFHA) designated by the Federal Emergency Management Agency (FEMA); or
- B. Within one hundred feet (100') of the ordinary high-water mark (OHWM) of a perennial stream or intermittent stream, the ordinary high-water mark of a lake or pond, or the edge of a wetland; or
- C. Within depressional areas serving as flood plain or storm water storage areas, as designated on the Lowland Conservancy District Map.

The District is designated on a map labeled "Lowland Conservancy Overlay District Map", which is made to be part of this Chapter and which has the same force and effect as if all the notations, references, and descriptions shown thereon were set forth or described herein. Designated areas are attached as Exhibit "B" <sup>1</sup> and additional areas may be approved from time to time and be made exhibits hereto. (Ord. 642, 12-3-1996)

Notes

- <sup>1</sup> 1. Exhibit "B" is on file in the Village Clerk's office.

#### **4-13-6-3: MINIMUM SETBACK OF DEVELOPMENT ACTIVITY:**

A. Absolutely no development activity (except as provided below) may occur within the minimum setback which is defined as one hundred feet (100') from the ordinary high-water mark of streams, lakes and ponds, or the edge of wetlands, or within a designated depressional area. In no case shall the setback be less than the boundary of the 100-year floodway as defined by FEMA. These setback requirements do not apply to a stream in a culvert unless the stream is taken out of the culvert as part of development activity. If a culvert functions as a low-flow culvert, where water is intended to periodically flow over it, the setback requirements apply.

B. The following development activities may be permitted, subject to issuance of a special use permit, within the minimum setback areas only if, as a practical matter, they cannot be located outside the setback area. Such development activities will only be approved based upon a report, prepared by a qualified professional, which demonstrates that they will not adversely affect water quality; destroy, damage or disrupt significant habitat area; adversely affect drainage and/or storm water retention capabilities; adversely affect flood conveyance and storage; lead to unstable earth conditions, create erosion hazards, or be materially detrimental to any other property in the area of the subject property or to the Village as a whole, including the loss of open space or scenic vistas:

- 1. Minor improvements such as walkways, benches, comfort stations, informational displays, directional signs, foot bridges, observation decks, and docks;
  - 2. The maintenance, repair, replacement, and reconstruction of existing highways and bridges, electrical transmission and telecommunications lines, poles, and towers; and
  - 3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges, fish and wildlife improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps.
- C. Review of the proposed development activity within the minimum setback area will consider the following:
- 1. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the development of park shelters or similar structures is allowed. The development and maintenance of roads, parking lots and other impervious surfaces necessary for permitted uses are allowed only on a very limited basis, and where no alternate location outside of the setback area is available.
  - 2. Land surface modification within the minimum setback shall be permitted for the development of storm water drainage swales between the developed area of the site (including a storm water detention facility on the site) and a stream, lake or pond, or wetland. Detention basins within the setback are generally discouraged, unless it can be shown that resultant modifications will not impair water quality, habitat, or flood storage functions.
  - 3. No filling or excavating within wetlands is permitted except to install piers for the limited development or walkways and observation decks. Walkways and observation decks should avoid high quality wetland areas, and should not adversely affect natural areas designated in the Illinois Natural Areas Inventory or the habitat of rare or endangered species.
  - 4. Wetland area occupied by the development of decks and walkways must be mitigated by an equal area of wetland habitat improvement.



5. Modification of degraded wetlands for purposes of storm water management is permitted where the quality of the wetland is improved and total wetland acreage is preserved. Where such modification is permitted, wetlands shall be protected from the effects of increased storm water runoff by measures such as detention or sedimentation basins, vegetated swales and buffer strips, and sediment and erosion control measures on adjacent developments. The direct entry of storm sewers into wetlands shall be avoided.

D. Environmental impact analysis of wetland modification may be required in accordance with Section 4-13-8 of this Chapter.

E. An applicant for a special use permit <sup>1</sup> must stabilize areas left exposed after land surface modification with vegetation normally associated with that stream or wetland. The planting of native riparian vegetation is recommended as the preferred stabilization measure. Other techniques should be used only when and where vegetation fails to control erosion. The preferred alternative is riprap, using natural rock materials where practicable, installed on eroding bank areas in a manner that provides interstitial space for vegetative growth and habitat for macroinvertebrates and other stream organisms. Linings of the stream channel bottom is not permitted.

F. The applicant shall minimize access to the applicant's proposed development activity within all or part of the Lowland Conservancy Overlay District where such access could adversely affect the stream, lake, pond, wetland, or related environmentally sensitive areas. (Ord. 642, 12-3-1996)

#### Notes

- <sup>1</sup> 1. See Section 4-13-5 of this Chapter.

#### 4-13-6-4: SITE DEVELOPMENT PLAN:

A. A site development plan must be prepared for any proposed development within, or partly within, the Lowland Conservancy Overlay District and must indicate:

1. Dimension and area of parcel, showing also the vicinity of the site in sufficient detail to enable easy location, in the field, of the site for which the special use permit is sought, and including the boundary line, underlying zoning, a legend, a scale, and a north arrow. (This requirement may be satisfied by the submission of a separate vicinity map.);

2. Location of any existing and proposed structures;
3. Location of existing or proposed on-site sewage systems or private water supply systems;
4. Location of any perennial or intermittent stream, lake or pond, and its ordinary high-water mark;
5. Location and landward limit of all wetlands;
6. Location of setback lines as defined in this Chapter;
7. Location of the 100-year floodway;
8. Location of existing or future access roads;
9. Specifications and dimensions of stream, wetland or other water areas proposed for alterations;
10. Cross sections and calculations indicating any changes in flood storage volumes; and
11. Such other information as reasonably requested by (local government name).

B. The applicant shall present evidence, prepared by a qualified professional, that demonstrates that the proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow. The developer shall also show, by submitting appropriate calculations and resource inventories, that the proposed development activity will not substantially reduce natural flood water storage capacity, destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or ground water resources, increase storm water runoff velocity so that water levels on other lands are substantially raised or the danger from flooding increased, or adversely impact any other natural stream, flood plain, or wetland functions, and is otherwise consistent with the intent of this Chapter. (Ord. 642, 12-3-1996)

#### 4-13-6-5: GEOLOGIC AND SOIL CHARACTERISTICS; REPORT:

The site proposed for development shall be investigated to determine the soil and geologic characteristics, including soil erosion potential. A report, prepared by a licensed professional engineer, geoscientist, or soil scientist experienced in the practice of geologic and soil mechanics, shall be submitted with every application for land development within the Lowland Conservancy Overlay District. This report shall include a description of soil type and stability of surface and subsurface conditions. Any area which the investigation indicates as being subject to geologic or soil hazards shall not be subjected to development, unless the engineer or soil scientist can demonstrate conclusively that these hazards can be overcome. (Ord. 642, 12-3-1996)

#### 4-13-6-6: HYDROLOGIC CONTROLS; DRAINAGE CONTROL PLAN:

A drainage control plan that describes the hydraulic characteristics of on-site and nearby watercourses as well as the proposed drainage plan, prepared by a registered professional engineer experienced in hydrology and hydraulics, shall be submitted with each application for land development within the Lowland Conservancy Overlay District. Unless otherwise noted, the following restrictions, requirements and standards shall apply to all development within the Lowland Conservancy Overlay District:

A. Natural open channel drainageways shall be preserved; and

B. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, streets, patios, etc.) shall be collected and transported to a drainageway (preferably a natural drainageway) with sufficient capacity to accept the discharge without undue



erosion or detrimental impact. Vegetated drainage swales, are preferred over conveyances constructed of concrete or other manufactured materials.

The drainage control plan shall identify appropriate measures, such as recharge basins and detention/retention basins, which will limit the quantitative and qualitative effects of storm water runoff to predevelopment conditions. (Ord. 642, 12-3-1996)

#### **4-13-6-7: SITE GRADING AND EXCAVATION PLAN:**

This Section applies to the extent that grading and excavation and erosion control plans, which satisfy the following requirements, are not already required by a jurisdiction.

A. A site grading and excavation plan, prepared by a registered professional engineer, trained and experienced in civil engineering, shall be submitted with each application for a special use permit and shall include the following:

1. Details of the existing terrain and drainage pattern with one foot (1') contours;
2. Proposed site contours at one foot (1') intervals;
3. Dimensions, elevation and contours of grading, excavation and fill;
4. A description of methods to be employed in disposing of soil and other material that is removed from allowable grading and excavation sites, including location of the disposal site if on the property;
5. A schedule showing when each stage of the project will be completed, including the total area of soil surface to be disturbed during each stage, and estimated starting and completion dates. The schedule shall be prepared so as to limit, to the shortest possible period, the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than fifteen (15) days prior to initiation of the improvements; and
6. A detailed description of the revegetation and stabilization methods to be employed, to be prepared in conjunction with the landscape plan per Section 4-13-6-8 of this Chapter. This description should include locations of erosion control measures such as sedimentation basins, straw bales, diversion swales, etc.

The grading and excavation plan must be consistent with all the provisions of this Chapter.

B. Unless otherwise provided in this Chapter, the following restrictions, requirements and standards shall apply to all development within the District:

1. Every effort shall be made to develop the site in such a manner so as to minimize the alteration of the natural topography;
2. No grading, filling, cleaning, clearing, terracing or excavation of any kind shall be initiated until final engineering plans are approved and the special use permit is granted by the Village; and
3. The depositing of any excavation, grading or clearing material within a stream, lake, pond or wetland area (i.e., within the District) shall be prohibited.

In addition to locating all site improvements on the subject property to minimize adverse impacts on the stream, lake, pond, or wetland, the applicant shall install a berm, curb, or other physical barrier during construction, and following completion of the project, where necessary, to prevent direct runoff and erosion from any modified land surface into a stream, lake, pond, or wetland. All parking and vehicle circulation areas should be located as far as possible from a stream, lake, pond, or wetland.

C. The Village may limit development activity in or near a stream, lake, pond, or wetland to specific months, and to a maximum number of continuous days or hours, in order to minimize adverse impacts. Also, the Village may require that equipment be operated from only one side of a stream, lake, or pond in order to minimize bank disruption. Other development techniques, conditions, and restrictions may be required in order to minimize adverse impacts on streams, lakes, ponds or wetlands, and on any related areas not subject to development activity. (Ord. 642, 12-3-1996)

#### **4-13-6-8: NATURAL VEGETATION STRIP REQUIRED; LANDSCAPE PLAN:**

A. To minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas, a natural vegetation strip shall be maintained along with edge of the stream, lake, pond, or wetland. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high-water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland.

Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond, or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

B. A landscape plan, prepared by a professional landscape architect, shall be submitted with each special use permit application for development activity within the Lowland Conservancy Overlay District and contain the following:

1. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction; and
2. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used.

The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented. (Ord. 642, 12-3-1996)

#### **4-13-7: WATERCOURSE RELOCATION AND MINOR MODIFICATIONS:**

A. Relocations And Modifications Through Special Use Permit: Watercourse relocation or modification is generally not permitted

because these activities are not usually consistent with the purposes of this Chapter. Under certain circumstances, relocation and minor modification may be permitted through a special use permit where certain problems can be mitigated by relocation and/or minor modification, specifically when:

1. Off-site hydrologic conditions are causing erosion, flooding and related problems; or
2. On-site soil and geologic conditions are resulting in unstable conditions that pose hazards to life, health, and existing structures or property; or
3. The quality of previously modified or relocated streams can be improved through restoration; or
4. Officially adopted storm water management plans call for placement of detention or retention facilities in a stream; or
5. Public utilities, including sanitary sewers, pipelines, and roadways require stream crossing or relocation where there are not practical alternatives.

Modification of watercourses as a convenience for site design purposes is not permitted.

B. Conditions And Restrictions For Permitting Stream Modification: Stream modification, when permitted, is subject to the following conditions and restrictions:

1. Water quality, habitat and other natural functions must be significantly improved by the modification; no significant habitat area may be destroyed;
2. The amount of flow and velocity of a stream is not to be increased or decreased as the stream enters or leaves a subject property, unless this reflects an improvement over previous conditions in terms of reduced flooding, reduced erosion, or enhanced low-flow conditions;
3. Prior to diverting water into a new channel, a qualified professional approved by the Village shall inspect the stream modification, and issue a written report to the Village that the modified stream complies with the requirements in subsection C of this Section; and
4. Stream channel enlargement, or other modifications that would increase conveyance, shall not be permitted if the intended purpose is to accommodate development activities in the flood plain.

C. Required Content: Stream relocation may be permitted in accordance with a stream relocation plan which provides for:

1. The creation of a natural meander pattern, pools, riffles, and substrate;
2. The formation of gentle side slopes (at least 3 feet horizontally per 1 foot vertically), including installation of erosion control features;
3. The utilization of natural materials wherever possible;
4. The planting of vegetation normally associated with streams, including primarily native riparian vegetation;
5. The creation of spawning and nesting areas wherever appropriate;
6. The reestablishment of the fish population wherever appropriate;
7. The restoration of water flow characteristics compatible with fish habitat areas, wherever appropriate;
8. The filling and revegetation of the prior channel;
9. A proposed phasing plan, specifying time of year for all project phases;
10. Plans for sediment and erosion control; and
11. Establishment of a low-flow channel which reflects the conditions of a natural stream.

D. Criteria For Permitting Armoring Of Channels And Banks: Armoring in the form of bulkheads, riprap or other materials or devices is not permitted except in accordance with the following:

1. Significant erosion cannot be prevented in any other way and the use of vegetation and gradual bank slopes has not sufficiently stabilized the shoreline or bank;
2. The bulkhead or other device is not placed within a wetland, or between a wetland and a lake or pond;
3. The bulkhead, riprap or other device will minimize the transmittal of wave energy or currents to other properties; and
4. The change in the horizontal or vertical configuration of the land must be kept to a minimum.

Where permission to install bulkheads or other armoring devices is requested as part of the special use permit application, documentation and certification pertaining to the items above must be submitted.

E. Criteria For The Use Of Culverts: Culverts are not permitted in streams except in accordance with the following:

1. Where a culvert is necessary for creating access to a property; use of culverts as a convenience, in order to facilitate general site design, is not to be considered;
2. The culvert must allow passage of fish inhabiting the stream, and accommodate the 100-year flood event without increasing upstream flooding, except where a restricting culvert is desirable as part of an overall storm and flood water management plan;

3. The culvert must be maintained free of debris and sediment to allow free passage of water, and if applicable, fish; and
  4. The stream bottom should not be significantly widened for the placement of a culvert as this increases siltation; if multiple culverts must be installed, one culvert should be at the level of the bottom of the stream and the others at or above normal water elevation.
- F. Criteria For On-Stream Impoundments: Impoundment of streams is not permitted except in accordance with the following:
1. The impoundment is determined to be in the public interest by providing regional storm water detention, flood control, or public recreation;
  2. The impoundment will not prevent the upstream migration of indigenous fish species;
  3. A nonpoint source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants;
  4. Impoundments without permanent low-flow pools are preferred except where a permanent pool is necessary to achieve the intended benefits of the impoundment (e.g., recreation or water quality mitigation); and
  5. Impoundment design shall include gradual bank slopes, appropriate bank stabilization measures, and a presedimentation basin. (Ord. 642, 12-3-1996)

**4-13-8: IMPACT ASSESSMENT:**

The Village may ask an applicant to submit a report prepared by a qualified professional, and approved by the Village, in order to assess the potential impact of proposed development on a lake, stream or wetland and associated environmentally sensitive areas, including loss of flood storage potential, loss of habitat, changes in species diversity and quantity, impacts on water quality, increases in human intrusion, and impacts on associated streams, lakes, ponds, wetlands or downstream areas. (Ord. 642, 12-3-1996)

**4-13-9: STREAM MAINTENANCE EASEMENT:**

The applicant shall grant an access easement for stream maintenance purposes to the Village over twenty five feet (25') parallel to the stream bank. (Ord. 642, 12-3-1996)

**4-13-10: NONCONFORMING USES:**

Nonconforming uses shall conform to the requirements of Chapter 8 of this Title. (Ord. 642, 12-3-1996)

**4-13-11: BOARD OF APPEALS:**

- A. The Board of Appeals shall conform to the requirements of Section 4-12-1-2 of this Title.
- B. Variances shall conform to the requirements of Section 4-12-3 of this Title.
- C. Appeals shall conform to the requirements of Section 4-12-4 of this Title. (Ord. 642, 12-3-1996)

**4-13-12: BONDS:**

The Village may require the posting of a bond or surety to ensure compliance with any aspect of this Chapter. (Ord. 642, 12-3-1996)

**4-13-13: LIABILITY:**

Prior to issuance of a construction permit, the applicant shall enter into an agreement with the Village which runs with the property, in a form acceptable to the Village for any damage resulting from development activity on the subject property which is related to the physical condition of the stream or wetland. (Ord. 642, 12-3-1996)

**4-13-14: SEPARABILITY:**

Every section, provision, or part of this Chapter is declared separable from every other section, provision, or part; and if any section, provision, or part thereof shall be held invalid, it shall not affect any other section, provision, or part. (Ord. 642, 12-3-1996)

**4-13-15: RETROACTIVITY:**

The requirements of this Chapter apply to all platted and unplatted lands within the jurisdiction of Village. (Ord. 642, 12-3-1996)

**4-13-16: ENFORCEMENT:**

Authority for administration of this Chapter resides with the Zoning Administrator. Appeals regarding decisions of the Zoning Administrator in granting special permits shall be made according to the provisions of subsection 4-13-11C of this Chapter.

A. Stop-Work Order; Revocation Of Permit: In the event any person holding a special use permit pursuant to this Chapter violates the terms of the permit, or carries on-site development in such a manner so as to materially and adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site, or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Village may suspend or revoke the special use permit.

1. Suspension of a permit shall be by a written stop-work order issued by the Village and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Board of Appeals, at which the conditions of subsection A2 of this Section can be met.

2. No special use permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- a. The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- b. The time when and place where such hearing will be held. Such notice shall be served on the permittee at least five (5)

days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his/her behalf. At the conclusion of the hearing the Board of Appeals shall determine whether the permit shall be suspended or revoked. (Ord. 642, 12-3-1996)

#### **4-13-17: VIOLATIONS AND PENALTIES:**

No person shall undertake or continue any development activity contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person shall be punished by a fine as established in section 1-4-1 of this code for each offense. In addition to any other penalty authorized by this section, any person convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. (Ord. 642, 12-3-1996; amd. Ord. 1061, 4-20-2010)

## **CHAPTER 14**

### **SEXUALLY ORIENTED BUSINESSES**

#### **SECTION:**

##### **4-14-1: Definitions**

##### **4-14-2: Liquor License**

##### **4-14-3: Location Of Sexually Oriented Businesses**

##### **4-14-4: Exterior Display**

##### **4-14-1: DEFINITIONS:**

For the purpose of this Chapter, the words and phrases used herein shall have the following meanings, unless clearly indicated by the context:

**ADULT BOOKSTORE:** An establishment having as more than twenty five percent (25%) of its stock and trade in books, films, videocassettes (whether for viewing off-premises or on- premises), toys, devices, mechanisms, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

**ADULT CABARET:** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

**ADULT ENTERTAINMENT:** Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performing of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

**ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or less persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for the observation by patrons therein.

**PERSON:** Any individual, partnership, corporation, association, proprietorship, or other legal entity.

**RELIGIOUS INSTITUTION:** A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

**SEXUALLY ORIENTED BUSINESS:** Any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. A sexually oriented business further includes, without being limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

**SPECIFIED ANATOMICAL AREAS:** A. Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttocks;
3. Female breasts below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- SPECIFIED SEXUAL ACTIVITIES: A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts. (Ord. 702, 8-3-1999)

#### **4-14-2: LIQUOR LICENSE:**

No liquor license shall be issued and no liquor shall be sold or consumed on the premises of any sexually oriented businesses. (Ord. 702, 8-3-1999)

#### **4-14-3: LOCATION OF SEXUALLY ORIENTED BUSINESSES:**

Sexually oriented businesses are permitted in the I-2 Light Industrial and I-3 Heavy Industrial Zoning Districts, provided that no person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of the property boundary of a preexisting:

- A. Public or private elementary or secondary school; or
- B. Licensed daycare center; or
- C. Cemetery; or
- D. Public park; or
- E. Public housing; or
- F. Municipal and other public buildings; or
- G. Place of religious worship; or
- H. Residential zoning district; or
- I. Sexually oriented business.

For the purpose of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the specified use. (Ord. 702, 8-3-1999)

#### **4-14-4: EXTERIOR DISPLAY:**

No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, side window or other opening. (Ord. 702, 8-3-1999)

## **CHAPTER 15**

### **PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES REGULATIONS**

SECTION:

#### **4-15-1: Purpose**

#### **4-15-2: Definitions**

#### **4-15-3: Locations**

#### **4-15-4: Permits And Fees Required**

#### **4-15-5: Design And Construction**

#### **4-15-6: Application**

#### **4-15-7: Collocation**

#### **4-15-8: Signs**

#### **4-15-9: Compliance**

#### **4-15-10: Abandoned Or Unused Facilities**

#### **4-15-11: Grandfather Provisions**

#### **4-15-1: PURPOSE:**

The purpose of this Chapter is to provide specific regulations for the placement, construction and modification of personal wireless telecommunications facilities. (Ord. 709, 10-5-1999)

#### **4-15-2: DEFINITIONS:**

For the purpose of this Chapter, the following words shall have the meanings as ascribed to them in this Section:

**ANTENNA:** The surface from which wireless radio signals are sent and received by a personal wireless service facility. Antenna should not be used as a synonym for cell site.

**CARRIER:** A company that provides wireless services.

**COLLOCATION:** The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or antenna by more than one carrier.

**CORPORATE AUTHORITIES:** The Village President and Board of Trustees of the Village of Manhattan.

**LICENSED CARRIER:** A company authorized by the Federal Communications Commission (FCC) to construct and operate a commercial mobile radio services system.

**MOUNT:** The structure or surface upon which antennas are mounted. There are four (4) types of mounts: a) roof mount – mounted on the roof of a building; b) side mount – mounted on the side of a building; c) ground mount – mounted on the ground (freestanding); d) structure mount – mounted on a structure other than a building.

**PERSONAL WIRELESS SERVICE FACILITY:** A facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as may have been or may be amended. A personal wireless service facility is the appropriate term for cell site in ordinances and other official documents.

**PERSONAL WIRELESS SERVICES:** The commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services.

**TELECOMMUNICATIONS:** Any transmission, emission, or reception of signs, signals, writing, images, and sounds or information of any nature by wire, radio, visual, or the electromagnetic system. (Ord. 709, 10-5-1999)

#### **4-15-3: LOCATIONS:**

##### **A. Permitted Locations:**

1. Subject to site plan approval, personal wireless service facilities shall be permitted in all zoning districts only if located on Village-owned property pursuant to an executed agreement with the corporate authorities and further provided that such facilities are so designed as to allow and encourage collocation by other users.

2. Subject to site plan approval, personal wireless service facilities shall be a permitted use within the I-2 or I-3 Zoning Districts. Antennas mounted in connection with buildings or other structures shall not extend to a height greater than twenty feet (20') higher than the height of the building to which the personal wireless service facility is attached.

3. Subject to site plan approval, personal wireless service facilities shall be a permitted use if installed upon existing churches if camouflaged as steeples or bell towers.

##### **B. Special Uses:**

1. Subject to site plan approval, personal wireless service facilities shall be permitted as a special use, if the personal wireless service facility complies with the standards for a special use established in Section 4-12-5 of the zoning code, in the C-1, C-2, C-3, CBD and I-1 Zoning Districts, if the personal wireless service facility complies with the standards for a special use established in Section 4-12-5 of the zoning code and the provisions of this Chapter. Antennas mounted in connection with buildings or other structures shall not extend to a height greater than ten percent (10%) or twenty feet (20'), whichever is less, of the building to which the personal wireless service facility is attached.

2. In considering a request for approval of a special use or variation to permit the installation of a personal wireless service facility or facilities as described in this Chapter, the Zoning Board of Appeals, or the Board of Trustees, as the case may be, shall, in addition to the standards for review set forth herein, also give due consideration and weight to whether the plans submitted will provide for collocation of other personal wireless service equipment on the same structure, so as to minimize the proliferation of antenna-supporting structures. (Ord. 709, 10-5-1999)

#### **4-15-4: PERMITS AND FEES REQUIRED:**

Prior to the erection or mounting of a personal wireless service facility or facilities, the owner shall obtain a permit. A permit shall not be granted until such time as the Building Commissioner or his designee has verified the personal wireless service facility has complied with all building codes and all local, State and Federal regulations and the provisions of this Chapter as provided for herein, has an approved site plan and paid the required permit fees. Permit fees for each personal wireless service facility shall be sufficient to cover all of the Village's costs for plan review and inspections plus ten percent (10%). Permit fees shall be calculated by the Building Commissioner or his designee and shall be final. (Ord. 709, 10-5-1999)

#### **4-15-5: DESIGN AND CONSTRUCTION:**

##### **A. Mount:**

1. Personal wireless service facilities may be ground-mounted (freestanding), roof-mounted, side-mounted, or structure-mounted. Water towers are to be considered roof-mounted and antennas shall not extend more than twenty feet (20') in height when mounted to a water tower.

2. Roof-, side- and structure-mounted facilities shall match or blend with the building to which they are attached and shall not be visible to the casual observer.

##### **B. Construction Requirements:**

1. Personal wireless service facilities shall be designed in accordance with the building code of the Village, as may be amended from time to time, and all State and Federal regulations. Notwithstanding the foregoing, antenna towers shall be constructed with at least one release point so as to bend and fold over on themselves.

2. Personal wireless service facilities shall be fully automated.

3. All utility buildings and structures constituting or accessory to a personal wireless service facility shall be architecturally designed to blend in with the surrounding environment and be compatible with neighboring buildings, and shall be subject to the approval of the Building Commissioner or his designee, said approval shall not be unreasonably withheld. Support structures and antennas shall have a noncontrasting blue, gray or similar color that minimizes their visibility and is compatible with the surrounding landscape.

4. Guyed or lattice towers shall be prohibited.

5. The maximum height for a single antenna tower shall be one hundred twenty five feet (125').

C. Location Requirements:

1. All utility buildings and structures constituting or accessory to a personal wireless service facility must meet the minimum setback requirements of the underlying zoning district and be a minimum of five hundred feet (500') from any residential district.

2. Antenna towers must be separated by a minimum of two thousand (2,000) lineal feet.

D. Screening:

1. A combination of landscaping, berming, fencing or other screening materials shall be utilized to maintain or enhance the existing character of the surrounding area, and shall be subject to the approval of the Building Commissioner or his designee, said approval shall not be unreasonably withheld. Ground-mounted personal wireless service facilities shall have a one hundred percent (100%) complete screening when visible from residential and public rights of way. (Ord. 709, 10-5-1999)

**4-15-6: APPLICATION:**

An application for a permit to construct or locate a personal wireless service facility shall include the following information:

A. A report from a qualified and licensed professional engineer which:

1. Describes the tower height and design, including a cross section and elevation;
2. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
3. Describes the tower's capacity, including the number and types of antennas that it can accommodate;
4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
5. Includes site and landscape screening plans drawn to scale;
6. Demonstrates the tower's compliance with Federal structural and electrical standards;
7. Includes an engineer's stamp and registration number; and
8. Includes any other information required by the Village to evaluate the request.

B. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration.

C. Proof of ownership of the proposed site or authorization to utilize it. If leased, a copy of the lease, which shall specify maintenance responsibilities. Collocation leases shall renew or expire on the same date so a facility or tower may be dismantled and removed in accordance with the provisions herein.

D. A letter of intent committing the tower owner and successors to allow the shared use of the same if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

E. Ambient, predictive, and cumulative measurements of radio frequency radiation emissions for the site, in order to establish a preoperational baseline for future analysis.

F. A copy of the intermodulation interference report submitted to the FCC.

G. A map to scale showing the lot lines, land uses, and tree coverage, including average tree height, for all properties within three hundred feet (300') of the proposed site.

H. A map showing the existing personal wireless service facilities within the Village and one and one-half ( $1\frac{1}{2}$ ) miles outside the Village limits.

Following receipt of the application, the Building Commissioner or his designee shall determine whether the application meets the standards set forth in this Chapter or a special use permit is required. In the course of reviewing any request for an approval required under this Chapter made by the applicant to provide personal wireless service or to install personal wireless service facilities, the Building Commissioner, Zoning Board of Appeals or the Board of Trustees, as the case may be, shall act within a reasonable period of time after the request is duly filed with the Village, taking into account the nature and scope of the request, and any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. Should the application of this Chapter have the effect of prohibiting a person or entity from providing personal wireless service to all or a portion of the Village, such provider may petition the Board of Trustees for an amendment to this Chapter, in the manner provided in Section 4-12-6 of the zoning code. The Board of Trustees, upon receipt of such a petition, shall promptly undertake review of the petition and shall make a determination on the petition within a reasonable period of time, following the holding of any public hearings as may be required, taking into account the nature and scope of the petition, and any reason to deny such a petition shall be in writing and supported by evidence contained in the written record. (Ord. 709, 10-5-1999)

**4-15-7: COLLOCATION:**

The Village strongly encourages collocation of personal wireless service facilities in order to minimize the proliferation of antenna-supporting structures. The Village may grant access to Municipal property (water tower, rights of way, etc.) and/or lower permit fees to applicants locating as a second or more user on a single tower or other location. In order to be eligible for a separate personal wireless service facility, the applicant shall:

- A. Supply documentation showing the proposed antenna cannot be accommodated on an existing or permitted tower or building within a quarter mile of the proposed tower due to one or more of the following reasons:
1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost;
  2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building, as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost;
  3. Existing or approved towers and buildings within a quarter mile cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer; or
  4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

B. Any proposed commercial wireless telecommunication service facility shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antenna(s) and compatible antenna(s) for at least two (2) additional antennas if the tower is over eighty feet (80') in height or for at least three (3) additional antennas if the tower is over one hundred feet (100') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. (Ord. 709, 10-5-1999)

**4-15-8: SIGNS:**

The use of any portion of a personal wireless service facility tower for signs other than warning or equipment information is prohibited. Signs used for warnings or equipment information shall be no larger than as are required by FCC regulations. (Ord. 709, 10-5-1999)

**4-15-9: COMPLIANCE:**

All personal wireless service facilities must maintain compliance with the approved plans and specifications. If the personal wireless service facility becomes noncompliant with the approved plans and specifications due to, but not limited to: discoloration, cracking, missing components, rusting, settling, damage or general disrepair, or failure to maintain the required landscaping, berming and/or screening; then the owners of the personal wireless service facility and the owner of the building or lot on which the personal wireless service facility is located will be jointly and severally responsible for remedying the specific nonconformities. These nonconformities must be remedied within forty five (45) days after written notice, detailing these nonconformities, is sent by the Village to the owner of the personal wireless service facility and the owner of the building or lot. Failure to remedy all of the cited nonconformities, within the forty five (45) day time period, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) per day that the violation continues. (Ord. 709, 10-5-1999)

**4-15-10: ABANDONED OR UNUSED FACILITIES:**

Abandoned or unused facilities, towers, or portions of towers shall be removed as follows:

- A. Facilities which cease operations shall notify the FCC and Village within ten (10) days of ceasing operations. Such facilities shall be removed within three (3) months of notifying the FCC and Village of intent to cease operations at the site unless a time extension is approved by the corporate authorities. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within three (3) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.
- B. Unused portions of towers above a manufactured connection shall be removed within two (2) months of the time of antenna relocation. The replacement of portions of a tower previously removed shall require the issuance of a new permit following review and approval by the Village in accordance with the provisions herein. (Ord. 709, 10-5-1999)

**4-15-11: GRANDFATHER PROVISIONS:**

Existing personal wireless service facilities located within the corporate limits of the Village at the time of the adoption of this Chapter, which currently are the properties located at 100 Park Road and 100 Elwood/Brown Road, shall be exempt from the provisions of this Chapter until such time they cease operations in accordance with the provisions herein or the existing personal wireless service facility is modified to conform with the provisions of this Chapter. (Ord. 709, 10-5-1999)

## CHAPTER 16

### SITE PLAN REVIEW

SECTION:

**4-16-1: Purpose And Intent**

**4-16-2: Applicability**

**4-16-3: Classification Of Projects**



#### **4-16-4: Application And Review Procedures**

#### **4-16-5: Approval Criteria And Standards**

#### **4-16-6: Amendments To Approved Plans**

#### **4-16-7: Fees**

#### **4-16-1: PURPOSE AND INTENT:**

The intent of this chapter is to establish procedures and standards for the review and approval of site plans to ensure full compliance with all local, state and federal ordinances and regulations and to ensure that a proposed land use or activity is compatible with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and will protect the public health, safety and welfare. (Ord. 918, 9-5-2006)

#### **4-16-2: APPLICABILITY:**

A. This chapter shall apply to the following:

1. The construction of any new, nonresidential building or structure;
2. The expansion of any nonresidential building or structure;
3. The conversion, in whole or in part, of an existing building from residential to nonresidential use;
4. The construction of any new residential structure containing three (3) or more dwelling units;
5. The modification or expansion of an existing residential structure which results in an increase in the number of dwelling units in the structure to three (3) or more;
6. Any development in any district for which a special use permit is required;
7. The construction or expansion of paved areas, including access drives and parking lots, involving an area of more than one thousand (1,000) square feet; or
8. The establishment of a new nonresidential use even if no buildings or structures are proposed.

B. This chapter does not apply to the construction or modification of single-family detached homes, two-family homes, agricultural buildings or structures, or existing buildings or premises legally established prior to the adoption of this chapter unless one or more of the factors described in subsection A of this section is present.

C. No land, building, or structure shall be erected or used and no building permit or sign permit shall be issued for a development within the scope of this chapter unless and until a site plan has been approved in accordance with this chapter. No land, building or structure shall be occupied or used and no certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and all improvements completed in accordance with an approved site plan. (Ord. 918, 9-5-2006)

#### **4-16-3: CLASSIFICATION OF PROJECTS:**

Any development or construction which is subject to the scope of this chapter under subsection 4-16-2A of this chapter shall be classified as either a minor or major site plan. The determination of this classification shall be made by the zoning officer or village administrator according to the following criteria:

A. Minor Site Plan Review: A project requiring minor site plan review shall be any of the following:

1. An expansion of any nonresidential building or structure not exceeding one thousand (1,000) square feet or ten percent (10%) of the existing floor area, whichever is less.
2. A change in use of an existing building that does not comply with current site design standards such as, but not limited to, landscaping, lighting, parking, signs or drainage.
3. The construction or expansion of paved areas, including access drives and parking lots, involving an area of more than one thousand (1,000) square feet but not more than five thousand (5,000) square feet.

B. Major Site Plan Review: A project requiring major site plan review shall be any project which is not classified as a minor site plan review. (Ord. 918, 9-5-2006)

#### **4-16-4: APPLICATION AND REVIEW PROCEDURES:**

A. Application: Application for site plan approval may be made separate from or in conjunction with an application for land subdivision. The village board may approve a site plan prior to the platting, division, or consolidation of land conditioned upon such platting, division or consolidation. Site plans for which the proposed use requires a zoning map amendment shall only be acted upon by the village after a map amendment has been approved according to the procedures set forth in the zoning ordinance.

B. Preapplication Conference: Prior to submitting a site plan application, the applicants or agent must schedule a preapplication conference with the village staff. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements and to familiarize the village staff with the nature of the project. No decisions relative to the acceptability of the plan may be made at this meeting. At this time the determination will be made, based on the presented information, as to whether the project shall be considered a minor or major site plan. The applicant should bring to this meeting any working drawings, plans, sketches, surveys, reports or other such information that will aid the village staff in assessing the project.

C. Site Plan Review Committee (SPRC): In conjunction with the formal application process in subsection E of this section, the applicant must attend a meeting of the site plan review committee (SPRC). This committee will consist of a licensed architect, the village planner, a village board member, and a village planning and zoning commission member. The SPRC meets on an "as

needed" basis.

1. The applicant will contact the village planner, to schedule a meeting with the SPRC two (2) weeks prior to the requested meeting date. The applicant shall also provide to the village four (4) copies of a three-dimensional color rendering of the proposed building or structure two (2) weeks prior to the initial SPRC meeting. This drawing shall depict all four (4) sides of the proposed building or structure, including proposed screening of mechanical equipment and dumpsters. Samples of building materials are strongly encouraged to be submitted at this time as well.

2. The applicant and applicant's architect will then present the building elevations of the proposed project to the SPRC for review and comment. The SPRC may advise the applicant of any suggested changes or additions to the proposed elevations at this time.

3. The applicant shall reappear before the SPRC with any suggested changes in response to the initial meeting. At this time, the SPRC may submit a recommendation to the village board and planning and zoning commission on the proposed elevations. If the SPRC submits a negative recommendation, the project must receive a two-thirds ( $\frac{2}{3}$ ) majority vote from the village board for approval. The applicant may request to appear before the SPRC as many times as needed to receive a favorable recommendation. Village staff will submit copies of the proposed layout and elevations to the village board and planning and zoning commission simultaneously once the SPRC has made a recommendation.

D. Planning And Zoning Commission And Village Board Workshop Session: After receiving a recommendation from the SPRC, the village will schedule a workshop session with the planning and zoning commission and the village board (in no particular order) for review of the proposed building elevations and conceptual site layout. Fifteen (15) copies of the conceptual site layout and color rendering of the building shall be provided to village staff one week prior to each scheduled meeting.

E. Application Procedure:

1. Minor Site Plan: The applicant shall submit a formal application for review and approval of a site plan to the village. The application shall consist of the following:

The applicant shall submit all information requested by the village staff that is deemed necessary to review the minor site plan:

- a. A fully executed and signed copy of the application for site plan review and application fee;
- b. A fully executed professional fee agreement and deposit;
- c. All information requested by the village staff that is deemed necessary to review the minor site plan including drawings, sketches, and calculations.

2. Major Site Plan: In conjunction with appearing before the site plan review committee, the applicant shall submit a formal application for review and approval of a site plan to the village. The application shall consist of the following:

- a. A fully executed and signed copy of the application for site plan review and application fee.
- b. Five (5) copies of the site plan and supporting documents as described in subsection F2 of this section.
- c. A fully executed professional fee agreement and deposit.
- d. Upon receipt of the application the village planner shall review the completeness of the application and upon determination that the application is complete, forward a copy of the application to the village administrator, village engineer, public works department, and any other department or agency deemed necessary. If the application is incomplete, the village planner shall notify the applicant in writing of this determination and specify what materials or information are required to complete the application. No action will be taken on the application until the application has been determined to be complete.

F. Submission Requirements: The site plan application shall include at a minimum the following:

1. Minor Site Plan: As determined and requested by village staff.
2. Major Site Plan: A drawing or drawings prepared at a scale of not less than one inch to one hundred feet (1" = 100') which shall include:
  - a. General Information:
    - (1) Name, address and phone number of the developer.
    - (2) Name, address and phone number of the record owner if different from developer.
    - (3) Name, address and phone number of the architect, engineer, landscape architect, land planner, surveyor or consulting firm responsible for preparing the plan(s).
    - (4) Seal and registration of any architect, engineer, landscape architect or similar professional involved in the preparation of the plan(s).
    - (5) Date of plan preparation/revision.
    - (6) North arrow and scale.
    - (7) Legal description of the property.
    - (8) If applicable, a site data table indicating the gross acreage, net acreage, site coverage percentage, building area(s), floor to area ratio.

b. Existing Conditions:

- (1) Zoning and use of the property.
- (2) Zoning and use of all adjacent properties.
- (3) The bearings and distance of all property lines and the source of this information.
- (4) Existing topography of the site shown at two foot (2') intervals and extending a minimum of twenty five feet (25') beyond the property lines of the site.
- (5) Building setback lines.
- (6) Location and extent of any water bodies, wetlands, streams and floodplains on or adjacent to the site.
- (7) Location and size of existing trees.
- (8) Location of other notable natural features.
- (9) Location and dimension of any existing easements.
- (10) Copies of any applicable covenants or deed restrictions.
- (11) Location, size, and ground floor elevation of all existing buildings on the site.
- (12) The location and dimension of any other structures or improvements on the site.
- (13) Location, names, and widths of existing streets and rights of way within or adjacent to the site.
- (14) Location and size of any existing storm sewer, water main, sanitary sewer, culverts, drains, field tiles, on site disposal systems, wells, power or telephone poles, electrical lines, telephone lines, and gas lines on the subject site or of any such entities off site that will serve the subject site.
- (15) The location, front view and dimension of existing signs.

c. Proposed Development:

- (1) Proposed use and zoning.
- (2) A grading plan showing the proposed changes in the topography of the site at two foot (2') intervals with spot grades provided at significant points.
- (3) The location and dimensions of all provisions for water supply and sanitary sewer.
- (4) A storm water detention/retention plan including storm water runoff and detention calculation. The methods for computing such requirements shall be those specified in the village's subdivision ordinance.
- (5) The location, elevation, and size of all catch basins, ditches, swales, retention basins and storm sewers.
- (6) An erosion control plan, the requirements for which shall be consistent with the village's subdivision ordinance.
- (7) The location, dimensions, and foundation/floor elevations of all proposed buildings or expansions on the site.
- (8) The location and dimensions of proposed driveways, parking areas, loading areas, and sidewalks.
- (9) The location, dimensions, front view and materials of proposed signs.
- (10) The location and type of exterior lighting, including a point by point photometric plan if required by the village.
- (11) The location and nature of electrical, telephone, gas, cable or other utility services to be installed at the site.
- (12) Building plans showing at a minimum the floor plans and elevations of all proposed principal and accessory buildings and a schedule of the type and color of exterior surface materials. A three-dimensional color rendering of the proposed building or structure must be provided.
- (13) Landscape plans including a schedule of all plantings by type and size as well as any berming, fencing, screening, or other hardscape features proposed.

d. Other: Supporting reports, documents, exhibits, etc.

G. Review Procedures:

1. Minor Site Plan:

- a. The village staff shall review the information requested and either approve the minor site plan or prepare a report to the applicant indicating any deficiencies in the site plan in meeting all applicable requirements of this code. The applicant shall modify the site plan to correct any deficiencies or apply for formal relief or variance for the deficiency if such application is available.
- b. Upon completion of revisions to the minor site plan that correct the deficiencies identified by the village staff, the minor site plan shall be placed on the next available board of trustees agenda for consideration. The village board will approve or deny the site plan application based on the approval criteria and standards. The village board may impose conditions upon the site plan provided they relate to the approval criteria and standards and are necessary to meet the intent of this chapter. If any formal relief or variance is sought by the applicant it shall follow the adopted procedures for such relief or variance.

## 2. Major Site Plan:

- a. **Written Review:** Within twenty (20) days of the application being determined to be complete, the village planner, village engineer, code enforcement officer, public works department, and any other notified department shall provide the village administrator or zoning officer a written review of the application. These reviews shall evaluate the application's conformance with the approval criteria and standards of this chapter and identify any areas in which there are deficiencies in meeting the criteria and standards.
- b. **Staff Report:** The village planner shall prepare a report to the applicant indicating or enclosing the review comments and the applicant's conformance with the review criteria. This report shall be provided to the applicant within thirty five (35) days of the application being determined to be complete. If the staff report does not identify any issues or deficiencies with the plans, an agenda date will be assigned for the application to be reviewed by the village plan commission. If, however, the staff report identifies concerns or deficiencies, a staff workshop shall be scheduled prior to scheduling a plan commission agenda date.
- c. **Staff Workshop:** If the staff report identifies any concerns, issues, or deficiencies with the site plan or any areas in which the staff does not believe that the approval criteria are met, the village planner shall schedule a staff workshop with the applicant. This workshop is intended to provide the applicant with guidance on how the application could be modified to comply with the review criteria and standards or address concerns raised in the review process. The staff shall work with the applicant to resolve all issues.
- d. **Pending Application Intentions:** Within ten (10) days of the staff workshop, the applicant shall advise the village planner of his/her intention with regard to the pending application. If the applicant desires to proceed without revisions to the application, the village planner shall schedule a plan commission agenda date for the application. If after the staff workshop the applicant chooses to revise the site plan and/or submit additional materials, fifteen (15) copies of these materials shall be submitted.
- e. **Review Of Revised Plan:** Within five (5) days of receiving the revised plans/materials, the village planner shall distribute copies to the village departments for review. Each department shall provide a revised written review to the village planner within ten (10) days of receiving the revised plans/materials. Within ten (10) days of receipt of the revised reports, the village planner shall provide the applicant with a revised staff report indicating that all issues or deficiencies previously identified have been addressed or indicating any remaining concerns or deficiencies in the plans.
- f. **Notice Of Intention:** Within ten (10) days of receiving the revised staff report the applicant shall notify the village planner in writing of his/her intention with regard to the pending application. The applicant may elect to: 1) proceed to have the application set for a plan commission agenda, 2) request another staff workshop or 3) provide revised plans or materials to address the remaining concerns/deficiencies. If the applicant chooses to conduct another staff workshop or submit additional revisions/information, the procedures shall be the same as before.
- g. **Consideration By The Plan Commission:** The application shall be placed on the agenda of the village plan commission for its review and recommendation. The plan commission shall be provided a copy of the staff reports regarding the application. After review of the application, the plan commission shall, within sixty (60) days, by majority vote of the members present, make a recommendation to the village board regarding action on the application based on its conformance with the approval criteria and standards. Such recommendation shall be provided to the village board in writing within thirty (30) days of the plan commission's decision.
- h. **Consideration By The Village Board Of Trustees:**
  - (1) Following receipt of the recommendation of the plan commission, the village board shall consider the application and its conformance with the approval criteria and standards and take action on the application within sixty (60) days of the plan commission's review.
  - (2) If the applicant submits a revised application or supplemental submissions while the application is under consideration by the plan commission or village board, the planning commission or village board shall table the application to allow for review of the new information. The application may be tabled by the plan commission or village board for a period of time not exceeding the maximum original review periods established in this chapter.
- i. **Conditions Of Approval:** The village board may impose conditions on the site plan. Any condition imposed must relate directly to the approval criteria and standards and be necessary to meet the intent of this chapter. (Ord. 918, 9-5-2006)

### **4-16-5: APPROVAL CRITERIA AND STANDARDS:**

A. **Criteria And Standards:** The village staff, plan commission and village board shall review the site plan application to ensure that it complies with all of the criteria and standards below:

1. **Site Configuration:** Buildings and structures will meet or exceed setback standards, height and other dimensional standards and be appropriately placed in relation to natural features of the site.
2. **Buildings:** Buildings shall be designed, situated and constructed so as to conform to any applicable design criteria of the village. All buildings shall have a strong visual relationship and design compatibility between the building, the site, and adjacent development. The exterior appearances and mass of the building(s) shall complement the existing development and character within the surrounding area.
3. **Impact On Surrounding Land Uses And Zoning:** The proposed site plan will be harmonious with and not harmful or injurious to existing and planned uses in the immediate area. The proposed improvements will be coordinated with improvements serving the site and other properties in the area. The site plan shall meet the intent of this chapter and the intent of the village zoning ordinance.
4. **Preservation Of Natural Features:** The site plan shall demonstrate judicious effort to preserve the integrity of the land, natural topography, drainage, wetlands, watercourses, floodplains, and existing vegetation.
5. **Public Services And Utilities:** The site plans shall be served adequately with sanitary sewer, public water, and storm sewer and such utilities shall be provided in accordance with the recommendations of the village engineer.

6. Signs: Proposed signs shall meet the requirements of all applicable village regulations and shall be generally complementary with surrounding properties and traffic operations. The size, location, design and lighting of the signs shall be considered in relation to adjacent sites, glare, traffic safety, and compatibility with adjoining properties.

7. Exterior Lighting: The site plan shall provide for exterior lighting that meets the following standards:

a. At the expense of the developer, all roads, driveways, sidewalks, parking lots and other common areas and facilities in unsubdivided and other developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities. Without limiting the generality of the foregoing standards, the following minimum standards shall apply:

(1) For residential uses, lights shall be installed in parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn. For nonresidential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn, whenever said premises are open for operation. "Open for operation" shall be construed to mean any time that a retail business is open for the sale of goods or services or a retail, office or industrial facility actually has employees working within or upon said premises, other than guards or watchmen. Lights shall not be more than fifteen feet (15') in height in residential zoning districts, and not more than thirty feet (30') in height in other zoning districts.

(2) Where lighted areas are required, lighting shall be provided as follows:

	Minimum*	Maximum*
Residential zoning districts	1.0	2.0
Commercial zoning districts	1.0	3.0
Industrial zoning districts	2.5	5.0

\*Average ground level foot-candles.

Average foot-candles at property line shall not exceed 0.5 foot-candles as measured at the property line.

b. All lighting shall be constructed, positioned and maintained in such a way so as not to reflect light either directly or indirectly onto adjacent properties.

8. Parking And Loading: The number, location and dimensions of all parking and loading spaces and the design of parking and loading areas shall meet the requirements of all applicable village regulations.

9. Landscaping And Screening: Landscaping and screening on the site shall be provided in accordance with the following requirements:

a. Landscaping and screening shall be provided along property lines between nonresidential uses and residential uses.

b. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

c. Trees in front yards shall be planted at a ratio of at least one 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree (as measured 12 inches above grade) for every thirty feet (30') of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

d. Yard areas shall be landscaped at a ratio of at least one shrub or tree for every ten feet (10') of the principal building's nearest exterior wall. Strategic grouping is also encouraged.

e. For parking areas greater than thirty (30) spaces, a minimum of twenty (20) square feet of interior landscaped area per space shall be provided. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area.

f. All trash enclosure areas and containers shall be fully screened from streets and adjacent properties with a six foot (6') high sight obscuring fence, wall or landscaped area placed around said facility. All trash enclosures must be placed on a concrete pad sufficient to support said enclosure to the satisfaction of the zoning administrator.

g. All permanent outdoor storage areas of goods, products, materials, supplies, machinery equipment or overnight parking of commercial vehicles shall not be allowed in the front yard. Where permitted, permanent outdoor storage areas of goods, products, materials, supplies, machinery equipment or overnight parking of commercial vehicles shall be enclosed to a height of eight feet (8') above grade and screened to an opacity of not less than seventy five percent (75%). These requirements can be achieved by using any one or a combination of the following methods:

(1) The storage area can be screened with trees having a leafy structure or with fences having structural components through which only twenty five percent (25%) of the image is visible.

(2) Fences, berms and/or landscaping can be installed to a height where only twenty five percent (25%) of the image is visible.

(3) Fences, berms and/or landscaping can be installed having a width or design where only twenty five percent (25%) of the remaining horizontal image is visible.

10. Vehicular Access And Circulation: The site plan shall provide for the safe, convenient, uncongested and well defined access and circulation of vehicles. Access to the site shall be designed to minimize traffic conflicts. All streets and driveways shall be designed to meet all applicable village regulations.

11. Nonmotorized Transportation Access And Circulation: Safe, convenient, and aesthetically pleasing pedestrian and bicycle circulation routes shall be provided within and accessing the site.

12. Drainage And Storm Water Management: The site plan shall provide for site surface drainage and storm water management facilities that meet or exceed the applicable standards of the village. (Ord. 918, 9-5-2006)

#### **4-16-6: AMENDMENTS TO APPROVED PLANS:**

A. Amendments: An applicant may request a change in an approved site plan. A change in an approved site plan which results in a major change shall require approval of the amendment by the village board of trustees after recommendation on the matter by the village planning commission. All amendments shall follow the procedures and conditions herein required for the original application submittal and review. A change considered only a minor change shall require only the submission of a revised plan to the village administrator or zoning officer.

B. Determination Of Major And Minor Changes: A determination of whether a change in an approved site plan is a major or minor change shall be made by the village administrator or zoning officer according to the guidelines below. The applicant may appeal the determination of a major change to the village planning commission in writing at least seven (7) days prior to the next regular scheduled planning commission meeting. The planning commission will vote to either uphold or reverse the determination. If the determination is upheld then the amendment shall proceed only according to the procedures set forth herein.

##### **1. Guidelines For Major Change:**

- a. A change in the original concept of the development;
- b. A change in the original use or character of the development;
- c. A change in the type of dwelling unit as identified on the approved site plan;
- d. An increase in the number of dwelling units planned;
- e. Rearrangement of lots, blocks, or building tracts;
- f. A change in the character or function of any street;
- g. A reduction in the amount of land set aside for common open space;
- h. An increase or decrease in any building area over five percent (5%);
- i. An increase or decrease over five percent (5%) in any building height;
- j. Significant variations in the design layout of the site plan, such as, but not limited to, the deletion, relocation or addition of on site improvements such as drives, parking lots, structures, berms, curbs, landscaping, utilities.

##### **2. Guidelines For Minor Changes:**

- a. Any minor variations in layout that do not constitute a major change;
- b. An increase or decrease in any building area less than five percent (5%);
- c. An increase or decrease less than five percent (5%) in any building height;
- d. Changes in the species of required trees, shrubs or ground cover designated on the site plan. (Ord. 918, 9-5-2006)

#### **4-16-7: FEES:**

Fees for the review of site plans shall be established by resolution of the village board of trustees. In addition to the application fee for a site plan, the applicant shall also be required to execute a professional fee agreement and post the required deposit for such agreement. No action on any site plan application shall be taken by the village until the application fee, professional fee agreement, and deposit have been made. (Ord. 918, 9-5-2006)

## **CHAPTER 17**

### **ADULT USE CANNABIS REGULATIONS**

#### **SECTION:**

##### **4-17-1: Definitions**

##### **4-17-2: Purpose And Applicability**

##### **4-17-3: Special Use Permit Required**

##### **4-17-4: Adult Use Cannabis Facility Standards**

##### **4-17-5: Adult Use Cannabis Craft Grower**

##### **4-17-6: Adult Use Cannabis Cultivation Center**

##### **4-17-7: Adult Use Cannabis Dispensing Organization**

##### **4-17-8: Adult Use Cannabis Infuser Organization**

**4-17-9: Adult Use Cannabis Processing Organization****4-17-10: Adult Use Cannabis Transporting Organization****4-17-11: Additional Requirements****4-17-12: Co-Location Of Cannabis Establishments****4-17-1: DEFINITIONS:**

For the purpose of this Chapter, the words and phrases used herein shall have the following meanings, unless some other meaning is clearly indicated by the context:

ACT:	The Cannabis Regulation and Tax Act, P.A. 101-0027, as amended from time to time.
ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:	An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.
ADULT-USE CANNABIS CRAFT GROWER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and to perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Act, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS CULTIVATION CENTER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, and transport cannabis and to perform other necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Act, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS DISPENSING ORGANIZATION:	A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Act, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Act, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Act, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:	An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Act, as it may be amended from time to time, and regulations promulgated thereunder. (Ord. 1307-09, 11-19-2019)

**4-17-2: PURPOSE AND APPLICABILITY:**

It is the intent and purpose of this Chapter to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Manhattan. All adult-use cannabis business establishment facilities shall strictly comply with all regulations provided in the Act, as it may be amended from time to time, all regulations promulgated thereunder, the provisions of this Chapter, and all other applicable provisions of this Title. In the event of a conflict between the Act, any state regulations, and the Village's ordinances and regulations, the more restrictive of the state or local regulations shall apply to the extent permitted by law. (Ord. 1307-09, 11-19-2019)

#### **4-17-3: SPECIAL USE PERMIT REQUIRED:**

It shall be unlawful for any person to open or operate any adult-use cannabis business establishment without having first secured a special use permit for said establishment in compliance with the provisions of this Chapter and all other relevant provisions of this Title. No special use permit shall be granted for any adult-use cannabis business establishment unless the applicant for said permit provides adequate assurances to the Village that the establishment will be established and operated in full compliance with all applicable laws. (Ord. 1307-09, 11-19-2019)

#### **4-17-4: ADULT USE CANNABIS FACILITY STANDARDS:**

A. In considering any application for a special use permit for an adult-use cannabis business establishment, the Village Planning and Zoning Commission and Village Board, as the case may be, shall consider all of the following factors:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property;
2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance;
3. Hours of operation and anticipated number of customers/employees;
4. Anticipated parking demand and available private parking supply;
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways;
6. Site design, including access points, internal site circulation, and proposed security measures;
7. Proposed signage plan;
8. Compliance with all requirements provided in Sections 4-17-5 through Section 4-17-10 of this Chapter, as applicable;
9. Compatibility with surrounding uses; and
10. Other criteria determined to be necessary to assess compliance with this Title.

B. Nothing in this Chapter is intended or shall be deemed as relieving any applicant for a special use permit for an adult-use cannabis business establishment of their obligation to comply with and meet all other requirements and standards set out for special use permits in this Title. (Ord. 1307-09, 11-19-2019)

#### **4-17-5: ADULT USE CANNABIS CRAFT GROWER:**

In those zoning districts in which an adult-use cannabis craft grower may be located, the proposed facility must comply with the following.

A. A facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be considered or deemed to be a public or private school for purposes of this Section.

B. A facility may not be located within one thousand five hundred feet (1,500') of any other adult-use cannabis craft grower facility or adult-use cannabis cultivation center.

C. No facility may be located on any property used or zoned for residential purposes.

D. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

E. The adult-use cannabis craft grower shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other adult-use cannabis business enterprises as provided in Section 4-17-12 of this Chapter.

F. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

G. On-site consumption of cannabis is prohibited.

H. For purposes of determining required parking, the facilities shall be classified as "manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods, or products" per Section 4-10-1-7, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 4-17-4 of this Chapter.

I. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Act, including all regulations promulgated thereunder. (Ord. 1307-09, 11-19-2019)

#### **4-17-6: ADULT USE CANNABIS CULTIVATION CENTER:**

In those zoning districts in which an adult-use cannabis cultivation center may be located, the proposed facility must comply with the following.

A. A facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be considered or deemed to be a public or private school for purposes of this Section.

B. No facility may be located on any property used or zoned for residential purposes or within one thousand five hundred feet (1,500') of the property line of any property that is zoned or used for residential purposes.

C. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

D. The adult-use cannabis craft grower shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other adult-use cannabis business enterprises as provided in Section 4-17-12 of this Chapter.



E. On-site consumption of cannabis is prohibited.

F. For purposes of determining required parking, the facilities shall be classified as "manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods, or products" per Section 4-10-1-7 , provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 4-17-4 of this Chapter.

G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Act, including all regulations promulgated thereunder. (Ord. 1307-09, 11-19-2019)

#### **4-17-7: ADULT USE CANNABIS DISPENSING ORGANIZATION:**

In those zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed facility must comply with the following.

A. A facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be considered or deemed to be a public or private school for purposes of this Section.

B. A facility may not be located within one thousand five hundred feet (1,500') of any other adult-use cannabis dispensing organization.

C. No facility may be located on any property used or zoned for residential purposes.

D. The adult-use cannabis dispensing organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other adult-use cannabis business enterprises as provided in Section 4-17-12 of this Chapter. No dispensing organization shall also sell food for consumption on the premises.

E. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

F. On-site consumption of cannabis is prohibited.

G. For purposes of determining required parking, the facilities shall be classified as "retail stores" per Section 4-10-1-7 , provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 4-17-4 of this Chapter.

H. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Act, including all regulations promulgated thereunder. (Ord. 1307-09, 11-19-2019)

#### **4-17-8: ADULT USE CANNABIS INFUSER ORGANIZATION:**

In those zoning districts in which an adult-use cannabis infuser organization may be located, the proposed facility must comply with the following.

A. A facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be considered or deemed to be a public or private school for purposes of this Section.

B. A facility may not be located on any property used or zoned for residential purposes.

C. The adult-use cannabis infuser organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other adult-use cannabis business enterprises as provided in Section 4-17-12 of this Chapter.

D. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

E. On-site consumption of cannabis is prohibited.

F. For purposes of determining required parking, the facilities shall be classified as "business or professional offices" per Section 4-10-1-7 , provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 4-17-4 of this Chapter.

G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Act, including all regulations promulgated thereunder. (Ord. 1307-09, 11-19-2019)

#### **4-17-9: ADULT USE CANNABIS PROCESSING ORGANIZATION:**

In those zoning districts in which an adult-use cannabis processing organization may be located, the proposed facility must comply with the following.

A. A facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be considered or deemed to be a public or private school for purposes of this Section.

B. A facility may not be located on any property used or zoned for residential purposes.

C. The adult-use cannabis processing organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other adult-use cannabis business enterprises as provided in Section 4-17-12 of this Chapter.

D. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

E. On-site consumption of cannabis is prohibited.

F. For purposes of determining required parking, the facilities shall be classified as "business or professional offices" per Section 4-10-1-7 , provided, however, that the Village may require that additional parking be provided as a result of the analysis completed

through Section 4-17-4 of this Chapter.

G. Petitioner shall file an affidavit with the Village affirming compliance all requirements of this Chapter and the Act. (Ord. 1307-09, 11-19-2019)

**4-17-10: ADULT USE CANNABIS TRANSPORTING ORGANIZATION:**

In those zoning districts in which an adult-use cannabis processing organization may be located, the proposed facility must comply with the following.

A. A facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be considered or deemed to be a public or private school for purposes of this Section.

B. A facility may not be located on any property used or zoned for residential purposes.

C. The adult-use cannabis transporting organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other adult-use cannabis business enterprises as provided in Section 4-17-12 of this Chapter.

D. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

E. On-site consumption of cannabis is prohibited.

F. For purposes of determining required parking, the facilities shall be classified as "business or professional offices" per Section 4-10-1-7 , provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 4-17-4 of this Chapter.

G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Act, including all regulations promulgated thereunder. (Ord. 1307-09, 11-19-2019)

**4-17-11: ADDITIONAL REQUIREMENTS:**

Petitioner shall install any and all building enhancements (including, but not limited to, security cameras, lighting, or other improvements, as set forth in the special use permit) as the Village may deem necessary to ensure the safety of the adult-use business establishment's employees and customers, as well as all other persons as may be found in the general vicinity of such establishment. The improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Act. (Ord. 1307-09, 11-19-2019)

**4-17-12: CO-LOCATION OF CANNABIS ESTABLISHMENTS:**

The Village may approve the co-location of an adult-use cannabis dispensing organization with an adult-use cannabis craft grower center or an adult-use cannabis infuser organization, or both, subject to the provisions of the Act. In a co-location, any sole use requirements stated herein shall not apply to prevent such co-location, but the co-located adult-use cannabis business establishments shall be the sole uses of any tenant space they occupy. (Ord. 1307-09, 11-19-2019)