

## **CHAPTER 159: ZONING CODE**

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***Editor's note:*** For references to ordinance histories for the Zoning Code prior to January 1, 2005, please see Appendix D.

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## ***GENERAL PROVISIONS***

### **§ 159.001 TITLE.**

This chapter, including the "OFFICIAL ZONING MAP" made a part hereof, shall be known, cited, and referred to as the "Romeoville Zoning Code".

### **§ 159.002 INTENT AND PURPOSE.**

This chapter is adopted for the following purposes:

- (A) To promote and protect the public health, safety, morals, comfort, and general welfare of the people of the village;
- (B) To divide the village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, and other specified uses;
- (C) To protect the character and the stability of the residential, business, and manufacturing areas within the village and to promote the orderly and beneficial development of such areas;

- (D) To provide adequate light, solar benefit, privacy, and convenience of access to property;
- (E) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light, solar benefit, air, and to protect the public health;
- (F) To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within those areas;
- (G) To fix reasonable standards to which buildings or structures shall conform;
- (H) To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts;
- (I) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- (J) To limit congestion in the public streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
- (K) To protect against fire, explosion, noxious fumes, and other hazards, in the interest of the public health, safety, comfort, and general welfare;
- (L) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
- (M) To conserve the taxable value of land and buildings throughout the village;
- (N) To provide for the gradual elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
- (O) To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- (P) To lessen or avoid the hazard to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (Q) To facilitate and insure the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; and
- (R) To prescribe penalties for the violation of, and methods for the administration and enforcement of, the provisions of this Ordinance or any amendment thereto.

#### **§ 159.003 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"ABANDONMENT."** To cease or discontinue use of a structure or activity, but excluding temporary or short-term interruptions to a use, structure or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**"ABUTTING."** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**"ACCESSORY STRUCTURE" or "USE."** A structure, building, or use which is subordinate to and located on the same lot on which the principal building or use is located and which is reasonable necessary and incidental to conduct of the primary use of such principal building or use, when permitted by the specific zoning district regulations.

**"ACREAGE."** Any tract or parcel of land having an area of one acre or more (43,560 square feet) which has not been subdivided by metes and bounds or platted.

**"ADULT DAY CARE."** The provider of supplemental care and supervision:

- (1) For non-related adults;
- (2) On a regular basis;
- (3) For less than 24 hours a day; and
- (4) Under license by the Illinois Department of Child and Family Services.

**"ADULT ENTERTAINMENT FACILITY."**

(1) A striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions; or

(2) An adult bookstore or adult video store in which 25% or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material.

**"AGRICULTURAL."** (See also "FARM"). The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, 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 normal agricultural activities.

**"AIRPORT."** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**"AIR RIGHTS."** The ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land used for railroad or expressway purposes. The horizontal plane shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

**"ALLEY."** A public or private way permanently reserved as a secondary means of access to abutting property.

**"ALTERATION."** Any change, addition, or modification in construction or occupancy of an existing structure.

**"ALTERATION, STRUCTURAL."** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

**"AMUSEMENT ARCADE."** A building or part of a building in which four or more pinball machines, video games, or other similar player-operated amusement devices are maintained (See also § 111.01, as amended).

**"ANTENNA."** (See also "SATELLITE DISH" and 'TOWER'). Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

**"ANIMAL HOSPITAL."** Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

**"APARTMENT."** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a single housekeeping unit. Complete kitchen and bathroom facilities, permanently installed, must always be included for each apartment.

**"ARTICULATED FAÇADE."** A facade in which different materials and recesses or projections are used to break up large expanses of walls.

**"AUTOMOBILE LAUNDRY."** A building or portion thereof containing facilities for washing more than two motor vehicles, using production line methods.

**"AUTOMOBILE 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 painting of vehicles.

**"AUTOMOBILE REPAIR, MINOR."** Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "AUTOMOBILE REPAIR, MAJOR."

**"AUTOMOBILE SERVICE STATION."** A place where gasoline, stored in above or under-ground tanks, kerosene, lubricating oil, or grease, for the operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the services of automobiles; but not including major automobile repairs, and including washing of automobiles, where production line methods are not used. When the dispensing, sale, or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

**"AUTOMOBILE SERVICE STATION/MINI-MART."** A place where gasoline, stored in above or under-ground tanks, kerosene, lubricating oil, for the operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the services of automobiles; but not including major automobile repairs, and including washing of automobiles, where production line methods are used. In addition when the dispensing, sale, or offering for sale of merchandise (i.e. breads, pop, candy, ice cream, souvenirs), and when the motor fuels or oil is the primary intent for the facility. Automobile service stations/ mini- marts shall not include the sale, storage or repair (major or minor) of automobiles or trailers (new or used) any where on the premises.

**"AUTOMOBILE WRECKING YARD."** (See also "JUNKYARD"). The dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which for a period exceeding 30 days, not in running condition, or parts thereof, are stored in the open and which are not being restored to operation, or any land, building, or structure used for the wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any other goods, articles, or merchandise, shall constitute evidence of an automobile wrecking yard.

**"AWNING."** A roof-like cover, which projects from the wall of a building or overhangs the public way.

**"BAR and/or COCKTAIL LOUNGE."** (See also "NIGHTCLUB"). Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25% of the gross receipts.

**"BALCONET."** A small window balcony or guard rail.

**"BALCONY."** A platform that projects from the wall of a building and is surrounded by a railing.

**"BASEMENT."** A story partly or wholly underground. Where more than 1/2 of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

**"BAY WINDOW."** A projecting window.

**"BEACON."** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

**"BENCHMARK."** A mark made on some stationary object of previously determined position and elevation, and used as a reference point in tidal observations and surveys.

**"BEDROOM."** The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study, or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom.

**"BERM."** Any change in grade level with undulating contours which, incorporates landscaping materials for aesthetic purposes and buffers between land uses.

**"BILLBOARD."** A structure for the display of advertisements in a public place or alongside highways. This definition does not include any bulletin boards used to announce church services, or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

**"BLOCK."** A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation. A block may be located in part beyond the corporate limits of the village.

**"BOARDING HOUSE."** (See also 'ROOMING HOUSE'). A building other than a motel or restaurant where meals are provided for compensation to four or more persons, but not more than 12, who are not members of the keeper's family and where food is placed upon

the table family style, without service or ordering of individual portions from a menu.

**"BOARD OF TRUSTEES."** The Village Board for the Village of Romeoville, Illinois.

**"BOW WINDOW."** A curved bay window.

**"BRICK MATERIAL."** Brick material used for masonry construction shall be hard fired (kiln fired) clay, calcium silicate (sand/lime), shale or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Slid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. No unfired or underfired brick shall be permitted. No form or type of brick sheeting or brick veneer shall be allowed under this chapter under any circumstances whatsoever.

**"BRICK PAVER."** Contiguous masonry blocks used for patios, walkways, or driveways. These structures are permanent in nature. They require a permit and count towards lot coverage.

**"BUFFER AREA."** (See also **"BERM," "FENCE"** and **"SCREENING"**). A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another (See Appendix A, figure 2). A strip of land, identified on a site plan or by an ordinance or resolution, established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

**"BUILDABLE AREA."** (See also **"BUILDING AREA"**) The space remaining on a building lot after the minimum yard requirements of this chapter have been complied with.

**"BUILDING."** Any covered structure built for the support, shelter, or enclosure of person(s), animal(s), or movable property of any kind, and which is affixed permanently to the ground. The following are additional definitions specific for buildings:

(1) **"COMPLETELY ENCLOSED BUILDING."** A building separated on all sides from the adjacent open spaces, or from other buildings or other structures, by a permanent roof and by exterior walls or part walls, pierced only by windows and normal entrance or exit doors.

(2) **"CONFORMING BUILDING."** See **"CONFORMING BUILDING OR STRUCTURE."**

(3) **"DETACHED BUILDING."** A building surrounded by open space on the same zoning lot.

(4) **"NON-CONFORMING BUILDING."** Any building which does not conform to the regulations of this chapter prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which the building is located.

(5) **"PRINCIPAL BUILDING."** (See Appendix A, Figure 2) A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

**"TEMPORARY BUILDING."** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**"BUILDING AREA."** The space remaining on a building lot after the minimum yard requirements of this chapter have been complied with (See Appendix A, Figure 3).

**"BUILDING COVERAGE."** Shall mean the area of a zoning lot occupied by the principal building(s) and accessory structures.

**"BUILDING HEIGHT."** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and the ridge of a gable, hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building (See Appendix A, Figure 4).

**"BUILDING LINE."** A line or lines including the building setback line on the horizontal surface of a lot, parallel to the front, side, and rear lot lines, and located at a distance prescribed by the yard regulations of this chapter beyond which no portion of a building may extended except as otherwise provided for by this chapter (See Appendix A, Figure 3).

**"BUILDING MARKER."** (See also **"SIGN, IDENTIFICATION"**). Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**"BUILDING OFFICER."** The Building Inspector/Code Enforcement Officer of the village, or his or her duly-authorized representative.

**"BUILDING, PRINCIPAL."** See **"PRINCIPAL BUILDING."** (See Appendix A, Figure 1)

**"BUILDING SETBACK LINE."** A line within a lot or other parcel of land which denotes the area between that line and the adjacent street right-of-way line, where building and other obstructions are prohibited except those encroachments that are permitted by this chapter (See Appendix A, Figure 3 and 10).

**"BULK."** The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same buildings, and to other buildings or structures, and to all open spaces relating to the buildings or structure.

**"BUS LOT."** Any lot or land area used for the storage or layover of passenger buses or motor coaches.

**"BUSINESS."** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**"CANOPY."** (See also **"MARQUEE"**). A roof-like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

**"CARPORT."** An automobile shelter with two or more sides open.

**"CARWASH."** A building or area that provides facilities for washing and cleaning of motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

**"CARRY-OUT RESTAURANT."** See **"RESTAURANT, FAST-FOOD."**

**"CELLAR."** A story having more than 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 purposes of height measurement.

**"CHILD DAY CARE."** The provider of supplemental parental care and supervision:

- (1) For non-related child or children.
- (2) On a regular basis; for less than 24 hours a day; and, under license by the Illinois Department of Child and Family Services.
- (3) As used in this chapter, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective residences.

**"CHILD DAY CARE FACILITY."** A building or structure wherein an agency, person, or persons regularly provides care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes, child mini-day care centers, and child day care centers. They do not include pre-schools or nursery schools. The following is a specific list of definitions for "Day Care":

(1) **"FAMILY DAY CARE HOME."** A licensed family abode of a person or person who regularly provides direct care during part of the 24-hour day to six or fewer children, including the licensee's own and foster children under 12 years of age on the premises. A family day care home may provide for care for up to eight children if it meets the requirements outlined by D.C.F.S. for family day care homes.

(2) **"CHILD MINI-DAY CARE CENTER."** A licensed, large family day care home or an agency that regularly provides for the care of seven to 12 children, including the licensee's own preschool- and elementary-school-age children, in premises other than the family dwelling of the licensee/care provider and the other than an approved structure on the same site occupied by said dwelling.

(3) **"EXTENDED DAY CARE HOME."** A licensed large family day care home or an agency that regularly provides for the care of seven to 12 children, including the licensees' own preschool- and elementary-school-age children, in the family residence of the licensee/care provider or in an approved structure on the same building site occupied by said residence.

(4) **"CHILD DAY CARE CENTER."** A licensed agency that provides for the care of 13 or more children.

**"CHURCH"** or **"PLACE OF RELIGIOUS WORSHIP."** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term **"CHURCH"** shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**"CLEAR-CUTTING."** The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for non-agricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

**"CLINIC OR MEDICAL HEALTH CENTER."** An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists and their professional associates, practicing medicine together. Also it specifically shall be a building designed and used for the diagnosis and treatment of those patients which does not include overnight care facilities.

**"CLUB."** An organization of persons for special purposes or for the promoting of sports, arts, literature, politics, or the like but not operated for profit, excluding churches, synagogues, or other houses of worship. Also, buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

**"CLUSTER DEVELOPMENT."** (See Appendix A, Figure 5) A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**"COCKTAIL LOUNGE."** See **"BAR"** and **"NIGHTCLUB."**

**"COMMERCIAL MESSAGE."** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**"COMMERCIAL USE."** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**"COMMUNITY CENTER."** A place, structure, area, or other facility used for the providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**"CONDITIONAL USE."** (See also **"SPECIAL USE"**). A use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare.

**"CONDOMINIUM."** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portion of such real property.

**"CONFORMING BUILDING OR STRUCTURE."** A building or structure which complies with all the regulations of this chapter or of any amendment thereto governing bulk of the district in which the building or structure is located; and is designed or intended for a permitted or special use as allowed in the district in which it is located.

**"CONGREGATE HOUSING."** (See also **"HOUSING FOR THE ELDERLY"**). A residential facility for four or more elderly persons (65 or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments, and counseling.

**"CONSERVATION AREA."** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, streams, rivers, creeks, defined wetlands, and any other area of significant biological productivity or uniqueness.

**"CONSERVATION EASEMENT."** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

**"CONVENIENCE STORE."** Any retail establishment offering for sale prepackaged food products, household items, and other goods

commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**COURT.** An open unoccupied space other than a yard on the same lot with a building or group of buildings, and which is bounded on two or more sides by the building or buildings.

**CUI-DE-SAC.** A local street, one end of which is closed and consists of a circular turn around.

**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 of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "CURB LEVEL".

**DAY CARE CENTER/FACILITY.** See "CHILD DAY CARE".

**DECIBEL.** A unit of measurement for the intensity (loudness) of sound. Sound level meters, calibrated inDECIBELS, are employed to measure the intensity of sound waves.

**DECK.** A level, unenclosed platform serving as a floor and located above the finished grade, and usually directly adjoining or attached to a building.

**DENSITY.** The number of dwelling units permitted per acre (43,560 square feet equals one acre).

**DENSITY, GROSS.** A ratio of the total number of dwelling units on a site, divided by the total acreage of the site, to include streets, schools, parks, and the like, expressed as dwelling units per acre (du/ac).

**DENSITY, NET.** A ratio of the total number of dwelling units on a site, divided by the number of acres used exclusively for a residential type acreage, not to include schools, parks, streets, and the like, expressed as dwelling units per acre (du/ac).

**DEVELOPMENT.** The carrying on of any construction or public improvements or the making of any substantial changes in the existing appearance of any property.

**DEVELOPMENTALLY DISABLED PERSON(S).** A person suffering from a developmentally disabling disease including, but not limited to, mental retardation, epilepsy, autism, cerebral palsy, or dyslexia.

**DISPLACEMENT OF EARTH (EARTHQUAKE).** The amplitude or intensity of an earthborne vibration measured in inches. The displacement or amplitude is 1/2 the total earth movement.

**DISTRICT.** (See also "ZONE"). A portion of the village, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are permitted and within which certain yards, floor area ratios, densities, open spaces are required and certain height limitations are established for development.

**DOMESTIC ANIMAL.** See "HOUSEHOLD PET".

**DORMITORY.** A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents. Specifically designed for the purpose of providing living accommodations for individuals associated with the particular institution.

**DRIVE-IN FACILITY.** An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

**DRIVE-IN RESTAURANT.** (See "RESTAURANT, DRIVE-IN" and "RESTAURANT, FAST-FOOD").

**DWELL TIME.** The time that a single message on a dynamic display is held static or constant, without any change in the message or image displayed.

**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, two-family and multiple-family dwelling units, but not including hotels, motels, boarding, or lodging houses. The following is a list of specific definitions for dwelling units:

(1) "**ATTACHED.**" A dwelling joined to two or more dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

(2) "**DETACHED.**" One dwelling, which is surrounded on all sides by open space, on an individually platted lot.

(3) "**MULTIPLE FAMILY.**" A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other and containing three or more dwelling units; Specifically a detached residential building containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.

(4) "**ONE-FAMILY.**" A single dwelling designed exclusively for use and occupancy by one family.

(5) "**SEMI-DETACHED.**" A dwelling joined to one other dwelling by party wall, or vertical cavity wall, with above ground physically unifying horizontal structural elements.

(6) "**TWO-FAMILY.**" A building designed or altered to provide dwelling units for occupancy by two families.

**DWELLING UNIT.** One or more rooms in a residential structure which are arranged, designed, used, or intended for use by one family, and which include complete kitchen facilities permanently installed.

**DYNAMIC DISPLAY.** Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays. "DYNAMIC DISPLAY" signs are also called electronic message board signs, LED signs, or LCD signs.

**EASEMENT.** A grant of one or more of the property rights by the owner for the use by a person(s), government agency, or public utility company to use for a specific purpose (i.e. telephone, cable t.v., electric, gas, and the like).

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

**"ELDERLY HOUSING."** See "**HOUSING FOR THE ELDERLY**."

**"EMERGENCY SHELTER/MISSION."** A nonprofit, charitable, or religious organization providing boarding and/or lodging and ancillary services on its premises to primarily indigent, homeless or transient person(s).

**"ERECT."** The act of placing or affixing a component of a structure upon the ground or upon another such component.

**"ESTABLISHMENT, BUSINESS."** A separate place of business having the following three characteristics:

(1) The ownership and management of all operations conducted within the establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lot(s);

(2) Direct public access to the business establishment is separate and distinct from direct access to any other business establishment; and

(3) There is no direct public access from within the establishment to any other such establishment. When adjacent places of business lack any one of the aforesaid characteristics with respect to one another, they shall then be considered as a single business establishment for the purpose of this chapter.

**"EQUIVALENT OPACITY."** The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

**"FAÇADE."** The exterior wall of a building exposed to public view.

**"FAÇADE, PRIMARY."** The exterior wall which is the architectural front.

**"FALLOUT SHELTER."** An accessory building and use which incorporates the fundamentals for fallout protection (shielding mass, ventilation, and space to live) and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.

**"FAMILY."** Any number of individuals, tied by blood, marriage and/or law, living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding, rooming house or hotel/ motel, but not including clubs, sororities, fraternities, or other similar organizations.

**"FAMILY CARE HOME FOR THE DEVELOPMENTALLY DISABLED."** A dwelling unit for developmentally disabled person(s), plus required staff, in which the program's size and content are structured to meet the individual social, habitable, and respite needs of the person(s) residing therein, in a residential community setting. Prior to admitting residents, such a dwelling shall comply with the applicable licensing standards with the appropriate federal, state, county or local agencies and may, in addition, house such staff person(s) as may be required to meet the standards of the licensing agencies.

**"FARM" or "FARMLAND."** (See also "**AGRICULTURE**"). A farm is a parcel of land of not less than 35 acres, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land.

**"FARM STAND.** See "**ROADSIDE STAND**".

**"FARMER'S MARKET."** An occasional or periodic market held in an open area or from temporary stands where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items and food and beverages; but not to include second hand or resale goods.

**"FAST-FOOD RESTAURANT."** See "**RESTAURANT, DRIVE-IN**" and "**RESTAURANT, FAST-FOOD**".

**"FEEDLOT."** Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, and swine (pigs) are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**"FENCE."** A manmade structure, including gates, which creates a barrier and is used as a boundary definition for the means of protection or confinement. The following describes specific characteristics as it relates to fences:

(1) **"OPEN."** A fence which has over its entirety at least 50% of the surface area in open space as viewed at right angles from the fence, except that the required open space in louver-type fences may be viewed from any angle.

(2) **"SOLID."** A fence which conceals from view, from adjoining properties, streets, or alleys, activities conducted behind it.

**"FLAG."** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**"FLEA MARKET."** An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**"FLEX SPACE."** A building shall be deemed devoted to "flex space" use if 50% or more of its gross leasable area is devoted to office use and the remaining portion of such building is devoted to light industrial, warehouse, distribution, light assembly or retail use. Such a building must have fenestration, docking location, screening and landscaping which are consistent with the commercial and retail character of the B-3 district. Office space may be decreased to 20% provided that such reduction has been authorized by an approved special use permit.

**"FLOOD-CREST ELEVATION."** The elevation of the highest flood level that has been or may be subsequently designated by the Village Engineer. The "FLOOD-CREST ELEVATION" designated by the Village Consultant or the Village Engineer shall be based upon a storm water drainage map showing flood-crest elevations of appropriate locations as approved by the Village Board.

**"FLOODPLAIN."** (See also "**FLOODPLAIN AREA**"). Any land area susceptible to being inundated by water from any source (Federal Emergency Management Agency, See Appendix A, Figure 6).

**"FLOODPLAIN AREA."** That continuous area adjacent to a stream or stream bed, or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood-crest elevation including also land having an elevation higher than flood-crest elevation but less than ten acres in area and surrounded by land in a flood-plain area or an area of such elevations secured by land fill projection into a flood-plain area. Any point shall be deemed to be within the flood-plain area if it falls below the elevation of a high-water mark, as the elevation of the mark is projected in horizontal directions perpendicular to the flow of the stream and thence to intersections at an equal elevation with the land on either side of the stream. Any point between the afore described projections of any two high-water marks shall be deemed within the flood-plain area if it is at an elevation equal to or lower than similar projections of the interpolated flood-crest elevation. The interpolated flood-crest elevation is the calculated elevation of the flood-crest at the center line of the stream between two known flood-crests of the nearest upstream and downstream high-water marks; and the difference in elevation between the flood-crest at this location and at either of the high-water mark projections is directly proportional to the difference in stream center line distance between the two high-water mark projections (See Appendix A, Figure 6).

**"FLOODWAY."** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point (See Appendix A, Figure 6).

**"FLOODWAY FRINGE."** All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths (See Appendix A, Figure 6)

**"FLOOR AREA."**

(1) For determining floor area ratio (FAR).

(2) The sum of the gross horizontal areas of the several floors including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the center lines of walls separating two buildings.

(3) The Floor Area shall also include the horizontal areas on each floor devoted to the following (See Appendix A, Figure 7):

(a) Elevator shafts and stairwells;

(b) Mechanical equipment, except if located on the roof, when either open or enclosed, such as bulkheads, water tanks, and cooling towers;

(c) Habitable attic space as permitted by the Building Code of the village;

(d) Interior balconies and mezzanines;

(e) Enclosed porches; and

(f) Accessory Uses.

(4) The "FLOOR AREA" of structures used for bulk storage of materials, such as grain elevators and petroleum tanks, shall also be included in the "FLOOR AREA" and the Floor Area shall be determined on the basis of the height of the structures with one floor for each ten feet of structure height and if the structure measures less than ten feet but not less than five feet over the floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "FLOOR AREA." "FLOOR AREA" when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas to the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

**"FLOOR AREA RATIO."** The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of the 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 (See Appendix A, Figure 7).

**"FLOOR AREA, USABLE."** Any floor area within outside walls of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

**"FOOD TRUCK."** A licensed, motorized vehicle modified to include facilities for the cooking, processing and preparation of food and beverages, when temporarily parked on property other than a public street, road or right-of-way, and from which food items or beverages are then sold to the general public.

**"FOOD TRUCK OPERATOR."** The owner or operator of a food truck to be licensed under Chapter 129 of the Village Code of Ordinances, and who shall be the party responsible for the compliance of the operations of the food truck with the requirements of this chapter, the Village Code, and other applicable laws and regulations.

**"FOOT-CANDLE."** A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one footcandle.

**"FOOT-LAMBERT."** A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one candle at one foot distance over one square foot of brightness of a Foot-lambert.

**"FREQUENCY."** The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

**"FRONTAGE."** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot (unless the main entrance of the house faces the side of a corner lot, at the discretion of the Zoning Administrator).

**"FRONT YARD."** See "YARD" (See Appendix A, Figure 3).

**"FUEL BULK STATION."** A place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene, or other flammable liquid which has a flash point at or below 200 F (closed cup tester) that is stored for wholesale purposes, where the aggregate capacity of all regardless of whether the fuel is stored above the ground, underground, or in mobile tank cars or trucks.

**"FUNERAL HOME."** A building or part thereof used for human funeral services. Such a building may contain space and facilities for:

- (1) Embalming and the performance of other services used in preparation of the dead for burial;
- (2) The performance of autopsies and other surgical procedures;
- (3) The storage of caskets, funeral urns, and other related funeral supplies; and
- (4) The storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**"GARAGE."** The following definitions outline a particular type of use that might be found in a **GARAGE**:

(1) "**BUS**." Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, excluding school buses.

(2) "**PRIVATE**." An accessory building or any accessory portion of the principal building which has been designed, arranged, used or intended to be used for the storage of private passenger vehicles, vans of not more than nine passenger capacity or pick-up trucks with State of Illinois "B" plates, of not more than one ton capacity used by the family residing upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on. Such a garage shall not be used for more than one commercial vehicle, where the capacity of that vehicle shall not exceed one and 1-1/2 tons.

(3) "**PUBLIC**." A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

(4) "**REPAIR**." (See also "**SERVICE STATION**"). A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, painting, and body work.

**"GAS STATION."** (See "**SERVICE STATION**".)

**"GRADE."** The established benchmark/grade of the subdivision. When no such benchmark/grade has been established, the grade shall be the elevation of the sidewalk at the property line. When no sidewalk(s) exist, the grade shall be the average elevation of the street adjacent to the property line except, in cases of unusual topographic conditions, as determined by the Building Inspector or Zoning Administrator, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure.

**"GRAFFITI."** See § 132.43 Graffiti.

**"GREENBELT."** See "**BUFFER AREA AND CONSERVATION AREA**."

**"GROSS LEASABLE AREA."** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**"GROUND COVERAGE."** See "**LOT COVERAGE**."

**"GROUND FLOOR AREA."** The lot area covered by a principal building, measured at the highest ground grade, adjacent to the building, from the exterior faces of the exterior walls, but excluding open porches, terraces, garages, and carports.

**"GROUP CARE HOME FOR THE DEVELOPMENTALLY DISABLED."** (See "**FAMILY**".)

(1) A dwelling for six to 15 developmentally disabled person(s) in which the program's size and content are structured to meet the individual social, habitable, and respite needs of the person(s) residing therein, in a residential community setting. Prior to admitting residents, such a dwelling shall comply with the applicable licensing standards of appropriate federal, state, county, or local agencies and may, in addition, house such staff person(s) as may be required to meet the standards of the licensing agencies. Two persons per bedroom maximum allowable and these homes shall be required to have an annual inspection of said premises under the rules and regulations that apply to rental property.

(2) As used herein, the term "**DEVELOPMENTALLY DISABLED**" shall mean having:

(a) Physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment. However "developmentally disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "**GROUP CARE HOME FOR THE DEVELOPMENTALLY DISABLED**" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

**"GUEST, PERMANENT."** A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, or motel accommodation as his domicile and place of permanent residence.

**"HALFWAY HOUSE."** A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the Illinois State Department of Corrections.

**"HAZARDOUS SUBSTANCES."** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person(s) handling or otherwise coming into direct contact with such material or substance.

**"HEALTH/RECREATION FACILITY."** An indoor/outdoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

**"HEALTH CLUB."** Health club means, but not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

**"HEIGHT."** See **"BUILDING HEIGHT."** (See Appendix A, Figure 4)

**"HELIPORT."** The Federal Aviation Administration distinguishes between types of heliports in its definitions.

**"HELIPORT-UNLIMITED USE."** Any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

**"HELIPORT-LIMITED USE."** Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**"HELISTOP-LIMITED USE."** Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained. Limited in location to that of industrial/ manufacturing and emergency service uses.

**"HISTORIC DISTRICT."** A geographically defined area (by village ordinance) possessing a significant concentration or continuity of landmarks, improvements, or landscape features united by historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

**"HOME OCCUPATION."**

(1) In all residential districts, any customary home occupation shall be permitted provided that the following provisions are complied with:

(2) It is conducted entirely within the dwelling by a member of the family residing in the dwelling and when the home occupation is incidental and secondary to the use of the dwelling for dwelling purpose;

(3) It is not conducted from a detached or attached accessory building or requires any internal or external alteration, or involve construction features or use of equipment not customary in a dwelling, and the entrance to the space devoted to the occupation shall be from within the dwelling and not more than 25% of the floor area of the story in which the home occupation is located. This includes the cellar of the dwelling if it is devoted to the home occupation;

(4) There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling, except one nameplate, no more than one square foot in area which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and not illuminated shall be permitted;

(5) All provisions of § 159.019 of this code are complied with;

(6) No mechanical equipment is used, except such as is customarily used for purely domestic or household purposes;

(7) No stock in trade is kept or sold including also such as are made on the premises, or services rendered on the premises that require receipt or delivery of merchandise, goods, or equipment by other than United States Letter Carrier mail service, Federal Express Vans, United Parcel Service, the like, or the passenger automobile of the person conducting the home occupation;

(8) A home occupation conducted by a professional person shall be only for consultation, instruction, or performance of religious rites, but not for the general practice of the profession.

**"HOMEOWNERS ASSOCIATION."** A private, non-profit corporation of homeowners formed for the purposes of owning, operating, and maintaining various common properties.

**"HOSPITAL"** or **"SANITARIUM."** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than 24 hours in any week, of three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "**HOSPITAL**" as used in this Chapter does not apply to institutions operating solely for the treatment of insane person(s), drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "**HOSPITAL**" shall not be used for convalescent, nursing, shelter, or boarding homes.

**"HOTEL."** An establishment that provides lodging other services for travelers and other paying guests. Does not include rooming house, emergency shelter/mission, or boarding house.

**"HOTEL, FULL-SERVICE."** A hotel (see "**HOTEL**") which offers dining and/or lounge area, conference room, laundry service as well as access to meeting rooms, computers and fax services. A full-service hotel shall be exempt from the otherwise applicable building height restrictions in the underlying zoning district provided however that in no event shall any full-service hotel exceed a height of 80 feet or six stories.

**"HOUSEHOLDER."** The occupant of a dwelling unit who is either the owner or lessee thereof.

**"HOUSEHOLD PET."** Animals that are customarily kept for personal use or enjoyment within the dwelling unit. Household pets shall include but not limited to domestic dogs, domestic cats, domestic tropical birds or fresh or salt water fish.

**"HOUSING FOR THE ELDERLY / SENIOR APARTMENTS."** (See also "**CONGREGATE HOUSING AND LIFE CARE FACILITY**"). A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to person(s) based upon age of the husband and/or the wife. This does not include a development that contains convalescent or nursing facilities.

**"IMPACT NOISE."** A short duration of sound such as those from a forging hammer or punch press.

**"IMPERVIOUS SURFACE."** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures (See Appendix A, Figure 8).

**"INCOMBUSTIBLE."** A material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1,200F.

**"INDUSTRIAL PARK."** An industrial park is an area designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions, and restrictions. The development may be on one parcel, or may be subdivided; and, may have a condominium ownership, or a combination of these types.

**"INDUSTRY, HEAVY."** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**"INDUSTRY, LIGHT."** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**"INSTITUTION."** A building occupied by not-for-profit corporation wholly for public or private use.

**"JUNK."** Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.

**"JUNKER."** An automobile, truck, or other motor vehicle which has been damaged or in a state of disrepair to such an extent that it can not 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 for motor vehicles.

**"JUNK YARD."** An open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

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

**"KENNEL, PRIVATE."** Any lot or premises or portion thereof on which less than four dogs, cats, and other household domestic animals, over four months of age, are kept by the owner for the purposes of show, hunting or as pets.

**"LABORATORY, COMMERCIAL."** A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packaging of products is not included within this definition.

**"LANDFILL."** A type of operation in which refuse and earth or other suitable cover material are deposited in alternate layers or specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

**"LANDSCAPE COVERAGE."** The percentage of a zoning lot that is not occupied by buildings, including accessory buildings and structures, driveways, sidewalks, and other impervious surfaces.

**"LAUNDERETTE" and "LAUNDRY SELF-SERVICE."** A business that provides coin-operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that not more than four persons, including owners, are employed on the premises; and no pick-up or delivery service is maintained.

**"LIFE CARE FACILITY."** (See also "CONGREGATE HOUSING and "HOUSING FOR THE ELDERLY"). A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartments living where residents share common meals and culminating in a full health and continuing care nursing home facility.

**"LOADING AND UNLOADING SPACE, OF-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 vehicles, tractors, and trailers to avoid undue interference with public streets and alleys. This space shall not be less than 12 feet in width, 35 foot depth for single-unit truck, 60 foot depth for tractor-trailer truck, and 14 feet in height, exclusive of access aisles and maneuvering space.

**"LODGE, PRIVATE."** A non-profit association of person(s), who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of the premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room(s), and provided that the sale of alcoholic beverages is in compliance with the applicable local, county, state, and federal laws.

**"LOWLAND CONSERVANCY OVERLAY DISTRICT."** See Chapter 158, Development Regulations.

**"LOT."** (See also "LOT OF RECORD"). A parcel of land legally described as a single lot, occupied or intended for occupancy by one principal building, together with its accessory structures and uses, including the yards required by this chapter, and having a frontage on a public or private street or easement, except that a planned unit development may have two or more principal buildings which need not front on a street or easement. The following specific definitions describe the various lot designs that might be found in the village:

(1) **"CORNER LOT."** A lot which adjoins the point of intersection to two or more streets in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the direction they take at the intersection of the street line with the side lot line and rear lot line of the lot. If the street is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street.

(2) **"DOUBLE FRONTAGE LOT."** (See also "THROUGH LOT" and "LOT, THROUGH") A lot having a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot.

(3) **"INTERIOR LOT."** (See also "LOT, INTERIOR"). A lot other than a corner lot.

(4) **"REVERSED CORNER LOT."** A corner lot, the rear lot line of which adjoins upon the side lot line of another lot.

(5) **"THROUGH LOT."** See "DOUBLE FRONTAGE LOT."

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

**"LOT COVERAGE."** Shall mean the percentage of a zoning lot occupied by buildings, including accessory buildings and structures, driveways, sidewalks, and other impervious surfaces.

**"LOT DEPTH."** The mean horizontal distance between the front and lot lines of a lot measured within the lot boundaries (See Appendix

A, Figure 10).

**"LOT, FLAG."** A lot with access provided to the bulk of the lot by means of a narrow strip of land that maintains a short distance of street frontage (See Appendix A, Figure 11).

**"LOT FRONTRAGE."** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the front shall be the narrowest side edge of the lot fronting on a street (unless the main entrance of the house faces the widest side edge of the lot, at the discretion of the Zoning Administrator). The owner may orient his or her building toward either street.

**"LOT, INTERIOR."** A lot other than a corner lot (See Appendix A, Figure 11) or through corner lot.

**"LOT LINES."** The property lines bounding a lot from another lot or from a street (See Appendix A, Figure 3).

**"LOT LINE, FRONT."** (See also "YARD, FRONT"). On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street (unless the main entrance of the house faces a longer lot line, at the discretion of the Zoning Administrator); or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to the nearest street from which access is obtained.

**"LOT LINE, REAR."** That boundary of a lot which is most distant from and is, or almost nearly is, parallel to the front lot line. In the instance of an irregular or triangular shaped lot, the rear lot line is a line of not less than ten feet in length within the lot, parallel to and at maximum distance from the front lot line.

**"LOT LINE, SIDE."** Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

**"LOT OF RECORD."** (See also "LOT"). A lot which is part of a subdivision, the plat of which has been recorded in the office of the Will County Recorder of Deeds, or a parcel of land the deed of which was recorded in the Recorder of Deeds office prior to 2-10-87.

**"LOT, SUBSTANDARD."** A lot or parcel of land that has less than the required minimum area or width as established by the district in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title.

**"LOT, THROUGH."** A lot having its front and rear yards each abutting on a street (See Appendix A, Figure 11).

**"LOT WIDTH."** The minimum horizontal distance between the side lot lines of a lot measured along the front building line, as provided in this chapter (See Appendix A, Figure 10).

**"MANUFACTURING ESTABLISHMENT."** An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products.

**"MARQUEE."** Any permanent roof-like structure projecting beyond a building or extending along and projection beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**"MANUFACTURED HOUSING."** A factory built, single family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a semi-permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to the site, and which does not have wheels or axles permanently attached to its body or frame.

**"MANUFACTURED HOUSING DEVELOPMENT."** A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for single family detached dwelling purposes.

**"MASSAGE"** and/or **"MASSAGE THERAPY."** A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage, as licensed under the Illinois Massage Licensing Act and as defined herein, is to enhance the general health and well-being of the mind and body of the recipient. **"MASSAGE"** does not include the diagnosis of a specific pathology. **"MASSAGE"** or **"MASSAGE THERAPY"** does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in the Illinois Massage Licensing Act.

**"MASSAGE PARLOR."** An establishment providing massage or massage therapy administered by persons licensed by the Illinois Department of Professional Regulation under the Illinois Massage Licensing Act as massage therapists.

**"MASSAGE THERAPIST."** A person who is licensed by the Illinois Department of Professional Regulation under the Illinois Massage Licensing Act to perform massage or massage therapy.

**"MINI-WAREHOUSES."** See **"SELF-SERVICE STORAGE FACILITY."**

**"MOBILE HOME."** A trailer designed and constructed for dwelling purposes which contains cooking, sanitary, and electrical facilities and has a gross area of 220 square feet or more. It is transportable and factory built and has been designed to be used as a partial year-round residential dwelling and was built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976 and Act 115. Illinois Manufactured Housing and Mobile Home Safety Act, effective July 1, 1974 and amended October 1, 1975 and January 10, 1991 according to the 1994 Illinois Revised State Statutes ILCS Ch. 430, Act 115 in its entirety.

**"MOBILE HOME PARK."** A lot, parcel, or tract of land developed with facilities for accommodating two or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath; and the park shall be for use only by non-transient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which are occupied or vacant for not more than 30 days after occupancy may be sold or offered for sale.

**"MOTOR FREIGHT TERMINAL."** A building in which freight, brought to the building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**"MOTOR HOME."** A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel.

**"MOTOR VEHICLE."** A passenger vehicle, motorcycle, truck, truck-trailer, trailer, or semi-trailer propelled or powered either mechanically or electrically.

**"NAMEPLATE."** A sign indicating the name and address of a building or the name of the occupant thereof, and the practice of a permitted occupation therein.

**"NIGHTCLUB."** (See also **"BAR"**). A commercial establishment dispensing alcoholic or non-alcoholic (teen club) beverages for consumption on the premises and in which dancing is permitted.

**"NITS."** A unit of luminance equal to one candela per square meter.

**"NON-CONFORMING BUILDING."** Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put.

**"NON-CONFORMING LOT."** A use or activity which lawfully existed prior to the adoption, revision, or amendment of this chapter, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.

**"NON-CONFORMING USE."** Any building, structure, or land lawfully occupied by use or lawfully established at the time of the adoption of this chapter or amendments thereto, which does not conform after the passage of this chapter or amendments hereto with the use regulations of this chapter.

**"NOXIOUS MATTER."** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

**"NURSING HOME."** (See also **"CONGREGATE HOUSING"**). A home for the care of children or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care.

**"NURSERY SCHOOL OR DAY NURSERY."** (See also **"CHILD DAY CARE"**). An institution providing care for three or more children under the age of seven years of age for periods of more than four hours but less than 12 hours.

**"OBSTRUCTION."** An obstacle, impediment, or hindrance.

**"OCTAVE BAND."** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**"OCTAVE BAND FILTER."** An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound-level meter to take measurements in specific octave intervals. (American Standard for Sound-level Meters/A.S.A. - No. 224.3 - 1944)

**"ODOR THRESHOLD."** The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with the ASTM Method D 1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)".

**"ODOROUS MATTER."** Any material that produced an olfactory response among human beings.

**"OFFICE."** A place, such as a building, room or suite in which services, clerical work, professional duties, or the like, are carried out.

**"OFFICE PARK."** A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and land use compatibility.

**"OIL, GAS TREATMENT AND PROCESSING PLANT."** A facility designed to separate and recover hydrocarbons (i.e. butane, ethane, propane) and/or to remove impurities (i.e. hydrogen sulfide) from oil or gas. Also could include, but not limited to the mixing and/or blending of additives, detergents, benzene and alcohols during processing/manufacturing.

**"OPEN SALES LOT."** Any land used or occupied for the purpose of buying and selling new or second hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, and the like, and for the storing of same prior to sale.

**"OPEN SPACE."** (See also **"BUFFER AREA," "CONSERVATION AREA"** and **"GREENBELT"**). An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes.

(1) **"OPEN SPACE"** may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, bike pathways and water courses.

(2) **"OPEN SPACE"** shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

(3) **"OPEN SPACE"** may also be considered as land used for recreation, resource protection, amenity, and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of any existing or future road or right-of-way be counted as constituting open space.

**"OPEN SPACE, COMMON."** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**"OUTDOOR STORAGE."** The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

**"PARCEL."** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**"PARCEL DELIVERY STATION."** A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within the area.

**"PARK."** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**"PARKING AREAS."**

(1) "PRIVATE PARKING AREA." An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

(2) "PUBLIC PARKING AREA." An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1-1/2 ton capacity, and available to the general public, whether for compensation, free, or as an accommodation to clients or customers.

"PARKING LOT." (See also "GARAGE, PUBLIC"). An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

"PARKING, SHARED." The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

"PARKING SPACE." An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single family detached, single family attached, and townhome residential uses shall be considered to have a means of access to a public street.

"PARKING SPACE, AUTOMOBILE." Space within a public or private parking area of not less than 190 square feet, 9-1/2 feet by 20 feet, exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1-1/2 ton capacity.

"PARTICULATE MATTER." Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

"PARTY WALL." An interior wall of adjoining structures extending from its footing to the underside of the roof, and which separates and is in common use by the adjoining structures.

"PATIO." A level, unenclosed surfaced area located at grade and usually directly adjoining or attached to a building.

"PATIO STONE." Decorative concrete blocks used in a yard or garden. These blocks are not contiguous and are semi-permanent in nature. No permit is required for these blocks provided they do not exceed 100 square feet in area. These blocks are counted towards lot coverage.

"PEDIMENT." A decorative structure set over a door or window.

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

"PERFORMANCE GUARANTEE." (See also "MAINTENANCE GUARANTEE"). A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with the approved ordinances, regulations, and the approved plans and specifications of the development.

"PERFORMANCE STANDARD." A criterion 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.

"PET." See "HOUSEHOLD PET".

"PLACE OF WORSHIP." See "CHURCH".

"PLANNING AND ZONING COMMISSION." The Planning and Zoning Commission (the "Commission") of the Village of Romeoville.

"PLANNED UNIT DEVELOPMENT." Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development, but which will not be provided, operated, or maintained at general public expense.

"PLANNED UNIT DEVELOPMENT, AREA." A tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings, and which is at least four acres in area, except for planned developments operated by a municipal corporation which shall be at least two acres in area, and planned manufacturing developments which shall be at least ten acres in area.

"PLANT NURSERY." Any land used to produce trees, shrubs, flowers, and other plants for sale or transplanting.

"PORCH." A roofed platform or slab projecting from the wall of a building and having direct access to or from the building to which it is attached. A porch has no solid walls other than the wall of the building to which it is attached. A porch may be enclosed with a mesh screen to keep out unwanted insects, but is otherwise exposed to the elements throughout the year.

"PREFERRED FREQUENCIES." A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard N.SI.6-1960, "Preferred Frequencies for Acoustical Measurements."

"PRINCIPAL BUILDING." A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located (See Appendix A, Figure 1).

"PRINCIPAL USE." The main use of the land or buildings as distinguished from a subordinate or accessory use.

"PRINT SHOP." A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

"PRIVATE CLUB." See "CLUB".

"PUBLIC OPEN SPACE." Any publicly-owned open area, including, but not limited to the following: parks, Playgrounds, Forest

Preserves, Beaches, Waterways, Parkways, Streets, and Golf Courses.

**"PUBLIC UTILITY."** Any person, firm, corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, sewers, transportation, water or cable television.

**"RAILROAD RIGHT-OF-WAY."** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, and the like.

**"REAR YARD."** See "YARD, REAR."

**"RECYCLING CENTER."** A facility that is not a junk yard, in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, either by hand or mechanically assisted within a completely enclosed building.

**"RECYCLING COLLECTION POINT."** A collection point for small refuse items, such as bottles, metal cans and newspapers, located either in a container or small structure.

**"RECYCLING PLANT."** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**"REFUSE."** All waste products resulting from human habitation, except sewage.

**"RESEARCH LABORATORY."** (See also "LABORATORY, COMMERCIAL"). A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**"RESIDENCE."** A residence is a permanent structure where one resides or dwells.

**"RESIDENTS ASSOCIATION."** See "HOMEOWNERS ASSOCIATION".

**"RESORT."** A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

**"RESTAURANT."** Any building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tea-room, and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals, where permitted by local ordinance.

**"RESTAURANT, DRIVE-IN."** An establishment that delivers prepared food and/or beverages (non-alcoholic) to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or (non-alcoholic) to customers who are not in motor vehicles, for consumption either on or off the premises.

**"RESTAURANT, FAST-FOOD."** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either:

(1) Foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or

(2) The establishment includes a drive-up or drive-through service facility or offers curb service.

**"REST HOME."** See "NURSING HOME".

**"RETIREMENT COMMUNITY."** See "HOUSING FOR THE ELDERLY".

**"RIGHT-OF-WAY."** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water mains, sanitary or storm sewer mains, sidewalks and bike paths.

**"RINGLEMANN CHART."** A chart which is described in the United States Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

**"RINGLEMANN NUMBER."** The number of the area on the Ringlemann Chart that coincides most nearly with the visual density of smoke emission.

**"ROAD, PUBLIC."** (See also "RIGHT-OF-WAY" and "STREET"). All public property reserved or dedicated for public use, which shall include roadways and public utilities.

**"ROAD, PRIVATE."** (See also "RIGHT-OF-WAY" and "STREET"). A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

**"ROADSIDE STAND, FARMERS."** A structure for the display and sale of only agricultural products which have been produced solely on the premises (see specific requirements on permitting).

**"ROADSIDE STAND, BUSINESS."** A structure whose primary function is to display and sell agricultural products which have been produced off premises for resale.

**"ROADWAY."** That portion of a street which is used or intended to be used for the movement of vehicular traffic.

**"ROOMING HOUSE."** (See also 'BOARDING HOUSE'). A building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to one to three adult persons not related by blood, marriage, or adoption to the owner.

**"RUNWAY."** A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

**"SATELLITE TELEVISION ANTENNA/SATELLITE DISH."** An accessory structure whose purpose is to receive communications, electromagnetic waves, or other signals from satellites and other extraterrestrial sources. It also is a round, parabolic antenna intended to receive these signals from orbiting satellites and other sources. Residential dish antennas are defined as being less than eight feet in

diameter, while commercial dish antennas are usually those larger than eight feet and typically used by broadcasting stations or cable television franchisees. Dishes that are less than 18 inches in size are preempted from local control according to federal guidelines.

**SCHOOL** Elementary, high, or college, public or private, or non-profit junior college, college or university, other than trade and business schools, including instructional and recreational uses and school bus garages, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**SCREENING**. (See also **BUFFER AREA** and **FENCE**). A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: fences, shrubs, hedges, berming or other plantings that maintain an opaque condition.

**SELF-SERVICE STORAGE FACILITY**. 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 the customer's goods or wares.

**SERVICE STATION**. (See also **GARAGE, REPAIR**). Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**SELF-SERVICE STATION**. An establishment where liquids used as motor fuels are stored and dispersed into approved fuel containers or motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products (i.e. bread, pop, milk).

**SETBACK**. The required minimum horizontal distance between the building line and the related front, side, or rear property line (See Appendix A, Figures 3 and 10).

**SETBACK ESTABLISHED**. When 40% or more of the lots fronting on one side of a street within a block are improved, the existing setbacks of the improved lots shall be the "**ESTABLISHED SETBACK**" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated by this chapter.

**SETBACK LINE, BUILDING**. See "**BUILDING SETBACK LINE**." (See Appendix A, Figures 3 and 10)

**SHELTER**. See "**EMERGENCY SHELTER/ MISSION**."

**SHOPPING CENTER**. A grouping of retail business and service uses on a single site with common parking facilities.

**SIDE YARD**. See "**YARD, SIDE**." (See Appendix A, Figure 3)

**SIDEWALK CAFÉ**. An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk café may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof.

**SIGHT TRIANGLE**. The area established at the intersection of two streets or a street and a driveway in which nothing shall be erected, planted, or allowed to grow so as to limit or obstruct the sight distance of motorists and pedestrians. The area between three feet and ten feet above grade is to be free and clear of obstructions.

**SIGN**. Any object, device, display or structure consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademarks, reading matter, or illuminating device; constructed attached, erected, fastened, or manufactured in any manner whatsoever so that the sign shall be used for the attraction of the public to any place, subject, person, public performance, article, machine, or merchandise whatsoever and displayed in any manner whatsoever for recognized advertising purposes.

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

**SIGN, ANIMATED OR MOVING**. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**SIGN, AWNING**. Any sign painted, stamped, perforated, or stitched, or otherwise applied on the balance of an awning over a door, entrance, window, pedestrian way or outdoor service area.

**SIGN, BANNER**. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**SIGN, BILLBOARD**. See "**BILLBOARD**." (See Appendix A, Figure 12(a))

**SIGN, BOX OR CABINET**. A sign that contains all of the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

**SIGN, BUILDING**. Any sign attached to any part of a building, as contrasted to a free-standing sign.

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

**SIGN, CANOPY**. A sign painted on or otherwise incorporated onto a fixed structure made of cloth or metal, with metal framework projection over and supported by the ground.

**SIGN, CONSTRUCTION**. A temporary sign identifying the participants taken part in a construction project on the property on which the sign is located, and including parties such as the architect, engineer, contractor, subcontractor, owner, developer, sponsor, and financial supporter.

**SIGN, CHANGEABLE COPY**. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day, shall be considered an animated sign by definition. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign.

**"SIGN, CHURCH BULLETIN BOARD."** A sign attached to the exterior of a church or located elsewhere on the church premises, used to indicate the services or activities of the church and including its name, if desired.

**"SIGN, DIRECTIONAL."** Ingress or egress and other traffic circulation signs which guide pedestrian or vehicular traffic.

**"SIGN, ELECTRONIC MESSAGE BOARD."** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process.

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

**"SIGN, FREESTANDING."** A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure (See Appendix A, Figure 12(b)).

**"SIGN, GOVERNMENTAL AND ESSENTIAL SERVICE."** A sign erected and maintained to identify or serve any government function or control, including essential service signs which may be related to traffic, utility locations or emergency services.

**"SIGN, GROSS SURFACE AREA."** A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of the sign. The perimeter shall not include any structural or framing elements lying outside the limits of the sign and not forming an integral part of the display.

**"SIGN, GROUND."** Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when the sign is supported by one or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building (See Appendix A, Figure 12(b)).

**"SIGN, IDENTIFICATION."** (See also 'BUILDING MARKER'). A structure, building wall, or other outdoor surface used to display and identify the name of the individual, business, profession, organization, or institution occupying the premises on which it is located.

**"SIGN, ILLUMINATED."** A sign illuminated in any manner by an artificial light source (i.e. internal, external).

**"SIGN, INCIDENTAL."** A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zoning lot on which the sign is located shall be considered incidental.

**"SIGN, MARQUEE."** A sign painted or otherwise incorporated into any marquee (roof-like structure) of permanent construction extending over a pedestrian way and projecting out from the wall of a building.

**"SIGN, MONUMENT."** A ground supported sign mounted on a solid base or supporting uprights greater than two feet in width. Any sign mounted less than seven feet above grade is also classified as a monument sign (See Appendix A, Figure 12(b)).

**"SIGN, OFF-PREMISES."** See "BILLBOARD" and "SIGN OUTDOOR ADVERTISING."

**"SIGN, ON-PREMISE."** A sign which directs attention to a business or profession conducted, including commodity, entertainment, or service sold, offered, or manufactured on the premises where the sign is located.

**"SIGN, OUTDOOR ADVERTISING."** A sign consisting of any letter, figure, character, mark, point, plane, marquee sign, poster, pictorial, picture, stroke, stripe, line, trademarks, reading matter, or illuminating device; constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the sign shall be used for the attraction of the public to any place, subject, person, public performance, article, machine, or merchandise whatsoever NOT sold, produced, manufactured, or furnished at the property on which the sign is located; and displayed in any manner whatsoever out of doors for recognized advertising purposes.

**"SIGN, POLE."** A sign supported by one or more upright poles, columns, or braces constructed with a concrete foundation not attached to any building or structure (See Appendix A, Figure 12(d)).

**"SIGN, POLITICAL."** A sign showing support for a political candidate, candidates or party running for an elected office at the municipal, township, county, state or federal government levels, usually temporary in nature.

**"SIGN, PORTABLE."** A sign, of a temporary nature, not anchored to the ground or to a building or structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character (See Appendix A, Figure 12(c)).

**"SIGN, PROJECTING."** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign (See Appendix A, Figure 12(g)).

**"SIGN, ROOF."** Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave (See Appendix A, Figure 12(e)).

**"SIGN, SUSPENDED."** A sign that is suspended from the under-side of a horizontal plane surface and is supported by such surface.

**"SIGN, TEMPORARY."** A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations. A sign that is intended for use for only a limited period of time.

**"SIGN, WALL."** A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building. Also any sign that is temporarily affixed to or displayed on the interior of an establishment so as to be readable from the exterior thereof (See Appendix A, Figure 12 (f)).

**"SIGN, WINDOW."** A sign painted, stenciled, or affixed on a window, which is visible from the street right-of-way (See Appendix A, Figure 12(h)).

**"SITE PLAN."** A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, citing of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

**"SLOPE."** See **"GRADE."**

**"SMOKE."** Small gas-borne particles other than water that form a visible plume in the air.

**"SMOKE UNIT."** The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of **"SMOKE UNITS"** observed during the total period under observation.

**"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 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure of 0.0002 micro-bar.

**"SPA"** or **"DAY SPA."** A commercial establishment which offers patrons multiple services such as: personal hygiene, grooming, relaxation therapy, hydro therapy and licensed massage therapy. The establishment may also offer incidental light nourishment or refreshment for patrons. Establishments which offer massage therapy must conform to the other provisions governing the same in this chapter.

**"SPECIAL USE."** (See also **"CONDITIONAL USE"** and **"USE, SPECIAL"**). Any use of land or buildings, or both, described and permitted herein, subject to the provisions of this chapter.

**"STABLE, LIVERY."** Any building, other than a "private stable", designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery or both.

**"STABLE, PRIVATE."** Any building, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

**"STABLE, PUBLIC."** Riding or Boarding Stable. A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding, breeding of horses including accessory uses which may include riding and horsemanship instructions and the hire of riding horses.

**"STACKING REQUIREMENTS."** For the purpose of this chapter, stacking requirements are the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

**"STANDARD SPECIFICATIONS."** The construction standards for the village, which shall apply in all respects, when applicable.

**"STONE MATERIAL."** Masonry construction using tone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone, dimensioned stone, and manufactured stone products are acceptable, but no imitation stone, stone sheeting or stone veneer shall be allowed under this chapter under any circumstances whatsoever.

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

**"STORY, HALF."** (See also **"STORY"**). A **"HALF-STORY"** is that portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than 4-1/2 feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a **"HALF-STORY"** in a sloping roof shall not be counted as a story for the purpose of this Chapter. In the case of multiple-family dwellings three or more stories in height, a **"HALF-STORY"** shall be counted as a story.

**"STREET."** A right-of-way which affords primary means of access by pedestrians and motor vehicles to abutting properties; whether designated as a street, avenue, drive, lane, court, boulevard, roadway, highway, easement or however otherwise designated.

**"STREET LINE."** A line separating an abutting lot, piece or parcel of land from the street. Also called a right-of-way line.

**"STREET, CLASSIFICATION."** The hierarchy of road types based on size and traffic volume. The classification system used by the village is the standard set by the American Association of State Highway and Transportation Officials.

**"STREET, CLASSIFICATION: INTERSTATE EXPRESSWAY."** Typical uses are for regional and national trips. These routes are divided highways with no direct access to fronting properties. Direct access is limited to periodic interchanges.

**"STREET, CLASSIFICATION: MAJOR ARTERIAL."** Many of the trips on a major arterial are trips that span an entire community and beyond to neighboring communities. However, they are meant to serve all types of trips. In many cases, properties fronting major arterials have limited access so as to not impede the traffic flow. Major arterials typically connect to other regional arterials and expressways to link cities and counties. Often under the jurisdiction of the state or county, these streets typically require a minimum of two lanes in each direction plus turn lanes. Traffic volumes greater than 15,000 vehicles per day can be expected.

**"STREET, CLASSIFICATION: SECONDARY ARTERIAL."** Also serving all types of trips, the primary use for secondary arterials are trips within the community. This street type is not meant to carry a significant amount of regional trips; however, they do often connect to major arterials. The main purpose of the secondary arterial is to provide efficient traffic flow and increase the traffic capacity of the community. These roads also serve adjacent land-uses with more access points than a major arterial. Secondary arterials do not normally penetrate residential neighborhoods. The majority of these streets are under the jurisdiction of the county or village and typically carry under 15,000 vehicles per day.

**"STREET, CLASSIFICATION: MAJOR COLLECTOR."** The primary use for major collectors are trips within the community similar to the secondary arterial, but do not provide the connectivity to neighboring communities. The major collector provides connections between arterials but should not carry many regional trips. Access points to residential, commercial, and industrial areas are found on these streets. Traffic volumes can vary depending on the community and continuity of the street. In the village, these streets are under the jurisdiction of the village and carry between 5,000 and 10,000 vehicles per day.

**"STREET, CLASSIFICATION: MINOR COLLECTOR."** Also known as a neighborhood collector, these streets typically are meant to

serve only vehicle-trips generated to and from residential subdivisions, business developments, or industrial parks in the community. Minor collectors fuse traffic to the major collectors and eventually arterials. They are not meant as through streets and normally are no longer than one mile. Minor collectors are under village jurisdiction and typically carry less than 5,000 vehicles per day.

**"STREET, CLASSIFICATION: RESIDENTIAL."** Streets in the village are considered as residential unless otherwise designated as arterials or collectors. These streets are only meant to connect residences within a neighborhood to collector roadways.

**"STRUCTURAL ALTERATIONS."** Any change other than incidental repairs and remodeling, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, and girders.

**"SUBDIVISION."** Any of the following:

- (1) A described tract of land which is to be or has been divided into two or more parcels of land.
- (2) Any division of land which created a lot for transfer of ownership, or building development, where a new street is involved.
- (3) The dedication of streets, ways, or other areas for use of the public.
- (4) Subdivision and/or development does not include the division of a tract, parcel, or lot into parcels or lots, all of which resultant parcels or lots exceed five acres, and if a new street is not involved. A certified plat of survey conforming with the applicable provisions of the development regulations shall be required for the division of land when a new lot is created for the purpose of transfer of ownership or building development, and a new street is not involved.

**"SUBDIVISION ORDINANCE."** The "Development Regulations", Chapter 158 of the Village of Romeoville Code of Ordinances.

**"TAVERN."** (See also **"BAR,"** **"CLUB,"** **"COCKTAIL LOUNGE,"** **"NIGHTCLUB"**) A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is the serving of food.

**"TEEN CLUB."**

- (1) A non-alcoholic establishment catering to a teenaged customer, customarily between the ages of 12 to 20.
- (2) Activities could include but not limited to foos-ball, pool, video games, ping pong, and the like.

**"TEMPORARY/SEASONAL GOODS/MERCHANDISE."** Items which are not normally sold throughout the year and are displayed and sold only during the time of year for which they are appropriate or for which they are intended to be used.

**"TEMPORARY/SEASONAL OUTDOOR SALES AREA."** Areas designated for the sale of goods and/or merchandise for a specified, limited purpose and period of time, by an owner or occupant that is located on the same parcel as the seasonal sales lot.

**"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). Freight, overseas, or cargo containers shall not be considered **"TEMPORARY PORTABLE STORAGE UNITS."**

**"TEMPORARY SALE."** See **"FLEA MARKET."**

**"TEMPORARY SIGNAGE."** A sign that is intended for a limited use and/or time frame.

**"TEMPORARY USE."** A prospective use, intended for a limited duration, to be located in a "zoning district" not permitting such use, and not continuing a non-conforming use or building.

**"TERRACE."** A landscape treatment of mounded earth, rock wall, railroad tie wall or other retaining device or construction used to modify steep grade differences on a lot. A terrace shall not include a patio or deck surface.

**"THROUGH LOT."** See also **"LOT, THROUGH."** (See Appendix A, Figure 11).

**"TOURIST PARK."** A parcel or tract of land containing facilities for locating two or more travel trailers or mobile homes, and for use only by transients remaining less than two months, whether or not a charge is made. An open sales lot in which automobiles or unoccupied trailers are parked for the purpose of inspection or sale is not included in the **"TOURIST PARK."**

**"TOWER - COMMERCIAL."** (See also **"ANTENNA"** and **"SATELLITE DISH"**). A structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatched communications.

**"TOWER - RESIDENTIAL."** (See also **"ANTENNA"** and **"SATELLITE DISH"**) A structure situated on a residential property that is intended for the transmitting of ham radio, citizen band or the receiving of television or radio transmissions, excluding those used exclusively for dispatched communications.

**"TOWNHOME."** See **"DWELLING, SINGLE FAMILY, ATTACHED."**

**"TOWNHOUSE."** See **"DWELLING, SINGLE FAMILY, ATTACHED."**

**"TOXIC MATERIALS."** A substance (liquid, solid or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

**"TRAILER."** A vehicle designed and constructed for the specific use of hauling or delivering of materials, completely enclosed or open on all sides and can only be moved if attached to a motor vehicle.

**"TRAILER, CAMPING."** A vehicle designed and constructed for temporary dwelling purposes which does not contain built in sanitary facilities and has a gross floor area of less than 150 square feet.

**"TRAILER, OFFICE."** Any vehicle or portable structure constructed so as to permit occupancy thereof, for lodging or dwelling purposes or for use as an accessory building or structure in the conduct of a business, trade, or occupation and which may be used for a conveyance on streets and highways by its own or other motive power.

**"TRAILER, TRAVEL."** (See also **"MOBILE HOME"**). Any vehicle designed and constructed for dwelling purposes which may contain cooking, sanitary, and electrical facilities and has a gross floor area of 150 square feet or more, but less than 250 square feet.

**"TRAILER CAMP" or "PARK."** Any premises occupied by or designed to accommodate two or more automobile house trailers or mobile homes, or the parking of two or more trailers for business or storage purposes.

**"TRANSFER OF DEVELOPMENT RIGHTS."** The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

**"TRANSITIONAL USE."** A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

**"TRUCK TERMINAL."** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

**"TRUCK PARKING AREA OR YARD."** Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, and which exceed 1-1/2 tons in capacity.

**"USABLE OPEN SPACE."** Ground area of a lot, landscaping, and recreational facilities may qualify as usable open space provided that it is an area unobstructed from the ground to the sky and which is not devoted to public or private roadways or driveways, and off-street parking and loading; is accessible and available only to occupants of dwelling units on premises, except balconies; is not covered by buildings, except not more than 5% of the required open space may be recreational facilities enclosed within a building for the use of occupants of the dwelling units on the premises; has not less than ten feet at its narrowest dimension between either a lot line and an area not qualifying as usable open space; and is developed, landscaped, and maintained suitably for pedestrian, recreational, and leisure use.

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

**"USE, LAWFUL."** The use of any building, structure, or land, that conforms with all of the regulations of this Chapter or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Chapter or any amendment thereto, for the structure or land that is being examined.

**"USE, NON-COMFORMING."** See "**NON-COMFORMING USE**".

**"USE, PERMITTED."** Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this chapter for the district in which the use is located.

**"USE, PRINCIPAL."** See "**PRINCIPAL USE**." (See Appendix A, Figure 1)

**"USE, SPECIAL."** A use that has unusual operational, physical, or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that complements and is otherwise, or can be made, compatible with the intended overall development within a district. Compliance with special standards not necessarily applicable to other permitted or special uses in the district shall be required as regulated in this chapter.

**"USED FOR."** Includes arranged for, designed for, intended for, maintained for and/or occupied for.

**"VARIANCE."** A dispensation permitted on individual parcels or property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms of the "zoning code."

**"VENDING MACHINE."** A machine for dispensing merchandise or services designed to be operated by the customer.

**"VIBRATION."** The periodic displacement, measured in inches, of earth at designated frequency cycles per second.

**"VILLAGE ATTORNEY."** The Legal Counsel representing the village and, appointed by the Village Board of Trustees.

**"VILLAGE BOARD OF TRUSTEES."** (See also '**BOARD OF TRUSTEES**'). The elected officials that represent the residents of the village.

**"VILLAGE CLERK."** The elected official in charge of the village records.

**"VILLAGE ENGINEER."** The appointed individual or firm that represents the best interests of the Village with regards to engineering matters (i.e. water, sanitary sewer, storm sewer and street improvements).

**"VILLAGE MANAGER."** The individual hired by the Village President and Board of Trustees who is responsible for the daily management and operations of the village.

**"VILLAGE PRESIDENT."** The elected official that represents the residents of the Village and who presides over the Village Board meetings.

**"WAREHOUSE."** A building used primarily for the storage of goods and materials.

**"WAREHOUSING AND DISTRIBUTION."** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**"WETLANDS."** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. In addition to it is also those transitional lands between terrestrial and aquatic systems, 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 Deep Water Habitats of the United States" as published by the U.S. Fish and Wildlife Service (FWS/ OBS-79/31).

**"YARD."** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

**"YARD, FRONT."** (See also '**LOT LINE, FRONT**'). A yard extending along the full width of a front lot line between side lot lines and from

the front lot line to the front building line in depth (See Appendix A, Figure 3).

**"YARD, REAR."** (See also "LOT LINE, REAR"). A yard which is bounded by side lot lines, rear lot line, and the rear yard line (See Appendix A, Figure 3).

**"YARD, SIDE."** (See also "LOT LINE, SIDE"). A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line (see Appendix A, Figure 3).

**"YARD, SIDE/INTERIOR."** (See also "LOT LINE, SIDE"). A side yard which adjoins another lot or an alley separating the side yard from another lot (See Appendix A, Figure 3).

**"YARD ADJOINING A STREET."** A yard which is bounded by the front lot line, side yard adjoining a street line, and rear lot line (See Appendix A, Figure 3).

**"YARD LINE."** A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to the lot line at any point than the required depth of the applicable yard. A structure or other obstruction shall not encroach into the area between the "YARD LINE" and the adjacent lot line, except for such permitted obstructions in yards as are allowed in by this chapter.

**"ZERO LOT LINE."** The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line. This type of development shall be permitted only upon the acceptance and approval under a "Planned Unit Development" as established by this chapter.

**"ZONE."** See "DISTRICT."

**"ZONING ADMINISTRATOR."** The individual who enforces the requirements of this chapter.

**"ZONING CERTIFICATE."** A certificate of zoning compliance prepared by the village prior to the issuance of the Building Permit.

**"ZONING LOT."** A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

(Am. Ord. 05-0266, passed 4-6-05; Am. Ord. 05-0313, passed 2-1-06; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0509, passed 2-21-07; Am. Ord. 07-0550, passed 7-18-07; Am. Ord. 07-0599, passed 12-19-07; Am. Ord. 08-0715, passed 11-19-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 10-0816, passed 1-20-10; Am. Ord. 12-0984, passed 5-2-12; Am. Ord. 14-1086, passed 2-5-14; Am. Ord. 15-1190, passed 9-16-15; Am. Ord. 15-1229, passed 11-18-15; Am. Ord. 16-1306, passed 9-7-16)

*Editor's note. The figures pertaining to this section and this chapter are found in Appendix A of this chapter.*

#### **§ 159.004 INTERPRETATION.**

(A) Minimum requirements. The provisions of this Chapter shall be held to the minimum requirements for the promotion of "general public health, safety, morals, and welfare".

(B) Relationship with other laws. Where the conditions imposed by any provisions of this chapter on the use of land or buildings or on the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or other law, ordinance, resolution, rule, or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(C) Effect on existing agreements. This Chapter is not intended to invalidate any easement, covenant, or any other private agreement provided that where the regulations of this chapter are more restrictive, or impose higher standards or requirements, than such easements, covenants or other private agreements, then the requirements of this chapter shall govern.

(D) Interpretation. Any interpretation of this code shall be the responsibility of the Zoning Administrator.

#### **§ 159.005 SCOPE.**

(A) Changes in structures or uses: Except as otherwise provided in §§159.140 through 159.147, non-conforming buildings, structures and uses, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which the buildings, uses, or land shall be located.

(B) Non-conforming buildings, structures and uses. Any lawful building, structure, or use existing at the time of the enactment of this chapter may be continued, even though the buildings, structure, or use does not conform to the provisions of this chapter 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 of §§ 159.140 through 159.147.

(C) Building permits. When a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this chapter, and provided that construction is begun within six months of the effective date and diligently pursued to completion, the building and structure may be completed in accordance with the approved plans on the basis of which the building permit has been 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 § 159.170 of this chapter.

(D) Territorial application of regulations: The provision of this chapter shall apply to structures and land with the village.

(E) New structures. All structures built hereafter shall comply with all of the regulations of this Zoning Code. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless this code permits such structure to be rebuilt or restored.

(F) New uses of old structures. If the use of any existing structure is hereafter changed to another use, then the new use shall comply with the use regulations of this code; provided, however, the mere establishment of a new use does not by itself require the existing structure to conform to the lot size or other building regulations of this code.

(G) Remodeling. If any structure is hereafter remodeled.

- (1) The entire structure as remodeled shall comply with the use regulations of this code;
- (2) Any alterations or enlargements of, or additions to the structure shall comply with the building regulations of this code; and,
- (3) The off-street parking facilities provided for the structure shall not be reduced below (or if already less than, shall not be further reduced below) the requirements that would be applicable to a similar new structure or use.

(H) Use of open land: If any use of open land is hereafter established, or if any use of open land is hereafter changed to another use, such use shall comply with all the regulations of this code.

#### **§ 159.006 SEPARABILITY.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

#### **§ 159.007 ZONING DISTRICTS.**

For the purpose and provisions herein, the village is hereby organized into 24 districts. The minimum area that may constitute a separate or detached part of any "zoning district" shall be as follows:

DISTRICT	LAND USE CHARACTERISTICS	MIN. SIZE (acres)
DISTRICT	LAND USE CHARACTERISTICS	MIN. SIZE (acres)
A-1	AGRICULTURAL DISTRICT	10
E-R	SINGLE FAMILY ESTATE RESIDENTIAL DISTRICT (43,560 sq.ft.)	5
R-1	SINGLE FAMILY RESIDENTIAL DISTRICT (20,000 sq.ft.)	10
R-2	SINGLE FAMILY RESIDENTIAL DISTRICT (15,000 sq.ft.)	10
R-3	SINGLE FAMILY RESIDENTIAL DISTRICT (10,000 sq.ft.)	10
R-4	SINGLE FAMILY RESIDENTIAL DISTRICT (8,000 sq.ft.)	10
R-5	SINGLE FAMILY RESIDENTIAL DISTRICT (6,500 sq.ft.)	10
R-5A	SINGLE FAMILY RESIDENTIAL DISTRICT (6,000 sq. ft.)	N/A
R-6	ATTACHED RESIDENTIAL DISTRICT (5,500 sq.ft.)	10
R-7	GENERAL RESIDENTIAL DISTRICT (4,500 sq.ft.)	10
B-1	LOCAL SHOPPING DISTRICT	1
B-2	COMMUNITY SHOPPING DISTRICT	1
B-3	HIGHWAY/REGIONAL SHOPPING DISTRICT	1
B-4	AUTOMOTIVE SERVICE DISTRICT	1
P-1	PUBLIC/PRIVATE LAND CONSERVATION DISTRICT	1
P-B	PLANNED BUSINESS DISTRICT	10

DISTRICT	LAND USE CHARACTERISTICS	MIN. SIZE (acres)
DISTRICT	LAND USE CHARACTERISTICS	MIN. SIZE (acres)
DD	DOWNTOWN DISTRICT	N/A
M-R	MANUFACTURING-RESEARCH DISTRICT	10
M-1	LIGHT/MEDIUM MANUFACTURING DISTRICT	10
M-2	MEDIUM/HEAVY MANUFACTURING DISTRICT	10
AD-1	AIRPORT DISTRICT I	162
AD-2	AIRPORT DISTRICT II	20
U-D	UNIVERSITY DISTRICT	30
FP-1	FLOOD PLAIN OVERLAY DISTRICT	N/A

(Am. Ord. 06-0369, passed 2-1-06)

#### **§ 159.008 ZONING MAPS.**

(A) The boundaries of the zoning districts designated in §159.007 are hereby established as shown on the maps entitled "Official Zoning Map" of village, which map accompanies and is made a part of this chapter and shall have the same force and effect as if the zoning map, together with all notations, reference, and other information shown thereon were fully set forth and described in this chapter.

(B) When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map the following rules shall apply:

(1) District boundary lines are either the centerline of railroads, highways, streets, alleys, or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts, or lots, or such lines extended or otherwise indicated;

(2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of the strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the maps from section, quarter sections, or division lines, or centerline of streets, highways, or railroad rights-of-way unless otherwise indicated; and

(3) Where a lot held in one ownership and of record on the effective date of this chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than 25 feet.

(C) All streets, alleys, public-ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on the alleys, streets, public-ways, waterways, and railroad rights-of-way serves as a district boundary, the zoning of the areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

#### **§ 159.009 ANNEXATION.**

All land which may hereafter be annexed to the village shall automatically be classified in the E-R, Estate Residential District (ILCS Ch. 65, Act 5, § 7-1-47). If land is to be classified other than the E-R District the Village President and Board of Trustees shall refer the zoning request to the Village Planning and Zoning Commission (the "Commission"), where the Commission shall within 60 days after the referral, schedule and hold a public hearing with respect to the zoning classification, pursuant to the provisions of §§ 159.177, Annexation Procedures; 159.178, Fee Schedule; and, 159.060, Summary Tables of this chapter.

The Commission shall make findings and recommendations with respect to the appropriate zoning classification or classifications being requested for the land and transmit them in writing to the Village President and Board of Trustees.

### **GENERAL REGULATIONS**

#### **§ 159.013 USE AND BULK.**

(A) No building, structure, or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified in the district in which it is located.

(B) All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the village.

(C) The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of the buildings or of the property on which it is located, as long as the building or the property on which it is located, as long as the building is in existence. No legally required yards, courts, 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.

(D) No zoning lot improved with a building or buildings shall hereafter be divided into two or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each division or sale and improved with a building or buildings shall not be less conforming to all bulk regulations of the zoning district in which the property is located.

(E) All location of required open spaces or yards or courts and other open space allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group, except as otherwise permitted in planned development and planned open spaces.

(F) No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this chapter for equivalent new construction, except as provided in § 159.141.

(G) No landscaping or other obstructions shall, after the date of the adoption of this section, be installed or located within the sight triangle, as described in § 159.014.

(Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0715, passed 11-19-08; Am. Ord. 09-0799, passed 12-16-09; Am. Ord. 15-1229, passed 11-18-15)

#### **§ 159.014 SIGHT TRIANGLE.**

##### **(A) Intent and purpose.**

(1) The following section pertains to the clear line of sight at intersections of streets and major driveways. The criteria are based on American Association of State Highway and Transportation Officials (AASHTO) and the Illinois Department of Transportation (IDOT) design procedures. This section has been adopted to provide for safe turning movements by providing clear visibility zones at intersections clear of obstructions such as trees, walls, signs, buildings, etc. This policy is not intended for determining traffic controls at intersections. The need for traffic controls is to be assessed by the rules and regulations contained in the Manual on Uniform Traffic Control Devices and as recommended by the Village Engineer.

(2) The application of intersection sight distance and stopping sight distance shall extend to all proposed and existing public street intersections and all proposed and existing intersections of private streets and drives with public streets, including multi-family and commercial entrances. This also includes local to local intersections such as those within proposed subdivisions. The village requires that both intersection and stopping sight distances shall be shown with their geometries on all final construction drawings and be analyzed during the traffic impact study process.

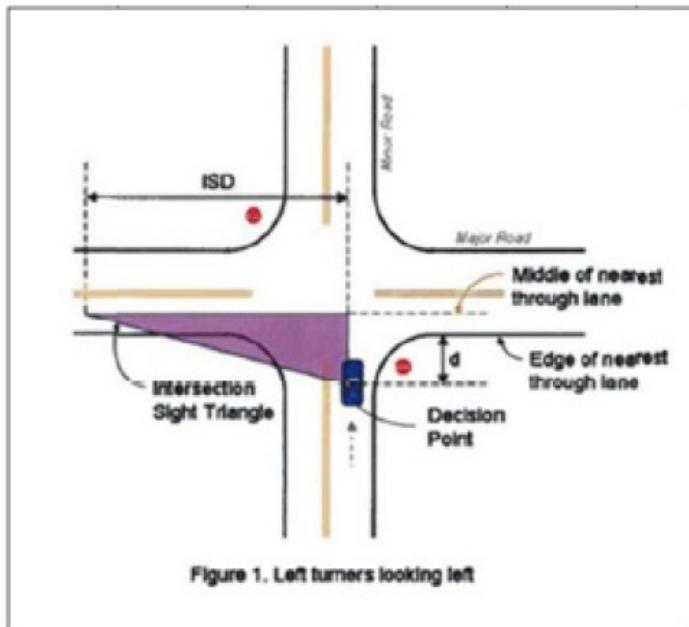
(B) Visual obstructions. Visual obstructions shall be defined as any object within intersection sight triangles between the heights of no more than three feet measured relative to the elevation of the nearest pavement crown. This is based on a driver eye height of three feet and an object height of three feet (AASHTO and IDOT). Overhanging branches or other elevated obstructions may not be any lower than ten feet measured relative to the elevation of the nearest pavement crown.

(C) Stop sign controlled intersections. In determining the area of the sight triangle for intersections with stop sign control, the following criteria shall be used:

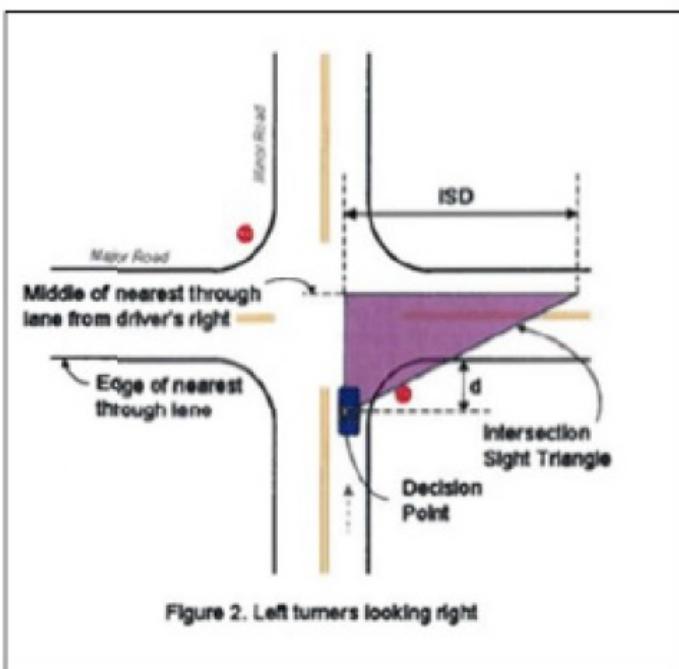
(1) One-way stop control: The sight triangles for a stop controlled minor road at a T-intersection with left turns allowed shall be the same as for the two way stop control.

(2) Two-way stop control: The sight triangles for a stop controlled minor road with left turns allowed shall be based on Figures 1 & 2 and Tables 1 & 2. The left turning movement requires a longer intersection sight distance than the right turning movement; therefore, the criteria for the left turn conditions apply.

(a) Figure 1. Left turners looking left.



(b) Figure 2. Left turners looking right.



(c) Figure definitions and calculations.

1. ISD = Intersection Sight Distance. See table 1 and table 2.
2. d = Distance from the edge of nearest through lane to the decision point; 18 ft. preferred, 14.5 ft. minimum (AASHTO 2004). Any distance other than 18 ft. must be approved by the Village Engineer.

(d) Table 1.

<b>Table 1. Intersection Sight Distance for Passenger Cars at Stop Controlled Intersections - Left turners looking left</b>								
Design Speed of Major Road (mph)	20	25	30	35	40	45	50	55
ISD: Intersection Sight Distance (ft) Based on the equation below	225	280	335	390	445	500	555	610

(e) Table 2.

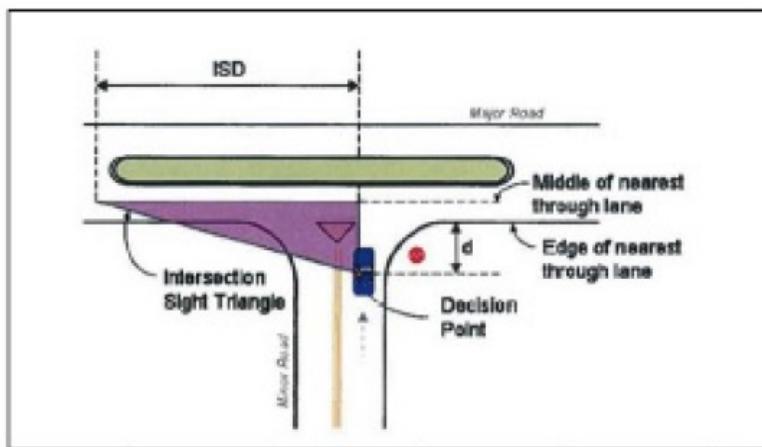
<b>Table 2. Intersection Sight Distance for Passenger Cars at Stop Controlled Intersections - Left turners looking right</b>								
Design Speed of Major Road (mph)	20	25	30	35	40	45	50	55
ISD: Intersection Sight Distance (ft) Based on the equation below	225	280	335	390	445	500	555	610

(f) Table definitions and calculations. Based on AASHTO - Geometric Design of Highways and Streets (2004) and IDOT BLR Sections 28 & 36.

1. Intersection Sight Distance (ISD) = Design speed (mph) x 1.47 x time gap (sec)
2. Intersection Sight Distance (ISD) - length of the leg of the sight triangle along the major roadway (ft)
3. Design speed of the major roadway (typically 5 mph over the posted speed limit)
4. 1.47 - conversion from mph to fps
5. Time gap is (7.5 sec - passenger car; 9.5 sec - single-unit truck; 11.5 sec - tractor/semitrailer) for a turning vehicle to enter a 2-lane major road without a median from a minor road with 3% or less grade. If the major road is multi-lane or has a median, add 0.5 sec per additional 12 feet crossed to turn left. If the minor road grade is >3%, add 0.2 sec per percent grade above.

(3) Right out only, stop control: The sight triangle for a stop controlled intersection with only right turns allowed from the minor road shall be based on Figure 3 and Table 3.

(a) Figure 3. Right turners looking left.



(b) Figure definitions and calculations.

1. d = Distance from the edge of nearest through lane to the decision point; 18 ft. preferred, 14.5 ft. minimum (AASHTO 2004). Use 15 ft. unless otherwise approved by the Village Engineer.

(c) Table 3.

**Table 3. Intersection Sight Distance for Passenger Cars at Right Out Only -**

**Right turners looking left**

Design Speed of Major Road (mph)	20	25	30	35	40	45	50	55
ISD: Intersection Sight Distance (ft)	195	240	290	335	385	430	480	530
Based on the equation below								

(d) Table definitions and calculations. Based on AASHTO - Geometric Design of Highways and Streets (2004) and IDOT BLR Sections 28 & 36.

1. Intersection Sight Distance (ISD) = Design speed (mph) x 1.47 x time gap (sec)
2. Intersection Sight Distance (ISD) - length of the leg of the sight triangle along the major roadway (ft)
3. Design speed of the major roadway (typically 5 mph over the posted speed limit)
4. 1.47 - conversion from mph to fps
5. Time gap is (6.5 sec - passenger car; 8.5 sec - single-unit truck; 10.5 sec - tractor/semitrailer) for a turning vehicle to turn right from a minor road with 3% or less grade. If the minor road grade is >3%, add 0.2 sec per percent grade above 3.

(4) All-way stop control: The first stopped vehicle on one approach should be visible to the drivers of the first stopped vehicles on each of the other approaches.

(D) Traffic signal controlled intersections. The sight triangles for a traffic signal controlled intersection shall be described by the following conditions at each approach;

- (1) Signals with off peak or night time flash operations shall follow the criteria for two way stop sign control on the red flashing approaches (Figures 1 & 2 and Tables 1 & 2).
- (2) Signal approaches with right turns on red allowed that are not defined by IIA, shall follow the criteria for right out only, stop control (Figure 3 and Table 3.)
- (3) Signal approaches not described by the conditions in either IIA or IIB shall use an intersection sight distance based on all-way stop control (ID).

(E) Yield controlled intersections. The sight triangles for a yield controlled intersection shall be described by the following conditions at each approach. Please note this information is referenced from the Guide for the Development of Bicycle Facilities, AASHTO, 4th Edition, 2012.

- (1) Intersections that are not controlled by stop signs or signals are to be considered as yield-controlled intersections.
- (2) For yield-controlled intersections between multi-use paths and roadways use the following figures/tables to calculate the appropriate sight triangles. Approach sight triangles depend on the design speeds of both the path and the roadway. If yield control is to be used for either approach, it is desirable that available sight distance be adequate for a traveler on the yield-controlled approach to slow, stop, and to avoid a traveler on the other approach. The roadway leg of the sight triangle is based on bicyclists' ability to reach and cross the roadway if they do not see a potentially conflicting vehicle approaching the roadway, and have just passed the point where they can execute a stop without entering the intersection. Figure 5-15, Table 5-7 (For Roadway Leg), and Table 5-8 (For Path Leg) shall be used for this condition.

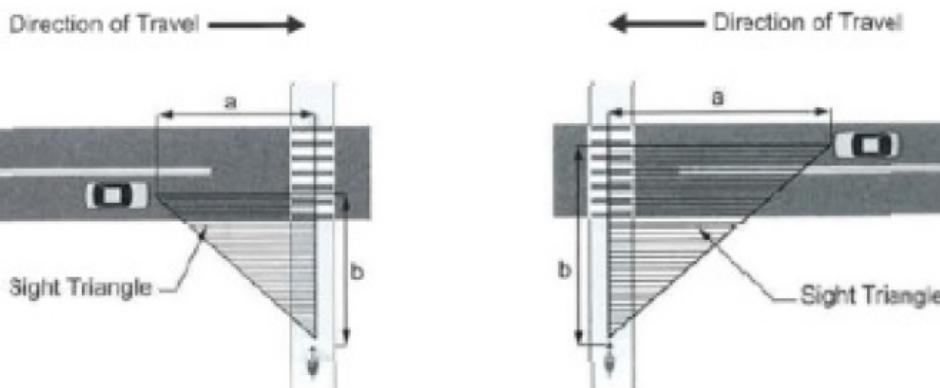


Figure 5-15. Yield Sight Triangles

Table 5-7. Length of Roadway Leg of Sight Triangle

U.S. Customary		Metric	
$t_o = \frac{s}{1.47V_{path}}$		$t_o = \frac{s}{0.278V_{path}}$	
$t_s = t_o + \frac{w + L_b}{1.47V_{path}}$		$t_s = t_o + \frac{w + L_b}{0.278V_{path}}$	
$\alpha = 1.47V_{road}t_o$		$\alpha = 0.278V_{road}t_o$	
where:		where:	
$t_o$	= travel time to reach and clear the road (s)	$t_o$	= travel time to reach and clear the road (s)
$s$	= length of leg sight triangle along the roadway approach (ft)	$s$	= length of leg sight triangle along the roadway approach (m)
$t_s$	= travel time to reach the road from the decision point for a path user that doesn't stop (s)	$t_s$	= travel time to reach the road from the decision point for a path user that doesn't stop (s)
$w$	= width of the intersection to be crossed (ft)	$w$	= width of the intersection to be crossed (m)
$L_b$	= typical bicycle length = 6 ft (see Chapter 3 for other design users)	$L_b$	= typical bicycle length = 1.8 m (see Chapter 3 for other design users)
$V_{path}$	= design speed of the path (mph)	$V_{path}$	= design speed of the path (km/h)
$V_{road}$	= design speed of the road (mph)	$V_{road}$	= design speed of the road (km/h)
$s$	= stopping sight distance for the path user traveling at design speed (ft)	$s$	= stopping sight distance for the path user traveling at design speed (m)

Table 5-8. Length of Path Leg of Sight Triangle

U.S. Customary		Metric	
$t_p = \frac{1.47V_s - 1.47V_b}{a}$		$t_p = \frac{0.278V_s - 0.278V_b}{a}$	
$t_p = t_e + \frac{w + L_d}{0.88V_{road}}$		$t_p = t_e + \frac{w + L_d}{0.167V_{road}}$	
$b = 1.47V_{path}t_p$		$b = 0.278V_{path}t_p$	
where:		where:	
$t_e$	= travel time to reach and clear the path (s)	$t_e$	= travel time to reach and clear the path (s)
$b$	= length of leg sight triangle along the path approach (ft)	$b$	= length of leg sight triangle along the path approach (m)
$t_e$	= travel time to reach the path from the decision point for a motorist that doesn't stop (s). For road approach grades that exceed 3 percent, value should be adjusted in accordance with AASHTO's <i>A Policy on Geometric Design of Highways and Streets</i> [5]	$t_e$	= travel time to reach the path from the decision point for a motorist that doesn't stop (s). For road approach grades that exceed 3 percent, value should be adjusted in accordance with AASHTO's <i>A Policy on Geometric Design of Highways and Streets</i> [5]
$V_s$	= speed at which the motorist would enter the intersection after decelerating (mph) (assumed 0.60 × road design speed)	$V_s$	= speed at which the motorist would enter the intersection after decelerating (km/h) (assumed 0.60 × road design speed)
$V_b$	= speed at which braking by the motorist begins (mph) (same as road design speed)	$V_b$	= speed at which braking by the motorist begins (km/h) (same as road design speed)
$a$	= motorist deceleration rate ( $\text{ft/s}^2$ ) in intersection approach when braking to a stop not initiated (assume $-5.0 \text{ ft/s}^2$ )	$a$	= motorist deceleration rate ( $\text{m/s}^2$ ) in intersection approach when braking to a stop not initiated (assume $-1.5 \text{ m/s}^2$ )
$w$	= width of the intersection to be crossed (ft)	$w$	= width of the intersection to be crossed (m)
$L_d$	= length of the design vehicle (ft)	$L_d$	= length of the design vehicle (m)
$V_{path}$	= design speed of the path (mph)	$V_{path}$	= design speed of the path km/h)
$V_{road}$	= design speed of the road (mph)	$V_{road}$	= design speed of the road km/h)

Note: This table accounts for reduced motor vehicle speeds per standard practice in AASHTO's *A Policy on Geometric Design of Highways and Streets* [5].

- (3) For an uncontrolled intersection of a shared use path with a walkway (i.e., under yield control), a clear sight triangle extending at least 15 feet along the walkway should be provided (see Figure 5-16).

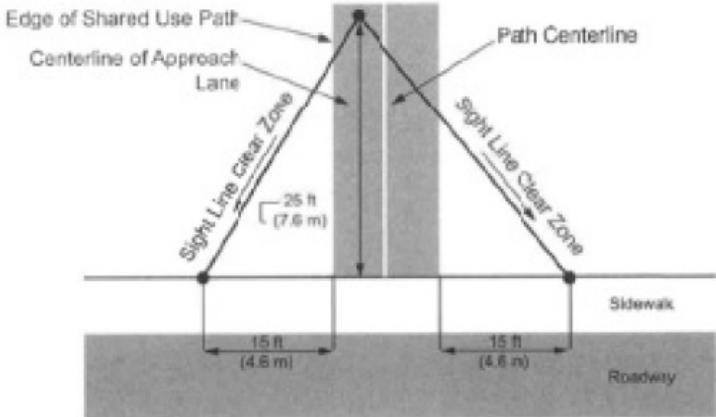


Figure 5-16. Minimum Path-Walkway Sight Triangle

(4) If a shared use path intersects with another shared use path, sight triangles should be provided similar to a yield condition at a path-roadway intersection. However, both legs of the sight triangle should be based on the stopping sight distance of the paths. Use the equation in Table 5-7 for both legs of the sight triangle.

(Ord. 15-1229, passed 11-18-15)

#### **§ 159.015 LOT COVERAGE.**

STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD	STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD
STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD	STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD
Air conditioner condenser unit, window units	P	P	P	P	Gazebos			P	
Animal houses, for domestic animals, not to exceed 16 square feet in area and 4 feet in height			P		Greenhouse, private in accordance with § 159.020			P	
Antenna, freestanding, for non-commercial purposes			P		Lamp posts	P	P	P	P
Arbors, trellises and pergolas	P	P	P	P	Landscaping	P	P	P	P
Architectural ornamentation, e.g. sills, belt courses, cornices	P	P	P	P	Laundry drying (clotheslines)			P	
Awnings and canopies, projecting no more than 48 inches from the structure	P	P	P	P	Lawn and garden ornaments, sculpture and statuary, and garden furniture	P	P	P	P
Basketball backboards, located no less than six feet from any public sidewalk and five feet from any lot line	P	P	P	P	Outdoor storage of firewood			P	P
Balconies, projecting no more than 60 inches from the structure but not less than five feet from any property line	P	P	P		Outdoor storage, in Industrial Districts in accordance with § 159.080 (F)			P	P
Barbeque grills, in ground			P		Parking or storing of trucks in accordance with § 159.019 & 159.105 - 159.111			P	P

Bay windows, having no foundation and projecting no more than 36 inches from the structure	P	P	P	P	Parking spaces and aisles, loading berths, except covered or enclosed, in accordance with § 159.019 & 159.105 - 159.111	P	P	P	P
Cabanas			P		Patio, open to the sky			P*	P
Carport			P	P	Patio, permanently roofed-over			P	
Children's playhouse, not to exceed 40 square feet in area			P		Porches, projecting no more than eight feet from the structure and not less than five feet from any property line	P	P	P	P
Chimneys, having no foundation and projecting no more than 30 inches from the structure	P	P	P	P	Portico chere, projecting no more than 14 feet from the structure	P	P	P	P
Decks, open to the sky and less than 36 inches above the ground as measured under the deck			P*	P	Public telephones, menu boards, and ATMs, except covered or enclosed, on a commercial or industrial lot and located not less than ten feet from any property line	P	P	P	P

STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD	STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD
STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD	STRUCTURE OR USE	FRONT YARD	CORNER SIDE YARD	REAR YARD	SIDE YARD
Decks, open to the sky and 36 inches or taller as measured under the deck			P		Rain barrels or rain garden			P	P
Decks, permanently roofed over			P		Recreational equipment, e.g. childrens' swing set			P	
Decks, level with main floor of home, 36 inches or taller projecting no more than 12 feet from the structure.			P*		Satellite antennas, freestanding in accordance with § 159.020	P	P	P	
Dog runs, open to the sky and not to exceed 32 square feet in area			P		Signs and nameplates, in accordance with Part IV	P	P	P	P
Driveways and walkways	P	P	P	P	Solar energy devices, attached	P	P	P	P
Eaves and gutters, projecting no more than 36 inches from the structure	P	P	P	P	Solar energy devices, detached			P	
Fall out, storm shelters, attached or detached, above or below grade			P		Steps, at, above or below the first floor level	P	P	P	P
Fences and walls, more than three feet in height			P		Storing or parking of boats, trailers, campers, and recreational vehicles in accordance with § 159.019 & 159.105 - 159.111			P	P
Fences and walls, three feet or less in height	P	P	P	P	Swimming pools, hot tubs, Jaccuzi and outdoor spas in accordance with § 159.020			P	

Fire escapes, open to the elements and projecting no more than five feet from the structure	P	P	P	P	Tennis, basketball courts			P	
Fireplace, outdoor			P		Terraces, not more than four feet above level of adjoining ground	P	P	P	P
Flag poles, the height of which shall not exceed the distance from any lot line	P	P	P	P	Tool, garden shed or similar buildings or structures for domestic storage purposes in accordance with § 159.020			P	
Garages and carports, detached in accordance with § 159.020			P		Trash receptacles and enclosures			P	P
Garden ponds, fountains, statuary, artificial landscaping			P		Utility meters, distribution boxes, pedestals and other above ground appurtenances	P	P	P	P
Where 'P' indicates accessory structure or use is a permitted yard obstruction in the indicated yard as defined in this §159.015 .									
Where ** indicates that decks and concrete patios that are attached to the primary structure are allowed to encroach into the rear building setback.									
Accessory structures and uses not listed in this Table shall be considered as prohibited yard obstructions. Accessory structures and uses listed in this Table shall conform with the bulk regulations in § 159.020 unless otherwise specified in this Table.									

(Ord. 07-0508, passed 2-21-07; Am. Ord. 09-0800, passed 12-16-09)

#### **§ 159.016 LOT AREA AND DIMENSIONS.**

(A) When two 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, they shall be used as one zoning lot for the use.

(B) Any single lot or parcel of land held in one ownership which was of record at the time of adoption of this chapter, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than 75% of the minimum required dimensions or area, except as provided in § 159.147.

(Ord. 07-0508, passed 2-21-07)

#### **§ 159.017 STREET ACCESS.**

(A) Except as otherwise provided for in this chapter, every residential building shall be constructed or erected upon a lot, or parcel of land which abuts upon a street unless a permanent easement of access to a street was of record prior to the adoption of this chapter.

(1) All residential property shall have only one point of ingress/egress to and from the property into the public right-of-way. In the situation of a corner lot having an existing driveway, upon the establishment of another driveway with the approval and acceptance by the Building Inspector the property owner shall remove the original driveway access to the opposite street and replace with seed or sod.

(2) Exception, shall be where the lot width exceeds 100 feet across the frontage of the property where the owner may provide a horseshoe type of driveway.

(B) Access for all business and manufacturing buildings shall be similar to division (A) above, and shall also be subject to the full requirements of ingress and egress onto streets as so outlined within §§ 159.070 through 159.075 and §§ 159.080 through 159.083.

(Ord. 07-0508, passed 2-21-07)

#### **§ 159.018 NUMBER OF BUILDINGS PER LOT.**

Except in the case of a planned development, not more than one principal detached building shall be located on a zoning lot, nor shall a principal detached building be located on the same zoning lot with any other principal building.

(Ord. 07-0508, passed 2-21-07)

#### **§ 159.019 PARKING OF VEHICLES.**

(A) Residential districts: The parking of vehicles in all residential districts shall comply with the following regulations:

(1) No vehicle shall be parked between the street and the front lot line, nor in any area other than upon an approved parking area. The parking of vehicles shall be limited to vehicles of the first division (as defined in the State Motor Vehicles Code); Vehicles of the second division having a gross vehicle weight, including vehicle and attached equipment and maximum load, of 8,000 pounds or less; and, Vehicles registered as recreational vehicles of 10,000 pounds or less.

(2) No inoperative or partially dismantled vehicle shall be permitted on any residential property, unless it is within an enclosed garage.

(3) No vehicle used for transporting flammable liquids, explosives, toxic or noxious materials shall be parked or stored in any residential district.

(4) Nothing in the provisions of this section shall be construed to prohibit trucks or other service vehicles from being parked temporarily for purposes of making deliveries or rendering service to the property owner.

(B) Business districts: The parking of vehicles in all business districts shall comply with the provisions of §§159.110 through 159.113, and with the following additional regulations:

(1) The parking regulations for residential uses within a business district are the same as those in the residential district.

(2) The outside parking or storage of any abandoned, damaged, inoperable, dismantled, or unregistered vehicle shall be prohibited in any business district except upon those properties for which that use has been established by this chapter.

(3) No vehicle used for transporting flammable liquids, explosives, toxic or noxious materials shall be parked or stored in any residential district.

(4) Nothing in the provisions of this section shall be construed to prohibit trucks or other service vehicles from being parked temporarily for purposes of making deliveries or rendering service to the property owner.

(C) Trailers, boats and recreational vehicles: The parking of these vehicles shall comply with the provisions of §§159.110 through 159.113, and with the following additional regulations:

(1) Trailers of any type, herein defined, shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any district.

(2) Travel, camping trailers or recreational vehicles of any type (not inclusive of boats, see below) shall not be parked or stored on any lot other than in a lawfully-established travel camp or trailer sales or manufacturing establishment; Except that in a residential district, one travel trailer, camping trailer or recreational vehicle may be stored on a lot containing a dwelling unit, provided further that no major repair, disassembly, or rebuilding operations are conducted thereon; Not more than one travel, camping trailer or recreational vehicle may be parked or stored in the open lot in a residential district, provided that it shall not be located within a required front or side yard setback for that district. In the event the trailer cannot be located within the rear yard area, it may be located within the required front or side yard, but the travel, camping trailer or recreational trailer when stored in the front, side or rear of the property, shall be located upon a properly maintained hard surface capable of supporting the weight of the vehicle, as approved by the Zoning Administrator and/or Code Enforcement Officer.

(3) Parking and use of trailers for temporary offices or storage uses shall be permitted provided that a permit has been issued by the Zoning Administrator, and when such use is incidental to and only for the period of time for the construction of the principal building. The trailer(s) must be located on the same or contiguous lot as the building being constructed.

(4) Boats may be parked or stored in the open when in the operation of a lawfully established principal use, and one boat may be stored or parked on a lot containing a dwelling unit, provided the boat shall not be parked or stored within a required front or side yard setback for the district, and provided further that no major repair, disassembly, or rebuilding operations are conducted thereon. In the event the boat cannot be located within a rear yard area, it may be located within the required front or side yard, but the boat when stored in the front, side or rear of the property, shall be located upon a properly maintained hard surface capable of supporting the weight of the vehicle, as approved by the Zoning Administrator and/or Code Enforcement Officer.

(5) Trailers, boats, recreational vehicles and trailers shall not be converted and used for the storage of any household items.

(6) Amortization of all existing trailers, camping trailers, boats and recreational vehicles in violation of the regulations herein and shall be brought into conformance with all applicable regulations of this chapter within six months after notification of any violation.

(D) Temporary portable storage units: The use of temporary portable storage units, as defined in §159.003, is allowed for periods less than 72 hours in conjunction with a move or a remodel, and shall comply with the following regulations:

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

(2) Temporary portable storage units shall be placed only on hard surfaces, such as asphalt or concrete.

(3) Temporary portable storage units shall not obstruct vision or be placed with the sight triangle, as defined in §159.003.

(4) No more than one temporary portable storage unit may be placed on any residentially zoned property at any one time.

(5) Temporary portable storage units may be placed on a specific lot on not more than three occasions in any six-month period.

(Ord. 07-0508, passed 2-21-07)

## **§ 159.020 ACCESSORY STRUCTURES OR USE.**

No accessory structure or use, as defined herein shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory structure or use is permitted by the ordinance. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within such district.

(A) Accessory use limitations and conditions: Each accessory structure and use shall comply with the applicable use limitations in the zoning district in which it is located and, in addition:

(1) Where an accessory structure is attached to the principal building, it shall be subject to and must conform to all regulations of this section and other applicable ordinances of the village, i.e. Fire Prevention Code (Chapter 91), Building Code (Chapter 150).

(2) No accessory structure or use shall be constructed, occupied or established on any lot prior to the completion of the principal structure to which it is accessory.

(3) No accessory structure or use shall be permitted in any yard unless it is a permitted yard obstruction as provided in §159.016.

(4) Outdoor storage, where permitted, shall be maintained in such a manner so as to prevent the over-growth of weeds, grasses and other obnoxious plant material, and the harboring of rodents and other animal and insect pests.

(5) Buildings and structures essential, incidental or customary to the pursuit of agriculture are exempt from the requirements of this section.

(6) On a corner lot occupied by a principal residential structure that is legally nonconforming with respect to the corner side yard setbacks, accessory uses and structures may be located in said corner side yard provided they maintain the same setback as the principal residential structure.

(7) The square foot area of all accessory buildings and structures, above grade level, shall be counted as part of the percentage of the total lot coverage as permitted in each zoning district. This shall include, but is not limited to, decks, sheds, detached garages, and swimming pools larger than ten feet in diameter and which uses a filtration/chlorination system.

(8) Use restrictions. Except as permitted herein, accessory buildings or structures shall not be used for the keeping of livestock, poultry, or rabbits, whether or not for pecuniary gain unless the buildings and structures are located 50 feet from side and rear lot lines, and there shall be not more than one livestock for each 20,000 square feet of lot area with a minimum lot area of one acre.

(B) Permitted yard obstructions: No accessory structures and uses, except those which are permitted as obstructions in yards as indicated in § 159.015, Table of Permitted Yard Obstructions, shall be established, constructed or altered in, or moved to any yard. For the purpose of this section:

(1) Front yard shall refer to the open space on a lot between the front lot line and all of the vertical planes forming the front elevation of the principal structure;

(2) Rear yard shall refer to the open space on a lot between the rear lot line and all of the vertical planes forming the rear elevation of the principal structure, but excluding any corner side yard;

(3) Side yard shall refer to the open space on a lot between the side lot line and the vertical plane(s) forming the side elevation of the principal structure closest to the side lot line, but excluding any rear or front yard; and,

(4) Corner side yard shall refer to the open space on a lot between the corner side lot line and the vertical plane forming the side wall(s) of the principal structure closest to the corner side lot line, but excluding any rear or front yards.

(C) Location and height: All accessory structures and uses, permitted as obstructions in yards, as indicated in §159.015, Table of Permitted Yard Obstructions, shall comply with the following requirements, unless provided otherwise in this section:

(1) No accessory structure or use except fences shall be constructed, occupied or established on any public utility, drainage, or pipeline easement, except with the written permission of all utility companies and the village having rights to use the easement.

(2) No detached accessory structure, building or use, except fences, hedges, patios, walkways, driveways, hot tubs, or pergolas, hereafter erected or altered shall be located less than ten feet from the principal building on the lot, or less than five feet from any other accessory structure on the lot.

(3) All accessory structures, buildings and uses, except fences, hedges, driveways and walkways, hereafter erected or altered shall be set back a minimum of five feet from the side lot line, ten feet from the rear lot line, and shall not be located in the required front or corner side yard setbacks, except as permitted in § 159.016. Except, in the area zoned R-5A an accessory structure may have a seven foot setback from the rear lot line.

(4) Detached accessory buildings or structures in residential districts shall not exceed one story in height. The total height of accessory buildings or structures shall not exceed 15 feet from the accessory structure pad to the ridge of the accessory structure, nor shall the height between the ground floor pad to the top of the finished wall exceed nine feet in height. Garage door height shall not exceed eight feet in height as measured from the floor pad of the garage.

(D) Time of construction: No accessory building, structure and/or use shall be constructed on any lot prior to the start of construction of the principal building to which it is an accessory.

(E) Use restrictions: Except as herein permitted for a specific permitted use, accessory buildings or structures shall not be used for the keeping of livestock, poultry, or rabbits, whether or not for profit unless the buildings or structures are located 50 feet from side or rear lot lines, and there shall be not more than one livestock for each 20,000 square feet of lot area with a minimum lot area of one acre.

(F) Types of buildings, structures and/or uses:

(1) Tents. Tents shall not be erected, used, or maintained on any lot, except as provided herein.

(a) Temporary use of tents in residential districts is permitted for domestic recreational purposes when located on the same lot as a dwelling.

(b) Temporary use of tents in commercial and industrial districts is permitted subject to the following conditions:

1. That the tent is incidental to the business(es) located on the lot.
2. That the tent is used in conjunction with a special event or promotion by the business(es) on the lot.
3. That the tent is used adjacent to an entrance of said business(es).
4. That the use of a tent occurs for a period not to exceed three consecutive days.
5. That not more than two such events shall be permitted on a lot during a calendar year.
6. That a personal property sales permit for a tent sale shall be obtained prior to erecting a tent.

(c) Temporary use of tents for religious, amusement or recreation purposes is permitted provided tents used for such purposes shall not:

1. Be used for a period to exceed one week.
2. Occur on a lot that will pose a safety hazard to pedestrians and motorists or interfere with the use and privacy of adjacent property.
3. Be located in any residential district, except on park, church, or school property, and shall comply with the yard requirements of the district in which it is located.

(2) Contractor's equipment. Contractor's equipment, supplies, or tools shall not be stored on any lot, unless the equipment, supplies, or tools are wholly enclosed within a building or vehicle.

(3) Satellite television antenna, satellite dish, television, citizen band and amateur radio antenna's.

(a) In residential districts, no antenna or satellite dish shall be located in any front yard.

(b) In business, office, or manufacturing districts, no antenna or satellite dish shall be located in any front yard, and in all cases must be located in conformance with the setback requirements for accessory structures of the applicable zoning district.

(c) All parts of an antenna or dish shall be located at least five feet from any side or rear lot line in residential districts, and at least ten feet from any side or rear lot line in business, office, or manufacturing districts.

(d) In residential districts, satellite antenna or dishes shall not be located more than 15 feet above grade, and shall not exceed eight feet in overall diameter. In all business districts, satellite antennas or dishes shall not exceed 15 feet in overall diameter.

1. New technology has added satellite dishes/antennas that are 18 inches or less in size and are permissible within the side and rear yard setbacks, but not beyond the front edge of the principal building or structure.

2. If the satellite dish/ antenna is less than 24 inches in diameter a permit for installation is not required, if it is greater than this size a building permit must be obtained from the village as described herein.

3. The small dish may be secured to the roof in accordance with the manufacturer specifications and local building code, provided, that the overall height of the dish/antenna does not extend beyond the maximum height of the roof peak causing the dish/antenna to be visible from the public street.

(e) In all districts, a building permit shall be obtained, except as provided for herein, prior to the erection or placement of an antenna or dish in excess of 24 inches in diameter. The following shall be observed for obtaining the permit with the application for a permit containing at a minimum the following information:

1. The name and address of the owner of record of the real estate;

2. Street address of the real estate;

3. Site plan (can be hand drawn) showing the proposed placement site with distances from site to side and rear lot lines, and in business and manufacturing districts, the distance from side and rear lot lines;

4. Dimensions of the antenna or dish, including height and diameter;

5. Electrical installation specifications; and,

6. Footing installation specification.

PLEASE NOTE! The cost of the permit shall be according to the current building permit fee schedule Chapter 150, Building Code.

(4) Curbs, driveways and patios. No existing curb, driveway, or patio shall be altered nor shall any curb, driveway, or patio be constructed in the village except in accordance with this section and after a permit has first been obtained from the Building Inspector. Applications for permits shall be in writing and on such forms as shall be prescribed by the Building Inspector. Each applicant for a permit to alter any existing curb, driveway, or patio or to construct any curb, driveway, or patio shall pay to the village the current building permit fee applicable.

(5) Private/public swimming pools.

(a) No swimming pool, which contains 24 inches or more of water in depth at any point, shall be permitted on a lot unless the pool has a protective fence with a locking ladder attached to it, or the yard in which the pool is located is completely enclosed by a fence not less than four feet in height.

(b) No swimming pool shall be located less than ten feet from any overhead utility line or less than five feet from any buried electric, telephone or cable television line.

(c) All swimming pools shall be equipped to be completely emptied of water, and the discharge shall be disposed of in such a manner that will not create a public nuisance in the street or on adjoining property.

(6) Shed construction. No shed, storage house, or similar structure shall be constructed within the corporate limits of the village unless the structure is built on a concrete slab with a minimum thickness of four inches. It shall be required that the interior of the exterior wall of the structure shall fit squarely against the concrete slab. In no event shall the slab be constructed of concrete blocks unless the blocks constitute a part of the foundation of the structure. Any structure that has a width greater than ten feet and a depth greater than 18 feet shall not be considered a shed, storage house, or similar structure for the purposes of this section and chapter.

(7) Yard lamps. Outdoor yard lamps, gas or electric, are permissible provided that the following is adhered to: Lamp must be located a minimum of six feet from the back side of the public side walk; Have a low intensity luminaire as to not interfere or cast light onto adjacent properties or into the street; Must be in accordance with the balance of this section. Applications for a permit shall be in writing and shall be submitted to the Building Inspector with the following being adhered to:

(a) The yard lamp must be placed within a concrete foundation, with a bulb height not in excess of eye level (see additional specifications for site lighting fundamentals contained in Part IV Off-Street Parking);

(b) The yard lamp must have the appropriate life safety features built into the lamp to prevent any possible explosion, if the yard lamp fails to maintain a constant burning light;

(c) The yard lamp connections, gas or electric, must be made with and approved by the local gas company and/or local electric company; and,

(d) Feeding line must be at least a minimum of two feet below existing grade. An application for a permit to install a gas or electric operated outdoor yard lamp shall pay the appropriate fee as outlined by Chapter 150, Building Code.

(8) Wooden decks and patios.

(a) Wooden decks shall be installed in accordance with all applicable building codes and standard specifications of the village.

1. All wooden decks shall be placed on concrete footings a minimum of 36 inches in depth and anchored with an approved fastener;
2. All wooden decks shall be approved by the Zoning Administrator for lot coverage;
3. All wooden decks not exceeding 100 square feet in size in R-5 and R-6 Zoning Districts will be allowed to exceed the maximum impervious lot coverage of 50% provided that no other accessory structure is currently located or being proposed to be located in the rear yard of a lot and provided that the total lot coverage after the proposed deck is no more than 65%. The deck shall be constructed on gravel four inches thick. No deck shall be permitted within a required yard setback or any easement of any kind.

(b) Concrete patios shall be installed in accordance with all applicable building codes and standard specifications of the village.

1. All concrete patios shall be constructed with a minimum of four inches of stone and four inches of concrete;
2. All concrete patios are included in the overall lot coverage calculations;
3. All concrete patios shall be approved by the Building Inspector prior to construction with appropriate permits being obtained.

(c) Brick patios and walkways shall be installed in accordance with all applicable building codes and standard specifications of the village.

1. All brick patios and walkways are included in the overall lot coverage of the property and shall be approved by the Zoning Administrator.

2. Decorative patio stone or block under 100 square feet in area does not require a permit. Patio stone or blocks are included in the overall lot coverage.

(9) Garage, private. A single garage structure, housing all permitted vehicle stalls, may be built into the principal building, attached to the principal building, or provided for in a detached garage as a freestanding accessory building, but the permitted vehicle stalls shall not be split between any of the above. The maximum permitted number of vehicle stalls shall not exceed three vehicle stalls. The minimum vehicle stall size, inside of a garage shall not be less than ten feet in width and 20 feet in length, nor shall the stall size exceed 12 feet in width or 24 feet in length, of clear space inside of supporting walls or partitions. The minimum clear ceiling height shall be a minimum of seven feet. Additional storage areas may be included within a garage provided the storage area does not exceed five feet in width and 120 square feet in area. Height of all motor vehicle garage doors shall not exceed eight feet in height from the garage pad.

(a) The number of garage stalls will only be allowed if the following criteria are met:

1. 4,000 to 7,500 sq/ft of lot area may have up to two stalls.
2. 7,501 and greater sq/ft of lot area may have up to three stalls.

(b) Garages with three vehicle stalls, built into or attached to the principal building or detached garages in the front half of the lot depth, shall have the garage length turned 90 degrees from the street(s), so that the bulk of the garage is reduced and the vehicle stall doors do not face the street(s).

(c) Partial attached garage conversions. For any lot within the Hampton Park Subdivision, a partial conversion of an existing attached garage into living area is allowed, and therefore does not need to meet the minimum parking stall size requirements contained in this section. In addition, the overhead garage door and driveway may remain. A partial garage conversion must meet the following requirements:

1. The remaining garage space must be at least 50% the size of the converted garage space. For example, if a 24 feet long garage is partially converted, the remaining garage must be at least 12 feet long.

(d) A maximum of two garages will be allowed per individual lot provided the following requirements are met:

1. If two garages exist, one garage must be attached to the principal structure and the other garage must be a detached garage. Two detached garages on the property are not allowed.

2. The detached garage must have a driveway consisting of a hard, all-weather, surface serving the garage.
3. The detached garage and driveway must meet all of the requirements contained in this section.

(Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0550, passed 7-18-07; Am. Ord. 07-0551, passed 7-18-07; Am. Ord. 07-0552, passed 7-18-07; Am. Ord. 07-0553, passed 7-18-07; Am. Ord. 16-1306, passed 9-7-16; Am. Ord. 17-1348, passed 2-1-17)

## **§ 159.021 PERSONAL COMMUNICATION FACILITY.**

(A) Special use permit required. No person shall establish, construct, maintain, or operate a personal communication facility without first obtaining a special use permit authorized and issue by the Village Board in accordance with the standards and procedures set forth in this chapter.

(B) Purpose. The purpose of this section is to establish a comprehensive set of regulations pertaining to the location, siting, development, design and permitting of personal communication facilities for all districts in the village in order to:

- (1) Facilitate the development of wireless communications infrastructure in the village for commercial, public and emergency uses;
- (2) Encourage the collocation of personal communication facilities;
- (3) Encourage users of personal communication facilities to configure them in a manner which minimizes the adverse visual impact of such facilities;
- (4) Enhance the ability of the providers of wireless communications services to provide such services to the community quickly, efficiently, and effectively;
- (5) Establish the rules and procedures for approving zoning applications for personal communications facilities; and,

(6) Minimize the total number of personal communications facilities in the village.

(C) Scope. The provisions of this section shall apply to all personal communications facilities, whether such facilities are used as a principal use or as an accessory use unless otherwise exempted from these regulations.

(1) Pre-existing towers or antennas. Towers and antennas existing on the date this section is adopted shall not be required to meet the requirements of this section other than the requirements of divisions (F)(8) and (G) of this section.

(2) AM array. For purposes of implementing this section, an AM array, consisting of one or more towers united and supporting a ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers including the AM array. Additional towers may be added within the perimeter of the AM array by right.

(D) Exemptions. The following uses and activities are exempt from the regulations of this section.

(1) Satellite dishes 40 inches or less in diameter or diagonal measurement.

(2) Existing towers and antennae and any repair, reconstruction, or maintenance of these facilities which do not create a significant change in visual impact.

(3) Any tower or installation of any antenna which is owned and operated by a federally licensed amateur radio station operator as part of the amateur radio service, citizens band radio, or is used exclusively for receive-only antennae.

(4) Antennae and equipment and other apparatus completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the site.

(5) Personal communication facilities located on property owned, leased or otherwise controlled by the village or other government entity. Provided the lease or license authorizing such personal communication facility has been approved by the appropriate governing board and that the facility incorporates a monopole design. These facilities shall be for government purposes and uses. They shall not be for commercial use.

(6) Antennas not attached to a tower and incorporating stealth design amateur radio operation/receive only antennas. This section shall not govern any towers or the installation of any antenna that is 50 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. No receive-only antennas shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten feet.

(E) Definitions. As used in this section the following word and terms shall have the meanings set forth herein:

(1) "ANCILLARY BUILDING." The building(s), cabinets(s), vault(s), closure(s) and equipment required for operation of telecommunication systems, including, but not limited to repeaters, equipment housing, relay equipment, ventilation and other electrical and mechanical equipment.

(2) "ANTENNA." A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An "ANTENNA" is typically mounted on a supporting tower, pole, mast, building, or other structure.

(3) "COLLOCATION." The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank, or utility pole.

(4) "GUYED TOWER." A tower which is supported by the use of cables (guy wires) which are permanently anchored.

(5) "LATTICE TOWER." A tower characterized by an open framework of lateral cross members, which stabilize the tower.

(6) "MAST." A vertical element consisting of a tube or rod which supports an antenna.

(7) "MONOPOLE." A single upright pole engineered to be self-supporting that does not require lateral cross supports or guys.

(8) "PERSONAL WIRELESS SERVICES." Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

(9) "PERSONAL WIRELESS SERVICES FACILITIES." Facilities for the provision of personal wireless services.

(10) "STEALTH DESIGN." A personal wireless service facility that is designed or located in such a way that the antennas and/or towers are camouflaged, concealed, disguised and otherwise not readily recognizable as telecommunications equipment. Examples of stealth design include concealing antenna in clock-towers, bell steeples, on light poles, and integrating antenna into architectural elements on buildings by color, shape or location on the building.

(11) "TOWER." A vertical framework of cross elements which supports either an antenna, mast or both.

(12) "UNLICENSED WIRELESS SERVICE." The offering of telecommunications services using duly authorized devices which do not require individual licenses issued by the FCC, but does not mean the provision of direct-to-home satellite services as defined by the FCC.

(13) "WIRELESS COMMUNICATION FACILITY." An unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Amateur radio facilities and facilities used exclusively for the transmission of television and radio signals are not considered wireless communication facilities.

(14) "WIRELESS COMMUNICATION FACILITY, ATTACHED." A wireless communication facility that is affixed to an existing structure, e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole, that does not include an additional wireless communication support structure.

(15) "WIRELESS COMMUNICATION SUPPORT STRUCTURE." A new structure, tower, pole, or mass erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to monopoles, lattice towers, wood poles, and guyed towers.

(F) Performance standards.

(1) Equipment. Mobile or immobile equipment not used in direct support of a personal wireless service facility shall not be stored or

parked on the site of a personal wireless service facility unless repairs to such facility are being made. Back-up generators shall be operated only during power outages and for testing and maintenance purposes. Noise attenuation measures shall be included to reduce noise levels. Testing and maintenance of generators shall occur only on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

(2) Lighting. No signals or lights or illumination shall be permitted on a personal wireless service facility, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the village. If illumination is required, the illumination alternative and design chosen must cause the least disturbance to the surrounding views.

(3) Signs. No personal wireless service facility shall be used or serve as a sign or bear any advertising emblem or logo other than the name of the manufacturer or provider in letters or graphics not to exceed four inches in height, unless otherwise required by the FCC.

(4) Aesthetics. The aesthetic standards for towers vary depending on the height. The height categories are 0-40 feet, 41-80 feet, and 81-120 feet. No tower may exceed 120 feet in height. Towers and antennas shall comply with the following requirements for each category:

(a) For towers 0 to 40 feet tall, the following standards apply:

1. All towers shall be totally screened or incorporate stealth design.

(b) For towers 41 to 80 feet tall the following standards apply:

1. Towers shall, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.

3. Lattice towers are prohibited. Guy wires are prohibited. Towers must be a monopole design.

(c) For towers 81 to 120 feet the following standards shall apply:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.

3. Lattice towers are prohibited. Guy wires are prohibited. Towers must be a monopole design.

(d) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the village as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of 24 or more dwelling units, provided:

(a) The antenna does not extend more than 30 feet above the highest point of the structure;

(b) The antenna complies with all applicable FCC and FAA regulations;

(c) The antenna complies with all applicable building codes and safety standards as referenced in division (F)(7) of this section; and,

(d) The antenna utilizes stealth design.

(6) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the village. Also, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following.

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the village allows reconstruction as a monopole.

(b) Height.

1. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna and such height not exceeding 150 feet in total.

2. The height change referred to in this division may only occur one time per communication tower.

3. The additional height referred to in division (F)(6) of this section shall not require a distance separation. The tower's pre-modification height shall be used to calculate such distance separations.

(c) On-site location.

1. A tower which is being rebuilt to accommodate the collocation of additional antenna may be moved onsite within 50 feet of its existing location.

2. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

3. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of tower hereunder shall in no way be deemed to cause a violation of this section.

(7) Building codes/safety standards. To ensure the structural integrity of towers, the owner of the tower shall ensure that it is maintained in compliance with standards contained in the current and applicable state and local building codes and the applicable standards to towers that are published by the Electronic Industry Association, as amended from time to time. If, upon inspection, the village concludes that a tower fails to comply with such codes and standards and constitutes danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within 30 day period shall constitute grounds for removal of the tower or antenna at the owner's expense.

(8) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction

and/or operation of a wireless communications system in the village have been obtained and shall file a copy of all required franchises with the Village Administrator.

(9) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers and antennas, that are either within the jurisdiction of the village or within one mile of the border thereof, including specific information about the location, heights, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals of special use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the village, provided however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting such sites are available or suitable.

(10) Lot size. For purposes of determining whether the installation of a tower or antenna complies with the district bulk regulations, including, but limited to setback requirement, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels or easements with such lots.

(11) Measurement. For purposes of measurement, tower setback and tower separation distances shall be calculated and applied to facilities located in the village irrespective of municipal jurisdictional boundaries.

(12) Multiple antenna/tower plan. The village encourages all plans for tower and antenna sites to be submitted in single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(13) Not essential services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(14) Principal or accessory use. Antennas and towers may be considered principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(15) State or federal requirements. All towers must meet or exceed current standards or regulations of the FAA, the FCC, or any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

(G) Additional application requirements. In addition to any information required for applications for special use permits pursuant to § 159.176, applicants for a special use permit for a personal communication facility shall submit the following information:

(1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all adjoining, adjacent roadways, proposed means of access, setbacks from the property lines, elevation drawings of the proposed tower and any other structure, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this section.

(2) Legal description of the parent tract and leased parcel (if applicable).

(3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplattd residentially zoned properties.

(4) The separation from the other towers described in the inventory of existing sites submitted pursuant to division (F)(9) of this section shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(5) A landscape plan showing specific landscape materials.

(6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(7) A description of compliance with division (F) of this section and all applicable federal, state or local laws.

(8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(11) A description of the feasible location(s) of future towers or antennas within the village based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(H) Factors considered in granting special use permit for towers. In addition to any standards for consideration of special use permit applications pursuant to § 159.176, the Planning and Zoning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning and Zoning Commission may waive or reduce the burden on the application of one or more of these criteria if the Planning and Zoning Commission concludes that the goals of this section are better served thereby:

(1) Height of the proposed tower;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

(a) Availability of suitable existing towers, other structures, or stealth design. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning and Zoning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate that applicant's proposed antenna. An applicant shall submit information requested by the Planning and Zoning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (b) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (c) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (d) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (e) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (f) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (g) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (h) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitter/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(Ord. 07-0508, passed 2-21-07; Am. Ord. 11-0924, passed 10-5-11)

#### **§ 159.022 PERFORMANCE STANDARDS - GENERAL.**

The performance standards for all "Zoning Districts" are as follows with regards to: noise, smoke, odorous matter, vibration, toxic or noxious matter, glare or heat, fire, and explosive hazards.

(A) Any use established in a manufacturing district after the effective date of this chapter shall be so operated as to comply with the performance standards set forth herein for the district in which the use shall be located. No use lawfully established on the effective date of this chapter shall be so altered or modified as to conflict with, or further conflict with, the performance standards established for the district in which such use is located.

(B) All performance standards shall be governed by the current state or federal Environmental Protection Agency Regulations and the Occupational Safety Health Act (OSHA). Also, the performance standards shall be governed by the current Fire Department Guidelines and Requirements as recommended by the National Fire Protection Association, and any other local governing regulations.

(C) When hazardous liquids, gases, and toxic matter are allowed to be stored under this Chapter, then the Fire Department shall be advised in writing as to the conditions, materials, and manufacturer's recommendations with regard to fire fighting (including evacuation plans and emergency action plans and treatment). All applicable "Material Safety Data Sheets" (MSDS) shall be submitted to the Fire Departments, Fire Prevention Bureau, prior to product storage.

(D) Every and any building hereinafter constructed, expanded, remodeled, or in any way altered or modified shall have as part of its general design a decorative or functional structure having a height above grade of between 12 and 15 feet, and extending across not less than 50 percent of an exterior surface wall facing a street or roadway.

(E) In addition, not less than the first four feet, measured vertically from at grade, of any exterior surface facing a street or roadway, shall be covered with a brick, stone, or other decorative architectural material.

#### **§ 159.023 PERFORMANCE STANDARDS - NOISE.**

(A) At no point on the boundary of a residential district or commercial district shall the sound level of individual operation, plant, firm or corporation exceed the decibel levels in the designated octave bands shown in the table in this division for the zoning districts indicated, as measured by a sound level meter and associated octave band filter, manufactured according to standards prescribed by the American Standards Association (ASA). Impulsive-type noises shall be subject to the performance standards prescribed in this section, provided that such noises are capable of being accurately measured with this equipment.

Octave Band Frequency in Cycles Per Second	Maximum Permitted Sound Level (decibels)	
	Along Residential District Boundaries	Along Business District Boundaries
0 to 75	72	75
76 to 150	67	70
151 to 300	59	63
301 to 600	52	57
601 to 1,200	46	52
1,201 to 2,400	40	45
2,401 to 4,800	34	40
Over 4,800	32	38

(B) No person shall operate a motor-driven vehicle of a type not subject to registration for road use, at any time or under a condition of load, acceleration, or deceleration, in such a manner as to exceed an 82-decibel noise limit of any type on property zoned for business or residential use at a distance of not less than 50 feet from the path of travel.

## **§ 159.024 PERFORMANCE STANDARDS - VIBRATION.**

No person located in a residential, business/commercial or industrial/manufacturing districts shall cause or permit, by the operation of impact tools, rotating equipment, or any other source of continuous or intermittent vibrations or sharp impulses and shocks into any structure having human occupancy, whether by virtue of residence, occupation, commerce, recreation, or other reason, and located on property in those districts (neither from one lot to another within any one district nor from a lot in one district to any lot in another district of any of the two designated), of any intensity perceptible without the aid of instruments, in the sense that the maximum amplitude of such vibrations shall never equal that level commonly referred to in the act as "imperceptible" or "threshold of perceptibility", or indistinguishable from ambient, whichever is higher. The maximum allowable vibration per inch per second shall not exceed 0.5 inches per second.

(Am. Ord. 06-0369, passed 2-1-06)

## **§ 159.025 PERFORMANCE STANDARDS - NOXIOUS, ODOROUS, AND TOXIC MATTER.**

No use shall discharge either onto its own property or across the boundaries of the lot where any toxic, odorous, or noxious matter is located in such concentrations to be detrimental to or to endanger the public health, safety, comfort, or welfare, or cause appreciable injury or damage to property or business. All uses shall comply with existing and future sewer regulations of the village.

## **§ 159.026 PERFORMANCE STANDARDS - EMISSIONS.**

(A) Smoke. No person owning, in charge of, or operating any fuel-burning, refuse-burning, combustion, or process equipment, process device, portable boiler, stacks, vents, or premises shall cause, suffer, or allow emission or discharge of smoke from any single such source into the atmosphere, the appearance, density, or shade of which is darker than No. 1 - 1/2 of the Ringemann Chart.

(B) Particulate matter. No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.

## **§ 159.027 PERFORMANCE STANDARDS - FUEL BURNING EQUIPMENT.**

No person shall cause, suffer, allow, or permit the burning of refuse or any type of waste whatsoever in any boiler, furnace, or other permissible fuel-burning equipment, unless the equipment is in compliance with all the applicable provisions of this Zoning Code.

## **§ 159.028 SPECIAL USES.**

No use of a structure or land that is designated as a "special use" in any zoning district shall hereafter be established, and not existing special use shall hereafter be changed to another special use or enlarged, in such district unless a special use permit has been secured in accordance with the provisions of § 159.176 of this chapter.

## **§ 159.029 AIRPORTS.**

Airports and surrounding territory are subject to the rules and regulations of the State Department of Aeronautics, Federal Aviation Administration (F.A.A.) and the following:

(A) Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State Department of Aeronautics and the F.A.A. shall be in accordance with the requirements set forth in the approach plan.

(B) Height of structures, in areas 10,000 lineal feet beyond the boundaries of the airports that do not have an established approach plan shall be governed by the following requirements:

(1) For an airport having the longest runway less than 3,950 lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of 15 feet in height, and for every 200 lineal feet of additional distance from the airport boundaries, the height of structures may be increased by not more than ten feet.

(2) For an airport having a runway of 3,950 lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of 15 feet in height; and for every 200 lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet, and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every 200 lineal feet of additional distance from airport boundaries, for the first 10,000 lineal feet, and for the area covered in the next 40,000 lineal feet, the height of structures may be increased by not more than five feet in every additional 200 lineal feet.

(C) Structures exceeding the limiting heights shall be considered obstructions to air navigation unless found not to be objectionable after a special aeronautical study. Such structures may be specifically authorized as a variation after a public hearing before the Zoning Board of Appeals and the Village Board and as provided by law.

## **§ 159.030 LANDSCAPING AND TREE PRESERVATION.**

(A) Purpose. This section is established to create uniform landscape, screening and tree preservation standards for development of property in the village and review of plans therefore, in order to ensure that the village remains attractive, safe and comfortable. The landscape standards herein are established to:

(1) Promote, protect and preserve the general health and safety of the people of the community and, as part of the general welfare, insure aesthetic compatibility among land uses within the community;

(2) Conserve soil and reduce soil erosion, reduce storm water run-off, to provide oxygen regeneration to enhance air quality, and to reduce the effects of urban heat islands;

(3) Minimize the harmful or nuisance effects resulting from noise, dust, debris, motor exhaust, headlight glare, artificial light intrusions, objectionable sights or activities, or similar incompatible impacts conducted or created by adjoining or nearby land use;

(4) Safeguard the environmental quality and aesthetic character of the community by limiting the removal and insuring replacement of trees upon private property within the village;

(5) Preserve, insofar as practical, existing vegetation and topographical features by limiting unnecessary clearing and modification of

land, encouraging the retention of existing mature trees, requiring the replacement of indigenous trees with approved species; and,

(6) Encourage the energy efficient operation of land uses in the public interest.

(B) Applicability. Landscaping required by this section shall be a condition to the issuance of a certificate of occupancy for any improvements built on a zoning lot in the village. The screening requirements of division (D)(4)(o) of this section shall be a condition for the issuance of any certificate of occupancy, business license, rental property certificate of occupancy, or any other approval issued by the village. The maintenance requirements of division (D)(4)(d) of this section apply to all required landscaping and approved landscaping plans. Village staff may enforce maintenance requirements at any time.

(C) Tree preservation and removal regulations:

(1) Scope. It shall be unlawful for any person to remove or cause the removal of any tree on private property having a caliper of four inches or greater in the village without having first obtained approval from the village of a tree preservation and removal plan as described herein. Trees located in public rights-of-way are governed by § 158.034. Nothing in this division (C) shall apply to tree removal by an owner of a lot having a single family, two-family or duplex dwelling located thereon.

(2) Tree preservation and removal plan required. A tree preservation and removal plan shall be required for any parcel of land involving the construction of any new building(s) or structure(s) or other site improvements, or the removal of a tree having a caliper of four inches or greater. All tree preservation and removal plans shall include or have attached thereto the following information:

(a) A tree survey.

(b) The location of those trees to be removed and preserved and the methods which are to be used to remove and preserve such trees during site development and/or tree removal procedures.

(c) A written statement indicating the reason for removal of the tree(s). A report from a licensed Illinois arborist may be requested by the Zoning Administrator if deemed appropriate.

(d) A general description of the tree(s) to be removed.

(e) Details, specifications and/or technical information of materials or procedures to be used to preserve and protect trees.

(3) General tree preservation and removal standards and criteria.

(a) Every reasonable effort shall be made to retain existing trees on the aforementioned tree survey through the integration of those trees into the site plan and landscape plan for a proposed development.

(b) Grading and construction equipment shall be forbidden from encroaching within the drip line of a tree.

(c) Crushed limestone hydrocarbons and other material detrimental to trees shall not be dumped within the drip line of any tree nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.

(d) Snow fencing shall be temporarily installed at the periphery of the tree's drip line.

(e) Tree trunks and branches shall be protected when construction must occur within a tree drip line.

(f) No grade changes shall be allowed under drip line of any trees designated for preservation.

(g) To improve the survival rate of trees, root pruning and/or thinning should be performed in accordance with industry standards and practices.

(h) In the event that underground utility lines are proposed within five feet of the trunk of a tree, then auguring of the utility line should be considered and may be requested by the village.

(i) Tree replacement required. Any tree intended to be removed or unintentionally removed or damaged during construction on the lot shall be replaced in the manner herein prescribed.

1. In the event that a tree is designated for removal during the

construction process, such tree shall be replaced with new trees in accordance with the following schedule:

Caliper (inches) of trees to be removed	Number of Replacement Trees
30 or greater	6
13-29	5
4-12	4

Except that when a tree designated for removal is one of the species in the following list, each such tree shall be replaced with one replacement tree from the list of species provided in division (C)(3)(i)5.:

Common Name	Botanical Name
Black Locust	Robinia pseudoacacia
Box Elder	Acer negundo
Buckthorn	Rhamnus cathartica
Chokecherry	Prunus virginiana
Cottonwood	Populus deltoides
Chinese Elm	Ulmus parviflora
Goldenchain Tree	Laburnum anagyroides
Laurel Willow	Salix pentandra

Mulberry	<i>Morus</i> sp.
Osage Orange	<i>Maclura pomifera</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Siberian Elm	<i>Ulmus pumila</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Weeping Willow	<i>Salix babylonica</i>
Any tree destroyed by storm, disease, or infestation	Examples include trees with the Emerald Ash Borer or Dutch Elm Disease

2. In the event that trees exist in a confined hedgerow condition they are prone to structural defects and more susceptible to disease and insect infestation resulting in a shortened life span and limited functional benefits when compared with trees planted appropriately in open areas. Therefore, trees in a hedgerow that are designated for removal during the construction process, which have an overall healthy appearance and decent form or "good" rating as determined by a certified arborist and "excellent" trees that are specimens as determined by a certified arborist, shall be replaced with new trees in accordance with the following schedule:

Caliper (inches) of trees to be removed	Number of Replacement Trees
30 or greater	6
13-29	5
4-12	4

Trees in a hedgerow that are designated for removal during the construction process, which have health problems or structural defects or "poor" and "fair" ratings as determined by a certified arborist, shall be replaced with one replacement tree from the list of species provided in division (C)(3)(i)5. The village may seek the opinion of an independent certified arborist regarding the quality of trees at the expense of the property owner, if requested by the Zoning Administrator.

3. In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree shall be replaced with new trees in accordance with the following schedule:

Caliper (inches) of removed tree	Number of Replacement Trees
30 or greater	10
13-29	8
4-12	6

4. All replacement trees shall have a minimum caliper of two and one-half (2.5) inches.

5. Replacement trees shall be limited to the following species:

Common Name	Botanical Name
American Beech	<i>Fagus grandifolia</i>
European Beech	<i>Fagus sylvatica</i>
Ginko (male) aka. Maidenhair Tree	<i>Ginkgo biloba</i>
Smoothleaf Elm (Dutch elm disease resistant cultivars only)	<i>Ulmus carpinifolia</i> (Accolade, Discovery, Homestead, Pioneer, & Regal cultivars)
Common Hackberry	<i>Celtis occidentalis</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Thornless Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i>
American Hophornbeam Aka. Ironwood	<i>Ostrya virginiana</i>
Kentucky Coffeetree (male)	<i>Gymnocladus dioicus</i>
American Linden aka. Basswood	<i>Tilia americana</i>
Littleleaf Linden	<i>Tilia cordata</i>
Silver Linden	<i>Tilia tomentosa</i>
Miyabe Maple	<i>Acer miyabe</i>
Norway maple	<i>Acer platanoides</i>
Paperbark Maple	<i>Acer griseum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus rubra</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>

Common Name	Botanical Name

Swamp White Oak	Quercus bicolor
Tuliptree; aka. Tulip Magnolia or Tulip Popular	Liriodendron tulipifera

6. The landscape plan shall identify each replacement tree as a replacement tree and indicate its location, specie, and size. No replacement trees shall be used to satisfy the requirements for tree planting in public right-of-way or in parking lots.

7. Removal of trees designated for preservation shall be allowed only by amending the landscape plan.

8. Tree preservation and replacement required by this section shall be a condition to the issuance of a certificate of occupancy for any improvements constructed on a zoning lot in the village.

9. If it is impractical to plant the required number of replacement trees on the same zoning lot due to space limitations or the density of existing trees, the village shall require the owner to plant said tree(s) on other public property at the village's discretion; to make a cash contribution to the village in lieu of planting said trees; or to provide a combination of both at the option of the village. The cash contributions in lieu of replacement tree planting shall be used by the village solely for the expense of planting of replacement trees on public property.

10. Definition:

a. "HED GEROW." For the purposes of this division (C) a hedgerow shall be defined as a line of different types of bushes and trees growing very close together that form a hedge or boundary, usually between fields or along the sides of roads.

(4) Guidelines for reviewing tree removal plans. The village shall approve removal of a tree if one or more of the following conditions is present:

- (a) It is necessary to remove a tree which poses a safety hazard to pedestrian or vehicular traffic or threatens to cause disruption of public safety.
- (b) It is necessary to remove a tree which poses a safety hazard to structures.
- (c) It is necessary to remove a tree which is diseased or has been weakened by age, storm, fire or other injury.
- (d) It is necessary to observe good forestry practice, i.e., the number of healthy trees a given parcel of land will support.

(5) Tree removal permit. When tree removal is occasioned by any development or land use requiring the submission of a landscape plan, tree preservation and removal plan, site plan, or subdivision plan, said plan shall, upon approval by the village, constitute a tree removal permit.

(6) Failure to comply. If, in the opinion of the Zoning Administrator, the necessary precautions as specified in the tree preservation and removal plan were not undertaken before or maintained during construction, the land development permit for the parcel shall not be issued or, if previously issued, shall be revoked until such time as these precautions have been satisfied.

(D) Landscaping and screening regulations:

(1) Scope. A landscape plan prepared in accordance with the standards set forth in this section shall be required for any land development requiring a site plan review. Landscaping and screening required by this section shall be a condition to the issuance of a certificate of occupancy for any improvements built on a zoning lot in the village. The screening requirements of division (D)(4)(o) shall be a condition for the issuance of any certificate of occupancy, business license, rental property certificate of occupancy, or any other approval issued by the village. The maintenance requirements of division (D)(4)(d) apply to all required landscaping and approved landscaping plans. Village staff may enforce maintenance requirements at any time.

(2) Landscape plan required. A final landscape plan shall be completed by a landscape architect or a person capable of fulfilling all requirements set forth in this chapter. Applicants may elect to prepare a landscape plan in two phases: a preliminary landscape plan, and a final plan. Requests for relief or revisions to these requirements of this chapter may be submitted to the Zoning Administrator for his consideration.

(3) Content of landscape plan.

(a) Preliminary landscape plan. All preliminary landscape plans shall include or have attached thereto the following information:

1. The name, address and phone number of the landscape architect or other person who prepared the plan; scale, north arrow, date of preparation, and identification of the plans as a preliminary landscape plan.

2. The proposed location of all new plant materials shall be shown.

3. An indication of the character of suggested plant materials to be used, i.e. shade trees, ornamental trees, shrubbery, ground cover, etc.

4. A tree preservation and removal plan.

5. The location of existing natural site features, including, but not limited to, large boulders, rock outcroppings, wetlands and streams.

6. The location and dimension of all existing and proposed buildings, parking lots and driveways, roadways and right-of-way, sidewalks, bicycle paths, signs, fences, refuse disposal areas, free-standing electrical equipment, setbacks, easements, and other free-standing structure or features as determined by the Zoning Administrator.

7. Existing and proposed contours, including proposed berms, at one foot contour intervals.

(b) Final landscape plan. All final landscape plans shall include or have attached thereto to the following information:

1. The name, address and phone number of the landscape architect or other person who prepared the plan; scale, north arrow, date of preparation, and identification of the plan as a final landscape plan.

2. The location of existing and proposed improvements; including, but not limited to, buildings, with entry and exit points identified;

all utilities, lighting, walls, and fences, parking areas (spaces delineated, including handicapped spaces, curbs); spot elevations and contours; existing and proposed berms; existing (4" caliper and larger with drip line) and proposed plant material; paved surfaces; sign locations; public rights-of-way and easements, including street widths; refuse disposal areas; property lines; and, other exterior landscape amenities, such as bike paths, plazas, architectural paving, flag poles, foundations, benches, and bicycle racks.

3. The planting schedule listing botanical names, common names, caliper or height, and quantity;
4. The proposed treatment of all ground surfaces (pea gravel, ground covers, sod, seed and/or prairie).
5. Other drawings and information as required; such as irrigation plan, if appropriate, grading and drainage plan, showing spot elevations and/or cross section, or methods to be used to protect plants and planted areas, e.g. curbs, ties, walls.
6. Tree preservation and removal plan.
7. Provide elevations, cross sections, samples and/or photographs to indicate; texture of exposed surfaces, landscape material, scale, color of exposed surfaces, planting in relation to buildings, if requested by the Zoning Administrator.
8. Provide technical information, samples, details, and/or photographs of materials to be used for light standards, benches, fences, walls, signage, safety lighting, and other site details.

(4) General design criteria.

- (a) Scale and nature of landscape materials. The scale and nature of landscape material shall be appropriate to the site and structures thereon.
  - (b) Selection of plant material.
    1. Planting materials used in conformance with the provisions of this section shall be:
      - a. Of good quality and of a species normally grown in Northeastern Illinois.
      - b. Capable of withstanding the extremes of individual site microclimates.
      - c. Selected for interest in its structure, texture, and color for its ultimate growth.
      - d. Harmonious to the design, and of good appearance.
      - e. In conformance with American Standard for nursery stock as approved by American National Standards Institute and issued as ANSI 2601.1986.
    2. Evergreens shall be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots from dedicated public rights-of-way or property zoned for residential use.
    3. Minimum sizes for plant materials at time of installation for all landscape areas shall be as follows:
      - a. Deciduous trees shall be a minimum size of two and one-half inches caliper when installed. Evergreen trees shall be a minimum six feet in height when installed.
      - b. Deciduous shrubs (other than dwarf varieties) shall be a minimum of three feet in height at time of installation if used as a perimeter screen planting, and 30 inches in height for all other installations. Dwarf varieties and plants normally measured by spread shall be a minimum of 24 inches in height/spread.
      - c. Ground cover shall be so planted and spaced that complete coverage can be obtained within two years after date of installation.
      - d. Ornamental trees shall be used, especially in smaller planting areas, and shall have a minimum trunk size of two inches caliper, or be of a clump form at a minimum height of five feet.
    4. Prohibited trees. The trees listed in division (C)(3)(i)1. Additionally, Silver maple (*Acer saccharinum*), all species of Poplar (*populosa*), Catalpa, Birch (*betula*), and Ash (*fraxinus*).
    5. Permitted trees. The trees listed in division (C)(3)(i)5. Additionally, ornamental trees where appropriate such as Apple Serviceberry (*amelanchier x grandiflora*), Crabapple (*malus*), and Dogwood (*cornus*). Evergreen trees where appropriate such as Concolor Fir (*abies concolor*), Limber Pine (*pinus flexilis*), and Serbian Spruce (*picia omorika*). Additional trees may be incorporated into the landscape plan with the approval of the Zoning Administrator provided they are not listed in the prohibited tree section.
  - (c) Installation of plant materials. Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the Illinois Landscape Contractors Association, including the provisions for guarantee and replacement.
    1. Trees shall not be planted within ten feet of any fire hydrant, manhole, catch basin, or utility structure. Trees shall not be planted within five feet of any underground utility line.
    2. Maintenance of plant material. The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, walls, fences, and other amenities, as may be required by the provisions of this section.
      1. A means of irrigating plant material shall be provided. Installation of an automatic underground sprinkling system is recommended.
      2. Tree "topping," or severe trimming is prohibited. This includes the cutting of branches and/or the trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stub appearance.
      3. The use of climbing spikes, nails, or hooks is prohibited except for total tree removal.
      4. The attachment of signs, banners, lights and other similar items to site landscaping is prohibited except for temporary holiday decorations.

(e) Planting beds. Planting beds shall be mulched in their entirety with shredded bark or other similar organic material. Lava rock or large diameter (1-½" diameter or larger) bark chips ("chunk bark") are not acceptable. Gravel and stone mulches are not permitted, unless specifically approved in writing by the village. Mulch beds at time of planting shall extend a minimum of two feet beyond the center of a shrub.

(f) Walls and fences. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect. All wood fences proposed to be used to satisfy the requirements of this section shall be of red cedar, redwood, cypress, or other approved decay resistant treated wood, at least six feet high, and of solid construction. Wood fences shall be not less than 75% opaque, with all supporting posts exposed to the lot interior. Stockade type fences are not permitted.

(g) Detention/retention basins and ponds. Detention/retention basins and ponds areas shall be planted. Such plantings shall include shade and ornamental trees, evergreens, shrubbery, hedges and/or other live planting materials. Plants must be able to tolerate wet conditions if planted within the basin.

(h) Energy conservation.

1. Deciduous trees, shrubs and vines should dominate the south and west sides of buildings and plaza areas to provide shade during the summer and limited shade during winter.

2. Evergreens and other plant materials should be concentrated on the north side of buildings in a manner which dissipates the effect of winter winds.

(i) Berms. Earthen berms and existing topography shall, wherever practical, be incorporated into the landscape treatment of a site. Berms shall not exceed a maximum slope of three horizontal units to one vertical unit (3:1), except in parking islands, where the maximum slope shall not exceed two horizontal units to one vertical unit (2:1).

(j) Topography. Where natural, existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved and developed. Modification of topography may be allowed where it contributes to the aesthetic quality of the site.

(k) Protection of plant material and/or people. In locations where plant materials may be susceptible to injury or cause personal injury, appropriate curbs, tree guards, or other devices shall be provided.

(l) Areas where plant material will not prosper. In areas where general

planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, pea gravel, and cobbles shall be used. Carefully selected plant material shall be combined with such materials where possible.

(m) Exterior landscape lighting. Lighting standards and fixtures when used to enhance the building design and the adjoining landscape shall be of a size and design compatible with the building and adjacent areas. Lighting shall be restrained in design, and excessive brightness and brilliant colors shall be avoided. Utility services shall be underground.

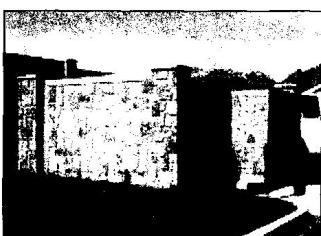
(n) Amenities. In business, office and industrial districts seating areas, paved areas, plant enclosures, benches, waste receptacles, lights, and other amenities shall be provided where appropriate.

(o) Service yard screening. Service yards, loading docks and other places that tend to be unsightly shall be screened from view. Screening shall be equally effective at all times of the year.

1. Trash dumpsters and other waste receptacles or equipment shall be stored in an enclosure that incorporates a solid wall on three sides and a solid single or double access gate on the fourth side.

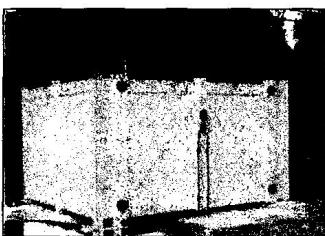
a. The enclosure must meet the following criteria:

- i. It must be at least six feet in height.
- ii. It must be constructed of masonry materials, such as brick or stone.



Masonry enclosure

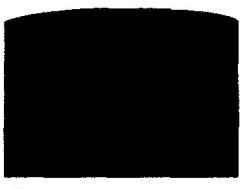
iii. When the principle structure on a parcel was constructed prior to August 6, 2003, the masonry walls may be substituted for vinyl fencing or wood fencing that incorporates a decorative element, such as dogeared or arched top, top and bottom rail, shadowbox construction, or lattice detail.



Wood or vinyl enclosure

b. The gate must meet the following criteria:

- i. It must be a solid single or double access gate.



Gate

- ii. It must be of rigid construction and incorporate cross bracing.

- c . The following additional criteria apply to both the enclosure and the gate(s):

- i. They must be a single neutral earth-tone color that coordinates with the color of the principal structure.
- ii. All wood fencing used must be constructed of decay-resistant exterior-grade treated lumber, such as cedar or redwood.
- iii. All wood must be painted or stained.
- iv. Fencing must be constructed of vertically-run slats that are at least three inches but no more than five inches in width.

- 2. All utility equipment (meters, transformers, etc.) shall be provided with appropriate planting screens.

- 3. Except when located across a street from residential zoned property, all garage doors and loading areas on non-residential property shall be concealed from view (at grade) from adjoining residential zoned property.

- 4. All outdoor storage facilities for raw materials and finished products within 500 feet of a residence district shall be effectively screened and enclosed by a solid wall or fence at least eight feet in height. If materials to be stored outdoors are in excess of eight feet in height, then landscape screening shall be provided in addition to the fence or wall installed along the outside perimeter of the fence or wall, equal or exceeding the height of the materials to be stored outdoors.

- (p) Innovative landscaping. Innovative landscaping treatments are

encouraged and shall be considered as a positive attribute in connection with any request for a variation from the requirements of this chapter.

- (q) Intersection visibility. Landscaping must be designed and installed in conformance with the sight triangle regulations of § 159.014.

- (r) Edging. Edging is recommended to separate grass areas from shrubs, ground cover and mulch and shall be a good quality steel, plastic, or weather resistant (redwood, cedar) or treated wood secured with stakes.

- (s) Artificial plants. No artificial plants of any type shall be used to satisfy any requirements of this section.

- (t) Ground cover. All drainage swales and slopes having a slope of three vertical units to one horizontal unit (3:1) or greater shall be sodded. All other ground areas not covered by buildings, parking, sidewalks or other impervious surfaces, or occupied by planting beds shall be graded smooth with a minimum of four inches of black dirt after compacting and removing stumps, rocks and other debris, and shall be seeded or sodded to prevent soil erosion and sedimentation of public drainage systems, creeks, streams, rivers and wetlands.

- (u) Water conservation. Wherever possible landscape designs and plant material which is indigenous and or drought tolerant should be used to reduce the need for irrigation.

- (v) Flower beds. Flower beds are encouraged and shall be planted in masses in acceptable areas to create color, texture and visual interest. Native species are preferred and recommended.

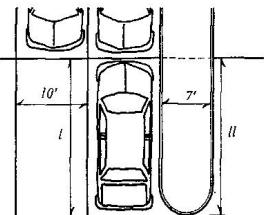
- (5) Additional right-of-way landscaping requirements. In addition to the general design criteria prescribed in division (C)(4) of this section, landscaping is required in public right-of-way in accordance with § 158.034.

- (6) Additional parking lot landscaping requirements. In addition to the general design criteria prescribed in division (D)(4) of this section, the following requirements shall also apply to landscaping parking lots.

- (a) Scope. All parking lots designed for 20 or more parking spaces shall be landscaped in accordance with the provisions of this section.

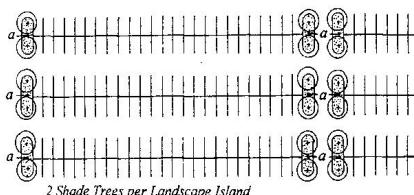
- (b) Interior parking lot landscaping. To define circulation within a parking lot and to visually and physically break-up long rows of parking spaces, landscape islands are required to be provided within parking lot areas, as follows:

1. Parking aisle landscape islands. A landscaped island shall be provided at the end of each parking row. The island shall be protected by a continuous barrier curb and shall have a minimum width of seven feet, measured back-of-curb to back-of-curb, and shall have a depth equal to the adjoining parking space. Each parking aisle landscape island shall contain two shade trees.



Parking Space Landscape Island, Detail

Where  $l = ll$



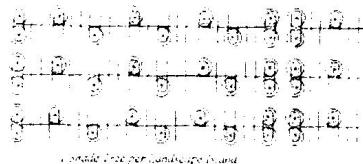
2 Shade Trees per Landscape Island

Landscape Island, Parking Aisle (a)

2. Parking space landscape islands . In addition to parking aisle landscape islands, one or more of the following alternatives shall be used to divide each row of parking having 20 spaces or more:

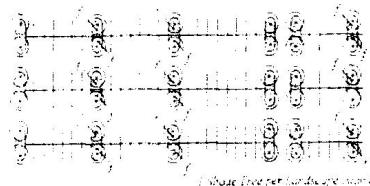
a. Full parking space landscape island. One landscape island protected by a continuous barrier curb and having a minimum width of seven feet, measured back-of-curb to back-of-curb, and a depth equal to the adjoining parking space, may be provided for each 20 parking spaces in the parking row. Said landscape islands shall be dispersed throughout the parking row. Each said landscape island shall contain one shade tree;

EXAMPLE 1



1 Shade Tree per Landscape Island

EXAMPLE 2

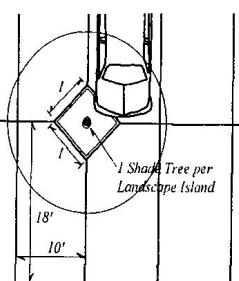


1 Shade Tree per Landscape Island

Landscape Island, Full Parking Space (f)

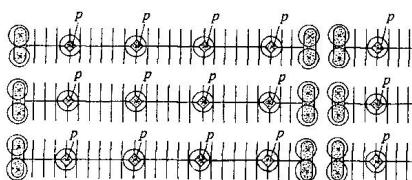
Where Number of Islands =  $\frac{\text{Number of PARKING SPACES in Row}}{20}$

b. Partial parking space landscape island. One landscape island positioned at the front corner of a parking space, protected by a continuous barrier curb and having minimum dimensions of six and one-half feet square, measured back-of-curb to back-of-curb, may be provided for each ten parking spaces in the parking row. Said landscape islands shall be dispersed throughout the parking row and shall not be used in parking rows along the perimeter of a parking lot. Each said landscape island shall contain one shade tree.



Partial Parking Space Landscape Island, Detail

Where  $l = 6.5$  feet (measured back-of-curb to back-of-curb)



1 Shade Tree per Landscape Island

Landscape Island, Partial Parking Space (p)

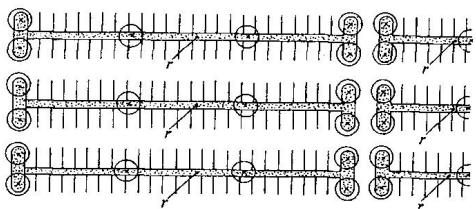
Where Number of Islands =  $\frac{\text{Number of PARKING SPACES in Row}}{10}$

c. Continuous parking row landscape island .

i. A continuous landscape island protected by a continuous barrier curb and having a minimum depth of seven feet, measured back-of-curb to back-of-curb, may be provided between parking rows.

ii. Said landscape island shall not be used in parking rows along the perimeter of a parking lot. Each said landscape island shall contain one shade tree for each 20 parking spaces in the parking row.

3. Additional landscaping standards. In addition to the shade trees required in this section, each landscape island required herein shall be landscaped with an appropriate number and selection of shrubs, flowers, groundcovers, sodded lawn and mulch. Shrubs planted in a parking lot landscape island shall not exceed a mature height of 30 inches above the adjoining pavement. No tree planted in a parking lot landscape island shall have branches lower than six feet above the adjoining pavement.



(c) Parking lot perimeter landscaping.

1. Front and corner side yards:

a. Where a parking lot is located in or adjacent a front or corner side yard in a residential district, continuous landscaping shall be provided across not less than 100% of the parking lot frontage to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting material. Plantings may be placed in clusters, containing at minimum seven evergreens and/or shrubs per cluster, spaced at intervals of approximately 35 feet along the frontage of the parking lot.

b. Where a parking lot is located in or adjacent a front or corner side yard not in a residential district, continuous landscaping shall be provided across not less than 60% of the parking lot frontage to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting material. Plantings may be placed in clusters, containing at minimum seven evergreens and/or shrubs per cluster, spaced at intervals of approximately 35 feet along the frontage of the parking lot. However, when a continuous row of shrubs or hedges is chosen, the entire parking lot frontage shall be screened.

2. Rear and side yards:

a. Where a parking lot is located in a yard adjacent a residential zoning district, landscaping shall be provided as follows:

i. Screening between the parking lot and the residential property line shall be a minimum of six feet in height.

ii. Shade trees shall be provided at the equivalent of one for each 50 lineal feet, or fraction thereof, of parking lot frontage and shall not be planted more than 40 feet apart.

iii. Other planting material, including ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided at intermittent locations, covering at least 100% of the frontage of the parking lot.

iv. Except where occupied by planting beds, all side and rear yard perimeter landscaping area shall be sodded or seeded.

b. Where a parking lot is located in a yard adjacent a nonresidential zoning district; and a parking setback is provided, landscaping shall be provided across not less than 50% of that portion of the parking lot abutting the property line to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials. Plantings may be placed in clusters, containing not less than seven shrubs per cluster, spaced at intervals of approximately 35 feet along the property line.

(7) Additional foundation landscaping requirements. In addition to the general design criteria prescribed in division (D)(4) of this section, the following requirements shall also apply to foundation landscaping.

(a) Scope. All non-residential and multiple family development shall provide perimeter landscaping as prescribed herein. Parking lots located on the perimeter of a lot shall comply with the requirements of division (D)(6) of this section.

(b) Setback. A landscaping area not less than ten feet in width shall be

located around the perimeter of all buildings, except where impractical, i.e. loading dock areas, entryways, etc.

(c) Coverage. Required foundation landscaping areas shall remain open and free of all paving except where walks to buildings and other similar paving is required.

(d) Landscaping materials. Foundation landscaping consists of shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials. Particular attention shall be paid toward screening mechanical equipment, bicycle parking areas, and loading docks; softening large expanses of building walls; and accenting entrances and architectural features of the building(s).

(8) Additional perimeter landscaping requirements. In addition to the general design criteria prescribed in division (C)(4) of this section, the following requirements shall also apply to foundation landscaping.

(a) Scope. All non-residential and multiple family development shall provide perimeter landscaping as prescribed.

(b) Non-residential property abutting non-residential property. Where non-residential property abuts property in a business, office or industrial district, landscaping shall be provided as follows:

1. Shade trees shall be provided at the equivalent of one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall be planted no more than 40 feet apart and may be clustered or spaced linearly as determined appropriate.

2. Other landscaping materials, including berms, ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided at appropriate locations along the abutting property line.

(c) Non-residential property abutting residential property. Where non-residential property abuts property in a residential district, landscaping shall be provided as follows:

1. A solid screen six feet in height, shall be provided along the entire length of the abutting property line. Such screen shall consist of a solid wood fence, berms, trees, evergreens, shrubbery, and/or other live planting materials, necessary to provide 100% coverage.

2. Shade trees shall be provided at the equivalent of one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than 40 feet apart and may be clustered or spaced linearly as determined appropriate.

(d) Multiple family residential property. Where a multiple family residential use abuts property in any zoning district, landscaping shall be provided as follows:

1. Shade trees shall be provided at the equivalent of not less than one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than 40 feet apart and may be clustered or spaced linearly as appropriate.

2. Other landscaping materials, including berms, if possible, ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided at intermittent locations across 50% of the abutting property line. Shrubs shall be placed in clusters containing at least seven per cluster, spaced at intervals of approximately 35 feet along the abutting property line.

(E) Administration of landscaping and tree preservation regulations:

(1) Variations from requirements of this section.

(a) The village recognizes that, because of the wide variety of types of developments and the relationships between them, some flexibility in applying standards set forth in divisions (C) and (D) of this section are appropriate as long as the intent of specified requirements are met. The Zoning Administrator may authorize deviations not more than 20% from the requirements of any specific requirement set forth in divisions (C) and (D) of this section.

(b) Whenever the village allows or requires deviation from the requirements set forth in this section, it shall enter on the face of the landscape plan the reasons for allowing or requiring deviation from the requirements of this section.

(2) Certificate of occupancy. All required landscaping shall be installed prior to the issuance of a certificate of occupancy. If weather conditions or other circumstances beyond the developer's control prevent installation of all or portions of the landscape materials and all other requirements for the issuance of a certificate of occupancy have been met, a letter of credit or a performance guarantee approved by the Village Attorney to insure completion of approved landscaping shall be filed with the Village Administrator. The amount of the performance guarantee and the required completion date shall be recommended by the Zoning Administrator based on current costs and set by the Village Board. If such a letter of credit or performance guarantee has already been submitted for the proposed landscape improvements, the Village Board may permit the developer to extend the performance guarantee for an additional specified period of time.

(F) Guidelines for reviewing landscape plans. A landscape plan shall be approved if the following conditions are satisfied:

(1) The use of shrubs, flowers, berms and ground cover are used appropriately to enhance the overall appearance and function of the site or open spaces on the site;

(2) The planting of shade and ornamental and evergreen trees is used to define and enhance spaces on the site;

(3) The use of planting material to effectively screen adjacent dwelling units, service areas, and parking areas;

(4) The use of planting material to contribute to water conservation and energy efficiency;

(5) The use of planting material seasonal color, texture, size and form to create seasonal and visual interest and appeal in the community; and

(6) The composition, number, location, specie of landscape material, berms, fences and other features, and supporting documentation are provided as required by this section.

(Ord. 06-0369, passed 2-1-06; Am. Ord. 09-0744, passed 4-15-09; Am. Ord. 12-1013, passed 11-7-12; Am. Ord. 15-1229, passed 11-18-15)

**§ 159.031 USES NOT SPECIFICALLY PERMITTED.**

When a use is not specifically listed in the sections devoted to permitted uses, special uses, accessory uses, temporary uses, signage, and the like, it shall be determined that the uses are hereby prohibited.

**§ 159.032 PUBLIC UTILITY EXEMPTIONS.**

The following public utility and municipal uses are permitted in any Zoning District: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar distributing equipment (not including substations located on or above the surface of the ground), for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewage or surface water, provided that the installation and location shall conform with the rules and regulations of the applicable administrative authorities and the ordinances of the village.

**§ 159.033 PUBLIC UTILITIES.**

Each use hereafter established shall be served by a public sewerage collection system and water distribution system.

**§ 159.034 HOME OCCUPATIONS.**

(A) Intent and purpose.

(1) Traditionally, in zoning, certain occupational uses termed "home occupations" have been allowed in residential dwelling units. Such uses have been allowed largely on the basis that such uses are incidental to the use of the premises as a residence, that the nature of home occupational uses is such that they are compatible with or even belong in the home, or that home occupational uses are of a highly professional nature involving the use of mental rather than physical capabilities and are therefore compatible with residential land uses.

(2) It is recognized, however, by this village, that certain limited home occupations can be useful to both the general public as well as the resident/proprietor. Also recognized is the difficulty of writing and ordinance dealing with home occupations in a "middle-of-the-road" fashion, which is neither discriminatory nor arbitrary. It is the hope that both the citizens and the courts will recognize these difficulties; that the former will not abuse the privileges granted within the following test and that the latter will aid in the enforcement of the sometimes arbitrary restrictions necessary to preserve residential character in an expedient manner.

(3) With the above in mind, it is the intent and purpose of this section to provide for certain types of restricted occupational uses within residential districts. Only such uses will be allowed:

(a) Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit;

(b) Are compatible with residential uses;

- (c) Are limited in size; and
- (d) Do not detract from the residential character of the neighborhood.

(B) Home occupations, required conditions. A home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the following conditions and/or requirements. These are in addition to all of the use limitations applicable in the district in which a home occupation is located, no business license shall be issued unless it complies with the following restrictions in all residential districts.

(1) Size/space requirements. A home occupation shall be incidental to the principal use (residential), where no more than 25% of the floor area of a one-story dwelling unit and no more than 20% of the floor area of any other residential dwelling unit may be used in connection with the home occupation or for the storage purposes associated with the home occupation. Floor area of a dwelling unit is defined as all heated and ventilated and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space.

(2) Retail sales. On the premises, retail sales shall be prohibited except for the retail sales of products, goods or trade work produced or fabricated on the premises as a result of the home occupation.

(3) Employment. Only members of the immediate family permanently residing on the premises shall be an employee in the home occupation.

(4) Hours of operation. In no case shall any permitted home occupation be open to the public at times earlier than 8:00 am nor later than 8:00 pm.

(5) Patronage. No more than five persons may avail themselves of the services provided by the home occupation use at a given dwelling unit at any given moment in time.

(6) Storage outdoor. There shall be no exterior storage outside the principal building or accessory structure of equipment, product or the like in conjunction with the home occupation.

(7) Conduct and appearance. The home occupation shall be conducted entirely within the principal residential building. There shall be no advertising or identification sign acknowledging the presence of the home occupation.

(8) Manufacturing. There shall be no manufacturing or processing of any sort conducted within the confines of the dwelling unit. Minor assembly of products or goods may be permitted, if done solely within the dwelling unit.

(9) Wholesaling. No wholesale, jobbing, or retail business shall be permitted unless sales are conducted entirely by mail or telephone and the business does not involve the receipt, shipment, delivery, or storage of merchandise/materials/product on or from the premises.

(10) Alterations. There shall be no alterations to the principal residential building or accessory structures, which changes the character thereof, as a dwelling unit.

(11) Equipment. No mechanical or electrical equipment may be used except such types as are customary for purely domestic, household, or hobby purposes.

(12) Deliveries. There shall be no deliveries to or from a home occupation with a vehicle larger than a one (1) ton truck (i.e. Federal Express, United Parcel Service, Emery, and the like).

(13) Performance standards. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat. A home occupation as provided by this section shall be completely contained within the principal building. Any noise, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of the terms of the provisions herein. The judgment of the Zoning Administrator shall be considered decisive and final in this matter unless formally appealed to the Planning and Zoning Commission within 45 days of the Zoning Administrator's written determination.

(14) Multiple family dwelling units. Home occupations that attract customers, clients, or students to the premises for sales or service shall not be permitted in multiple family dwelling units.

(C) Additional conditions for personal property sales (garage sales):

(1) Permit required. Before any person holds or conducts a personal property sale, such as but not limited to, garage sales, basement sales, yard sales, porch sales, estate sales or auctions for the purpose of selling used household, clothing or any personal property items which are owned by the resident(s) on the premises, a personal property sale permit for a garage sale shall be obtained from the village.

(2) Terms of permit.

- (a) Sales shall not last longer than three consecutive days.
- (b) Not more than two sales shall be permitted on the premises during a calendar year.
- (c) No goods purchased for resale may be offered for sale.
- (d) No consignment goods may be offered for sale.

(e) Sales shall be conducted on the owner's property. Multiple family sales are permitted provided they are held on the property of one of the participating families.

(3) Conditions of permit.

- (a) The permits shall be valid only upon demonstrating to and finding by the village that proper safety and environmental precautions have been taken to ensure the safety of the general public.
- (b) The permit shall be posted on the premises in a conspicuous place so as to be readily seen by the public and village enforcement personnel.
- (c) Any police or enforcement officer of the village shall have the right of entry to any premises showing evidence of personal property sale for the purpose of enforcement or inspection. Said enforcement official may close sale operations upon determination that a

violation of this chapter exists and may arrest any person who violates any provision of this chapter.

(4) Application. Application for a Garage Sale permit shall be made at the office of the Zoning Administrator on forms furnished by the Zoning Administrator.

(5) Application fee. The application fee for a garage sale permit shall be established by the Village Board of Trustees and shall be posted in the office of the Village Clerk and may be altered and amended from time to time by the Mayor and Village Board.

(6) Penalty. Any person, firm, or corporation that violates any of the provisions of this section shall be subject to the penalty provisions of this chapter.

(D) Permits/fees/inspections:

(1) A business license establishing the home occupation may be issued by the Zoning Administrator, provided that all of the above criteria have been met by the applicant.

(2) A business license granted by this section shall be temporary in nature and shall be granted to a designated person who resides at a particular residential address. They are not transferable from person to person nor from address to address.

(3) Applications for a home occupation business license shall be filed with the Zoning Administrator, together with a one time filing fee according to the current "Fee Schedule" herein. The application shall then be reviewed to insure compliance with this section and the residential district in which the home occupation is located.

(4) There may be one annual inspection each year directed by the Zoning Administrator covered by the license. In addition, the Zoning Administrator or his or her designee, shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by said license for safety and compliance purposes.

(5) The annual fee for continuing a license issued under this section shall be according to the current "Fee Schedule" herein, and shall be payable on May 1st of each year.

(6) Licenses shall expire April 30 of each year, and once granted may be renewed without making another application, subject to the provisions of this section, by completing the renewal form described by the Zoning Administrator and paying the annual license fee. Failure to timely apply for renewal, and/or failure to pay for the business license, shall be grounds for revocation of the business license.

(E) General provisions.

(1) Should a license holder die or move to a new location, the existing license shall automatically terminate, except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the Zoning Administrator, and that person may be authorized continuation of that license.

(2) Business licenses, once granted, may be revoked by the village for cause after a public hearing before the Village Board. Complaints seeking the revocation of such license shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission or three residents of the block (both sides where the home occupation is being conducted). All such revocation hearings shall be conducted in accordance with § 159.176. Publication and notification requirements shall be done in accordance with Ordinance Chapter 113.

(3) All businesses being conducted on properties zoned in a residential district on the effective date of this section shall have 90 days thereafter to apply for the necessary license.

(4) Persons who were conducting a business from properties zoned in a residential district on the effective date of this section must make application according to the procedures herein, however, they may continue to conduct such business pending final determination from the Zoning Administrator of their application. Should the application be denied for a license, all such persons shall have the opportunity for an appeal with the Planning and Zoning Commission as outlined by this chapter.

(F) Customary/permitted home occupations. Customary "home occupations" include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of division (B) in this section:

(1) Art restoration, Art studio;

(2) Artists, authors, composers, painters, and sculptures;

(3) Baby sitting, including family day care home as defined by §159.003;

(4) Beauty parlors and barber shops, single chair;

(5) Clergy, minister, priest for consultation purposes only or for the performance of religious rites;

(6) Consulting services\* (i.e Architectural, Attorney, Engineering, Financial Planning/Investment Services, Interior Designer, Writing/Computer programming);

(7) Contracting, except as specifically prohibited;

(8) Data processing, telecommunications, high speed data transmissions or the like completed through the use of telephones, facsimiles, modems or other forms of telecommunications peripherals;

(9) Dentist may use his residence for consultation purposes only with general and/or limited treatments;

(10) Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, Herbalife);

(11) Drafting and graphic services\*;

(12) Dressmaking, seamstress, sewing, tailoring, contract sewing (one machine);

(13) Electronic designing;

(14) Flower arranging, Gardening, Landscape maintenance (without outdoor storage of materials and/or equipment);

(15) Home crafts such as model-making, rug-weaving, lapidary work, however, no machinery or equipment shall be used or employed

other than what is customary to the home. Off-site sales;

- (16) Home cooking and preserving;
- (17) Home day care/baby sitting for less than five non-related children, as defined by this chapter;
- (18) House cleaning services;
- (19) Insurance sales or broker;
- (20) Jewelry making; jeweler; watch repairs;
- (21) Laundry, ironing services;
- (22) Locksmith;
- (23) Mail order, not including retail sales from the home;
- (24) Music teachers, but regular instruction shall be limited to one pupil at a time, except for occasional groups;
- (25) Photo developing, non-retail, no drop off service, delivery only;
- (26) Real estate sales or broker;
- (27) Sales representative, office only;
- (28) Secretarial services;
- (29) Security service, security systems, auto security systems, no installations at home;
- (30) Swimming pool cleaning;
- (31) Telephone answering, switchboard, call forwarding;
- (32) Tutoring shall be limited: one to four students at a time;
- (33) Typing, word-processing service;
- (34) Wall papering;
- (35) Woodworking, excluding cabinet making;
- (36) Writing, computer programming.

\* Not for the general assembly of groups of more than six and not for the installation or use of any mechanical or electrical equipment customarily incidental to the practice of any such profession.

(G) Prohibited home occupations. The following are "prohibited" home occupations in any residential districts, unless specifically permitted by the district regulations.

- (1) Ambulance services;
- (2) Animal kennels or hospitals;
- (3) Appliance repair;
- (4) Automobile repair; parts sales, upholstery, or detailing; washing service (including businesses working at customers homes);
- (5) Barber shops and beauty shops above one chair;
- (6) Boarding house, hotel, time share condominium;
- (7) Carpentry work, cabinet makers;
- (8) Catering;
- (9) Ceramics, (kiln of six cubic feet or more);
- (10) Churches, religious instruction;
- (11) Contracting that involves masonry, plumbing or painting;
- (12) Dancing schools;
- (13) Dog breeders or dog re-sellers.
- (14) Funeral homes or chapels;
- (15) Gift shops;
- (16) Gun smith/shop including sales and service;
- (17) Health salons, gyms, aerobic exercise studios;
- (18) Helium balloon sales;
- (19) House painter;
- (20) Limousine or pedicabs service;
- (21) Major automobile repair (see definition § 159.003);
- (22) Massage parlors;

- (23) Medical or dental clinics/ offices or hospitals;
- (24) Mortician, hearse service;
- (25) Nursery schools and home day care centers (see definitions §159.003);
- (26) Painting of vehicles, trailers and/or boats;
- (27) Private clubs;
- (28) Private schools with organized classes;
- (29) Restaurants, home dinettes, taverns and food preparation;
- (30) Retail sales from the site (except direct distribution);
- (31) Rental businesses;
- (32) Skin care products (manufacturing of same);
- (33) Small engine repair;
- (34) Stables or animal care (veterinarian);
- (35) Television repair;
- (36) Lodging houses;
- (37) Tow truck services;
- (38) Trailer rentals or sales;
- (39) Upholstery;
- (40) Veterinary uses (including care, grooming, or boarding);
- (41) Welding and machine shops.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0599, passed 12-19-07)

### **§ 159.035 FENCES, WALLS, RETAINING WALLS AND HEDGES.**

(A) General. This section governs the installation, replacement, alteration, relocation and maintenance of fences, walls, retaining walls, and hedges in the village.

(B) Permit required.

(1) Unless otherwise provided in this section, no fence, wall, retaining wall or hedge shall be installed, replaced, altered, or moved for any reason within the village prior to receiving a permit therefore.

(2) Applications for permits shall be in writing on the application form furnished by the village. The following information shall be submitted with each permit application.

(a) A plat of survey or other accurate and scaled drawing depicting:

- 1. The proposed location of the fence, wall, retaining wall, or hedge;
- 2. The location and dimensions of all structures existing on the site (including the primary building, all accessory structures and all existing fencing);
- 3. The property lines;
- 4. The easements;
- 5. The street lines, sidewalks and walkways; and,
- 6. For corner lots, the orientation of the neighboring building showing the direction in which the buildings face.

(b) A description of the proposed fence, wall, retaining wall, or hedge including the type, height, and construction materials.

(c) A copy of the village's drainage certificate, signed by the property owner.

(3) No permit shall be issued until it has been approved for zoning compliance by the Zoning Administrator and until it has been approved for building/structural compliance by the Building Commissioner.

(4) No permit shall be issued until after the permit fee has been paid in full.

(C) Impact on drainage. No fence, wall, retaining wall, garden, berm, landscaping, hedge or other structure shall inhibit or alter drainage (i.e. flow of storm water or surface water) through drainage ditches or over public utility and/or drainage easements.

(1) Landscaping in easements. Landscaping, other than seed or sod, is not recommended in drainage easements.

(a) When landscaping is installed, it shall not alter the grades nor shall it alter the flow of surface water. Landscaping features such as raised flower beds or gardens shall be avoided in drainage easement as they have the tendency to impact drainage.

(b) If it is determined that landscaping impedes or alters the surface water drainage on the property or other properties, the village may require the homeowner to remove the landscaping and the village has the right to remove, relocate, or alter the landscaping.

(2) Fences in easements. The village has the right to remove, relocate, or alter a fence, wall, retaining wall, or hedge located in an easement if the potential exists to impede or alter the surface water drainage of the property or any other property. If the fence needs to be removed to obtain access to utilities or for the maintenance of drainage for any reason, the village is not responsible for replacement or

repair of the fence or any other homeowner improvements located within the easements.

(3) Grading restoration. When a fence is installed, all spoils shall be removed and the grading shall be restored to its original state. The soil spoils which are removed cannot be spread under the fence or in any drainage easement.

(D) Impact on visibility. No fence, wall, retaining wall or hedge shall be installed or located within the sight triangle at the intersection of two or more streets, roadways, driveways, or access drives as described in § 159.014. There shall be no significant obstruction to visibility between three feet and ten feet in height.

(1) Ten feet, measured along the right-of-way line of an intersecting street and the nearest edge of an intersecting driveway, where the intersection is between a street and a driveway within a residential zoning district.

(2) Thirty feet, measured along the right-of-way lines of two intersecting streets.

(3) Thirty feet, measured along the right-of-way line of an intersecting street and the nearest edge of an intersecting driveway or access drive, where the intersection is between a street and a driveway or access within a non-residential zoning district.

(4) In cases involving one or more private roads, the triangle shall be measured along the appropriate edge of such private road as if it had been publicly dedicated.

(5) Notwithstanding the foregoing, with respect to any fences, hedges, walls or retaining walls installed within a sight triangle as of the date of the adoption of this section, said fences, hedges, walls or retaining walls shall only be deemed to be in violation of this section to the extent that the same shall actually obstruct the view of other traffic available to any motorist lawfully operating any motor vehicle that is stopped at, turning through or traveling through any two intersecting streets or the intersection of a street and a driveway.

(6) The Village Manager or his designee shall have the right to review and approve an exception to the requirements of this section provided that the applicant is able to prove that the proposed fence shall not actually obstruct the view of other traffic available to any motorist lawfully operating any motor vehicle that is stopped at, turning through or traveling through any two intersecting streets or the intersection of a street and a driveway.

(E) Structural elements.

- (1) Fences, walls and retaining walls shall be constructed such that no structural element faces a public street or neighboring property.
- (2) The fence boards must be at least two inches above grade; however, they must be situated such that a four-inch sphere cannot pass under them.

(F) Definitions. For the purposes of this section the following definitions shall apply.

(1) Types of fences.

CHAIN LINK/CYCLONE FENCE. A fence constructed of chain link fabric that is finished at all edges, including a top and bottom rail.

DEVELOPMENT FENCE. A uniform fence, installed by the village, state, owners association, merchant's association, or developer that is within a development, along a common area (such as a school or park), or along a roadway.

FENCE. A manmade structure of wood, metal, masonry, plastic, or other synthetic materials designed, used and erected and affixed to real estate for the purpose of defining, enclosing or separating any portion of the real estate from adjoining land whether or not such fence is located on the boundary line of the property to which it appertains. A fence may include gates.

HEDGE. Any group of plantings designed so as to define a property edge similar to the function of a fence.

OPEN FENCE. A fence which has over its entirety at least 40% of the surface area in open space when viewed at a right angle to the fence.

PALISADE FENCE. A fence intended to guard federal or state regulated property against unauthorized entry. The fence normally consists of vertical pickets attached to horizontal rails and may include pales to discourage scaling but not including barbed, razor, or concertina wire.

PICKET FENCE. An open fence with spaces between vertically-run members (pickets). Pickets may not exceed three inches in width.

PRIVACY FENCE. A solid fence. The privacy fence provides little or no space between members and all fence boards rub along the same plane.

RETAINING WALL. Any wall designed or used to change the grade of the yard by creating a terrace or drop-off, commonly used to increase the level or useable area of a yard. The term retaining wall does not describe decorative edgings for planting beds, gardens or trees not located within drainage easements.

SHADOW BOX FENCE. A fence where vertical members are alternated on two different planes creating the overall look of a solid fence.

SOLID FENCE. A solid fence has less than 40% of the surface area in open space when viewed at a right angle to the fence.

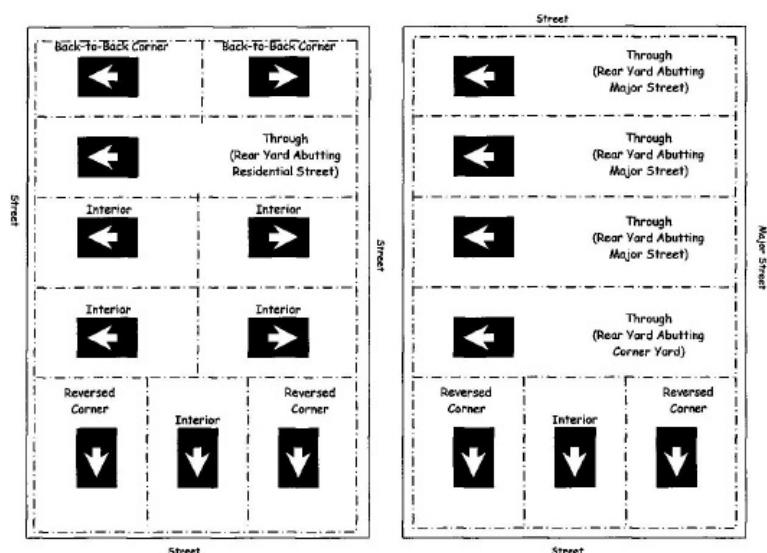
SPLIT-RAIL FENCE. An open fence with horizontal members running between vertical posts.

WALL. An open or a solid fence constructed of masonry.

WROUGHT IRON FENCE. An open fence constructed of wrought iron, other metal, PVC, or anodized aluminum possessing similar aesthetic characteristics.

(2) Types of lots.

- (a) The following chart demonstrates the different types of lots. The arrow points in the direction of the front of the houses. (See definitions in § 159.003.)

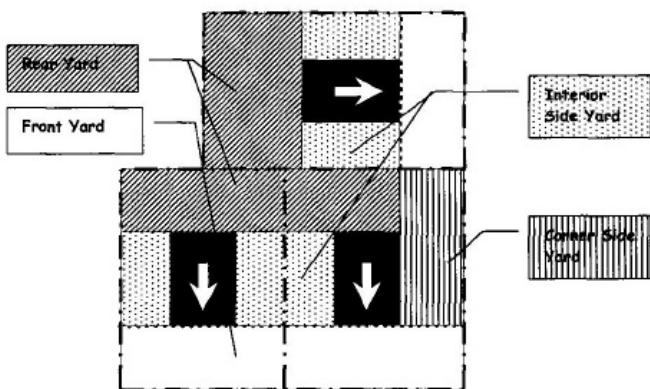


- (b) For the purposes of this section the following standards shall apply.

1. If a through lot abuts a major street, back-to-back corner yard provisions shall apply to the rear yard.
2. If a through lot abuts a minor street, reversed-corner yard provisions shall apply to the rear yard.

3. If a corner side yard abuts a through lot on a major street, it shall be considered a back-to-back corner side yard.
4. If a corner side yard abuts a through lot on a minor street, it shall be considered a reverse corner side yard.
5. The side yard abutting the street on a through lot, shall be considered a reverse corner yard.

(3) Types of yards. The following chart demonstrates the different types of lots. The arrow points in the direction of the front of the houses. (See definitions in § 159.003.)



(G) Types of fences permitted in residential districts. The types of fences are dependant upon the type of yard. The following table identifies the types of fences permitted in each yard.

Types of Fences Permitted				
	Front Yard	Reverse Corner Yard	Back-to-Back Corner Yard	Rear Yard Fences on Interior Lots <sup>4</sup>
Picket	Permitted	Permitted	Permitted	Permitted
Split-Rail	Permitted	Permitted	Permitted	Permitted
Privacy	Not Permitted	Not Permitted	Permitted*	Permitted*
Shadow Box	Not Permitted	Not Permitted	Permitted	Permitted
Chain Link/Cyclone**	Not Permitted	Not Permitted	Not Permitted	Permitted
Wrought Iron	Permitted	Permitted	Permitted	Permitted
Hedge***	Permitted	Permitted	Permitted	Permitted
Walls	Not Permitted	Not Permitted	Permitted*	Permitted*

\* Privacy fences and walls not permitted in drainage easements. An exception to this requirement may be granted by the Village Manager or his designee in the case of through lots abutting major streets or highways. The exception may only be granted in cases where the easement has been studied by the Village Engineer and it has been determined that the easement will not carry a significant amount of water flow, that the fence will not be located in an overland flood route, and that the proposed fence will not alter or impede drainage flow.

\*\* Chain Link/Cyclone fencing must be 11-gauge wire or heavier.

\*\*\* The setback is determined by the distance between the trunk or stem of the shrub and the property line. The hedge may not overhang a public walk.

(H) Height of fences in residential districts. The fence height shall be based on location. The following height restrictions shall apply.

Height Restrictions				
	Front Yard	Reverse Corner Yard	Back-to-Back Corner Yard	Rear Yard Fences on Interior Lots
Maximum Height	3 Feet	3 Feet	6 Feet	6 Feet

(I) Setback restrictions in residential districts. The fence setback shall be based on location. The following setback restrictions shall apply.

Setback Restrictions**				
	Front yard	Reverse Corner Yard	Back-to-Back Corner Yard	Rear Yard Fences on Interior Lots
Minimum Setback	1 Foot*	1 Foot	1 Foot	None

* No front yard fences shall run parallel to the front lot line. Fences are allowed along the side lot line.
** In addition to the setbacks from the property lines, no fence may be located (1) closer than 8 feet to the back of curb along a major street, (2) parallel and within 6 feet to an existing fence on the lot.

(J) Types of fences permitted in non-residential districts.

(1) Any fence constructed within the P-B Zoning District will be limited to a fence with a wrought iron appearance, full vinyl, or a chain link fence in which all portions of the fence are covered with a black vinyl coating. Any vinyl fences will be constructed out of a low reflectance neutral coloring.

(2) The types of fences shall be dependent upon the type of yard. The following table identifies the types of fences permitted in each yard.

Types of Fences Permitted				
	Front Yard	Reverse Corner Yard	Back-to-Back Corner Yard	Rear Yard Fences on Interior Lots <sup>4</sup>
Picket	Permitted	Permitted	Permitted	Permitted
Split-Rail	Permitted	Permitted	Permitted	Permitted
Privacy	Not Permitted	Not Permitted	Permitted <sup>1</sup>	Permitted <sup>1</sup>
Chain Link/Cyclone <sup>2</sup>	Not Permitted	Not Permitted	Not Permitted	Permitted
Wrought Iron	Permitted	Permitted	Permitted	Permitted
Hedge <sup>3</sup>	Permitted	Permitted	Permitted	Permitted
Walls	Not Permitted	Not Permitted	Permitted <sup>1</sup>	Permitted <sup>1</sup>
Snow	Not Permitted	Not Permitted	Permitted (November to March)	Permitted (November to March)
Specialty	Not Permitted	Not Permitted	Permitted (Sports, recreation, etc.)	Permitted (Sports, recreation, etc.)

1 The village has the right to look at any and all installations to see if there is any impact to drainage. Privacy fences and walls will not be allowed in drainage easements that are determined to carry a significant amount of water flow. They will not be allowed in overland flood routes.  
 2 Chain Link/Cyclone fencing must be 11-gauge wire or heavier.  
 3 The setback is determined by the distance between the trunk or stem of the shrub and the property line. The hedge may not overhang a public walk.  
 4 In the event that a lot backs onto a stormwater management facility, that does not directly access a public property or right-of-way, a gate shall be provided to allow access for inspection and maintenance of said stormwater management facility.

(K) Height of fences in non-residential districts. The fence height shall be based on location. The following height restrictions shall apply.

Height Restrictions				
	Front Yard	Reverse Frontage Corner Yard	Back-to-Back Corner Yard	Rear Yard Fences on Interior Lots
Maximum Height	3 Feet	3 Feet	8 Feet	8 Feet

(L) Setback restrictions in non-residential districts. The fence setback shall be based on location. The following setback restrictions shall apply.

Setback Restrictions				
	Front Yard	Reverse Frontage Corner Yard	Back-to-Back Corner Yard	Rear Yard Fences on Interior Lots
Minimum Setback	Greater of: 1' to property line; 2' to sidewalk; 5' from curb	Greater of: 1' to property line; 2' to sidewalk; 5' from curb	None	None

\* No front yard fences shall run parallel to the front lot line. Fences are allowed along the side lot line.

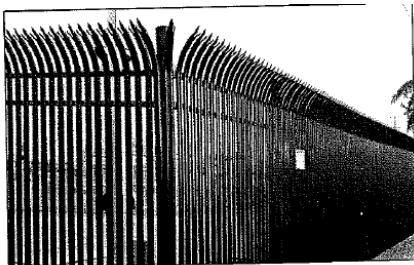
(M) Access for repair. The village, utility company or quasi-utility company shall have the right, when necessary and convenient, to temporarily remove any fence, wall, retaining wall, hedge, landscaping (including gardens) and/or other accessory structures (sheds, pools, etc.) to allow access by its employees or contractors and equipment for the repair and maintenance of any equipment or other facility situated within or on any platted utility easement. In such cases the village, utility or quasi-utility shall not be held responsible for the replacement or repair of any fence, wall, retaining wall or hedge removed.

(N) Development fence.

(1) In the event that a development fence has been installed on a property or along any property line, the property owner must maintain said fence and may only replace it with fencing which matches in terms of color, height, location, setback, and design.

(2) Additionally, if a property abuts a common area or a major street, and that property is located immediately between two other properties also abutting the same common area or major street, any fencing installed in the property in question must match the development fencing installed on both neighboring properties if such development fencing on both such neighboring properties is identical, or must match the development fencing installed on one or the other of such neighboring properties in the event that the development fencing on such neighboring properties is not identical. For purposes of the preceding sentence, fencing shall be deemed to match other fencing when both fences in question (a) are of the same color, type and material; (b) are of the same height; and (c) are installed at the same setback from the relevant common area or major street.

(O) Palisade fence. A fence intended to guard federal or state regulated property against unauthorized entry. The fence normally consists of vertical pickets attached to horizontal rails and may include pales to discourage scaling but not including barbed, razor, or concertina wire. These fences are exempt for the height and setback requirements of this section and may follow the applicable federal or state guidelines for height and location. An example of a palisade fence is shown below.



(P) Amortization. All non-conforming fences, walls, retaining walls and hedges shall be brought into compliance with all provisions of the Zoning Ordinance when, for any reason, said fence, wall, retaining wall or hedge is replaced.

(Am. Ord. 05-0284, passed 6-15-05; Am. Ord. 07-0554, passed 7-18-07; Am. Ord. 07-0594, passed 10-3-07; Am. Ord. 08-0715, passed 11-19-08; Am. Ord. 09-0799, passed 12-16-09; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0926, passed 10-5-11; Am. Ord. 15-1181, passed 3-18-15; Am. Ord. 15-1229, passed 11-18-15; Am. Ord. 19-1533, passed 1-16-19)

### **§ 159.036 APPEARANCE REVIEW (BEAUTIFICATION COMMISSION).**

(A) Definitions. For the purpose of this section of the chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**“APPEARANCE.”** The outward aspect visible to the public.

**“APPROPRIATE.”** Sympathetic, or fitting, to the context of the site and the whole community.

**“APPURTENANCES.”** The visible, functional objects accessory to a part of a building.

**“ARCHITECTURAL CONCEPT.”** The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, that produces the architectural character.

**“ARCHITECTURAL FEATURE.”** A prominent or significant part or element of a building, structure, or site.

**“ARCHITECTURAL STYLE.”** The characteristic form and detail, as of buildings of a particular historic period.

**“ATTRACTIVE.”** Having qualities that arouse interest and pleasure in the observer. Beautification Commission The Beautification Commission of the village.

**“BERM.”** (See also **“BERM.”** § 159.003) A raised form of earth to provide screening or to improve the aesthetic character.

**“CODE.”** The Zoning Code (Ordinance No. 780, passed 4-1-81, as amended)

**“COHESIVENESS.”** Unity of composition between design elements of a building or a group of buildings and the landscape development.

**“CONSERVATION.”** (See also **“CONSERVATION AREA”** and **“CONSERVATION EASEMENT”**, § 159.003 of this chapter) The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

**“EXTERIOR BUILDING COMPONENT.”** An essential and visible part of the exterior of a building.

**“EXTERIOR DESIGN FEATURE.”** The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

**“GRAPHIC ELEMENT.”** A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

**"HARMONY."** A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

**"LANDSCAPE."** Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**"LIGHT CUT-OFF ANGLE."** An angle from vertical, extending downward from a luminary, which defines the maximum range of incident illumination outward at the ground plan level.

**"LOGIC OF DESIGN."** Accepted principles and criteria of validity in the solution of the problem of design.

**"MECHANICAL EQUIPMENT."** Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**"MISCELLANEOUS STRUCTURES."** Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks, water towers, sheds, shelters, fences, walls, kennels, transformers, and drive-up facilities.

**"PLANT MATERIALS."** Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

**"PROPORTION."** Balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

**"SCALE."** Proportional relationship of the size of parts to one another and to the human figure.

**"SCREENING."** (See also **"SCREENING."** § 159.003) Structure of planting that conceals from view from public ways the area behind such structure or planting.

**"SHRUB."** A multi-stemmed woody plant other than a tree.

**"SITE BREAK."** A structural or landscape device to interrupt long vistas and create visual interest in a site development.

**"STREET HARDWARE."** Man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes and fire hydrants.

**"STREETSCAPE."** The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

**"STRUCTURE."** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

**"UTILITARIAN STRUCTURE."** A structure or enclosure relating to mechanical or electrical services to a building or development.

**"UTILITY HARDWARE."** Devices such as poles, cross-arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

**"UTILITY SERVICE."** Any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, and communications into a building or development.

**"VILLAGE."** The Village of Romeoville, Illinois.

(B) Appearance standards.

(1) The purpose of these standards is to establish a checklist of those items that affect the physical aspect of the village's environs as it relates to the development of concepts for single family residential, multiple family residential, business, commercial, industrial and manufacturing land uses. Pertinent to appearance is the design of the site, building and structures, plantings, signage, street hardware, and miscellaneous other objects that are observed by the general public.

(2) The standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the village, preserve taxable values, and promote the public, health, safety, and welfare.

(3) This section (in its entirety) shall apply to properties being developed or having landscaping renovation in excess of 40% of any existing individual lots. No department or village official shall issue a permit provided for herein in violation of the regulations set forth herein.

(C) Relationship of building(s) to the site.

(1) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas;

(2) Site planning in which setbacks and yards are in excess of zoning requirements. It is encouraged to provide an interesting relationship between buildings;

(3) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways;

(4) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings; and

(5) Newly installed utility services, and service revisions necessitated by exterior alterations shall be underground.

(D) Relationship of building(s) and site to adjoining areas:

(1) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials;

(2) Attractive landscape transition to adjoining properties shall be provided; and,

(3) Harmony in texture, lines, and masses is required. Monotony shall be avoided.

(E) Landscape and site treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground

forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

(1) Where natural or existing topographic patterns contribute to beauty and utility of development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance;

(2) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting;

(3) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only;

(4) Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments;

(5) Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used;

(6) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other similar devices;

(7) Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings;

(8) Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged;

(9) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer;

(10) In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible; and

(11) Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

(F) Building design.

(1) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings;

(2) Buildings shall have good scale and be in harmonious conformance with permanent neighboring developments;

(3) Materials.

(a) Materials shall have good architectural character and shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways;

(b) Materials shall be selected for suitability to the type of buildings and the design in which they are used;

(c) Materials shall be of durable quality; and,

(d) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

(4) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another;

(5) Colors shall be harmonious and shall use only compatible accents;

(6) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways;

(7) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design;

(8) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in the criteria for equipment screening; and

(9) Monotony of design in single or multiple building projects shall be avoided. Variation from detail, form, facade and siting, shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance. In any instance, specifically, single family residential dwellings hereinafter erected shall not be like or substantially like any neighboring building now in existence, or for which a building permit is sought if it fronts upon the same street, within five buildings, structures or units of the proposed building.

(G) Signage.

(1) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings;

(2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates;

(3) The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates;

(4) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face;

(5) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention;

(6) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs;

(7) No telephone number, facsimile numbers or the like shall be incorporated into the sign;

(8) If sign is in compliance with the criteria established by this section and §§159.121 through 159.133 then the permit may be authorized by the Zoning Administrator, if not then it must be presented to the Beautification Commission for review with final consideration by the Village Board of Trustees; and

(9) Size and location of signage shall be controlled by §§159.121 through 159.133. Signage permits are issued in accordance with requirements found later in this chapter.

(H) Miscellaneous structures and street hardware.

(1) Miscellaneous structures and street hardware shall be designed to be a part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive; and,

(2) Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

(I) Maintenance - planning and design factors.

(1) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep;

(2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse; and

(3) Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

(J) Factors for evaluation. The following factors and characteristics, which affect the appearance of a development, will govern the Beautification Commission's evaluation of a design submission:

(1) Conformance to ordinances and this section;

(2) Logic of design;

(3) Exterior space utilization;

(4) Architectural character;

(5) Attractiveness;

(6) Material selection;

(7) Harmony and compatibility;

(8) Circulation - vehicular and pedestrian; and

(9) Maintenance aspects.

(K) Submittal requirements.

(1) All exhibits required for the permanent file (noted in the following) must be reduced to 11" x 17" by folding, photo reduction, and the like. However, larger mounting boards, material samples, or other exhibits not meeting this criteria may be used for the Commission presentation.

(2) Three black or blue-line prints (one of which shall be colored) of the following required drawings shall be submitted to the Zoning Administrator for presentation to the Commission.

(3) An adequate number of color photographs (polaroid type) are required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

(L) Building construction, exterior remodeling, and additions submittal requirements (Including parking lots and landscaping).

(1) Site plan. A site plan is required containing the following information:

(a) Scale and north arrow;

(b) Address of site;

(c) All property and street pavement lines;

(d) Existing and proposed contours;

(e) Gross area of tract stated in square feet and acres;

(f) If parking is involved, show calculations for determining the required number of off-street parking spaces as required by § 159.019. Give the number of spaces actually proposed. Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time;

(g) Proposed ingress/egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aids (if any);

(h) Calculations for determining the required number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent properties;

(i) Location of all isolated trees having a diameter of six inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included);

(j) Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated; and

(k) Location of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the site's boundaries.

(2) Elevations. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information:

(a) Scale;

(b) All signs to be mounted on the elevations;

(c) Designation of the kind, color, and texture of all primary materials to be used;

(3) Section profiles. Two section profiles through the site are required containing the following information:

(a) Scale;

(b) Building(s);

(c) Lighting fixtures and standards;

(d) Signage.

(4) Material samples. Material samples are required for all major materials.

(M) Free-standing ground signs submittal requirements:

(1) Site plan. A site plan is required containing the following information:

(a) Scale and north arrow;

(b) Address of site;

(c) All property and street pavement lines;

(d) Proposed ingress/egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aids (if any);

(e) Location of existing and proposed landscaping;

(f) Location and height of all buildings on the site and all buildings within 50 feet of the site's boundaries;

(g) Location and height of all existing (to remain) and proposed signs on the site, complete with route of electrical supply to signs.

Show required setbacks for sign from property lines; and

(h) Location of all existing (to remain) routing of electrical supply.

(2) Elevations. An elevation is required of each face of the proposed sign showing the following information:

(a) All specifications including size of letters and graphics;

(b) Description of sign and frame materials and colors including supports;

(c) Planter box details (if provided), i.e. construction of box, materials, plant types, sizes, number, and spacing;

(3) Section profile. A section profile through the site is required containing the following information:

(a) Scale;

(b) Building(s);

(c) Lighting fixtures and standards; and

(d) Landscaping.

(4) Material samples. Material samples are required for all major materials.

(5) Detailed drawings showing the following:

(a) Footings;

(b) Electrical wiring diagram;

(c) Wind stress calculations.

(N) Wall sign submittal requirements:

(1) Sign drawing. A scaled drawing of each face of the proposed sign is required showing the following information:

(a) All size specifications, including the size of letters and graphics;

(b) Description of the sign frame materials and colors;

(c) Wall anchorage details (Note: anchorage must be interior to the sign or camouflaged).

(2) Elevation. An elevation drawn to scale of the entire wall of the building to which the sign is to be fixed, correctly locating the sign.

(3) Detailed drawings. Detailed drawings showing the following information will be required to be submitted to the Inspectional Services Division of the Fire Department for technical review:

(a) Electrical wiring diagram; and

(b) Wind stress calculations.

(O) Lighting submittal requirements:

(1) Site plan. A site plan is required containing the following information:

(a) Scale and north arrow;

(b) Address of site;

(c) All property and street pavement lines;

(d) Proposed ingress/egress to the site, including on-site parking area(s), parking stalls, and adjacent streets;

(e) Location of existing and proposed landscaping;

(f) Location and height of all buildings on the site and all buildings within 50 feet of the site's boundaries;

(g) Location and height of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and circumference area that will be lighted by each standard.

(2) Lighting standard drawing. A scaled drawing of the proposed lighting standard(s) is required and should contain the following information:

(a) All size specifications;

(b) Information on lighting intensity (number of watts, iso-foot-candle diagram, and the like);

(c) Materials and color; and

(d) Ground and/or wall anchorage details.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07)

**§ 159.037 FLOOD PLAIN REGULATIONS.**

(A) Intent and purpose. The regulations contained in this section, governing the development and use of land subject to flooding, are hereby established for the following purposes:

(1) To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or run-off of storm and flood water;

(2) To protect the stream channels from encroachment;

(3) To maintain the capacity of the flood plain to retain flood waters;

(4) To provide for the development of flood plain lands with uses not subject to severe damage by flooding and compatible with the other uses permitted in the various zones;

(5) To permit only uses and improvements on flood plain lands that are not hazardous during flood periods; and

(6) To avoid the creation of new flood problems.

(B) Permitted uses. Only the following uses are permitted in flood plains regardless of the regulations of any zone established by this chapter:

(1) Agriculture;

(2) Arboretum or botanical garden;

(3) Archery range;

(4) Automobile parking lot (subject to the regulations contained in §§159.105 through 159.111 of this chapter).

(5) Bulk material storage (any manufacturing district only). Materials not to include flammable liquids or materials which may float or dissolve in water);

(6) Contractors equipment storage (any manufacturing district only);

(7) Extraction of earth products;

(8) Flower farm;

(9) Grass or sod farm;

(10) Machinery storage yard (any manufacturing district only);

(11) Nursery, tree or shrub;

(12) Orchard;

(13) Park, public recreational; or

(14) Playground.

(C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, Special Uses of this chapter, the Corporate Authorities of the village may, by "special use permit" allow the following:

(1) Camp, day;

- (2) Club, outdoor recreational;
- (3) Country Club;
- (4) Golf course;
- (5) Golf driving range;
- (6) Park, commercial recreational;
- (7) Picnic grove; or
- (8) Utility installation.

(D) Requirements and restrictions. Any permitted or special use listed herein shall be subject to the provisions of the development regulations and flood control ordinances of the village. This section does not supersede the requirements contained within the development regulations or flood control ordinance of the village, it shall be understood that the more restrictive shall apply.

#### **§ 159.038 RESIDENTIAL ILLUMINATION STANDARDS.**

(A) Purpose. The residential illumination standards are intended to protect the public health and general welfare by controlling adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.

(B) Applicability. The residential illumination standards apply to all Residential Zoning Districts.

(C) Glare. Any outdoor lighting shall have the necessary shielding and/or beam-angle control and must be directed, shaded, shielded, or otherwise located, designed and controlled so as to prevent glare on adjacent properties and streets.

(D) Light spillage. All outdoor lighting must be designed, installed and maintained to avoid the adverse impact of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures. Average maintained foot-candles at the property line may not exceed 0.10 foot-candles. The property line is the line bounding a lot from another lot or from a street.

(Ord. 17-1419, passed 12-6-17)

#### **§ 159.039 SOLAR AND SMALL WIND ENERGY DEVICES.**

(A) Intent and purpose. Uniform standards and procedures shall be established to manage the development, siting, installation, and operation of solar energy collection conversion systems (SECS) and small wind energy systems (SWES) to ensure that these devices are installed in a manner that will protect and promote public health and safety and preserve the character of the village.

(B) Definitions.

(1) "SMALL WIND ENERGY SYSTEMS (SWES)." A wind energy conversion system consisting of a wind turbine, a tower or post and associated controls of conversion electronics that is located on the ground as an accessory use/structure and with a nameplate capacity of less than 50 kilowatts for residential systems and less than 100 kilowatts for nonresidential systems.

(2) "SOLAR ENERGY CONVERSION SYSTEMS (SECS)." Solar energy collection panels are a type of photovoltaic (PV) system that collects energy from sunlight and converts it into usable energy for a building.

(C) Solar energy conversion systems (SECS).

(1) Solar panels shall be permitted on any roof in any zoning district as a permitted accessory use. No freestanding solar panels shall be allowed in any residential district.

(2) All frame and visible structural parts of the panels shall be neutral in color. No solar panel shall be artificially lighted.

(3) A building permit is required and the application shall conform to electrical/ building code for wind and load requirements.

(4) Solar panels shall be used primarily to generate energy for the property where it is located.

(5) Roof coverage shall not exceed more than 50% of the total roof surface of a structure.

(6) No solar panel shall be located closer than ten feet from an adjacent property line.

(7) Solar panels shall be parallel with the roof line when possible especially when visible from the right-of-way and shall not be elevated more than 30 degrees off the roof pitch where it is attached or no more than five feet whichever is less.

(Ord. 17-1420, passed 12-6-17)

## ZONING DISTRICTS

### **§ 159.040 A-1, AGRICULTURAL DISTRICT INTENT AND PURPOSE.**

To establish the A-1, Agricultural District with its intent to maintain existing farmland and certain related uses as principal and primary uses of the land; To provide for the preservation of fertile and tillable soils as a natural resource; To provide open areas which contribute to the stability of the environment and enhancement of air and water quality; and, To provide for a continuation of the food supply for local residents, county, state as well as the world.

### **§ 159.041 PERMITTED USES.**

The following uses are permitted within the district:

(A) Agricultural activities:

(1) Farming, horticulture, forestry, crop and tree farming, truck farming, gardening, dairy farming, stock raising, horse breeding, domestic animals, poultry breeding and raising, together with the operation of any machinery or vehicles incidental to the above uses;

(2) Research and/or experimental farms;

(3) Greenhouses and/or nurseries;

(4) Roadside stand for the display of agricultural products raised on the premises but not including live animals and provided that the stand shall contain not more than 600 square feet of floor area. Such stands or produce offered for sale shall be located not less than 50 feet from the center line of the highway, except a temporary roadside stand may be located not less than 20 feet from the nearest edge of pavement. They shall be placed at such locations only during the harvest season of produce offered for sale and shall contain not more than 200 square feet of floor area. Each roadside stand shall have facilities approved by the Zoning Administrator for vehicle ingress and egress and adequate off-street parking;

(5) Farmer's market.

(B) Residential uses:

(1) Farm homestead on a parcel which meets the site and structure requirements within this district.

(2) A single family detached dwelling on a parcel which was legally created consisting of five acres or more, recorded on or before the amendment date of this chapter/section.

(C) Cemeteries, including any mausoleum located thereon;

(D) Public buildings erected by any governmental agency;

(E) Meeting halls and offices for agricultural, horticultural, rural, or public conservation agencies;

(F) One sign not larger than 20 square feet in area pertaining to the sale, lease or identification of the premises on which it is located or the sale of products produced thereon;

(G) Poultry farms;

(H) The storage and grinding of grain, farm products and machinery and equipment related thereto;

(I) Truck gardening, nurseries, mushroom barns and apiaries;

(J) Waterways and such hydraulic power plants and terminals as may be erected by the village, county, state or federal government or by the Greater Metropolitan Sanitary District of Chicago;

(K) Golf courses, club houses and country clubs;

(L) Dog kennels not nearer than 500 feet to any zone, residential district, or an existing dwelling other than the dwelling of the owner or lessee of the property;

(M) Essential services such as: gas regulatory stations, telephone exchanges, electric substations, and well sites, which are not municipally/governmentally owned;

(N) Transmission pipelines, utilities, easements and rights-of-way not directly serving a specific premises, but used for the general transportation of the pipelines, utilities, product, or services;

(O) Railroad rights-of-way and passenger stations;

(P) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto, provided those uses are not explicitly mentioned as permitted or special uses elsewhere in this chapter.

(Am. Ord. 12-0984, passed 5-2-12)

### **§ 159.042 SPECIAL USES.**

The following uses may be allowed by a "special use permit" in accordance with the provisions of §159.176 of this chapter, and provided the uses are located on a lot of not less than five acres with a minimum width of 400 feet and a minimum depth of 400 feet. If a "special use permit" is granted and portions of the property are sold reducing the lot size to less than four acres or reducing the width or depth of the property to less than 400 feet the "special use permit" will be deemed to have been revoked concurrent to that action. The following uses are special uses within the district:

(A) Mining or extraction of minerals, sand, gravel, topsoil, or other aggregates, including equipment, buildings, or structures for screening, crushing, mixing, washing, or storage, provided that:

(1) No open pit or shaft will be less than 200 feet from any property line or public roadway;

(2) All buildings or structures shall be located not less than 200 feet from any property line;

(3) The borders of the property shall be fenced with a solid fence or wall at least six feet in height when the property is adjacent to or across the street from any district other than an industrial district;

(4) A plan of development for the reclamation of the land shall be provided as part of the application for the special use permit. The plan of development shall be accompanied by a written agreement between the owner or his agent and the village and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan;

(5) No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit after the required public hearing by the Planning and Zoning Commission (PZC). If permitted by the Village Board, blasting must conform to the following standards:

(a) The use handling and detonation of explosives (sometimes referred to as "blasting") in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency, state or county, such persons shall meet the licensing requirements and obtain such license and furnish such proof to the village.

(b) The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.

(c) Blasting procedures shall be in accordance with modern techniques, generally accepted in the quarrying industry, whereby a shot shall consist of a series of drill holes containing quantities of explosives fired or detonated in sequence of multiple delays at intervals of milliseconds, so as to counteract and reduce the ground motion or earthborne vibration from each successive detonation (sometimes referred to as "short period delay blasting"). Blasting procedures shall be designed, on the basis of maximum charge per delay (that is, quantity of explosives in pounds per detonation) and distances in feet, so that the maximum ground vibration intensity shall not exceed 0.5 inches per second of ground particle velocity resulting from any shot or blast measured by any one of three mutually perpendicular planes of ground motion as recorded at the nearest existing building.

(d) Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, Illinois Department of Mines and Minerals, Mine Enforcement and Safety Administration (MESA) of the United States Department of the Interior, and any other governmental agency having jurisdiction thereof.

(e) Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.

(f) Compliance with the provision of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time-to-time by authorized village officials, upon reasonable prior notice and during reasonable business hours.

(g) The actual detonation of any blast will be restrictive to the local time period between 1:30 pm and 4:30 pm Monday through Saturday of each week. No blasting shall take place on Sunday or on the following legal holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(B) Parks and forest preserves.

(C) Essential services, including, but not limited to: police and fire stations, communication reception and transmission facilities, public utilities, gas regulator stations, telephone exchanges, electric substations.

(D) Membership riding clubs, including but not limited to polo clubs, rodeo clubs and similar uses.

(E) Agribusiness uses:

(1) Riding stables, not nearer than 500 feet to any zoned residential district or 500 feet from an existing dwelling other than the dwelling of the owner or lessee of the site, but not less than 100 feet from any property line of the owner or lessee of the site;

(2) Mechanized industrial animal farms;

(3) Buying or selling of livestock, but not a stockyard or a slaughter house;

(4) Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises;

(5) Agricultural implement sales and services;

(6) Grain storage, when not accessory to the pursuit of agriculture;

(7) Animal Feed: preparation, grinding, mixing, and storage;

(8) Feed yards;

(F) Sanitary landfills, public or private, provided that the facilities are not less than 1,000 feet from any residential use and potable municipal well;

(G) Private schools or colleges;

(H) Convalescent or nursing homes;

- (I) Railroad yards and shops;
- (J) Hunting, fishing, game preserves and recreational clubs or camps;
- (K) Floodplain development;
- (L) Off premise or outdoor advertising (billboard) sign, see requirements contained in §§159.121 et seq. (Signage);
- (M) Uses not explicitly enumerated in this section as special uses, but closely similar thereto, provided those uses are not explicitly mentioned as permitted or special uses elsewhere in this chapter;
- (N) Personal communication facility (see § 159.021).
- (O) Churches and church-schools, and other places of worship.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 18-1482, passed 5-16-18)

#### **§ 159.043 TEMPORARY USES.**

Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

#### **§ 159.044 ACCESSORY USES.**

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

- (A) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 159.020);
- (B) Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling;
- (C) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and are not to be located in the front yard;
- (D) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
- (E) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes; and
- (F) Home occupations: See § 159.034 of this chapter.

(Am. Ord. 07-0508, passed 2-21-07)

#### **§ 159.045 SITE AND STRUCTURE REQUIREMENTS.**

- (A) Minimum lot area. A separate ground area of not less than five acres shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
- (B) Minimum lot width/frontage. A minimum lot frontage of 500 feet shall be provided for each lot used for a permitted or special use.
- (C) Maximum lot depth. A maximum lot depth of not over three times the width of the lot shall be permitted.
- (D) Lot coverage. Lot coverage shall not exceed 5% percent.
- (E) Building height. No principal building or structure shall exceed 2-1/2 stories or 25 feet in height, and no accessory structure shall exceed one story or 20 feet in height, except as provided for within a normal farming operation.
- (F) Setbacks. Yard area for principal building or structure setbacks are as follows:
  - (1) Front yards, for all buildings or structures shall be setback at least 100 feet from the center line of all roadways.
  - (2) Side yards, for all buildings or structures shall be set in from the side lot line with a distance of not less than 20 feet on the least side, with the sum of the two sides not less than 45 feet.
  - (3) Rear yards, for all buildings or structures shall be setback a distance of not less than 80 feet from the rear lot line.
- (G) Floor area ratio: Not to exceed three tenths (0.3), as explained in § 159.003 under "floor area ratio"; and
- (H) Minimum size of dwelling unit. Each single family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least 1,000 square feet of floor area on the first floor if one story, or seven hundred and 720 square feet of floor are on the first floor level if two stories.

(Am. Ord. 06-0369, passed 2-1-06)

#### **§ 159.046 SPECIAL PROVISIONS.**

- (A) Off-Street parking requirements: Parking requirements shall be in accordance with the applicable regulations set forth in §§ 159.105 through 159.111.
- (B) Off-street loading/unloading requirements: Loading/unloading requirements shall be in accordance with the applicable regulations set forth in §§ 159.112 through 159.116.
- (C) Signage requirements. Sign requirements shall be in accordance with the applicable regulations set forth in §§ 159.121 through

159.133.

(D) Outdoor storage. All outdoor storage facilities for the principal building or structure and its accessory uses and products shall be enclosed by an architecturally pleasing fence, wall, or planting materials adequate to conceal the facilities.

(E) Landscaping. Shall conform with the regulations set forth in §159.030.

(F) Performance standards. All the activities shall conform with the performance standards established and set forth in §§159.022 through 159.027.

(G) Ingress/egress on the property. Access is limited to not more than one point for the principal building or structures, however, accessory structures on contiguous parcels of land solely dedicated to agricultural purposes may also have one point of access to the adjacent roadway.

(H) Land use change.

(1) Upon the discontinuance of any permitted or special use the new use must make application to the village to have said site and landscape plans reviewed by the Village Staff and Planning and Zoning Commission; and

(2) Documentation regarding use and bulk, lot coverage, street access, parking requirements, accessory uses and landscaping all need to be submitted to the village for review and approval by the Zoning Administrator, Planning and Zoning Commission and Village Board of Trustees.

(I) Trucks. One commercial vehicle/ equipment may be parked and must be owned or legally controlled by the residents or occupants of the principal use and located within the buildable area. Small pick-up trucks or vans used principally as passenger cars are excluded from this requirement;

(J) Tents. Tents shall not be erected, used, or maintained on any lot, except such tents as are customarily used for temporarily recreation purposes; and

(K) Horses and other animals. Horses, mules, cattle, sheep, goats, swine, or poultry, may not be housed or stabled closer than 100 feet from any adjoining property line or within 75 feet of a private well or septic system, when allowed as a permitted or special use.

#### **§ 159.047 RESERVED.**

#### **§ 159.048 RESERVED.**

#### **§ 159.049 RESERVED.**

#### **§ 159.050 P-1, PUBLIC/PRIVATE AND LAND CONSERVATION DISTRICT INTENT AND PURPOSE.**

The P-1 Public/Private, and Conservation Land District is intended to protect the environment and hold as open space those properties shown as open land in development plans, and as may be designated by the Villages Comprehensive Plan. The P-1 District is intended to provide regulations for public land, conservation lands, and other open spaces.

#### **§ 159.051 PERMITTED USES.**

The following uses are permitted within the district:

(A) Public forest preserves;

(B) Public parks;

(C) Golf course, public or private, but not including miniature golf;

(D) Conservation and flood control areas;

(E) Marina for non-commercial watercraft;

(F) Public athletic fields;

(G) Public utility and governmental service uses:

(1) Electric distribution centers;

(2) Gas regulator stations;

(3) Transmission structures and lines, wood poles, lines, underground cables and electrical distribution sub-stations.

(H) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto, provided those uses are not explicitly mentioned as permitted or special uses elsewhere in this chapter;

(I) Personal communication facility, located on property owned by the village or other government entity; and

(J) Farmer's market.

(K) Churches and church-schools, and other places of worship.

(Am. Ord. 11-0924, passed 10-5- 11; Am. Ord. 12-0984, passed 5- 2-12; Am. Ord. 18-1482, passed 5-16-18)

#### **§ 159.052 SPECIAL USES.**

The following uses may be allowed by a "special use permit" in accordance with the provisions of §159.176 of this chapter, and provided the uses are located on a lot of not less than five acres with a minimum width of 400 feet and a minimum depth of 400 feet. If a special use permit is granted and portions of the property are sold reducing the lot size to less than four acres or reducing the width or depth of the property to less than 400 feet the special use permit will be deemed to have been revoked concurrent to that action.

- (A) Campgrounds;
- (B) Riding stables, not nearer than 500 feet to any zoned residential district or five hundred (500) feet from an existing dwelling other than the dwelling of the owner or lessee of the site, but not less than 100 feet from any property line of the owner or lessee of the site;
- (C) Cemeteries;
- (D) Outdoor recreation, private or public, on a lot not less than five acres in area;
- (E) Public utility and governmental service uses. Lot areas and lot widths for the following uses shall be as recommended by the Plan Commission and approved by the Board of Trustees, and may be lesser or greater in area or width than herein required in the district regulations:
  - (1) Fire stations;
  - (2) Police stations;
  - (3) Public buildings erected by any governmental agency;
  - (4) Radio and television towers and antennae;
  - (5) Transit and public transportation facilities, including passenger shelters;
  - (6) Telephone exchange buildings, microwave relay towers, and telephone transmission equipment buildings;
  - (7) Water filtration plants, sewage treatment facilities, pumping stations, reservoirs, towers and sanitary and storm sewers and, lift stations;
  - (8) Personal communication facility (see § 159.021); and
- (F) Uses not explicitly enumerated in this section as special uses, but closely similar thereto, provided those uses are not explicitly mentioned as permitted or special uses elsewhere in this chapter.

(Am. Ord. 07-0508, passed 2-21-07)

#### **§ 159.053 TEMPORARY USES.**

Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

#### **§ 159.054 ACCESSORY USES.**

Accessory uses may include the following:

- (A) Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted, provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted or special use, and as regulated by §§ 159.020 and 159.003 under "Accessory Building or Use".
- (B) Accessory uses may include the following:
  - (1) Off-street parking facilities as regulated by §§ 159.105 through 159.111; and
  - (2) Signs, in accordance with regulations set forth in §§ 159.121 through 159.133.
  - (3) Tent or fabric structures used by a public agency on publicly owned land for salt storage, sewage sludge storage, and other similar uses.

(Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 19-1555, passed 4-3-19)

#### **§ 159.055 SITE AND STRUCTURE REQUIREMENTS.**

- (A) Minimum lot area. Except as may otherwise be provided, an area of not less than one acre shall be provided for each permitted or special use located on the parcel.
- (B) Minimum lot width/frontage. A minimum width of 100 feet shall be provided for each lot.
- (C) Lot depth. A minimum depth of 200 feet shall be provided for each lot.
- (D) Lot coverage. Lot coverage shall not exceed 30%.
- (E) Building height. No building or structure shall be erected or altered to exceed a maximum height of 25 feet or two stories whichever is less.
- (F) Setbacks. Yard area setbacks for principal building or structure shall be as follows:
  - (1) Front yard, not less than 50 feet front the front property line;
  - (2) Side yard, not less than 25 feet from each side property line; and
  - (3) Rear yard, not less than 30 feet from the rear property line.
- (G) Floor area ratio. Floor area ratio shall not exceed three tenths (0.3).
- (H) Minimum size of dwelling unit. Each single family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least 1,000 square feet of floor area on the first floor if one story, or 720 square feet of floor area on the

first floor level if two stories.

#### **§ 159.056 SPECIAL PROVISIONS.**

(A) Off-street parking requirements. Parking requirements shall be in accordance with the applicable regulations set forth in §§159.105 through 159.111 of this chapter.

(B) Off-street loading/unloading requirements. Loading/unloading requirements shall be in accordance with the applicable regulations set forth in §§ 159.112 through 159.116 of this chapter.

(C) Signage requirements. Sign requirements shall be in accordance with the applicable regulations set forth in §§159.121 through 159.133 of this chapter.

(D) Outdoor storage. All outdoor storage facilities for the principal building or structure and its accessory uses and products shall be enclosed by an architecturally pleasing fence, wall, or planting materials adequate to conceal the facilities.

(E) Landscaping. Shall conform with the regulations set forth in §§159.030 and 159.036 of this chapter.

(F) Performance standards. All the activities shall conform with the performance standards established and set forth in §§159.022 through 159.027 of this chapter.

(G) Ingress/egress on the property: Access is limited to not more than one point for the principal building or structures, however, accessory structures on contiguous parcels of land solely dedicated to agricultural purposes may also have one point of access to the adjacent roadway.

(H) Land use change.

(1) Upon the discontinuance of any permitted or special use the new use must make application to the village to have said site and landscape plans reviewed by the Village Staff and Planning and Zoning Commission; and

(2) Documentation regarding use and bulk, lot coverage, street access, parking requirements, accessory uses and landscaping all need to be submitted to the village for review and approval by the Zoning Administrator, Planning and Zoning Commission and Village Board of Trustees.

(I) Trucks. One commercial vehicle/ equipment may be parked and must be owned or legally controlled by the residents or occupants of the principal use and located within the buildable area. Small pick-up trucks or vans used principally as passenger cars are excluded from this requirement;

(J) Tents. Tents shall not be erected, used, or maintained on any privately- owned lot, except such tents as are customarily used for temporarily recreation purposes. Tents are permitted on publicly-owned lots as set forth in the accessory uses section, § 159.054; and

(K) Horses and other animals. Horses, mules, cattle, sheep, goats, swine, or poultry, may not be housed or stabled closer than 100 feet from any adjoining property line when allowed as a permitted or special use.

(Am. Ord. 19-1555, passed 4-3-19)

#### **§ 159.057 RESERVED.**

#### **§ 159.058 RESERVED.**

#### **§ 159.059 RESERVED.**

#### **§ 159.060 RESIDENTIAL DISTRICTS GENERAL REQUIREMENTS.**

(A) Intent and Purpose. The residential districts set forth herein are established to promote the public health; to promote public safety, comfort, convenience, and the general welfare; and to protect the economic base of the village and the value of property.

(B) Existing buildings. Existing buildings shall not be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or further conflict with the bulk regulations of the district in which such buildings are or are to be located.

(C) Established setbacks. When the established setback is of a depth other than herein required for a front or side yard in the district in which the lot is located and where the contiguous street is not designated on the official map for right-of-way widening, the setback for each remaining lot along such street shall be the average of the setbacks already established on one of the adjacent lots, the setback for that lot shall be the average of the required yard depths and the established setback on the lot adjacent thereto.

(D) Established lots of record. A lot of record on the effective date of this subchapter in a residence district which is unable to meet the requirements of this Zoning Code as to lot area and lot width may be used for a single family detached dwelling provided it meets all other requirements of the Zoning Code.

(E) Special provisions.

(1) Off-street parking. All off-street parking required within any residential district shall be in accordance with the applicable regulations as set forth in §§ 159.110 through 159.113 of this chapter.

(2) Signage requirements. All signage in any residential district shall be in accordance with the applicable regulations set forth in §§ 159.121 through 159.133 of this chapter.

(3) Outdoor storage. All outdoor storage in any residential district for the principal building or structure and its accessory uses or structures shall be stored within the limits of the buildings or structures on the property. Any outdoor storage of materials not customarily found in a residential district is prohibited.

(4) Landscaping. Shall be according to the individual homeowner's desires, so long as it is keeping with the character of the neighborhood. Licensing and bonding of contractors shall be in accordance with Chapter 124 of the Municipal Code. Certificate of completion shall also be required to be issued by the village for multiple family developments.

(5) Ingress/egress on the property. Access is limited to not more than one point for the principal buildings/structures and accessory uses structures on the premises. If the property is a corner lot the property is still limited to only one ingress/egress point.

(6) All new subdivisions shall provide documentation for preliminary and plats of subdivisions outlined by the Development Regulations, Chapter 158. In addition to those requirements the applicants shall provide a landscape plan for the entire development.

(F) Residential site and structure requirements:

Summary Table — Residential Site & Structure Requirements									
Zoning District	Lot Area (Sq. Ft.)	Lot Width (Interior Lot)	Lot Width (Corner Lot)	Lot Depth	Maximum Building Coverage	Maximum Lot Coverage	Minimum Landscape Coverage	F.A.R.	Building Height
E-R, Estate Residential	43,560	200'	240'	200'	40%	50%	50%	0.60	2-1/2 stories or 30 feet
R-1, Single Family Residential	20,000	120'	165'	160'	40%	50%	50%	0.60	2-1/2 stories or 30 feet
R-2, Single Family Residential	15,000	100'	125'	150'	40%	50%	50%	0.60	2-1/2 stories or 30 feet
R-3, Single Family Residential	10,000	80'	105'	125'	40%	50%	50%	0.60	2-1/2 stories or 30 feet
R-4, Single Family Residential	8,000	75'	95'	105'	40%	50%	50%	0.60	2-1/2 stories or 30 feet
R-5, Single Family Residential	6,500	65'	85'	100'	40%	50%	50%	0.65	2-1/2 stories or 30 feet
R-5A, Single Family Residential	6,500	60'	80'	100'	40%	50%	50%	0.65	2-1/2 stories or 30 feet
R-6, Attached Single Family Residential	Detached - 8,000 Attached: 4-bdrm - 6,000 3-bdrm - 5,500 2-bdrm - 4,500	Detached - 75' Attached - 55'	Detached - 95' Attached - 75'	90'	40%	50%	50%	0.65	2-1/2 stories or 30 feet
R-7, Multiple Family Residential	Detached - 8,000 Attached: 3-bdrm - 5,000 2-bdrm - 4,500 1-bdrm - 3,500	50'	70'	80'	40%	50%	50%	0.65	3-1/2 stories or 40 feet
All numbers reflect minimum requirements; except building coverage, lot coverage, and building heights, which are maximum requirements. LAND USE CHART									

Summary Table - Residential Site & Structure Requirements (Cont'd)									
Setbacks:									
	Front	Side	Corner Side	Rear	1 BR (Sq. Ft.)	2 BR	3 BR	4 BR	5 BR
E-R, Estate Residential	50'	20'	50'	40'	N/A	1,800	2,000	2,400	2,800
R-1, Single Family Residential	40'	15'	40'	30'	N/A	1,600	1,825	2,000	2,200
R-2, Single Family Residential	35'	15'	35'	30'	N/A	1,375	1,600	1,825	2,000
R-3, Single Family Residential	30'	10'	30'	25'	N/A	1,200	1,500	1,800	2,000
R-4, Single Family Residential	25'	10'	25'	25'	N/A	1,200	1,375	1,600	1,800
R-5, Single Family Residential	25'	5' / 15'	25'	20'	N/A	1,100	1,200	1,300	N/A
R-5A, Single Family Residential	22'	5'	20'	20'	N/A	1,100	1,200	1,300	N/A
R-6, Attached Single Family Residential	25'	Detached 5' / 15' Attached 10'	20'	25'	N/A	Detached 2,000 Attached 1,600	Detached 2,000 Attached 1,700	Detached 2,000 Attached 1,800	Detached 2,000 Attached N/A

[Click here to see the above table in a PDF document.](#)

(G) Land use chart:

\* - Permitted Use  
◆ - Temporary Use Permit

- - Special Use Permit
- ♣ - Accessory Use

<b>LAND USE ZONING DISTRICT</b>	<b>E-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5/R-5A</b>	<b>R-6</b>	<b>R-7</b>
<b>LAND USE ZONING DISTRICT</b>	<b>E-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5/R-5A</b>	<b>R-6</b>	<b>R-7</b>
Home Gardening	♦	♦	♦	♦	♦	♦	♦	
Family Day Care Homes, Less than six (6) occupants		□	□	□				
Golf Courses	*							
Accessory Structures as Regulated	*	*	*	*	*	*	*	*
Rest Homes/Nursing Homes							□	□
Philanthropic and Eleemosynary							□	□
Group Care Home, 6 to 15 occupants							□	□
Mobile Home Park								□
Group Care Homes						*		

\* - Permitted Use

□- Special Use Permit

♦- Temporary Use Permit

♦- Accessory Use

#### (H) Building design guidelines.

##### (1) Facades.

(a) The primary facade of each home shall face the public street.

(b) Facades must be articulated. Articulation may take the form of staggering the wall of the building as well as through porches, bay or bow windows, and balconies.

(c) All building facades must be constructed primarily of brick or stone. High quality accent materials, such as cedar siding and vinyl siding (0.46 minimum thickness), may be incorporated into the design provided that they do not cumulatively cover more than 25% of the primary facade and that they do not cumulatively cover more than 50% of any other facade.

##### (2) Architectural detail.

(a) The primary facade must include at least two of the following architectural elements. Any other street-facing facade must include at least one of the following architectural elements.

1. Porches (minimum five-foot projection);
2. Second-story balconies (minimum five-foot projection) or balconets;
3. Roof overhangs (minimum one-foot projection);
4. Bay or bow windows;
5. Cantilevered windows;
6. Chimney breasts;
7. Copper design elements including accent roofs (copper flashing to brick exterior must be wraggle cut/saw cut into brick and remortered) and copper gutter flashing;
8. Stone accent pieces; or
9. Pediments over windows and doors.

(b) The elements must be incorporated into the design of the buildings so that they are compatible with the building's architectural style and also harmonious with the architecture and scale of the neighborhood.

##### (3) Entrances.

(a) The primary entry and door to each structure shall face the public street.

(b) Tunnel-like entrances shall be avoided. No entry shall be recessed more than six feet from the face of the primary facade, exclusive of porches.

##### (4) Fenestration.

(a) Windows shall be incorporated into all facades.

(b) Windows must cover 15% of the facade area. No section of blank wall may exist that is greater than 15 linear feet without being interrupted by a window. This standard applies to living areas as well as to accessory structures such as garages and sheds.

##### (5) Parking/garages.

(a) Off-street guest parking areas must be incorporated into the design of all developments with six or more dwelling units. One

parking space shall be provided for each three homes, to a maximum of ten parking spaces. This requirement excludes any parking that may be provided on driveways.

- (b) A minimum two-car garage shall be incorporated into each dwelling unit.
  - (c) The garage shall be designed so as not to dominate the primary facade of the building. Garages may be located as follows:
    1. Setback six feet from the primary facade of the building;
    2. Side loaded with windows along the primary facade and elements to give a uniform appearance with the rest of the dwelling;
- and
- 3. Projecting no more than four feet in front of the primary facade but must include living space (with windows) above.

- (d) All garage doors must include raised panels and windows in order to reduce their monotonous appearance.
- (e) Garage doors must be recessed a minimum of eight inches from the face of the garage so as to cast a shadow on the door thereby reducing its appearance.

(6) Roofing.

- (a) Roofs must be covered in architectural shingles (300 lb.), slate roof, clay tile, or laminated clay tile replica.
- (b) The color of roof-top vents must match the roofing material.

(7) Landscaping.

- (a) Foundation landscaping consisting of shade and ornamental trees, evergreens, shrubbery, hedges, flowers, and/or other live planting materials shall be incorporated around all buildings. Particular attention shall be paid toward screening mechanical equipment softening large expanses of building walls; and accenting entrances and architectural features of the unit(s).

(b) Clusters of landscaping shall be planted strategically in rear and side yards of townhouses to provide privacy to residents. Whenever possible, landscaping should be used to minimize views directly into neighbors windows.

- (c) An irrigation system shall be installed in all landscape areas.

(8) Anti-monotony.

- (a) No two single-family dwellings of identical front elevation, or facade, shall be constructed or located on adjacent lots, nor shall there be constructed or located more than 15% of single-family dwellings of the same elevation or facade in any block. A change in front elevation or facade shall be deemed to exist when there is a substantial difference in roof line, type and location of windows, and/or kind and arrangement of materials.

(b) There shall not be constructed or located more than 15% of townhomes/ single-family attached dwellings of the same elevation or facade on any block. A change in the front elevation or facade shall be deemed to exist when there is a substantial difference in roof line, type and location of windows, and/or kind and arrangement of material.

(9) Possible variance process.

- (a) Residential buildings or structures which demonstrate exceptional architectural merit and an intention to provide diversification to the housing stock of the village may, upon application made to the Village Board of Trustees, be granted a variance from the provisions of this section requiring the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of such a structure, but no such variance shall be available or granted to allow the use of aluminum siding, or imitation brick or stone sheeting.

(b) Furthermore, and without otherwise limiting any term or provision of this section, or of any amendment thereto, any person proposing to construct any accessory structure that demonstrates either architectural merit, planning excellence or a commitment to diversifying the housing stock of the village may upon application made to the Village Board be granted a variance from the provisions of this section regarding the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of materials otherwise required for the exterior finish of such structure, provided that the Village Board determines, based upon evidence presented by the applicant, that the proposed variance will not alter the essential character of the neighborhood in which the property is located, that the proposed variance will not be injurious to other property in the neighborhood in which the property is located, and that the proposed variance will not substantially diminish or impair property values within the neighborhood in which the property is located.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0555, passed 7-18-07; Am. Ord. 08-0653, passed 5-21-08)

**§ 159.061 E-R, ESTATE RESIDENTIAL DISTRICT (43,560 SQ.FT.)**

(A) Intent and purpose. The E-R District is intended to provide areas for large lot single family development. It should be located in areas where floodplains and other natural features need to be preserved or protected; where the extension of public water and sewer services would not be practical; but also where the land area would allow the placement of well and septic facilities.

(B) Permitted uses (see land use chart, §159.060(G)). The following uses are permitted within the E-R district:

- (1) Single family detached dwelling units;
- (2) Home occupations, as regulated in § 159.034 of this chapter;
- (3) Parks, forest preserves, and recreational areas, when publicly owned and operated;
- (4) Golf courses;
- (5) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
- (6) Signs, as regulated in § 159.121 through 159.133 of this chapter;

- (7) Accessory uses, as regulated in § 159.020 of this chapter and as outlined within this section;
  - (8) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;
  - (9) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities";
  - (10) Personal communication facility, located on property owned by the village or other government entity; and
  - (11) Public service uses, including:
    - (a) Filtration plants, pumping stations, and water reservoirs; and
    - (b) Police, Fire stations and, any public building erected by any governmental agency.
- (C) Special uses (See land use chart, § 159.060(G)): Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the E-R District:
- (1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;
  - (2) Private recreation areas or camps;
  - (3) Radio and television towers;
  - (4) College and universities, including dormitory facilities, fraternities, sororities, and other accessory buildings when located on the same grounds as the college or university;
  - (5) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;
  - (6) Churches and church-schools, and other places of worship;
  - (7) Seminaries, convents, monasteries, and similar religious institutions;
  - (8) Public service uses, including:
    - (a) Telephone exchange facilities; and
    - (b) Electric substations and booster stations.
  - (9) Day or nursery schools, public or private;
  - (10) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas;
  - (11) Funeral Homes;
  - (12) Kennels;
  - (13) Stables; and
  - (14) Personal communication facility (see § 159.021).
- (D) Temporary uses (see land use chart, § 159.060(G)): Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.
- (E) Accessory uses (see land use chart, § 159.060(G)): Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:
- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 159.020 of this chapter);
  - (2) Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling;
  - (3) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and not located in the front yard;
  - (4) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
  - (5) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.
- (F) Site and structure requirements.
- (1) Minimum lot area. The minimum area for each lot shall be not less than 43,560 square feet (one acre).
  - (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 200 feet. Corner lots shall be not less than 240 feet.
  - (3) Lot depth. The minimum lot depth for each lot shall not be less than 200 feet.
  - (4) Building coverage. Building coverage shall not exceed 40%.

(5) Building height. No building within the E-R District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.

(6) Setbacks.

- (a) Front yards, shall be not less than 50 feet from the property line;
- (b) Side yards, shall be not less than 20 feet for each side yard from the property line. Corner side yards shall be not less than 50 feet; and
- (c) Rear yards, shall be not less than forty (40) feet from the property line.

(7) Floor Area Ratio (F.A.R.). For all uses the Floor Area Ratio for each lot shall not exceed six tenths (0.6).

(8) Minimum dwelling unit size:

- (a) Two or fewer bedrooms, 1,800 square feet;
- (b) Three bedrooms, 2,000 square feet;
- (c) Four bedrooms, 2,400 square feet; and
- (d) Five or more bedrooms, 2,800 square feet.

(9) Lot coverage. The maximum lot coverage shall be 50%.

(10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15- 05; Am. Ord. 06-0369, passed 2-1- 06; Am. Ord. 07-0508, passed 2- 21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

**§ 159.062 R-1, SINGLE FAMILY RESIDENTIAL (20,000 SQ.FT.).**

(A) Intent and purpose. The R-1 District is intended to provide areas for medium sized single family development. It should be designed to allow for the placement of adjoining commercial districts, school and park sites, and other amenities.

(B) Permitted uses (see land use chart, §159.060(G)). The following uses are permitted within the R-1 district:

- (1) Single family detached dwelling units;
- (2) Home occupations, as regulated in § 159.034 of this chapter;
- (3) Parks, forest preserves, and recreational areas, when publicly owned and operated;
- (4) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
- (5) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;
- (6) Accessory uses, as regulated in § 159.020 of this chapter and within this section;
- (7) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;
- (8) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and
- (9) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, § 159.060(G)): Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-1 District:

- (1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;
- (2) Private recreation areas or camps;
- (3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;
- (4) Churches and church-schools, and other places of worship;
- (5) Public service uses, including:
  - (a) Filtration plants, pumping stations, and water reservoirs;
  - (b) Police, fire stations and, any public building erected by any governmental agency;
  - (c) Telephone exchange facilities; and
  - (d) Electric substations and booster stations.
- (6) Day or nursery schools, public or private;
- (7) Family day care homes as defined by § 159.003 of this chapter;
- (8) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas; and,
- (9) Personal communication facility (see § 159.021).

(D) Temporary uses (see land use chart, §159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit therefor, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Inspector. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, §159.060(G)): Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see §59.020);
- (2) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and not located in the front yard;
- (3) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
- (4) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.

(F) Site and structure requirements.

- (1) Lot area. The minimum area for each lot shall be not less than 20,000 square feet (0.46 acres).
- (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 120 feet. Corner lots shall be not less than 165 feet.
- (3) Lot depth. The minimum lot depth for each lot shall not be less than 160 feet.
- (4) Building coverage. Building coverage shall not exceed 40%.

(5) Building height. No building within the R-1 District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.

(6) Setbacks.

- (a) Front yards, shall be not less than 40 feet from the property line;
- (b) Side yards, shall be not less than 15 feet for each side yard from the property line. Corner side yards shall be not less than 40 feet; and
- (c) Rear yards, shall be not less than 30 feet from the property line.

(7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed six tenths (0.6).

(8) Minimum dwelling unit size.

- (a) Two or fewer bedrooms, 1,600 square feet;
- (b) Three bedrooms, 1,825 square feet;
- (c) Four bedrooms, 2,000 square feet; and
- (d) Five bedrooms, 2,200 square feet.

(9) Lot coverage. The maximum lot coverage shall be 50%.

(10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

**§ 159.063 R-2, SINGLE FAMILY RESIDENTIAL (15,000 SQ.FT.).**

(A) Intent and purpose. The R-2 District is intended to reflect contemporary design standards in housing developments. Developments within this district should be so planned as to allow for the placement of local commercial districts, school and park sites, and other amenities.

(B) Permitted uses (see land use chart, §159.060(G)). The following uses are permitted within the R-2 district:

- (1) Single family detached dwelling units;
- (2) Home occupations, as regulated in § 159.034 of this chapter;
- (3) Parks, forest preserves, and recreational areas, when publicly owned and operated;
- (4) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
- (5) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;
- (6) Accessory uses, as regulated in § 159.020 of this chapter;

(7) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;

(8) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and

(9) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, §159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public

hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-2 District:

- (1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;
  - (2) Private recreation areas or camps;
  - (3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;
  - (4) Churches and church-schools, and other places of worship;
  - (5) Public service uses, including:
    - (a) Filtration plants, pumping stations, and water reservoirs;
    - (b) Police, Fire stations and, any public building erected by any governmental agency;
    - (c) Telephone exchange facilities; and
    - (d) Electric substations and booster stations.
  - (6) Day or nursery schools, public or private;
  - (7) Family day care homes as defined by § 159.003 of this chapter;
  - (8) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas; and,
  - (9) Personal communication facility (see § 159.021).
- (D) Temporary uses (see land use chart, § 159.060(G)): Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.
- (E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:
- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 59.020);
  - (2) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and not located in the front yard;
  - (3) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
  - (4) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.
- (F) Site and structure requirements:
- (1) Lot area. The minimum area for each lot shall be not less than 15,000 square feet (0.34 acres).
  - (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 100 feet. Corner lots shall be not less than one hundred 125 feet in width.
  - (3) Lot depth. The minimum lot depth for each lot shall not be less than 150 feet.
  - (4) Building coverage. Building coverage shall not exceed 40%.
  - (5) Building height. No building within the R-2 District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.
  - (6) Setbacks.
    - (a) Front yards, shall be not less than 35 feet from the property line;
    - (b) Side yards, shall be not less than 15 feet for each side yard from the property line. Corner side yards shall be not less than 35 feet; and
    - (c) Rear yards, shall be not less than 30 feet from the property line.
  - (7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed six tenths (0.6).
  - (8) Minimum dwelling unit size.
    - (a) Two or fewer bedrooms, 1,375 square feet;
    - (b) Three bedrooms, 1,600 square feet;
    - (c) Four bedrooms, 1,825 square feet; and
    - (d) Five or more bedrooms, 2,000 square feet.
  - (9) Lot coverage. The maximum lot coverage shall be 50%.

(10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

#### **§ 159.064 R-3, SINGLE FAMILY RESIDENTIAL (10,000 SQ.FT.).**

(A) Intent and purpose. The R-3 District is intended to reflect contemporary design standards in housing development. While the district allows for smaller lot sizes, it is anticipated that developments within this district will provide for greater amenities such as increased open space, recreational facilities, pedestrian access, and other improvements.

(B) Permitted uses. Permitted uses. (See land use chart, §159.060(G)). The following uses are permitted within the R-3 district:

- (1) Single family detached dwelling units;
- (2) Home occupations, as regulated in § 159.034 of this chapter;
- (3) Parks, forest preserves, and recreational areas, when publicly owned and operated;
- (4) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
- (5) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;
- (6) Accessory uses, as regulated in § 159.020 of this chapter;
- (7) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;
- (8) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and
- (9) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, § 159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-3 District:

- (1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;
- (2) Private recreation areas or camps;
- (3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;
- (4) Churches and church-schools, and other places of worship;
- (5) Public service uses, including:
  - (a) Filtration plants, pumping stations, and water reservoirs;
  - (b) Police, fire stations and, any public building erected by any governmental agency;
  - (c) Telephone exchange facilities; and
  - (d) Electric substations and booster stations.
- (6) Day or nursery schools, public or private;
- (7) Family day care homes as defined by § 159.003 of this chapter;
- (8) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas; and,
- (9) Personal communication facility (see § 159.021).

(D) Temporary uses (see land use chart, § 159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 159.020);
  - (2) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and not located in the front yard;
  - (3) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
  - (4) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.
- (F) Site and structure requirements.

- (1) Lot area. The minimum area for each lot shall be not less than 10,000 square feet (0.23 acres).
- (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 80 feet. Corner lots shall be not less than 105 feet.
- (3) Lot depth. The minimum lot depth for each lot shall not be less than 125 feet.
- (4) Building coverage. Building coverage shall not exceed 40%.
- (5) Building height. No building within the R-3 District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.
- (6) Setbacks.
  - (a) Front yards, shall be not less than 30 feet from the property line;
  - (b) Side yards, shall be not less than ten feet for each side yard from the property line. Corner side yards shall be not less than 30 feet; and
  - (c) Rear yards, shall be not less than 25 feet from the property line.
- (7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed six tenths (0.6).
- (8) Minimum dwelling unit size.
  - (a) Two or fewer bedrooms, 1,200 square feet;
  - (b) Three bedrooms, 1,500 square feet;
  - (c) Four bedrooms, 1,800 square feet; and
  - (d) Five or more bedrooms, 2,000 square feet.
- (9) Lot coverage. The maximum lot coverage shall be 50%.
- (10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

#### **§ 159.065 R-4, SINGLE FAMILY RESIDENTIAL (8,000 SQ.FT.).**

- (A) Intent and purpose. The R-4 District is intended to reflect contemporary design standards in housing development. While the district allows for smaller lot sizes, it is anticipated that developments within this district will provide for greater amenities such as increased open space, recreational facilities, pedestrian access, and other improvements.
- (B) Permitted uses (see land use chart, § 159.060(G)). The following uses are permitted within the R-4 district:
- (1) Single family detached dwelling units;
  - (2) Home occupations, as regulated in § 159.034 of this chapter;
  - (3) Parks, forest preserves, and recreational areas, when publicly owned and operated;
  - (4) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
  - (5) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;
  - (6) Accessory uses, as regulated in § 159.020 of this chapter;
  - (7) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;
  - (8) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and
  - (9) Personal communication facility, located on property owned by the village or other government entity.
- (C) Special uses (see land use chart, § 159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-4 District:
- (1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;
  - (2) Private recreation areas or camps;
  - (3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;
  - (4) Churches and church-schools, and other places of worship;
  - (5) Public service uses, including:
    - (a) Filtration plants, pumping stations, and water reservoirs;
    - (b) Police, fire stations and, any public building erected by any governmental agency;
    - (c) Telephone exchange facilities; and
    - (d) Electric substations and booster stations.
  - (6) Day or nursery schools, public or private;
  - (7) Family day care homes as defined by § 159.003 of this chapter;

(8) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas; and

(9) Personal communication facility (see § 159.021).

(D) Temporary uses (see land use chart, § 159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 59.020);
- (2) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and not located in the front yard;
- (3) Real estate signs, not exceeding twelve (12) square feet for each face that are setback from every property line at least ten feet;
- (4) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.

(F) Site and structure requirements:

- (1) Lot area. The minimum area for each lot shall be not less than 8,000 square feet (0.18 acres).
- (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 75 feet. Corner lots shall be not less than 95 feet.
- (3) Lot depth. The minimum lot depth for each lot shall not be less than 105 feet.
- (4) Building coverage. Building coverage shall not exceed 40%.
- (5) Building height. No building within the R-4 District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.
- (6) Setbacks.
  - (a) Front yards, shall be not less than 25 feet from the property line;
  - (b) Side yards, shall be not less than ten feet for each side yard from the property line. Corner side yards shall be not less than 25 feet; and
  - (c) Rear yards, shall be not less than 25 feet from the property line.
- (7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed six tenths (0.6).
- (8) Minimum dwelling unit size.
  - (a) Two bedrooms, 1,200 square feet;
  - (b) Three bedrooms, 1,375 square feet;
  - (c) Four bedrooms, 1,600 square feet; and
  - (d) Five or more bedrooms, 1,800 square feet.
- (9) Lot coverage. The maximum lot coverage shall be 50%.
- (10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

## **§ 159.066 R-5, SINGLE FAMILY RESIDENTIAL (6,500 SQ.FT.).**

(A) Intent and purpose. The R-5 District is intended to reflect contemporary design standards in housing development. While the district allows for smaller lot sizes, it is anticipated that developments within this district will provide for greater amenities such as increased open space, recreational facilities, pedestrian access, and other improvements.

(B) Permitted uses (see land use chart, § 159.060(G)). The following uses are permitted within the R-5 district:

- (1) Single family detached dwelling units;
- (2) [Reserved];
- (3) Home occupations, as regulated in § 159.034 of this chapter;
- (4) Parks, forest preserves, and recreational areas, when publicly owned and operated;
- (5) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
- (6) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;

(7) Accessory uses, as regulated in § 159.020 of this chapter;

(8) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;

(9) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and

(10) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, § 159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-5 District:

(1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;

(2) Private recreation areas or camps;

(3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;

(4) Churches and church-schools, and other places of worship;

(5) Public service uses, including:

(a) Filtration plants, pumping stations, and water reservoirs;

(b) Police, fire stations and, any public building erected by any governmental agency;

(c) Telephone exchange facilities; and

(d) Electric substations and booster stations.

(6) Day or nursery schools, public or private;

(7) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas;

(8) Personal communication facility (see § 159.021); and

(9) Group care home, as defined herein.

(D) Temporary uses (see land use chart, § 159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

(1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 59.020);

(2) Swimming pools, exclusively for the use of the residents and their guests that are setback from every property line at least ten feet and not located in the front yard;

(3) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;

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

(F) Site and structure requirements.

(1) Lot area. The minimum area for each lot shall be not less than 6,500 square feet (0.15 acres).

(2) Lot width/frontage. The minimum lot width for each lot shall be not less than 65 feet. Corner lots shall be not less than 85 feet.

(3) Lot depth. The minimum lot depth for each lot shall not be less than 100 feet.

(4) Building coverage. Building coverage shall not exceed 40%.

(5) Building height. No building within the R-5 District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.

(6) Setbacks.

(a) Front yards, shall be not less than 25 feet from the property line;

(b) Side yards, shall be not less than a total combination of 15 feet, however, in no case shall any side yard be less than five feet from the property line. Corner lot side yards shall not be less than 25 feet; and

(c) Rear yards, shall be not less than twenty (20) feet from the property line.

(7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed sixty-five tenths (0.65).

(8) Minimum dwelling unit size.

(a) Two bedrooms, 1,100 square feet;

(b) Three bedrooms, 1,200 square feet;

(c) Four bedrooms, 1,300 square feet.

(9) Lot coverage. The maximum lot coverage shall be 50%.

(10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

### **§ 159.067 R-6, ATTACHED RESIDENTIAL (5-8 D.U./ACRE).**

(A) Intent and purpose. The R-6 District is intended to serve as a buffer between the more standard single-family developments, higher density residential and business/commercial districts. While allowing for attached and townhouse designs, developments within this district should also retain, whenever possible, a single-family characteristic (such as by breaking up the mass of buildings and avoiding the look of expansive garages). The maximum allowable density within the R-6 District shall not exceed eight dwelling units per acre, and all development within an R-6 District shall be processed according to the requirements of §§ 159.150 through 159.159, planned unit developments of this chapter.

(B) Permitted uses (see land use chart, § 159.060(G)). The following uses are permitted within the R-6 district:

(1) Attached Residential/townhouses with special use permit approval according to the Planned Unit Development requirements of this chapter;

(2) Single family detached dwelling units;

(3) Home occupations, as regulated in § 159.034 of this chapter;

(4) Parks, forest preserves, and recreational areas, when publicly owned and operated;

(5) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;

(6) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;

(7) Accessory uses, as regulated in § 159.020 of this chapter;

(8) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;

(9) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and

(10) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, § 159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-6 District:

(1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;

(2) Private recreation areas or camps;

(3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;

(4) Churches and church-schools, and other places of worship;

(5) Public service uses, including:

(a) Filtration plants, pumping stations, and water reservoirs;

(b) Police, fire stations and, any public building erected by any governmental agency;

(c) Telephone exchange facilities; and

(d) Electric substations and booster stations.

(6) Day or nursery schools, public or private;

(7) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this sub-Chapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas;

(8) Rest homes/nursing homes;

(9) Philanthropic and eleemosynary (charitable) institutions;

(10) Family care homes for the developmentally disabled, within 2,000 feet of an existing family or group care home for the developmentally disabled;

(11) Group care homes for the developmentally disabled, six to 15 residents. Such a home shall submit, as part of its application, a statement of the exact nature of the planned home, the qualifications of the agency or organization which will operate the home, a statement of the type and number of personnel which will be employed in the proposed home, and evidence that the home will comply with all federal, state, county, or local licenses or certificates which may be required by law for the type of program to be operated. The proposed home shall also conform with the following additional standards:

- (a) Off street parking requirements, as regulated by §§ 159.105 through 159.111 of this chapter;
- (b) The group care home will conform to the type and outward appearance of the residences in the area in which it is located. This provision shall in no way restrict the installation of any ramp or other special feature required to serve the disabled residents;
- (c) To prevent the concentration of family group care homes for the developmentally disabled and impaction of a neighborhood by a high concentration of such residences, care shall be exercised when considering an application for a special use permit for such residences, which, if granted, would not increase the number of developmentally disabled persons within a 2,000 foot radius of the proposed home. This provision is intended to ensure that the capacity of a neighborhood's existing social structure to accommodate such homes is not exceeded and that a concentration of such homes does not develop that might inadvertently create an institutional setting which would impede the proper functioning of such homes;
- (d) Group care homes shall be located in single-family detached dwellings only or in buildings designed solely and wholly for such use; and
- (e) Exception shall be only as described in this section, group care homes for the developmentally disabled, with six to ten residents, shall be subject to no greater restrictions or requirements than those imposed upon all other residential uses in the zoning district in which the group care home is to be located.

(12) Personal communication facility (see § 159.021).

(D) Temporary uses (see land use chart, § 159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Inspector. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises;
- (2) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
- (3) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.

(F) Site and structure requirements:

- (1) Lot area and dwelling unit sizes. The following minimum lot areas and dwelling unit sizes shall apply within the district:
  - (a) For single family detached dwelling, lots shall be not less than 8,000 square feet in area and dwelling units shall be not less than 2,000 square feet in area;
  - (b) For townhomes/attached residential dwelling units there shall be a minimum lot area of not less than the following:

<b>Size of Unit</b>	<b>Min. Lot Square Footage</b>	<b>Min. Unit Square Footage</b>
4 Bedrooms	6,000	1,800
3 Bedrooms	5,500	1,700
2 Bedrooms	4,500	1,600

- (2) Lot width/frontage. The minimum lot width for each lot within the district shall be as follows:
  - (a) Single family residential shall be not less than the requirements within the R-4, Single Family Residential District;
  - (b) Townhomes/attached residential shall be not less than 55 feet. Corner lots shall be not less than 75 feet.
- (3) Lot depth. The minimum lot depth for each lot shall not be less than 90 feet.
- (4) Building coverage. Building coverage shall not exceed 40%.
- (5) Building height. No building within the R-6 District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.
- (6) Setbacks.
  - (a) Front yards, shall be not less than 25 feet from the property line;
  - (b) Side yards.
    - 1. Detached single family dwellings: shall not be less than a total combination of 15 feet, however, in no instance shall any side yard be less than five feet from the property line. Corner side yards shall not be less than 20 feet.
    - 2. Townhomes and attached residential dwellings: shall not be less than ten feet from the property line, except that interior side yards shall not be required. Corner side yards shall not be less than 20 feet.
  - (c) Rear yards, shall be not less than 25 feet from the property line;
  - (d) Minimum building separations.
    - 1. Front to front, rear to rear or front to rear shall be not less than 50 feet;

2. End to end (side to side) shall be not less than 20 feet;
  3. Front to end, rear to end shall be not less than 35 feet;
  4. Corner to corner (point to point) shall be not less than 35 feet;
- (e) Minimum contiguous area shall be not less than ten acres.
- (7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed sixty-five tenths (0.65).
- (8) Lot coverage. The maximum lot coverage shall be 50%.
- (9) Minimum landscape coverage. The minimum landscape coverage shall be 50%.
- (10) Number of units per building. a maximum of four units shall be allowed per building.
- (G) Building design guidelines.
- (1) Facades.
    - (a) The primary facade of each home shall face the public street.
    - (b) Facades must be articulated. Articulation may take the form of staggering the wall of the building as well as through porches, bay or bow windows and balconies.
    - (c) All building facades must be constructed primarily of brick or stone. High quality accent materials, such as cedar siding and vinyl siding (0.46 minimum thickness), may be incorporated into the design provided that they do not cumulatively cover more than 25% of the primary facade and that they do not cumulatively cover more than 50% of any other facade.
  - (2) Architectural detail.
 

The primary facade must include at least two of the following architectural elements. Any other street-facing facade must include at least one of the following architectural elements:

    - (a) Porches (minimum five-foot projection);
    - (b) Second-story balconies (minimum five-foot projection) or balconets;
    - (c) Roof overhangs (minimum one-foot projection);
    - (d) Bay or bow windows;
    - (e) Cantilevered windows;
    - (f) Chimney breasts;
    - (g) Copper design elements including accent roofs (copper flashing to brick exterior must be wrangle cut / saw cut into brick and remortered) and copper gutter flashing;
    - (h) Stone accent pieces;
    - (i) Pediments over windows and doors;

The elements must be incorporated into the design of the buildings so that they are compatible with the building's architectural style and also harmonious with the architecture and scale of the neighborhood.
  - (3) Entrances.
    - (a) The primary entry and door to each structure shall face the public street.
    - (b) Tunnel-like entrances shall be avoided. No entry shall be recessed more than six feet from the face of the primary facade, exclusive of porches.
  - (4) Fenestration.
    - (a) Windows shall be incorporated into all facades.
    - (b) Windows must cover 15% of the facade area. No section of blank wall may exist that is greater than 15 linear feet without being interrupted by a window. This standard applies to living areas as well as to accessory structures such as garages and sheds.
  - (5) Parking/garages.
    - (a) Off-street guest parking areas must be incorporated into the design of all developments with six or more dwelling units. One parking space shall be provided for each three homes, to a maximum of ten parking spaces. This requirement excludes any parking that may be provided on driveways.
    - (b) A minimum two-car garage shall be incorporated into each dwelling unit.
    - (c) The garage shall be designed so as not to dominate the primary facade of the building. Garages may be located as follows:
      1. Setback six feet from the primary facade of the building;
      2. Side loaded with windows along the primary facade and elements to give a uniform appearance with the rest of the dwelling;
      3. Projecting no more than 4 feet in front of the primary facade but must include living space (with windows) above.
    - (d) All garage doors must include raised panels and windows in order to reduce their monotonous appearance.
    - (e) Garage doors must be recessed a minimum of eight inches from the face of the garage so as to cast a shadow on the door thereby reducing its appearance.

(6) Roofing.

(a) Roofs must be covered in architectural shingles (300 lb.), slate roof, clay tile, or laminated clay tile replica.

(b) The color of roof-top vents must match the roofing material.

(7) Landscaping.

(a) Foundation landscaping consisting of shade and ornamental trees, evergreens, shrubbery, hedges, flowers, and/or other live planting materials shall be incorporated around all buildings. Particular attention shall be paid toward screening mechanical equipment softening large expanses of building walls; and accenting entrances and architectural features of the unit(s).

(b) Clusters of landscaping shall be planted strategically in rear and side yards of townhouses to provide privacy to residents. Whenever possible, landscaping should be used to minimize views directly into neighbors windows.

(c) An irrigation system shall be installed in all landscape areas.

(8) Anti-monotony.

(a) No two single-family dwellings of identical front elevation, or facade, shall be constructed or located on adjacent lots, nor shall there be constructed or located more than 15% of single-family dwellings of the same elevation or facade in any block. A change in front elevation or facade shall be deemed to exist when there is a substantial difference in roof line, type and location of windows, and/or kind and arrangement of materials.

(b) There shall not be constructed or located more than 15% of townhomes/ single-family attached dwellings of the same elevation or facade in any block. A change in the front elevation or facade shall be deemed to exist when there is a substantial difference in roof line, type and location of windows, and or kind and arrangement of material.

(H) Possible variance process.

(1) Residential buildings or structures which demonstrate exceptional architectural merit and an intention to provide diversification to the housing stock of the Village of Romeoville may, upon application made to the Village Board of Trustees, be granted a variance from the provisions of this chapter requiring the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of such a structure, but no such variance shall be available or granted to allow the use of aluminum siding, or imitation brick or stone sheeting.

(2) Furthermore, and without otherwise limiting any term or provision of this chapter, or of any amendment thereto, any person proposing to construct any accessory structure that demonstrates either architectural merit, planning excellence or a commitment to diversifying the housing stock of the Village of Romeoville may upon application made to the Village Board be granted a variance from the provisions of this chapter regarding the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of materials otherwise required for the exterior finish of such structure, provided that the Village Board determines, based upon evidence presented by the applicant, that the proposed variance will not alter the essential character of the neighborhood in which the property is located, that the proposed variance will not be injurious to other property in the neighborhood in which the property is located, and that the proposed variance will not substantially diminish or impair property values within the neighborhood in which the property is located.

(Am. Ord. 05-0266, passed 4-6-05; Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

**§ 159.068 R-7, GENERAL RESIDENTIAL (9-12 D.U./ACRE).**

(A) Intent and purpose. The R-7 District is intended to provide areas for higher density residential development, and to serve as a buffer between more standard single family development and commercial or other land uses that are incompatible with single family developments. The minimum acreage for a R-7 District shall not be less than 15 acres, and the maximum allowable density shall not exceed 12 dwelling units per net buildable acre. All developments within an R-7 District shall be processed in accordance with the requirements of §§ 159.150 through 159.159. Planned unit developments of this chapter.

(B) Permitted uses (see land use chart, § 159.060(G)). The following uses are permitted within the R-7 district:

(1) Single family detached dwelling units;

(2) Parks, forest preserves, and recreational areas, when publicly owned and operated;

(3) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;

(4) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;

(5) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission; and

(6) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities";

(7) Attached housing and townhouses with special use permit approval according to the Planned Unit Development requirements of this chapter;

(8) Multiple family dwelling units with special use permit approval according to the Planned Unit Development requirements of this chapter; and

(9) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, § 159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-7 District:

(1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;

- (2) Private recreation areas or camps;
- (3) Schools (elementary and secondary), including playgrounds and athletic fields ancillary thereto;
- (4) Churches and church-schools, and other places of worship;
- (5) Public service uses, including:
  - (a) Filtration plants, pumping stations, and water reservoirs;
  - (b) Police, fire stations and, any public building erected by any governmental agency;
  - (c) Telephone exchange facilities; and
  - (d) Electric substations and booster stations.
- (6) Day or nursery schools, public or private;
- (7) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas;
- (8) Rest Homes/nursing homes;
- (9) Philanthropic and eleemosynary institutions;
- (10) Home occupations as regulated in § 159.034 of this chapter;
- (11) Family care homes for the developmentally disabled, not within 2,000 feet of an existing family or group care home for the developmentally disabled;
- (12) Group care homes for the developmentally disabled, six to 15 residents. Such a home shall submit, as part of its application, a statement of the exact nature of the planned home, the qualifications of the agency or organization which will operate the home, a statement of the type and number of personnel which will be employed in the proposed home, and evidence that the home will comply with all federal, state, county, or local licenses or certificates which may be required by law for the type of program to be operated. The proposed home shall also conform with the following additional standards:
  - (a) Off street parking requirements, as regulated by §§ 159.105 through 159.111 of this chapter;
  - (b) The group care home will conform to the type and outward appearance of the residences in the area in which it is located. This provision shall in no way restrict the installation of any ramp or other special feature required to serve the disabled residents;
  - (c) To prevent the concentration of family group care homes for the developmentally disabled and impaction of a neighborhood by a high concentration of such residences, care shall be exercised when considering an application for a special use permit for such residences, which, if granted, would not increase the number of developmentally disabled persons within a 2,000 foot radius of the proposed home. This provision is intended to ensure that the capacity of a neighborhood's existing social structure to accommodate such homes is not exceeded and that a concentration of such homes does not develop that might inadvertently create an institutional setting which would impede the proper functioning of such homes;
  - (d) Group care homes shall be located in single-family detached dwellings only or in buildings designed solely and wholly for such use; and
  - (e) Exception shall be only as described in this section, group care homes for the developmentally disabled, with six to ten residents, shall be subject to no greater restrictions or requirements than those imposed upon all other residential uses in the zoning district in which the group care home is to be located.
- (13) Mobile home park, as described herein. An authorized mobile home park under the guidelines of a planned unit development with a special use permit shall provide areas for the development of modern mobile home parks, complete with amenities normally found in standard single-family areas. Mobile home parks should be located in such a way as to minimize their impact on more standard residential development, but not so far removed from the community services and facilities. All developments of this type shall be processed according to §§ 159.150 through 159.162 Planned Unit Developments of this chapter:

(a) Site and structure requirements.

1. Lot area. The minimum area for each unsubdivided mobile home site shall be not less than 6,000 square feet;
2. Lot width. The minimum width for each unsubdivided mobile home site shall be 50 feet, and on corner lots, 65 feet;
3. Setbacks. The minimum distances between structures shall be as follows:

Front to Front	Not less than 25 feet
Side to Side	Not less than 15 feet
Rear to Rear	Not Less than 20 feet
Front to Side	Same as Front to Front
Front to Rear	Same as Front to Front
Rear to Side	Same as Side to Side

- (b) Patio. Each mobile home site shall provide an appropriate outdoor living space to supplement the interior living space of a mobile home, either by constructing a deck or patio with conformance to the setbacks above.

1. Size. The minimum size of each mobile home patio shall be 180 square feet;
  2. Location. Every patio location shall be convenient to the entrance of the mobile home, appropriately related to the open areas of the site and other facilities, fitted to terrain and natural features, and related to anticipated mobile home models;
  3. Elevation. Where practical, the patio shall be at an elevation at least as high as the elevation of its mobile home stand. Where topographical conditions permit, the mobile home patio and adjoining yard area on the entry side of the mobile home may be as much as two feet higher than the mobile home stand in order that the level of the patio and outdoor living area will be close to the floor level of an in place mobile home. The grade difference between the patio and the stand may be taken up by a retaining wall or cribbing or by an earth slope. Where the patio is higher than the mobile home stand, adequate surface drainage of the mobile home stand shall be provided across the other side or ends of the stand.
- (c) Tenant storage facilities. Storage facilities shall be provided on or conveniently near each mobile home site for the active storage of outdoor equipment, furniture, or tools and for the inactive storage of such other materials as are used only seasonally or infrequently by the typical tenant and which can not be conventionally stored in a typical mobile home. There shall be a minimum of 90 cubic feet provided for general storage for each mobile home site. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be constructed of suitable weather resistant materials appropriate for the use and maintenance contemplated.
- (d) Density. The total density of any mobile home park shall not exceed seven units per acre.
- (e) Mobile home stand. That part of an individual lot reserved for the placement of the mobile home shall be called the mobile home stand, and shall conform to the following standards:
1. Placement. The mobile home stand shall be so placed as to provide for the practical placement to the site of both the mobile home and its appurtenant structures, and the retention of the mobile home on the site in a stable condition and its satisfactory relationship to its surroundings;
  2. Size. The size of the mobile home stand shall be suitable for the mobile home to be served by the individual park and suitable to fit the dimensions of the mobile home to be placed on said site, including such appurtenant structures or appendages thereto;
  3. Location. The location of each mobile home stand shall be at such elevation, distance, and angle in relation to the adjoining street and the mobile home lot driveway that placement and removal of the mobile home is practical;
  4. Construction. The mobile home stand shall be constructed so as to conform with applicable standards and specifications of the village;
  5. Gradient. There shall be a minimum of 2% longitudinal and adequate crown for cross gradient and surface drainage.
- (f) Skirting. Every mobile home hereafter placed in the village shall have skirting around its full outside perimeter. Such skirting shall extend from the base of the mobile home to ground level. All skirting placed on a mobile home shall be compatible and consistent with both the design and exterior color of the mobile home. The owner of a mobile home shall be responsible for the placement and maintenance of such skirting on a mobile home.
- (g) Anchor tie-down. Every mobile home hereinafter placed in the village shall have devices for anchoring such mobile home so as to prevent uplift or overturning. All cables used for anchoring shall themselves be anchored in concrete. No anchoring cable shall extend beyond the outside perimeter of the mobile home. The owner of the mobile home shall be responsible for ensuring that such mobile home is so anchored.
- (h) Streets and walks. The construction of all streets shall conform to the standards and specifications of the village as required in Chapter 158, Development Regulations. In order to minimize wind forces, every attempt shall be made to provide for curvilinear street layout and design. The construction of all sidewalks, as required, shall be made in conformity with the standards and specification of the village, as provided in Chapter 158, Development Regulations. Also, individual walkways to each mobile home stand shall be provided, extending from the adjacent parking area and in conformity with the standards and specifications as noted above.
- (i) Public utilities. All utilities shall be located underground as required in Chapter 158. Each mobile home shall be connected to public water and sanitary facilities and natural gas lines. Gas storage tanks, including tanks storing propane shall not be permitted.
- (j) Park Attendant. Every mobile home park shall be at all times under the charge of an attendant or manager, whose duties shall include the maintenance of the park and its facilities and equipment in a clean, orderly, and sanitary condition, and who shall be answerable for any violation of the provisions of this section.
- (k) Off-street parking. Off-street parking shall be provided as required in §§159.105 through 159.111 of this chapter.
- (l) Building height. Building height shall be as follows:
1. Mobile homes, not more than one story; and
  2. Non-residential permitted and special uses, not more than 30 feet.
- (m) Minimum dwelling unit size shall be as follows:
1. Two or fewer bedrooms, 600 square feet; and
  2. Three or more bedrooms, 1,200 square feet.
- (n) Floor area ratio (FAR). Maximum FAR shall be as follows:
1. Mobile homes, not applicable; and
  2. For non-residential uses, the FAR for each lot shall not exceed six tenths (0.6).
- (o) Additions to mobile homes. No permanent structure shall be affixed to any mobile home, except for a canopy, awning, garage, carport, deck or patio designed for use with the particular mobile home. The site coverage of a mobile home, together with any expansion or accessory structure permitted thereto by the section shall not exceed 30% of the total mobile home site area.
- (p) Dwelling unit restrictions. Dwelling units other than approved mobile homes shall not be permitted within a mobile home park,

and mobile homes may be located only within an approved mobile home park, and on approved mobile home sites.

(q) Fire extinguishers. Every mobile home shall be equipped with one two and one half-pound fire extinguisher's, Type ABC, which shall be located in the kitchen area of the mobile home. The owner of the mobile home shall be responsible for ensuring that such fire extinguishers are so placed and operation at all times.

(r) Dependent mobile homes and trailers. In no event shall a dependent mobile home, non-permanent shelter, or other vehicle designed for sleeping purposes, other than an independent mobile home, be permitted for occupancy at any time in a mobile home park. Trailers, campers, and other accessory vehicles, including boats, shall not be located within a mobile home park unless placed within an approved storage area designed for the collective placement of all such trailers, campers, boats, and other accessory buildings.

(s) Record keeping. Each mobile home park shall be provided with a custodian's office where each mobile home entering such park shall be assigned to a site, given a copy of the park rules and regulations, and registered according to the prescribed form. Such registration shall include the name and address of the owner and every occupant of such mobile home and the square feet of floor space contained in such mobile home. Such registration shall also include the license number of such mobile home and of the towing vehicle as well as the state issuing such licenses. The registration shall be signed by the owner or operator of the mobile home. No person shall furnish misinformation for purposes of registration. The registration records shall be neatly and securely maintained, and no registration shall be destroyed until six years have elapsed following the date of registration. The register shall be available at all times for inspection by the Village Manager or his or her designee.

(t) Certificate of title. No mobile home shall be admitted to a mobile home park if it does not display, in accordance with Section 3-120 of the Illinois Vehicle Code, Approved July 1, 1970, as amended, a display certificate of title. No mobile home park operator shall admit a mobile home that does not display proper certificate of title.

(u) Landlord and Tenant Act. Prior to the placement of a mobile home in a mobile home park, and upon the renewal of the mobile home site lease, the owner of the mobile home park shall provide for each mobile home in the mobile home park a current copy of the State Mobile Home Landlord and Tenant Act.

(v) Removal of tongue, hitch and wheels. Upon the placement of a mobile home within a mobile home park, the owner of such mobile home shall remove from the mobile home the tongue, hitch, and wheels.

(w) Lease restrictions. All leases for each mobile home site shall be for not less than one year in duration.

(x) Permits required. In addition to the approval of a planned unit development with special use permits, the owner of a mobile home park shall obtain or cause to be obtained the following:

1. A building permit for all structures, permanent facilities, mobile home stands and accessory structures;
2. Individual occupancy permits for all mobile homes upon initial placement of the mobile home on the mobile home site, any subsequent relocation of the mobile home within the mobile home park, or any subsequent re-occupancy of the mobile home;
3. A disconnect permit for any mobile home relocated within a mobile home park or removed from a mobile home park; and
4. License fees. In addition to the application fee, the licensee shall pay to the village on or before January 1 of each year an annual license fee as follows:

1 to 10 lots	\$400 plus \$40 per lot
11 to 50 lots	\$650 plus \$40 per lot
51 to 100 lots	\$800 plus \$40 per lot
101 to 500 lots	\$1,000 plus \$50 per lot
501 or more lots	\$1,500 plus \$60 per lot

5. Any license grantee hereunder shall be subject to revocation or suspension by the village, provided, however, that the village shall first serve or cause to be served on the licensee a written notice in which shall be specified the way or ways in which the licensee has failed to comply with the regulations herein. The village shall require the licensee to remove or abate the nuisance or unsanitary or objectionable condition specified in the notice within ten days.

(y) Street lights. Street lights, parkway trees, and other non-roadway improvements shall be provided as required in Chapter 158.

(14) Personal communication facility (see § 159.021).

(D) Temporary uses (see land use chart, § 159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises;
- (2) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet.

(F) Site and structure requirements:

- (1) Lot area. The minimum lot areas shall apply within the district:

- (a) For single family detached dwelling units there shall be not less than 8,000 square feet;
- (b) For townhomes/attached residential dwelling units there shall be a minimum lot area of not less than the following:

<b>Size of Unit</b>	<b>Min. Lot Square Footage</b>	<b>Min. Unit Square Footage</b>
3 Bedrooms	5,000	1,100
2 Bedrooms	4,500	900
1 Bedroom	3,500	700

- (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 50 feet. Corner lots shall be not less than 70 feet.
- (3) Lot depth. The minimum lot depth for each lot shall not be less than 80 feet.
- (4) Building coverage. Building coverage shall not exceed 40%.
- (5) Building height. No building within the R-7 District hereinafter constructed shall exceed 40 feet in height to the highest roof peak, or 3-1/2 stories, whichever is less.
- (6) Setbacks.
  - (a) Front yards, shall be not less than 25 feet from the property line;
  - (b) 1. Townhomes/attached residential side yards shall be not less than 20 feet from the property line and interior sides shall not be required;
    - 2. Multiple family side yards shall not be less than 20 feet from the property line;
  - (c) Rear yards, shall be not less than 25 feet from the property line;
  - (d) Minimum building separations, townhomes/attached residential:
    - 1. Front to front, rear to rear or front to rear shall be not less than 50 feet;
    - 2. End to end (side to side) shall be not less than 20 feet;
    - 3. Front to end, rear to end shall be not less than 35 feet;
    - 4. Corner to corner (point to point) shall be not less than 35 feet;
  - (e) Minimum building separations, multiple family residential:
    - 1. Front to front, rear to rear or front to rear shall be not less than 50 feet;
    - 2. End to end (side to side) shall be not less than 30 feet;
    - 3. Front to end, rear to end shall be not less than 35 feet;
    - 4. Corner to corner (point to point) shall be not less than 35 feet;
  - (f) Minimum contiguous area shall be not less than 15 acres.
- (7) Floor area ratio (F.A.R.). For all uses the Floor area ratio for each lot shall not exceed sixty-five tenths (0.65).
- (8) Lot Coverage. The maximum lot coverage shall be 50%.
- (9) Minimum Landscape Coverage. The minimum landscape coverage shall be 50%.

(Am. Ord. 05-0285, passed 6-15-05; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

#### **§ 159.069 R-5A, SINGLE FAMILY RESIDENTIAL (6,000 SQ.FT.).**

(A) Intent and purpose. The R-5A District is intended to reflect the historic development patterns of the older areas within the community. The district allows for the smaller lot sizes and setbacks prevalent when the homes were built. The purpose of the R-5A district is to encourage investment in older subdivisions. Corner lots sharing rear lot lines, as defined above, shall be treated as interior lots for the purpose of locating accessory structures, provided, however, that the corner side yard is enclosed by a fence not less than four feet in height.

- (B) Permitted uses (see land use chart, § 159.060(G)). The following uses are permitted within the R-5A district:
  - (1) Single family detached dwelling units;
  - (2) [Reserved];
  - (3) Home occupations, as regulated in § 159.034 of this chapter;
  - (4) Parks, forest preserves, and recreational areas, when publicly owned and operated;
  - (5) Off-street parking, as regulated in §§ 159.105 through 159.111 of this chapter;
  - (6) Signs, as regulated in §§ 159.121 through 159.133 of this chapter;
  - (7) Accessory uses, as regulated in § 159.020 of this chapter;
  - (8) Temporary buildings for construction purposes, for a period of time not to exceed construction, or not more than 24 months, whichever is less, unless otherwise approved by the Planning and Zoning Commission;

- (9) Public utility facilities, as defined in the State Act entitled, "An Act Concerning Public Utilities"; and
- (10) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses (see land use chart, § 159.060(G)). Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the R-5 District:

- (1) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities;
- (2) Private recreation areas or camps;
- (3) Schools (elementary and secondary), including playgrounds and athletic fields auxiliary thereto;
- (4) Churches and church-schools, and other places of worship;
- (5) Public service uses, including:
  - (a) Filtration plants, pumping stations, and water reservoirs;
  - (b) Police, fire stations and, any public building erected by any governmental agency;
  - (c) Telephone exchange facilities; and
  - (d) Electric substations and booster stations.
- (6) Day or nursery schools, public or private;

(7) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished. For such developments, the Village Board may vary the bulk regulations of this subchapter, provided the variations are consistent with the general purpose and intent of this subchapter, and as set forth in §§ 159.150 through 159.159, and will result in better site planning and thus be of greater benefit both to the occupants of the development and the surrounding areas;

- (8) Personal communication facility (see § 159.021); and
- (9) Group care home, as defined herein.

(D) Temporary uses (see land use chart, § 159.060(G)). Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses (see land use chart, § 159.060(G)). Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use and do not involve the conduct of any business, trade, or industry. Accessory uses may include the following:

- (1) Garages, carports, or other parking spaces for the exclusive use of residents or occupants of the premises (see § 59.020);
- (2) Real estate signs, not exceeding 12 square feet for each face that are setback from every property line at least ten feet;
- (3) Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use and personal enjoyment of residents of the premises and not for commercial purposes.

(F) Site and structure requirements.

- (1) Lot area. The minimum area for each lot shall be not less than 6,000 square feet (0.13 acres).
- (2) Lot width/frontage. The minimum lot width for each lot shall be not less than 60 feet. Corner lots shall be not less than 80 feet.
- (3) Lot depth. The minimum lot depth for each lot shall not be less than 100 feet.
- (4) Building coverage. Building coverage shall not exceed 40%.
- (5) Building height. No building within the R-5A District hereinafter constructed shall exceed 30 feet in height to the highest roof peak, or 2-1/2 stories, whichever is less.
- (6) Setbacks.
  - (a) Front yards, shall be not less than 22 feet from the property line;
  - (b) Side yards, shall be not less than five feet from the property line. Corner lot side yards shall not be less than 20 feet; and
  - (c) Rear yards, shall be not less than 20 feet from the property line.
- (7) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed sixty-five tenths (0.65).
- (8) Minimum dwelling unit size.
  - (a) Two bedrooms, 1,100 square feet;
  - (b) Three bedrooms, 1,200 square feet;
  - (c) Four bedrooms, 1,300 square feet.
- (9) Lot coverage. The maximum lot coverage shall be 50%.
- (10) Minimum landscape coverage. The minimum landscape coverage shall be 50%.

(G) The only territories that can be zoned to the R-5A district are those territories where more than 75% of the dwelling units were built prior to 1975.

(Am. Ord. 05-0285, passed 6-15- 05; Am. Ord. 05-0313, passed 2- 1-06; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0698, passed 8-20-08; Am. Ord. 09- 0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

## BUSINESS/COMMERCIAL DISTRICT

### § 159.070 GENERAL REQUIREMENTS.

(A) Intent and purpose. The business districts set forth in this chapter are established to protect the public health, to promote public safety, comfort, convenience, and the general welfare, and to protect the economic base of the village and the value of property. These general purposes include, among others, the following specific objectives:

(1) To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business and commercial type of uses, thereby protecting and strengthening the economic base of the village;

(2) To place in separate districts those businesses which may create noise, odors, hazards, unsightliness, or which may generate excessive traffic so as to adversely affect their neighbors;

(3) To permit selected business uses in districts where adjacency to or inclusion in a residence area has sufficient elements of service or convenience to those area to offset the disadvantages which may be created;

(4) To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion; and

(5) To provide for the establishment of off-street parking facilities permitted and required so as to alleviate traffic congestion and so promote shopping convenience and business prosperity.

(B) Districts: There are hereby created the following districts:

- (1) B-1, Local Shopping District;
- (2) B-2, Community Shopping District;
- (3) B-3, Highway/Regional Shopping District;
- (4) B-4, Automotive Service District;
- (5) P-B, Planned Business District.

(C) Residential dwelling units. Residential dwelling units are a "special use" within the B-1, Local Shopping District, provided they are located above the first floor and above a permitted business use. Residential dwelling units shall not be permitted on the ground floor of a business, or in the rear of a business establishment on the ground floor. The land area and density requirements of the R-6 District of this chapter shall apply to Residential dwelling units constructed in the B-1 District.

(D) Enclosure of operations. All business, commerce, serving, and processing shall be conducted within completely enclosed buildings, except:

- (1) Off-street parking and loading;
- (2) Drive-in types of operations, such as theaters and restaurant facilities;
- (3) Outdoor sales lots, subject to the requirements of §159.072(E);
- (4) Outdoor dining areas when accessory to a permitted use;
- (5) And as may otherwise be provided for herein.

(E) Off-street parking/loading and unloading facilities.

(1) Parking of trucks when accessory to the conduct of a permitted or special use shall be limited to vehicles having not over 1-1/2 ton capacity, except for pick-up or delivery services during normal business hours;

(2) Trucks in excess of 1-1/2 ton capacity shall not be parked in the open within 100 feet of a residence district boundary line;

(3) Provision of all off-street parking and loading facilities shall be made in accordance with §§159.019 and 159.105 through 159.111 of this chapter; and

(4) Parking is permitted within required front and rear yard areas, except it shall not be closer to any property line than as follows:

- (a) B-1 District - ten feet;
- (b) B-2 District - 20 feet;
- (c) B-3 District - 25 feet;
- (d) B-4 District - 15 feet;
- (e) P-B District - see § 159.075(E)(9)(b).

(5) Parking is permitted in interior side yards provided that said side yard abuts commercially or industrially used or zoned property. A minimum setback of five feet shall be provided unless parking is shared.

(6) In addition to any other means of enforcement provided by the provisions of the Village Code of Ordinances, all sworn police

officers of the village shall further be permitted to enforce the provisions of divisions (E)(1) and (E)(2) above by the means provided for in § 74.09 for the enforcement of violations of Chapter 74.

(F) Signage. Placement of signage in all business districts shall be made in accordance with the provisions of §§159.120 through 159.133 of this chapter.

(G) Outdoor storage.

(1) All outdoor storage facilities for the building and accessory uses and products shall be enclosed by an architecturally pleasing fence, wall, or planting materials adequate to conceal the facilities from adjacent properties and the public street right-of-way.

(2) Outdoor storage areas shall be designed to be harmonious with the building and their design shall incorporate the same materials used in the building façade.

(3) Outdoor storage shall be included and shown within the required landscape plan according to the requirements of surfacing and curbing of § 159.108(D) of this chapter.

(4) Site and landscape plans shall be presented to the Fire Department, with an explanation as to the type of material being stored, housed or stocked within the outdoor storage area.

(5) Outdoor storage areas shall be landscaped in accordance with the landscaping requirements of this chapter.

(H) Landscaping. Placement of all landscaping shall be made in accordance with the provisions of this section and §159.030, inclusive.

(1) All applications for building permit requested for new construction in any business/commercial district must have a previously approved landscape plan.

(2) The exterior storage of materials and inventory, shall be effectively screened from view from any district boundary line and right-of-way. Landscaping may consist of live or decorative plantings, or fencing.

(3) Where business/commercial uses abut or are across the street from a residential district, adequate landscape screening shall be provided to screen the business / commercial uses.

(I) Performance standards. As described in §§159.022 through 159.027 of this chapter.

(J) Ingress/egress onto a public street.

(1) Access is limited to not more than two points of ingress and/or egress per lot except as modified in a PUD.

(2) Minimum width to be 24 feet at property line. Maximum width to be that of 40 feet at property line, unless additional width is required for safe access. This can include, but not limited to, two through lanes, one left turning lane and an appropriately landscaped island;

(3) Locations to be approved by the Village Engineer;

(4) Details of design and construction shall meet all village requirements; and

(5) Entrance curbs and storm drainage provisions shall be required on all street frontages, and shall meet with the approval of the Village Engineer and the standard specifications of the village.

(K) Land use development or change.

(1) Prior to the issuance of a building permit for any new construction or development within the B-1, B-2, B-3, B-4, and P-B districts, site, landscaping and development (engineering) plans shall have been approved.

(2) Any construction or development of a structure with more than 2,500 square feet or on a lot or parcel larger than one-acre in size shall occur only as a planned unit development.

(3) All shopping centers shall be developed as a planned unit development.

(4) Any construction or development not requiring the approval of a PUD may be approved by the Community Development Department except where action by the Village Board is required, such as approval of a special use permit, a Variance, or a similar action.

(5) Any change in use may be approved by the Community Development Department except where action by the Village Board is required, such as approval of a Special Use Permit.

(L) Special provisions. The following special provisions shall apply to those specific uses outlined in this section:

(1) All outdoor parking, storage and sales space shall be improved with a permanent, durable, and dustless surface (asphalt or concrete), and shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses. All unpaved surfaces shall be sodded and landscaped;

(2) All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a fence, wall built of the same materials as the building, or plant materials adequate to conceal the facilities from adjacent properties and public rights-of-way;

(3) No wastes or materials shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces;

(4) All uses and activities shall conform with the performance standards as enumerated in §§159.022 through 159.027 of this chapter;

(5) Lighting used to illuminate any outdoor sales area, off-street parking or loading areas shall be so arranged and designed as to reflect the light away from adjoining properties;

(6) All outdoor parking areas shall conform with the off-street parking regulations as enumerated in §§159.105 through 159.111 of this chapter.

(7) All outdoor dining areas shall be subject to the following conditions and restrictions:

(a) Outdoor seating, tables and canopies shall not obstruct any sidewalk or street, whether public or private.

- (b) Outdoor dining areas shall be permitted only as accessory uses to a permitted use on the property.
- (c) Fences and other protective barriers intended to provide privacy or to demarcate the limits of the outdoor dining area are permitted provided they are setback at least five feet from any public sidewalk and are not located in a vision triangle at the intersection of any two streets or at the intersection of a street and driveway.
- (d) Outdoor dining areas shall be located on the same zoning lot as the use serves.
- (e) Trash receptacles shall be provided in sufficient number to control litter and waste.
- (f) Outdoor dining areas may be located in required yards, except that covered outdoor dining areas shall comply with all required building setbacks. No outdoor dining areas shall be located in any required yard or transition yard along any residential zoning district.
- (g) Outdoor dining areas shall remain open to the elements. Table umbrellas, awnings and other temporary sun shade devices shall be permitted.
- (h) No permanent fixtures related to or associated with outdoor dining areas shall be permitted on a public sidewalk within a public right-of-way.
- (i) No live entertainment shall be provided in connection with outdoor dining areas. Speakers may be placed in outdoor dining areas but shall be modulated so as not to interfere with conversations outside the outdoor dining area.
- (j) No outdoor dining area shall be used after the hour of 10:00 p.m.

**(M) Commercial lighting standards.**

(1) A photometric plan will be required as part of the final development plan for all nonresidential projects and for residential developments that utilize parking lots. It will also be required for billboards/signage where a final development plan is not required. The plan must show the location, size (wattage), mounting height, orientation, type, design, and plans for all outdoor lighting and signs including wall mounted lighting. The plan must show the levels of illumination in footcandles (fc) at ground level (minimum 10' x 10' grid). A catalog sheet showing the proposed lighting fixtures must be included.

(a) Lighting for photometric plans must be maintained and operable at all times.

(2) To reduce glare, only "fully shielded" or "full cutoff" light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane passing through the lowest point of the light-emitting element, so that direct light emitted above the horizontal plane is eliminated. In addition, on sites adjacent to residential property, no direct light source (bulb/filament) shall be visible at the property line at ground level.

(3) The average maintained illuminance shall not exceed nor be less than 80% of the levels set below. Uses not listed below shall not exceed nor be less than 80% if the levels set by the Illuminating Engineering Society of North America (IESNA). The uniformity ratio shall not exceed the level set by the IESNA. These levels include:

Use	Average (fc)	Minimum (fc)	Maximum (fc)	Uniformity Ratio (Avg/Min)
Regional shopping center	3.6	0.6	--	6:1
Fast food facility	3.6	0.6	--	6:1
Commercial shopping center	2.4	0.4	--	6:1
Office parking	2.4	0.4	--	6:1
Neighborhood shops	2.4	0.4	--	6:1
Industrial parking	2.4	0.4	--	6:1
Church parking	2.4	0.4	--	6:1

Use	Average (fc)	Minimum (fc)	Maximum (fc)	Uniformity Ratio (Avg/Min)
Building entrances	--	5.0	--	--
Apartment parking lots	1.6	0.3	--	6:1
Truck parking and maneuvering areas	2.4	--	--	--
Bank drive thru and ATM areas	--	--	40	--
Service station:				
- Pump islands	30	--	45	--
- Service areas	3	--	--	--
Auto lots	7	1.2	20	6:1

Note: These requirements only apply to areas used by vehicles and pedestrians. They do not apply to landscaped areas.

(4) Where non-residential sites are adjacent to residential sites, the light level at the property line produced by the non-residential

lighting shall not exceed 0.0 footcandles.

(5) Except as otherwise allowed in the development regulations, luminaries shall not be mounted in excess of 30 feet above grade, or the height of the primary structure, whichever is less; provided however, luminaries located within 200 feet of a single family residential zoning district shall not be mounted in excess of 20 feet above grade or the height of the primary structure, whichever is less.

(6) Service-station canopy lighting shall be accomplished using flat-lens full-cutoff down-lighting fixtures, shielded in such a manner that the edge of the fixture shielded be level with or below the light source envelope.

(7) All other under-canopy lights must be fully recessed into the canopy.

(8) All non-residential lighting is required to be turned off no later than 60 minutes after business hours, only leaving the minimum lighting necessary for site security.

(a) The minimum site security lighting must meet the minimum standards in division (M)(3) of this section.

(b) Security lighting must be capable of being activated and turned off by photo sensors or time.

1. Security lighting must be illuminated ½ hour prior to sunset and turned off ½ after sunrise.

(c) Parking lots must meet the minimum illumination standards in division (M)(3) of this section.

(d) For all commercial buildings developed prior to the adoption of division (M)(1) of this section which were not required to submit a photometric plan to the village, wall mounted entrance/exit lighting is required for all entrances and exits on commercial buildings.

(9) Definitions and terms used in this section shall be defined by the IESNA handbook, latest edition.

(10) All freestanding poles shall:

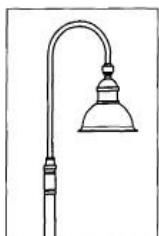
(a) Be located within landscaped areas or planter islands, or on sidewalks, maintaining an accessible sidewalk width.

(b) Be located on a concrete base where no more than eight inches of the base is located above grade.

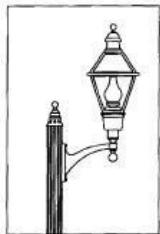
(c) Be located to avoid conflict with trees.

(d) All poles shall be numbered.

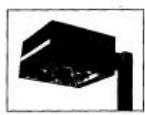
(11) Standard fixtures.



(a) The standard light fixture for retail and commercial developments in Romeoville shall be a matte black architectural style light fixture with an arched mounting arm and a bell-shaped reflector shade. Other earth-toned colors may be used if approved in a PUD. Both single and double mounted fixtures are acceptable. At a minimum, the standard fixture must be used around the perimeter of lots, along access and entrance drives in retail and commercial developments, in key locations, and exclusively on outlots and on lots smaller than three acres. Additional details, such as fluted poles, decorative trim on poles or mounting arms, and decorative bases may be incorporated into the design of the light fixtures.



(b) The standard ornamental light fixture for use along the historic Route 66 corridor and in the Downtown District shall be a matte black traditionally styled colonial lantern with a four-sided tapered cage and solid black metal roof. The lantern shall be mounted on a fluted pole with a down swept arm mount. Finials should be incorporated on the top of the pole, top of the lantern, and on the mount, as shown in the illustration. Both single and double mounted fixtures are acceptable. The standard ornamental fixture shall be used along storefronts along the Route 53 corridor and along the sidewalks in Downtown Romeoville. The standard fixture must be used around the perimeter of lots, along access and entrance drives in retail and commercial developments, in key locations, and exclusively on outlots and on lots smaller than three acres.



(c) In other locations, a standard box light with a decorative banding detail may be used. The standards box light must match the architectural lights in color. Additional details, such as decorative trim on poles and decorative bases may be incorporated into the design of the light fixtures provided that they are coordinated with the architectural style light fixtures.

(12) The village shall have the right to conduct a post-installation inspection to verify compliance with the requirements of this chapter, and if appropriate, to require a remedial action at no expense to the village.

(13) Non-conforming lighting; all lighting fixtures shall be brought into conformity when at such time as 50% or more of the poles are changed, replaced, or added on a property.

(14) The Village of Romeoville retains the right to require that when a non-residential property abuts a residential property or the light from any such non-residential property directly affects any other property that high pressure sodium lights shall be required.

(15) Linear lighting (including neon, fluorescent, rope-lighting, LED lighting, and low voltage strip-lighting) primarily intended as an architectural highlight to attract attention or used as a means to identification or advertisement shall be prohibited.

(16) Maintenance standards; all lighting fixtures present must be operable and compliant with the adopted International Property Maintenance Code.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0509, passed 2-21-07; Am. Ord. 07-0556, passed 7-18-07; Am. Ord. 08-0702, passed 9-3-08; Am. Ord. 16-1306, passed 9-7-16; Am. Ord. 19-1585, passed 8-7-19; Am. Ord. 20-1628, passed 4-1-20)

## **§ 159.071 B-1 LOCAL SHOPPING DISTRICT.**

(A) Intent and purpose. The B-1 District is composed of only those establishments which supply convenience goods or personal services, satisfying the daily needs of the residents of the abutting neighborhoods. While the District is designed to encourage limited size shopping centers with adequate off-street parking and loading facilities, the district is primarily intended for walk-in trade.

(B) Permitted uses. Permitted uses shall include the following:

- (1) Art and school supplies;
- (2) Bakeries, retail sales only, no baking permitted;
- (3) Barber and beauty shops;
- (4) Book and stationary shops;
- (5) Camera and photographic equipment, not including film processing on site;
- (6) Candy shop and ice cream store;
- (7) Clothing repair and alterations;
- (8) Coin and philatelic (stamp collector) stores;
- (9) Dry cleaners and laundry, receiving station only, not including processing;
- (10) Dry Goods, retail sales;
- (11) Florists, retail sales only;
- (12) Furrier, sales only;
- (13) Gift shops;
- (14) Hardware, paint, and wallpaper stores;
- (15) Hobby shop;
- (16) Household appliance stores, retail sales only;
- (17) Jewelry, watch repair and sales, not including precious metal purchase stores;
- (18) Laundromat;
- (19) Medical clinic;
- (20) Millinery (women's apparel for the head) store;
- (21) Music stores dealing in the sales of phonographs, records, tape recorders, tapes, sheet music, compact disc, laser discs;
- (22) Musical instruments, sales and lessons;
- (23) Newsstands;
- (24) Offices, business or professional;
- (25) Professional offices for insurance, real estate, investment, and other professional offices. Not including depository and non-depository credit institutions, banks, currency exchanges, pay day loans, security and commodity brokers, exchanges and services;
- (26) Photo studios;
- (27) Radio and television sales and service, including video recorders, tapes, sales and rentals;
- (28) Restaurants, sit down and carry-out only. No drive-in establishments and no alcohol;
- (29) Shoe sales and repair;

- (30) Tanning salon;
- (31) Travel agency;
- (32) Personal communication facility, located on property owned by the village or other government entity;
- (33) Shopping center (PUD required).

(C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the Corporate Authorities of the village may, by "special use permit" allow the following in the district:

- (1) Churches and church-schools, and other places of worship;
- (2) Gasoline service stations, retail sales only, with convenience stores.
- (3) Liquor store-packaged goods, retail sales only;
- (4) Nursery and day care centers;
- (5) Public utility and governmental service uses;
- (6) Residential, above the first floor of business/commercial uses;
- (7) Restaurant with a beer and wine license, for consumption on the premises only;
- (8) Outdoor dining areas, accessory to a permitted use serving liquor;
- (9) Planned unit development.

(D) Temporary uses. Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use or with § 159.020 of this chapter. Accessory uses may include the following:

- (1) Storage building/structure accessory and used exclusively by the occupants/tenants/owners of the premises;
- (2) Real estate signs, not exceeding 32 square feet for each face and setback from every property line at least ten feet;
- (3) Outdoor dining areas, subject to the requirements of §159.070(K).

(F) Site and structure requirements. The following standards shall apply and be considered as minimum requirements for the district:

(1) District size. The minimum area for the B-2 District shall be not less than (43,560) square feet (one acre), nor more than four acres in size.

(2) Individual lot area. Individual lots within a B-1 District shall have a minimum area of 9,450 square feet.

(3) Individual Lot width/frontage.

Individual lot width shall be a minimum lot width of 70 feet, corner lots shall be a minimum of 120 feet.

(4) Lot depth. The minimum lot depth for each lot shall not be less than 135 feet.

(5) Lot coverage/impervious surface. Lot coverage shall not exceed 60% of the lot. Lot coverage plus impervious surface coverage shall not exceed a total of 85% of the total lot.

(6) Building height. No building or structure shall be erected or altered to exceed a maximum height of 25 feet or two stories, whichever is less.

(7) Setbacks.

- (a) Front yards, shall be not less than 50 feet from the property line;
- (b) Side yards, shall be not less than ten feet for each side yard from the property line;
- (c) Rear yards, shall be not less than 30 feet from the property line; and
- (d) Transitional yards, where the district adjoins a residential district, shall be provided in accordance with the following:

1. Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along the side or rear lot line. This yard shall be equal in dimension to the minimum side yard which would be required under this chapter for residential use or the adjacent property in the residence district;

2. Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a resident district, a yard equal in depth to the minimum front yard required by this chapter on the adjacent lot in the residence district shall be provided along the front or side lot line for a distance of at least 25 feet, from such a lot in the residence district. There shall be an unobstructed, green setback of no less than ten feet along the remainder of the front or side lot line; and

3. If a rear lot line of a lot is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along that rear lot line equal in dimension to the minimum side yard required under this chapter on the adjacent residential lot.

- (8) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed six tenths (0.6).

**§ 159.072 B-2 COMMUNITY SHOPPING DISTRICT.**

(A) Intent and purpose. The B-2 District is intended to provide facilities used as the main shopping area for residents of the village and other nearby communities and subdivisions. The Community Shopping District is to permit most types of business or commercial uses, offices, and service establishments; is normally centrally located with respect to the village; and is located at major intersections or along a major street.

(B) Permitted uses. Permitted uses shall include the following:

- (1) Permitted uses as listed in the B-1 Local Shopping District;
- (2) Amusement centers, indoor only;
- (3) Antique shops;
- (4) Art gallery, studio and sales;
- (5) Army/Navy/Military surplus sales;
- (6) Auto accessory stores, retail sales only, no repairs;
- (7) Auto driving schools;
- (8) Bakeries, with products produced on site;
- (9) Bicycle sales and service;
- (10) Blueprinting, photocopy services;
- (11) Bookbinding services;
- (12) Business machines, sales and service;
- (13) Carpet and floor coverings, retail sales;
- (14) China and glassware retail sales;
- (15) Christmas Tree sales lots, temporary from November 21 to December 31 and in accordance with §159.070(K);
- (16) Costume rentals, sales;
- (17) Child day care facility or mini day care center (see §159.003 for definition);
- (18) Department stores;
- (19) Dog groomers without over night stays;
- (20) Drapery sales and service;
- (21) Electrical appliances and supplies, sales and service;
- (22) Exhibition centers, meeting halls, community center;
- (23) Farm and garden supply retail sales, no outside storage;
- (24) Food/grocery stores;
- (25) Funeral home, mortuary; no cremation;
- (26) Furniture and home furnishings sales and service;
- (27) Furrier, inclusive of incidental storage and minor repairs only;
- (28) Health clubs, tennis/racquet clubs;
- (29) Household appliances sales and service;
- (30) Interior decorating sales and service;
- (31) Library;
- (32) Liquor store-packaged goods, retail sales only;
- (33) Locksmith;
- (34) Mail order, not including motor freight;
- (35) Newspaper offices;
- (36) Office supplies and equipment retail sales;
- (37) Parking garages or lots; does not include motor vehicle storage or repair;
- (38) Pet sales and supplies;
- (39) Plumbing supplies sales and service;
- (40) Restaurant, including drive-through facilities;

- (41) Sewing machines sales and service;
  - (42) Sporting goods retail sales, not including firearm sales and services;
  - (43) Sports medicine/therapy;
  - (44) Tack shop;
  - (45) Taxidermists;
  - (46) Theaters, indoor only;
  - (47) Tobacco sales;
  - (48) Toy store;
  - (49) United States Post Offices;
  - (50) Personal communication facility, located on property owned by the village or other government entity.
- (51) Professional offices for insurance, real estate, investment, security and commodity brokers, exchanges and services. Not including depository and non-depository credit institutions, banks, currency exchanges, and pay day loans.
- (52) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto, provided that those uses are not explicitly mentioned as permitted or special uses elsewhere in this chapter;
- (53) Seasonal garden shops.
- (C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the district:
- (1) Special uses as listed in the B-1 Local Shopping District;
  - (2) Animal hospital, veterinarian office; no boarding;
  - (3) Banquet hall;
  - (4) Business and commercial schools, including dancing and music schools;
  - (5) Business colleges, trade schools;
  - (6) Car wash;
  - (7) Cartage, express, and special delivery services, not including motor freight;
  - (8) Clubs, public or private, indoor only;
- (9) Depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses subject to the following conditions.
- (a) Drive through facilities are not permitted.
  - (b) Indoor and parking lot security cameras are required in conformance with section.
  - (c) Development of new depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses.
1. New construction on heretofore vacant lots must be a minimum of two stories in height.
  2. The second story must be functional and cover a minimum of 75% of the floor area of the first floor.
  3. New institutions in existing buildings are not required to add a second story.
- (10) Equipment rentals, with outdoor storage of, limited equipment repairs within the confines of the structure/building;
  - (11) Hospitals with ancillary uses;
  - (12) Hotels;
  - (13) Lounge;
  - (14) Outdoor dining areas, accessory to a permitted or special use serving liquor;
  - (15) Photo developing and processing;
  - (16) Printing, publishing, lithography;
  - (17) Restaurant with a beer and wine license, for consumption on the premises only;
  - (18) Taverns;
- (D) Temporary uses. Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.
- (E) Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted provided they are operated and maintained under the same ownership and on the same parcel and that they do not include structures or structural features inconsistent with the permitted use or special use or with § 159.020.

Accessory uses may include the following:

- (1) Storage building/structure accessory and used exclusively by the occupants/tenants/ owners of the premises.
- (2) Real estate signs, not exceeding 32 square feet for each face and setback from every property line at least ten feet.
- (3) Outdoor dining areas, subject to the requirements of §159.070(K).
- (4) Outdoor sales areas, provided that they meet the following requirements:
  - (a) Outdoor sales must be restricted to private property and must be conducted only on the premises of the business operating the primary facility.
  - (b) Goods/merchandise may be stacked along the front of a building provided that it does not exceed eight feet in length, three feet in depth and three feet in height.
  - (c) Goods/merchandise may be stacked along the rear or side of a building provided that the area meets all building setbacks in the zoning district and the requirements of this Code.
  - (d) Goods/merchandise must be enclosed by an aesthetically-pleasing masonry structure or enclosure that complements the building and does not block any doors or windows. The structure must be completely enclosed on all sides and must incorporate a closing lid or door. The lid or door must be coordinated and made of a high quality material such as wrought iron. Additionally, the structure must meet the design criteria contained in § 159.158.
  - (e) No goods or merchandise shall be placed in any manner that violates the sight triangle requirements established in §159.014.
  - (f) Goods/merchandise may not obstruct any sidewalk, walkway, or pedestrian path. Sidewalks, walkways, and pedestrian paths must have a minimum width of five feet free and clear of storage, displays, or sales.
  - (g) A safe loading area must be provided.
  - (h) Parking requirements must be met for the primary use and the increased requirement resulting from the use of the outdoor sales area.
  - (i) Goods/merchandise may not be displayed on gas pump islands or between gas pumps.
  - (j) Goods/merchandise must be located on an asphalt or concrete surface.
  - (k) Goods/merchandise must be kept in a neat and orderly fashion. Unenclosed merchandise, open bags, spilled merchandise, etc. will not be permitted.
    - (l) Sale operators must provide adequate lighting after dark. Where electricity is used, it must be serviced by an appropriate number of GFCI outlets protected by weatherproof boxes with metal in-use covers. Extension cords may be no longer than 25 feet, must be rated for wet use, and must be installed to be non-tripping and not in any vehicular path.
    - (m) Landscaping may not be eliminated to provide room for outdoor sales unless it is possible to relocate the landscaping while maintaining the overall character of the landscape plan for the site.
    - (n) Outdoor sales areas may only be used for seasonal items that must be kept out- doors (during the time of year when they are typically used), such as mulch, firewood, salt bags, flowers, topsoil, or other merchandise deemed appropriate by the Zoning Administrator.
    - (o) Other items, such as soft drinks, food, toys (including seasonal toys), and automobile maintenance equipment may not be sold outdoors.
    - (p) Single ice chests shall be exempt from the requirements of this section.
    - (q) Single 20-pound propane tanks located in designated storage and exchange sites shall be exempt from the requirements of this section. They must, however, be located on the side or rear of the building.
    - (r) With the exception of the propane tanks listed above, no flammable materials may be sold outdoors.
    - (s) Storage of trucks and trailers and sales and/or display of merchandise from trucks or trailers are prohibited.
    - (t) Outside sales and storage of goods/merchandise not in compliance with the above regulations must be approved by the Village Board.
    - (u) Submittal requirements: The following shall be submitted as part of an application for outdoor sales areas.
      1. A site plan indicating property boundaries, parking location, sales location and size, signage and other information deemed appropriate
      2. Letter of permission from property owner.
      3. Statement as to how the site shall be maintained during the designated time period.
      4. Applications for any additional permits required for the proposed outdoor sales such as temporary signs (which must comply with requirements of § 159.127).
      5. A \$200 deposit shall be required to ensure that cleanup of the site is accomplished within seven days after the expiration of the sales permit and to ensure that the conditions of the permit and requirements of this section are followed. If the cleanup is not accomplished in that time, or if the conditions of the permit are not met, the deposit shall be forfeited
      6. The permit fee for an outdoor sales area (this fee may be waived by the Zoning Administrator where the entire profit from the operation is given to charity or used for charitable purposes.)
    - (5) Temporary sales or seasonal sales areas are permitted provided that they meet the requirements listed in division (4) above, except as modified by the following.
      - (a) Temporary/seasonal outdoor sales may also be allowed in the yard or parking area of the subject property.

- (b) The outdoor sales area may not occupy a space larger than the smaller of 5,000 square feet or 10% of the overall square footage of the building.
- (c) Seasonal outdoor sales of gardening products must be limited to the display and sale of flowers, vegetables, bagged garden products, landscape products and statuaries. Outdoor sales of fencing, lumber, and other similar products are prohibited.
- (d) Temporary/seasonal outdoor sales of gardening products must be conducted by the operator of primary business on the premises with a current village business license that permits the sale of gardening products.
- (e) Temporary or seasonal sales must be enclosed by a minimum of a rail/fence system or a greenhouse.
- (f) Each permit for temporary/ seasonal sales areas shall be valid for a period of not more than 120 days. Only one permit shall be allowed per calendar year. Seasonal permits issued for periods less than 120 days will be counted as one permit. Temporary tent sales for special events shall be exempt from these requirements and shall be allowed in accordance with § 159.020(F)(1).
- (g) Outdoor sales of Christmas trees must be limited to 60 days, beginning on November 1 and ending on December 31. A permit is required but shall not count as the single temporary/seasonal permit allowed per lot.
- (6) Video gaming terminal locations, accessory to the conduct of a permitted use or approved special use authorizing the sale of alcoholic beverages for on-premises consumption, subject to the following conditions:
- (a) The term "video gaming terminal" shall have the meaning set forth in §138.01(E) of the Village Code of Ordinances.
- (b) All persons seeking to operate video gaming terminals at a given location must possess all licenses required under the Video Gaming Act and Illinois Gaming Board regulations for the operation of video gaming terminals at the proposed location.
- (c) No more than six video gaming terminals may be operated at a given location.
- (d) All owners or persons allowing the use of premises for video gaming terminal operations must possess a current and valid liquor license issued by the village Local Liquor Control Commissioner.
- (e) All proposed video gaming terminal special use permit locations shall be at least 100 feet from any school, church or house of worship. Distances shall be measured consistently with the then-current regulations or customary practices of the Illinois Gaming Board.
- (f) The operation of video gaming terminal locations at any location qualified or proposing to qualify as a "licensed truck stop establishment" within the meaning of Section 5 of the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, § 5 shall, in addition to complying with the applicable requirements of the Illinois Video Gaming Act and the then-current regulations of the Illinois Gaming Board, be subject to the following further conditions:
1. The licensed truck stop establishment serving as the video gaming terminal location shall be located on a principal lot containing not less than five acres, and which principal lot shall be the site of the convenience store required to be included as a part of such licensed truck stop establishment, and of all fuel dispensing pumps required or contemplated to be provided as part of the licensed truck stop establishment. Provided that the licensed truck stop establishment complies with the preceding sentence and the other conditions of this section, the licensed truck stop establishment may provide all or some portion of the required number of dedicated truck parking spaces herein required on an adjacent lot containing not less than three acres that is under common ownership with the principal lot and which is contiguous to the principal lot, or separated from the principal lot only by a privately owned roadway constructed and maintained for the benefit of the subdivision or development that includes both the principal lot and the adjacent lot. For purposes of this § 159.072(E)(6) {{}}(f)1. only, the foregoing requirement of common ownership of the principal lot and the adjacent lot to be used for dedicated truck parking spaces may be satisfied by a licensed truck stop establishment by providing the village with documentary evidence reasonably acceptable to the village that establishes that each of such lots is leased to the same identical tenant under lease terms initially providing such tenant with the right to occupy each of such lots for not less than 30 years, where the terms of such leases further grant to the tenant the rights to use such lots for the conduct of a licensed truck stop establishment as referenced in this § 159.072(E)(6)(f); and
  2. The convenience store included as part of such a licensed truck stop establishment shall consist of not less than 5,000 square feet in area; and
  3. The licensed truck stop establishment serving as the video gaming terminal location shall provide that number of dedicated truck parking spaces equal to the sum of the number of pumps dispensing or able to dispense diesel or biodiesel fuel at such establishment plus the number of video gaming terminals proposed to be operated within such licensed truck stop. As used herein, a "dedicated truck parking space" shall mean and include an area designated by the owner or operator of the licensed truck stop establishment reserved for the exclusive use of its customers for the parking of trucks while patronizing the licensed truck stop establishment, capable of being occupied for such use without otherwise disrupting or affecting the operations of the licensed truck stop establishment, and which shall be not less than 65 feet in length and 12 feet in width, and constructed and surfaced as otherwise required by this Code and the Village Code of Ordinances.
- (F) Site and structure requirements.
- (1) District size. The minimum area for the B-2 District shall be not less than four acres, nor more than eight acres in size.
  - (2) Individual lot area. Individual lots within a B-2 District shall have a minimum area of 12,150 square feet.
  - (3) Individual lot width/frontage. Individual lot width shall be a minimum lot width of 90 feet, corner lots shall be a minimum of 150 feet.
  - (4) Lot depth. The minimum lot depth for each lot shall not be less than 135 feet.
  - (5) Lot coverage/impervious surface. Lot coverage/impervious surface shall not exceed 60% of the lot. Lot coverage plus impervious surface coverage shall not exceed a total of 85% of the total lot.
  - (6) Building height. No building or structure shall be erected or altered to exceed a maximum height of 25 feet or two stories, whichever is less.
  - (7) Setbacks.
    - (a) Front yards, shall be not less than 60 feet from the property line;
    - (b) Side yards, shall be not less than ten feet for each side yard from the property line;

- (c) Rear yards, shall be not less than 30 feet from the property line; and
- (d) Transitional yards, where the district adjoins a residential district, shall be provided in accordance with the following:

1. Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along the side or rear lot line. This yard shall be equal in dimension to the minimum side yard which would be required under this chapter for residential use or the adjacent property in the residence district;

2. Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a resident district, a yard equal in depth to the minimum front yard required by this chapter on the adjacent lot in the residence district shall be provided along the front or side lot line for a distance of at least 25 feet, from such a lot in the residence district. There shall be an unobstructed, green setback of no less than ten feet along the remainder of the front or side lot line; and

3. If a rear lot line of a lot is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along that rear lot line equal in dimension to the minimum side yard required under this chapter on the adjacent residential lot.

- (8) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed eight tenths (0.8).

(Am. Ord. 05-0312, passed 2-1-06; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0509, passed 2-21-07; Am. Ord. 07-0599, passed 12-19-07; Am. Ord. 08-0651, passed 5-21-08; Am. Ord. 10-0816, passed 1-20-10; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 14-1086, passed 2-5-14; Am. Ord. 14-1097, passed 3-19-14; Am. Ord. 16-1290, passed 7-6-16; Am. Ord. 17-1375, passed 5-17-17; Am. Ord. 19-1533, passed 1-16-19)

### **§ 159.073 B-3 HIGHWAY/REGIONAL SHOPPING DISTRICT.**

(A) Intent and purpose. The purpose of this district is intended to provide areas for those establishments which depend to a large extent on customers arriving by automobile, and whose market area extends beyond the village limits. This district should be located along a major arterial or highway, and should contain adequately-sized parcels of land with larger setbacks, open-clear viewing, and safely located entrances and exit points.

- (B) Permitted uses. Permitted uses shall include the following:

- (1) Permitted uses as listed in the B-2 Community Shopping District;
- (2) Ambulance services, private;
- (3) Animal hospitals, veterinarian office with no boarding;
- (4) Business and commercial schools;
- (5) Casket, casket supplies and sales;
- (6) Catering;
- (7) Commercial greenhouses;
- (8) Equipment or car rentals, with outdoor storage of, limited equipment repairs within the confines of the structure/building;
- (9) Heating, air conditioning sales and service with no outside storage;
- (10) Hospitals;
- (11) Linen, towel and diaper services;
- (12) Monument sales;
- (13) Orthopedic and medical supplies sales and service;
- (14) Printing, publishing and lithography;
- (15) Parcel delivery station, not including motor freight terminal;
- (16) Personal communication facility, located on property owned by the village or other government entity;
- (17) Radio and television studios, no transmission towers;
- (18) Restaurant, including drive-through facilities, alcohol sales and outdoor seating;

(19) Food truck or food truck operator, subject to the requirements of Chapter 129 (Food Trucks and Food Truck Operators), but only when the food truck in question is operated in connection with the operation of an establishment licensed to serve alcoholic beverages for on premises consumption through a duly issued Class M-1 or Class O liquor license issued by the Local Liquor Control Commissioner in accordance with the provisions of Chapter 112 of the Village Code of Ordinances.

(C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, Special Uses of this chapter, the Corporate Authorities of the village may, by "special use permit" allow the following in the district:

- (1) Special uses as listed in the B-2 Community Shopping District;
- (2) Agricultural implements sales and service;
- (3) Animal hospitals, veterinarian office, including boarding of animals;
- (4) Building materials sales and service, where materials are stored within an enclosed area;
- (5) Crematoriums;
- (6) Depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses subject to the following conditions.

- (a) Drive through facilities are permitted. New drive through facilities shall not face a public street.
- (b) Indoor and parking lot security cameras are required in conformance with this chapter.
- (c) Development of new depository and non-depository credit uses.
  - 1. New construction on heretofore vacant lots must be a minimum of two stories in height.
  - 2. The second story must be functional and cover a minimum of 75% of the floor area of the first floor.
  - 3. New institutions in existing buildings are not required to add a second story. Existing drive through facilities shall be allowed to continue but may not be expanded.

- (7) Flex space with less than 50% office space but more than 20% office space;
- (8) Full-Service Hotel;
- (9) Lumber yards, provided that the yard contains a principal building of at least 5,000 square feet;
- (10) Massage parlor;
- (11) Open sales lots in accordance with the special provisions as noted in § 159.070(L) of this chapter;
- (12) Resale of used clothing and/or resale of used sporting equipment only; not to include pawn shops;
- (13) Retail sale of general household merchandise previously owned by the intended user or consumer, including clothing, furniture, home decor items, kitchen utensils and small appliances, consumer electronics, sporting goods, toys, recreational equipment and other household goods, but excluding merchandise marketed, held out, sold, valued or otherwise considered as antique merchandise, and excluding pawn shops and precious metal purchase shops, subject to the following conditions:
  - (a) All sales of merchandise permitted hereunder shall be conducted entirely from within a freestanding building not less than 15,000 square feet in area;
  - (b) All buildings used for the sale of merchandise permitted hereunder shall include separate entrances for retail customers and persons delivering previously owned merchandise to the establishment;
  - (c) All deliveries of merchandise to a building used for the sale of merchandise as permitted hereunder shall be made in person to an employee of the establishment during such hours as the establishment is open to the general public, and the use of unattended containers, receptacles, depositories, boxes or like devices for the receipt or collection of merchandise to be sold as contemplated hereunder shall be prohibited.
- (14) Spa or day spa;
- (15) Sports arenas, stadiums;
- (16) Sporting goods including firearms sales and service. Facility shall not include a firing range;
- (17) Swimming pool sales and service;
- (18) Theaters, including drive-in;
- (19) Personal communication facility (see § 159.021);
- (20) Automobile dealerships, which concentrates its business primarily in the sale of new passenger vehicles, but also including the servicing of vehicles and the sales of used vehicles in connection with the dealership, subject to the following requirements:
  - (a) Must be located on a lot that is at least five acres in size;
  - (b) The property must include a sales/showroom and service building of at least 40,000 square feet in size.
- (21) Self-storage facilities.

(D) Temporary uses. Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use or with § 159.020 of this chapter. Accessory uses may include the following:

- (1) Storage building/structure accessory and used exclusively by the occupants/tenants/owners of the premises;
- (2) Real estate signs, not exceeding 32 square feet for each face and setback from every property line at least ten feet.
- (3) Outdoor dining areas, subject to the requirements of §159.070(K).
- (4) Outdoor sales, subject to the requirements of §159.072(E).
- (5) Provision of massage or massage therapy, where incidental to or offered in conjunction with any of the following lawfully established principal uses: hospital, sanitarium, nursing home, physical therapy or rehabilitation clinic, health or fitness club, spa or day spa, or the practice of any branch of the healing arts as currently and validly licensed by the State of Illinois.

(F) Site and structure requirements:

- (1) District size. The minimum area for the B-3 District shall be not less than ten acres. There is no maximum limit on the area of a B-3 District.

- (2) Individual lot area. Individual lots within a B-3 District shall have a minimum area of 15,000 square feet.
- (3) Individual lot width/frontage. Individual lot width shall be a minimum lot width of 100 feet, corner lots shall be a minimum of 160 feet.
- (4) Lot depth. The minimum lot depth for each lot shall not be less than 150 feet.
- (5) Lot coverage/impervious surface. Lot coverage/impervious surface shall not exceed 60% of the lot. Lot coverage plus impervious surface coverage shall not exceed a total of 85% of the total lot.
- (6) Building height. No building or structure shall be erected or altered to exceed a maximum height of 40 feet or three stories, whichever is less.
- (7) Setbacks.
  - (a) Front yards, shall be not less than 60 feet from the property line;
  - (b) Side yards, shall be not less than ten feet for each side yard from the property line;
  - (c) Rear yards, shall be not less than 30 feet from the property line; and
  - (d) Transitional yards, where the district adjoins a residential district, shall be provided in accordance with the following:

1. Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along the side or rear lot line. This yard shall be equal in dimension to the minimum side yard which would be required under this chapter for residential use or the adjacent property in the residence district;

2. Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a resident district, a yard equal in depth to the minimum front yard required by this chapter on the adjacent lot in the residence district shall be provided along the front or side lot line for a distance of at least 25 feet, from such a lot in the residence district. There shall be an unobstructed, green setback of no less than ten feet along the remainder of the front or side lot line; and

3. If a rear lot line of a lot is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along that rear lot line equal in dimension to the minimum side yard required under this chapter on the adjacent residential lot.

- (8) Floor area ratio (F.A.R.). For all uses the floor area ratio for each lot shall not exceed eight tenths (0.8).

(Am. Ord. 05-0312, passed 2-1-06; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0509, passed 2-21-07; Am. Ord. 07-0599, passed 12-19-07; Am. Ord. 08-0651, passed 5-21-08; Am. Ord. 10-0816, passed 1-20-10; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 14-1086, passed 2-5-14; Am. Ord. 14-1097, passed 3-19-14; Am. Ord. 16-1290, passed 7-6-16; Am. Ord. 17-1375, passed 5-17-17; Am. Ord. 19-1533, passed 1-16-19)

#### **§ 159.074 B-4 AUTOMOTIVE SERVICE DISTRICT.**

(A) Intent and purpose. The purpose of this district is intended to provide certain areas for automotive service and related types of uses. The district is intended to be located away from major highways and residential uses.

- (B) Permitted uses. Permitted uses shall include the following:

- (1) Automotive dealerships, sales and services;
- (2) Automotive driving schools;
- (3) Automotive, truck and trailer rental agencies;
- (4) Automotive parts and accessory stores, sales and service;
- (5) Battery, mufflers, shocks and tires sales and service;
- (6) Bottled gas sales and service;
- (7) Diagnostic service centers, motor vehicles;
- (8) Car wash, truck wash, mechanical or self service;
- (9) Contractors yards;
- (10) Equipment rentals and leasing services with outdoor repair services within a screened/enclosed yard;
- (11) Filtration plants, pumping stations and waste-water treatment facilities;
- (12) Garage, truck or bus;
- (13) Heavy equipment sales and service;
- (14) Motor vehicle body shop, repair and rebuilding;
- (15) Motor vehicle towing services, no outdoor storage;
- (16) Paint shop, automotive;
- (17) Public service or municipal garage;
- (18) Public utility and governmental service uses, including, but not limited to the following:
  - (a) Electric distribution stations;
  - (b) Fire and Police stations;
  - (c) Gas regulator stations;

- (d) Radio and television towers and stations;
  - (e) Railroad rights-of-way;
  - (f) Telephone exchange buildings, microwave relay towers, and telephone transmission equipment and buildings.
- (19) Personal communication facility, located on property owned by the village or other government entity;
- (20) Auto repairs, indoor only, not including paint and body shop services;
- (21) Boat, trailer, camper sales and service, in accordance with §159.070(K);
- (22) Mobile home sales and service, in accordance with §159.070(K).
- (23) Shopping center (PUD required).

(C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the district:

- (1) Heavy equipment sales and service, with outdoor storage;
- (2) Paint shop, automotive, with outdoor storage;
- (3) Truck stop with repair services;
- (4) Motor vehicle towing services, with outdoor storage;
- (5) Off premise or outdoor advertising (billboard) sign, see requirements contained in §§159.121 et seq. (Signage);
- (6) Personal communication facility (see § 159.021);
- (7) Gasoline service stations, retail sales only, with convenience stores;
- (8) Planned unit development;
- (9) Churches and church-schools, and other places of worship.

(D) Temporary uses. Upon application to and issuance by the Zoning Administrator of a permit thereof, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Officer. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.

(E) Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use or with § 159.020 of this chapter. Accessory uses may include the following:

- (1) Storage building/structure accessory and used exclusively by the occupants/tenants/owners of the premises;
- (2) Real estate signs, not exceeding 32 square feet for each face and setback from every property line at least ten feet;
- (3) Outdoor sales, subject to the requirements of §159.072(E).

(F) Site and structure requirements:

- (1) District size. The minimum area for the B-4 District shall be not less than five acres.
- (2) Individual lot area. Individual lots within a B-4 District shall have a minimum area of one acre, 43,560 square feet.
- (3) Individual lot width/frontage. Individual lot width shall be a minimum lot width of 150 feet, corner lots shall be a minimum of 200 feet.
- (4) Lot depth. The minimum lot depth for each lot shall not be less than 300 feet.
- (5) Lot coverage/impervious surface. Lot coverage/impervious surface shall not exceed 60% of the lot. Lot coverage plus impervious surface coverage shall not exceed a total of 85% of the total lot.
- (6) Building height. No building or structure shall be erected or altered to exceed a maximum height of 25 feet or two stories, whichever is less.

(7) Setbacks.

- (a) Front yards, shall be not less than 50 feet from the property line;
- (b) Side yards, shall be not less than ten feet for each side yard from the property line;
- (c) Rear yards, shall be not less than 30 feet from the property line; and
- (d) Transitional yards, where the district adjoins a residential district, shall be provided in accordance with the following:

1. Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along the side or rear lot line. This yard shall be equal in dimension to the minimum side yard which would be required under this chapter for residential use or the adjacent property in the residence district;

2. Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a resident district, a yard equal in depth to the minimum front yard required by this chapter on the adjacent lot in the residence district shall be provided along the front or side lot line for a distance of at least 25 feet, from such a lot in the residence district. There shall be an unobstructed, green setback of no less than ten feet along the remainder of the front or side lot line; and

3. If a rear lot line of a lot is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along that rear lot line equal in dimension to the minimum side yard required under this chapter on the adjacent residential lot.

(8) Floor area ratio (F.A.R.). For all uses the floor area ratio (F.A.R.) for each lot shall not exceed one and two tenths (1.2).

(Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0509, passed 2-21-07; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 18-1482, passed 5-16-18)

## **§ 159.075 P-B, PLANNED BUSINESS DISTRICT.**

(A) Intent and purpose. The purpose of the P-B District is to provide for a setting whereby multiple use, contemporary business park development can occur. The district may be established only in those instances where the compatibility of a wide variety of architectural design standards, landscape design standards, and restrictive covenants which have been previously adopted by the Village Board, have been found to exist at the time of any request to amend a current zoning parcel to the P-B District. Only parcels that are a minimum of 40 acres in size and under single ownership or unified control at the time of application shall be considered for amendment to the P-B District. The Village Board shall determine that adequacy of any proposed amendment to the P-B District. Because developments within the P-B District, like planned unit developments, are expected to incorporate multiple uses and a variety of design standards in a contemporary business park setting, which uses may have unique or unusual impacts on the use and enjoyment of property in the Village, the Village Board may authorize departures and exceptions from strict conformance with the dimension, area, height, bulk and other regulations and limitations of the P-B District, of the other provisions of this chapter and of the other codes and ordinances of the village, provided the same are specified in an annexation agreement, in an ordinance that provides for the zoning of property in the P-B District or in an ordinance or resolution that approves a conceptual, preliminary or final site plan for a use that is to be constructed in the district.

(B) Permitted uses. Permitted uses shall include the following:

(1) Casino (land based) subject to the approval of a development agreement by and between the village and developer;

(2) Offices: business, professional, governmental and medical;

(3) Service business uses shall include the following:

(a) Automobile rental or leasing service;

(b) Depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses subject to the following conditions.

1. Drive through facilities are permitted. New drive through facilities shall not face a public street.

2. Indoor and parking lot security cameras are required in conformance with this chapter.

3. Development of new depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses.

a. New construction on heretofore vacant lots must be a minimum of two stories in height.

b. The second story must be functional and cover a minimum of 75% of the floor area of the first floor.

c. New institutions in existing buildings are not required to add a second story. Existing drive through facilities shall be allowed to continue but may not be expanded.

(c) Conference centers;

(d) Data processing and computer center, including service and maintenance;

(e) Gas/service stations;

(f) Health, tennis, racquetball, recreation clubs, fitness clubs, and spa or day spa;

(g) Philanthropic and charitable institutions;

(h) Restaurants, including alcohol sales and service, and drive-in or drive-through service;

(i) Schools - business, corporate training, data processing or electronics.

(4) Industrial type uses shall include the following:

(a) Food processing, handling, distribution and warehousing;

(b) Laboratories, offices, and other facilities for research testing, data analysis and development;

(c) Light manufacturing and assembly;

(d) Printing and publishing;

(e) Storage and distribution not including bulk commodities or motor freight terminals;

(f) Product research and development;

(g) Warehouse including storage of materials, goods or products and office uses related thereto, provided that all storage occurs within a completely enclosed building;

(h) Showrooms and distribution facilities.

(5) Temporary uses of the land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction related to a parcel of land which the temporary construction yard is an integral part, provided such facilities shall be located not less than 200 feet from any building used for residential purposes (that building not being a part of the development site subdivision-planned development), and provided that the period of such temporary use shall not exceed the duration of the construction for the development of the site;

(6) Accessory uses customarily incidental to the above uses or permitted in any of the Manufacturing Districts including structured parking. The retail uses permitted pursuant to this subdivision shall be included within the same building as to which such use is accessory, provided that the use permitted pursuant to this subdivision may be accessed directly from the outside by clients or customers and such use may be advertised by signage that is separate from that to which it is accessory;

(7) Personal communication facility, located on property owned by the village or other government entity;

(8) Shopping center (PUD required);

(9) Public utility and/or service type uses as follows:

(a) Essential services including fully-automated gas regulation stations;

(b) Railroad passenger stations when not located on railroad property;

(c) Water works, reservoirs, pumping stations, filtration plants and wells;

(d) Sewage treatment plants;

(e) Other governmental and utility service uses.

(10) Food truck or food truck operator, subject to requirements of Chapter 129 (Food Trucks and Food Truck Operators) of this Code of Ordinances.

(C) Special uses. Upon recommendation by the Planning & Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, Special Uses of this Chapter, the corporate authorities of the village may, by "special use permit" allow the following in the district:

(1) Churches, church schools and other places of worship.

(2) Day care center and/or night care facilities;

(3) Full service hotel;

(4) Heliports;

(5) Hospitals;

(6) Hotel;

(7) Cannabis facility: As used in this chapter, "cannabis facility" shall mean a "dispensing organization," "infuser," "processor," or "transporter" as defined in the "Compassionate Use of Medical Cannabis Pilot Program Act", 410 ILCS 130/1 et seq. and the "Cannabis Regulation and Tax Act," P.A. 101-27 (hereinafter collectively referred to as "the Cannabis Acts"). In addition to all other special use permit standards required to be met pursuant to this chapter, distribution facilities for medical cannabis shall meet the specific standards listed below:

(a) Dispensing organizations, infuser, processor, transporter, located within the village shall be and are required to be established, operated, and maintained in full compliance with the Cannabis Acts and all other applicable village ordinances and Illinois statutes.

(b) Dispensing organizations, infuser, processor, transporter, shall not be located within 750 feet of the property line of any pre-existing public or private pre-schools, elementary schools, secondary schools, or day care centers. Dispensing organizations, infuser, processor, transporter, shall not be located within 750 feet of any property zoned within the UD University zoning district, or within 500 feet of an area zoned for residential. In addition, dispensing organizations, infuser, processor, transporter, shall not be located within 750 feet from any of the following identified locations: any public library within the limits of the village, the Romeoville Village Hall, the Romeoville Recreation Center, or the Edward Athletic and Event Center. For purposes of division (C)(7) of this section, the relevant distance shall be measured between the nearest points on the property lines of the lot(s), tract(s) or tax parcel(s) used for cannabis related uses, and the lot(s), tract(s) or tax parcel(s) or zoning districts from which any separation required by division (C)(7) of this section shall be maintained.

1. In addition to the distance/separation requirements otherwise set forth in this section, any dispensing organization, infuser, processor, transporter, located in a P-B zoning district shall not be located within 750 feet of any church or place of worship within the corporate limits of the village that is located in a zoning district other than a P-B zoning district, an M-1 zoning district or an M-2 zoning district.

(c) Dispensing organizations, infuser, processor, transporter, shall not be located in any building containing, in whole or in part, any residential uses.

(8) Outdoor dining areas, accessory to a permitted use serving liquor.

(9) Planned unit developments in accordance with the provisions under §§159.150 through 159.157;

(10) Satellite antenna dishes conforming to §159.021;

(11) Other uses: Other non-retail office, financial, institutional and industrial uses, not specifically listed above when found to have economic and performance compatibility with the established uses or adjoining properties.

(D) General conditions.

(1) Not more than one principal building or structure shall be located on a zoning lot within this district, except as a planned development;

(2) Every use, unless expressly exempted by this section, shall be operated in its entirety within a completely enclosed building;

(3) Outdoor storage of goods, products, materials, supplies, machinery, or equipment shall not be permitted. Commercial vehicles shall be enclosed with a fence or a solid landscape screen or any combination thereof at a height of not less than six feet above grade;

(4) Except as otherwise provided, establishments of drive-in or drive-through types are prohibited;

(5) Every use, unless expressly exempted by this section shall comply with the "Performance Standards", §§159.022 through 159.027

of this chapter, if applicable. All retail uses, unless expressly exempted by this section, shall comply with the Business District standards provided in § 159.070 of this chapter;

(6) Requests for uses or building permits of an industrial nature in the P-B District, shall be required to be accompanied by a certificate from a scientific research laboratory or consultant approved by the Village Board certifying compliance with the "Performance Standards" as required in this section, if such certificate is requested by the Village Board;

(7) Not less than 15% of the lot area shall be provided for landscaping and open space purposes;

(8) A complete landscape plan prepared by a "landscape architect" or qualified landscape contractor shall be presented to the Planning and Zoning Commission for review and recommendation to the Village Board for their action before the issuance of a building permit; and

(9) Outside lighting shall be designed and placed so as not to be disturbing to adjacent residential areas or traffic or public roadways.

(E) Site and structure requirements.

(1) District size. The minimum area for the P-B District shall be not less than ten acres.

(2) Individual lot area. Individual lots within a P-B District shall have a minimum area of 20,000 square feet.

(3) Individual lot width/frontage. Individual lot width shall be a minimum lot width of 125 feet, corner lots shall be a minimum of 175 feet.

(4) Lot depth. The minimum lot depth for each lot shall not be less than 160 feet.

(5) Lot coverage/impervious surface. Lot coverage/impervious surface shall not exceed 60% of the lot. Lot coverage plus impervious 85% of the total lot.

(6) Building height. The height of any building or structure shall not exceed three stories or 50 feet, except as provided for in increased yard setbacks where additional building height is being considered, the setback or the required yard shall be increased by 1/2 a foot for each foot of building height in excess of 50 feet. Parking shall be permitted in the additional yard.

(7) Setbacks.

(a) Front yards, shall be not less than 50 feet in depth along major or secondary arterials, or a major collector as defined by § 159.003 and the Village of Romeoville Master Transportation Plan, or 35 feet along all other roadways;

(b) Side yards, there shall be two side yards, neither of which shall be less than 20 feet in width, except as provided by the divisions below;

(c) Rear yards, there shall be a rear yard of not less than 30 feet in depth, except as provided by the divisions below;

(d) Rear and side yards adjacent to water areas. When 50% or more of a rear or side property line is immediately adjacent to a natural water area or a storm water retention/detention area which includes, at its narrowest point, a minimum width of 20 feet, the required rear and side yard shall be ten feet. This provision shall only apply if adequate access is available to said water area; and,

(e) Transitional yards, where the district adjoins a residential district, shall be provided in accordance with the following:

1. Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along the side or rear lot line. This yard shall be equal in dimension to the minimum side yard which would be required under this chapter for residential use or the adjacent property in the residence district;

2. Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a resident district, a yard equal in depth to the minimum front yard required by this chapter on the adjacent lot in the residence district shall be provided along the front or side lot line for a distance of at least 25 feet, from such a lot in the residence district. There shall be an unobstructed, green setback of no less than ten feet along the remainder of the front or side lot line; and

3. If a rear lot line of a lot is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along that rear lot line equal in dimension to the minimum side yard required under this chapter on the adjacent residential lot.

(8) Floor area ratio (F.A.R.). The floor area ratio shall not exceed six tenths (0.60) for a single story building, nor one (1.00) for a multi-story building.

(9) Special provisions.

(a) Signage. Signage as permitted by §§ 159.121 through 159.133 of this chapter.

(b) Off-street parking, loading/ unloading. Off-street parking and loading facilities shall be provided as required or permitted by §§ 159.105 through 159.111 of this chapter, except parking setbacks shall be as follows:

1. Front Yard: 35 feet;
2. Side or Rear Yard: Ten feet;
3. Side or rear yard adjacent to a residential use: 50 feet; and
4. No parking in corner side yards.

(10) Accessory uses accessory uses, buildings, or other structures and devices customarily incidental to or commonly associated with a permitted or special use may be permitted, provided they are operated and maintained under the same ownership and on the same parcel and do not include structures or structural features inconsistent with the permitted or special use or with § 159.020 of this chapter. Accessory uses may include the following:

(a) Storage building /structure accessory to and used exclusively by the occupants/tenants/owners of the premises.

(b) Real estate signs not exceeding 32 square feet for each face and set back from every property line at least ten feet.

(c) Outdoor dining areas, subject to the requirements of §159.070(K).

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0599, passed 12-19-07; Am. Ord. 08-0651, passed 5-21-08; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 10-0816, passed 1-20-10; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 12-0990, passed 7-18-12; Am. Ord. 14-1086, passed 2-5-14; Am. Ord. 16-1306, passed 9-7-16; Am. Ord. 18-1482, passed 5-16-18; Am. Ord. 19-1606, passed 12-18-19; Am. Ord. 20-1675, passed 12-16-20)

## **§ 159.076 DD - DOWNTOWN DISTRICT.**

(A) Intent and purpose. The Downtown District is intended to create a distinctive, walkable neighborhood that features a variety and concentration of valuable destinations and activities. In conjunction with the Downtown Master Plan and the Downtown Design Guidelines, it is intended to:

- (1) Create a more viable, walkable shopping experience;
- (2) Introduce additional residents to the area;
- (3) Create a compelling space for socializing and community events;
- (4) Improve resident and visitor hospitality; and
- (5) Improve and maintain the overall appearance.

(B) Permitted uses.

- (1) Retail.
  - (a) Antique shops.
  - (b) Appliance stores.
  - (c) Art galleries, studios and sales.
  - (d) Art and school supply stores.
  - (e) Auto accessory stores, retail sales only, no repairs.
  - (f) Bakeries, in which manufacture of goods is limited to those retailed on the premises.
  - (g) Bicycle shops, sales and repairs.
  - (h) Book stores.
  - (i) Bridal shops.
  - (j) Business machine sales and service.
  - (k) Butcher shops.
  - (l) Camera stores.
  - (m) Camping equipment sales and rental (excluding trailers and similar campers).
  - (n) Candle shops.
  - (o) Candy and confectionery stores.
  - (p) Card shops.
  - (q) Carpet stores.
  - (r) Cell phone store.
  - (s) Children's apparel shops.
  - (t) China and glassware stores.
  - (u) Christmas shops.
  - (v) Clothing, sales, repair and alterations.
  - (w) Coin and philatelic (stamp collector) stores.
  - (x) Computers, sales and service.
  - (y) Convenience store.
  - (z) Creative industries.
    1. Paint-it pottery.
    2. Scrapbook stores.
    3. Dance studios.
    4. Martial arts studios.

- (dd) Florist shops.
  - (ee) Food stores, including grocery, convenience and specialty (coffee, fudge, health, vitamins, and the like).
  - (ff) Furniture and home furnishing stores.
  - (gg) Gift shops.
  - (hh) Hardware, paint, and wallpaper stores.
  - (ii) Hearing aid stores.
  - (jj) Hobby shops.
  - (kk) Jewelry stores, watch repair and sales.
  - (ll) Ladies apparel stores.
  - (mm) Leather goods and luggage stores.
  - (nn) Linen and bath shops.
  - (oo) Men's apparel stores.
  - (pp) Millinery and haberdasheries.
  - (qq) Musical instrument sales and repairs.
  - (rr) Music stores dealing in the sales of phonographs, records, tape recorders, tapes, sheet music, compact discs, laser discs, and/or cassette tapes.
  - (ss) Newsstands.
  - (tt) Office supplies and equipment stores, retail sales.
  - (uu) Orthopedic and medical appliance stores.
  - (vv) Packaged liquor stores, provided that no more than 40% of the square footage of the retail establishment is used for liquor sales.
  - (ww) Pet stores, sales and supplies.
  - (xx) Photo studios.
  - (yy) Plumbing supplies sales and service.
  - (zz) Pottery shops.
  - (aaa) Radio and television sales and service, including video recorders, tapes, sales and rentals.
  - (bbb) Catalogue (order taking) offices of mail-order houses, retail.
  - (ccc) Sewing machine sales and services.
  - (ddd) Shoe sales and repair.
  - (eee) Special import stores.
  - (fff) Sporting goods sales, service, and rental.
  - (ggg) Sports card, comic book stores.
  - (hhh) Stationary stores.
  - (iii) Tobacco shops.
  - (jjj) Toy stores.
  - (kkk) Variety and notion stores.
  - (lll) Farmer's market.
- (2) Dining and entertainment.
- (a) Restaurants and eating places (without drive-through).
  - (b) Ice cream stores or stands.
  - (c) Delicatessens.
  - (d) Amusement centers, indoor only.
- (3) Business and services.
- (a) Artist and design studios.
  - (b) Depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses subject to the following conditions.
    1. Drive thrus are not permitted.
    2. Indoor and parking lot security cameras are required in conformance with this chapter.

3. Development of new depository and non-depository credit institutions, banks, currency exchanges, pay day loans, and similar uses.

- a. New construction on heretofore vacant lots must be a minimum of two stories in height.
  - b. The second story must be functional and cover a minimum of 75% of the floor area of the first floor.
  - c. New institutions in existing buildings are not required to add a second story.
  - (c) Beauty and barber shops.
  - (d) Brokerage houses.
  - (e) Catering services.
  - (f) Chambers of commerce.
  - (g) Charitable organizations.
  - (h) Child day care facilities or mini day care center (See §159.003 for definition).
  - (i) Civic associations.
  - (j) Clothing and costume rental store.
  - (k) Clubs and lodges, private, fraternal or religious.
  - (l) Credit agencies.
  - (m) Currency exchanges.
  - (n) Data processing centers.
  - (o) Dry cleaning shops.
  - (p) Employment agencies.
  - (q) Electrical and household appliance sales and repair.
  - (r) Exhibition centers, meeting halls, community center.
  - (s) Furniture repair.
  - (t) Funeral parlor, mortuary (may include cremation as an accessory use).
  - (u) Furrier shops, storage and conditioning.
  - (v) General repair shops (not automotive).
  - (w) Gift wrapping and mailing services.
  - (x) Interior decorating sales and service.
  - (y) Laundries.
  - (z) Libraries.
  - (aa) Locksmiths.
  - (bb) Mailing and business centers (faxing, mailboxes, and the like).
  - (cc) Merchants' associations.
  - (dd) Newspaper offices.
  - (ee) Pet groomers, without overnight stays.
  - (ff) Photocopying and printing (including blueprints).
  - (gg) Photographic and art studio.
  - (hh) Picture framing.
  - (ii) Radio and television: service, repair and studios.
  - (jj) Real estate offices.
  - (kk) Security and commodity brokers.
  - (ll) Shoe repair shops.
  - (mm) Tailor or dressmaker shop.
  - (nn) Theaters, indoor only.
  - (oo) Travel agency.
  - (pp) Upholstery stores.
  - (qq) Video rentals.
- (4) Professional offices.

- (a) Accounting, auditing, and bookkeeping offices.
- (b) Attorney and law offices.
- (c) Business and management consultants.
- (d) Engineering and architectural services.
- (e) Insurance agencies.
- (f) Investment companies.
- (g) Land surveyors.
- (h) Landscape architects.
- (i) Professional consultants.
- (j) Real estate offices.

(5) Medical offices - Doctor's, surgeon's and/or physician's offices including:

- (a) Chiropractor's offices.
- (b) Dentist's offices.
- (c) Opticians.
- (d) Ophthalmologists.
- (e) Osteopath's offices.
- (f) Podiatrist's offices.
- (g) Medical clinic.

(6) Personal care.

- (a) Barber.
- (b) Hair salon.
- (c) Nail salon.
- (d) Tanning salon.
- (e) Tailor or dressmaker shop.

(7) Institutional.

- (a) Civic buildings.
- (b) Museum.
- (c) Post office.
- (d) Theatres and auditoriums.
- (e) Personal communication facility, located on property owned by the village or other government entity.
- (f) Churches and church-schools, and other places of worship.

(8) Conditional uses - Normantown and Independence. The following uses are permitted in buildings located within 150 feet of Normantown Road or Independence Boulevard provided that they face and their lots have frontage on Normantown Road or Independence Boulevard.

- (a) Drive-thru facilities for banks.
- (b) Drive-thru facilities for pharmacies or drug stores.
- (c) Drive-thru facilities for restaurants.
- (d) Drive-thru facilities for ice cream stores.
- (e) Christmas tree sales lots, subject to the requirements of §159.072(E).
- (f) Public parking garages.
- (g) Community centers.
- (h) Health clubs, tennis/racquet clubs.
- (i) Commercial or trade schools (dance studios, music schools, or martial arts).
- (j) Business schools.

(9) Conditional uses - residential. The following uses are permitted only on the south side of Alexander Circle and on the lots that are bounded on the west by Dalhart Avenue and on the east by Townhall Drive. (See picture, Appendix B(D))

- (a) Three story multi-family condominiums buildings.
- (b) Single-family, attached residences.

(10) Special uses. The following uses are permitted in the D-D as special uses.

- (a) Apartments above ground floor commercial uses.
- (b) Multi-family multi-story condominium buildings.
- (c) Four-story buildings provided that the fourth-storey incorporates superior architectural detailing.
- (d) Drive-thru facilities for banks.
- (e) Drive-thru facilities for restaurants.

(f) Pubs. (The applicant shall be required to provide a business plan which shall describe the nature of the property, the size of the bar, the customer areas, whether there will be live entertainment, whether food will be served, and such other information as the Village shall reasonably require, including but not necessarily limited to a depiction of the proposed interior of the premises.)

(11) Accessory uses.

(a) For the purposes of this subchapter, accessory uses shall include buildings or other structures customarily incidental to, and commonly associated with a permitted or special use. These uses shall be permitted, provided they:

- 1. Are operated and maintained under the same ownership and are located on the same lot as the permitted or special use.
- 2. Do not include structures or structural features inconsistent with these uses.

(C) Site and structure requirements.

(1) Building height.

(a) Purpose. Multi-story buildings will line the Downtown streets creating an interesting, pedestrian-friendly environment.

(b) Description. The Downtown District will feature a variety of multi-story buildings housing different uses. As in a traditional downtown, heights will vary based on the use of the building and its location.

(c) Criteria /standard/regulations.

- 1. Commercial and mixed use buildings are subject to the following requirements:
  - a. The minimum building height is 20 feet.
  - b. Buildings must be at least two stories tall.
  - c. The maximum building height is 40 feet.
  - d. Additional height, in the case of superior architectural elements, may be permitted by special use permit subject to such conditions as the Village Board may reasonably require. See division(C)(10)(c).

2. Townhomes are subject to the following requirements.

a. Townhomes shall be between two and three stories in height, allowing the Downtown to step down in intensity into the surrounding neighborhoods.

- b. The minimum height of the townhomes shall be 18 feet.
- c. The maximum height of the townhomes shall be 35 feet.

d. Additional height, in the case of superior architectural elements, may be permitted by Special Use Permit subject to such conditions as the Village Board may reasonably require. See division(C)(10)(c).

3. Multi-family condominium buildings are subject to the following requirements.

a. Building height shall be maintained at three stories for multi-family condominium buildings. The Village Board may approve, as a special use, taller multi-family condominium buildings with superior architectural elements, subject to such conditions as the Village Board may reasonably require. See division(C)(10)(c).

- b. The minimum height of the multi-family condominium buildings shall be 25 feet.
- c. The maximum height of the multi-family condominium buildings shall be 30 feet, unless taller buildings are approved by special use permit.

(2) Building setbacks.

(a) Purpose. The buildings in the Downtown District will be located close to the street to foster an animated, pedestrian-friendly environment.

(b) Discussion. By locating buildings closer to the street, the pedestrian experience is enhanced thereby fostering walking and window shopping. Buildings will be located such that they frame the pedestrian realm while providing ample space for business operation and private yards on the townhomes.

(c) Criteria/standard/regulation.

1. The building setbacks are as follows.

a. New construction and infill buildings must maintain the alignment of facades along the sidewalk edge by following a build-to line. Exceptions may be granted if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape. (See diagram, Appendix B(E))

- b. There is no minimum front/corner side yard setback except along Normantown Road and Independence Boulevard.

- c. The front /corner side yard building setback line may be extended to 15 feet along all streets except Normantown Road and

Independence Boulevard if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape. (Examples are for outdoor dining areas and front yards on townhomes.) The setback must be covered in a hard surface and must be consistent with the village's Uniform Paving Plan. At a minimum, the hard surface must be concrete with a heavy brush finish and California score joints. Brick pavers, slate, and stamped concrete are also acceptable surface materials.

d. The minimum front/corner side yard setback is 40 feet along Normantown Road and Independence Boulevard, inclusive of one row of parking and a drive aisle.

e. The front/corner side yard building setback line may be extended to 55 feet along Normantown Road and Independence Boulevard if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape. The setback must be covered in a hard surface and must be consistent with the village's Uniform Paving Plan. At a minimum, the hard surface must be concrete with a heavy brush finish and California score joints. Brick pavers, slate, and stamped concrete are also acceptable surface materials.

f. The minimum rear building setback line shall be ten feet.

g. There shall be no minimum setback line for interior sideyards.

(3) Building massing and form.

(a) Purpose. The streets of Downtown shall be reminiscent of a traditional downtown with a variety of different stores and buildings constructed over an extended period of time.

(b) Discussion. To give the impression of a traditional downtown, buildings shall either be small be multidimensional in scale.

(c) Criteria/standard/regulations.

1. Buildings shall face the streets on which they have frontage.

2. For every 50 linear feet of building frontage, there must be a change in horizontal plane to break up the large wall plane. The projection may consist of setbacks, recesses, changes in plane accompanied by material changes, roof decks, balconies, or bay windows. (See picture, Appendix B(F))

3. For every 50 linear feet of building frontage, there must also be a change in vertical plane. Height variations, stepped roofs, and gables may be used to satisfy this requirement.

4. There shall be no maximum lot coverage.

(4) Architectural theme. A variety of urban architectural themes may be used in the Downtown District. The architecture of Downtown will not be limited to one era as a variety of complimentary styles will create a diverse district with the appearance of a downtown built over time.

(5) Franchise/signature architecture franchise architecture or signature architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is not allowed.

(6) Building design - commercial buildings.

(a) Purpose. Downtown will incorporate interesting and animated streetscapes that encourage pedestrianism.

(b) Discussion. Buildings in Downtown will be designed at a pedestrian scale to encourage people to stroll along the streets and visit multiple destinations. This involves the use of detailed building elements, especially along the ground floor elevation, that are interesting at a walker's pace.

(c) Criteria/standard/regulations.

1. Commercial buildings - essential elements. The following elements are essential to creating a pedestrian-oriented environment and must be incorporated into the design of each commercial and/or mixed-use building.

a. Buildings must maintain the quality of their character from any viewing angle (360 degree architecture). All sides of a building must be elevated. The materials used and horizontal design elements (such as banding) used on the primary facades must be wrapped around the building. (See picture, Appendix B(G))

b. The ground floor must generally be located as close to the sidewalk elevation level as possible so that it is at the same level as pedestrians passed by. (See picture, Appendix B(H))

c. Buildings shall maintain a distinction between ground floor and superior floor architectural treatments where the ground floor incorporates larger scaled display windows and weather protected entries and the superior floors incorporate smaller windows and design elements.

d. Building components, such as windows, doors, roofs, and balconies, shall have good proportions and relationships to one another. (See picture, Appendix B(I))

e. The buildings must be compatible with neighboring buildings. Buildings must be designed so that at least two of the following elements are similar to those on adjacent buildings.

(i) Wall heights.

(ii) Design of eaves.

(iii) Design and location pf parapets.

(iv) Location and scale of awnings.

(v) Design and scale of entryways.

(vi) Window styles.

f. An entrance must be provided to each business. Corner entrances and entrances facing each street are encouraged for businesses with frontage on multiple streets.

g. The primary entrance must be accentuated through the use of architectural embellishments such as columns, roof overhangs, and pilasters.

h. Pedestrian weather protection, in the form of an awning, canopy, recessed entry, or other building element must be incorporated into the design of each primary entrance to provide a covered pedestrian space. The space must meet the criteria set forth in these regulations.

i. The materials and colors, roof forms, fenestration, entries, signage and lighting used on the buildings must meet the supplemental regulations also contained in these guidelines.

(d) Commercial buildings - options. In addition to meeting the above requirements, building facades which face sidewalks or rights-of-way must incorporate at least three of the following elements.

1. Bay windows or other window treatments that extend out from the building facade.
2. Articulated or varied roof forms.
3. Columns defining the pedestrian area or entryway.
4. Detailed paneling framing the entry and windows.
5. Balconies or roof decks at upper stories.
6. Decorative iron railings (ex. Parisian balconies) at superior floor doors and windows.
7. Decorative iron railings to define pedestrian space.
8. Detailed window architecture such as arched tops, columns framing windows and decorative lintels.

(e) Residential buildings - essential elements. The following elements are considered essential to creating an interesting residential streetscape and must be incorporated into the design of residential buildings.

1. Thirty-six inch tall decorative wrought iron fences shall be installed along the perimeter of the front yards of the townhome properties.

2. A mix of shrubbery must be installed around the base on the townhome or multi-family condominium buildings to screen the foundation.

3. Each townhome unit shall incorporate a front porch not less than five feet deep across no less than 50% of the front facade of the building. The front porch may project up to eight feet into the front yard or corner side-yard setback.

(f) Residential buildings - options. Residential buildings (townhomes or multi-family condominiums) shall include at least three additional ornamental features such as:

1. Decorative sills.
2. Cantilevered windows.
3. Copper/stone elements.
4. Bay windows or other window treatments that extend out from the building facade.
5. Articulated or varied roof forms.
6. Columns defining the entrance.
7. Balconies or roof decks at upper stories.
8. Decorative iron railings (ex. Parisian balconies) at superior floor doors and windows.

(7) Building materials and colors.

(a) Purpose. Building materials will be durable and complement the character of Downtown.

(b) Discussion. The village desires high quality materials on the exterior facades of buildings. Building material and color must be harmonious with others in the area. For example, limestone has a rich history in the area and should be utilized when possible on building exteriors.

(c) Criteria/standard/regulations.

1. Materials. The following guidelines pertain to exterior finishes in the Downtown District.

a. Medium to dark brick shall be used either as the primary building material or to accent other building materials. Dissimilar materials may be used when incorporating scale, form, color and other characteristics.

b. Materials shall be durable. Brick, stone and wood are permitted.

c. Aluminum, vinyl siding, T-111 or equivalent, and scored plywood are prohibited.

d. Modular brick is an acceptable material for all building types; however, oversize or large size bricks (greater than 30 square inches in area) may only be used as an accent.

e. Adding detail through the use of decorative banding and color or texture transitions is encouraged.

f. Plaster - stucco - and other similar materials (such as EIFS) are acceptable when used as a secondary material only, comprising no more than 30% of a single facade and not located on the ground floor elevation. Finishes must be smooth; no "cake icing".

g. Precast concrete and cast stone are acceptable if they embody the characteristics of natural stone.

h. Cement board siding is acceptable.

- i. Pressure treated wood is not allowed as a finished material.
  - j. The use of wood shingle siding as an accent in dormers and gable as well as a wall finish is encouraged if compatible with the overall design of the building.
2. Material transitions.
    - a. When transitions in material are made, different materials shall meet only at a transition piece or a change in plane, for instance an inside corner.
    - b. Materials will not transition directly at an outside corner edge. One material will turn the corner and carry over to the side elevation to a point at which the corner looks solidly finished.
    - c. Corner trim pieces may be used where appropriate.
  3. Color.
    - a. The color of buildings must complement the adjacent buildings' colors. At least 80% of the building shall be in a neutral color with light and bright colors used only as minor accents.
    - b. The color of brick or other natural building materials shall dictate the color family choice. Bricks in the red and brown tones are encouraged. Acceptable brick colors are listed in the table below; however, others are allowed provided that they fall within the color range of those listed in the table.

<b>Acceptable Brick Colors</b>	
Cloud:	Old Smoky, Burgundy
Denver Brick:	Old Settler, Rockford, Quarum, Black Walnut, Tuscany, Country Colonial, Hartford, Maison Rouge, Maplewood, Olde World, Brandywine
Robinson Brick:	Cooperstown
Pine Hall:	Vintage Red, Old Colonial

- (8) Awnings, canopies and arcades.
  - (a) Purpose. The pedestrian experience in Downtown will be improved by providing weather protection at each entry.
  - (b) Discussion. Canopies, awnings, arcades or recessed entrances will be required at the entrance to each business to shelter visitors. They will be designed to complement the human-scaled design.
  - (c) Criteria/standard/regulation.
    1. The following standards apply to all commercial or mixed-use buildings.
      - a. Awnings must be sized, shaped and placed such that they fit within individual bays or structural divisions of the building facade rather than extend beyond a single bay to enhance the architectural quality of the buildings.
      - b. Glass canopies may be used as an alternative to awnings especially on darker or north-facing building facades to provide rain protection while allowing daylight to filter through to storefronts and second story windows.
      - c. Vinyl and plastic awnings are prohibited.
      - d. The use of windows awnings on second stories and above to create a consistent design image for the building facade is encouraged. These awnings should be similar to those used on the ground floor in terms of style, materials, and color. (See picture, Appendix B(J))
- (9) Building roofs.
  - (a) Purpose. Rooflines shall enhance the urban character of the Downtown District.
  - (b) Discussion. Flat roofs with architectural detailing shall be used to foster an interesting urban atmosphere.
  - (c) Criteria/standard/regulations.
    1. Special roof shapes on corner locations can be used to help accent corners of blocks.
    2. Use a visual terminus, such as a heavy cornice, at the tops of buildings to help articulate Downtown architecture.
    3. Embellish parapets with brick detailing and stepped or sloped to achieve a visually interesting yet harmonious sequence along the building facade.
    4. Use articulated and varied roof shapes on taller buildings.
- (10) Windows, glazing, and doors.
  - (a) Purpose. Windows and doors will enhance the pedestrian experience by providing a visual connection to the inside of the buildings with commercial on the ground floor while aesthetically and functionally serving the building and users on upper floors and in residential areas.
  - (b) Discussion. By providing minimum standards for glazing (windows and doors) the aesthetics of buildings will improve and the pedestrian experience will be enhanced. Moreover, the windows will provide display areas for the businesses.
  - (c) Criteria/standard/regulation. The following criteria apply to all commercial and mixed-use buildings.
    1. All street facing facades shall be lined with windows. Unless unavoidable due to physical constraints of the building or site,

there shall be no horizontal expanse greater than 20 feet without a window or door.

2. Windows must cover at least 50% of the building area between two feet and eight feet above ground. However, expanses of glass greater than ten linear feet must be broken with other building materials to create an identifiable pedestrian-scale.

3. On ground floors, individual windows must be at least 60% transparent. For example tinted glass, frosted glass, textured glass, and materials applied to the interior of the windows to block views cannot cover more than 40% of the window surface.

4. Windows must cover at least 15% of the building's rear façade facing a public right of way, parking area or open space.

5. When appropriate to the architectural style of the building, bay windows are encouraged to articulate building elevations.

(11) Signage.

(a) Purpose. Attractive signs, at the appropriate scale for Downtown, shall identify businesses.

(b) Discussion. Signage shall be designed, lit, and constructed of materials appropriate for a downtown area. Large, back-lit box signs and other signs geared towards fast-moving automobiles are not appropriate. Pedestrian-scaled signage and signs geared to slow moving traffic shall be used.

(c) Criteria/standard/regulation.

The following criteria apply to business signage. Signs are prohibited on residential lots.

1. Projecting signs (geared toward the pedestrian) are encouraged. These signs shall be no greater than eight square feet. No less than 8 feet of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign. Maximum distance between sign and building face is one foot. Signs cannot block or obliterate design details, windows or cornices of the building upon which they are placed. (See picture, Appendix B(K))

2. Flush mounted signs are permitted provided that they are either signboards or are constructed of die-cut letters made from materials consistent with the building. Letters and signboards cannot exceed two feet in height.

3. Window signs of high quality materials, such as paint or gold leaf, or that are etched into glass are permitted. They may not exceed 30% of the total area of the windows.

4. Individual letters identifying the businesses are permitted on the valence of awnings. The lettering must be consistent with the design and color scheme of the building and may not exceed ten inches in height.

5. Freestanding signage is not permitted in the Downtown District.

6. Internally illuminated signage is not permitted in any location.

7. Spot lights are acceptable for lighting signs but they must be oriented and shielded such that the source of light is not directly visible. (See Figure 11-4 pictures, Appendix B(L))

(d) Buildings constructed prior to the adoption of this section (2-18-2004) shall follow the sign regulations set forth in §§ 59.121 through 159.133.

(12) Lighting.

(a) Purpose. Lighting in the Downtown District will foster a safe environment for pedestrians and automobilists.

(b) Discussion. Lighting in Downtown must be sufficient to foster a safe pedestrian environment. Lighting must be scaled such that it enhances the streetscape and urban environment.

(c) Criteria/standard/regulations. The following criteria apply to all commercial and mixed-use buildings.

1. Pedestrian scale ornamental lighting shall be used to replace or supplement taller, vehicular lighting while still maintaining safe roadway lighting levels.

2. Freestanding ornamental lights shall be no taller than 22 feet.

3. Building lights shall be diverted onto the buildings or the ground immediately adjacent to the building and shall not cast light above the roofline of the building.

4. The following lighting standards are recommended for streets, sidewalks, and pedestrian walkways. (Source: ANSI/IESNA RP-8-00)

	<b>Minimum Maintained Average Value (lux)</b>	<b>Minimum Maintained Average Value (fc)</b>	<b>Uniformity Ratio Eavg/Emin</b>	<b>Veiling Luminance Ratio Lvmax/Lavg</b>
Collector Level Road	12.0	1.2	4.0	0.4
Local Level Road	6.0	0.6	4.0	0.4

5. The following lighting standards are recommended for parking lots. Lighting Levels (Source: ANSI / IESNA RP-8-00)

Minimum Horizontal Illuminance (lux)	2
Minimum Horizontal Illuminance (fc)	0.2
Uniformity Ratio, Maximum to Minimum	20:1
Minimum Vertical Illuminance (lux)	1

Minimum Vertical Illuminance (fc)	0.1
If personal security or vandalism is a likely and/or severe problem, a higher lighting level may be required.	

4. Higher lighting levels (four foot-candles) must be provided at building entries.

(13) Off-street parking.

(a) Purpose. Parking lots shall provide convenient access for users but shall not dominate the street.

(b) Discussion. Parking lots shall be sited, designed, and landscaped such that they are convenient, safe, and architecturally pleasing.

(c) Criteria/standard/regulation.

1. Location.

a. Parking lots are only allowed in rear yards, except along Normantown Road and Independence Boulevard.

b. One row of parking and one drive aisle shall be provided in all yards adjacent Normantown Road and Independence Boulevard.

c. Wherever possible, parking lots shall be shared.

2. Circulation.

a. Driving lanes, parking spaces and pedestrian routes will be clearly defined.

b. Medians will be used along drives and at the caps of parking aisles to delineate the parking spaces from the driving lanes. The medians will be at least four feet wide and will be landscaped with a variety of shrubs and flowers.

c. Pedestrian walkways will be provided throughout the parking lots. The walkways shall be delineated by using a variation in paved texture and/or color such as through the use of stone, brick or granite pavers, exposed aggregate, or stamped or colored concrete. Paint striping is not acceptable. (See picture, Appendix B(M))

d. Parking aisles will be interconnected. Dead-end parking lanes are discouraged. Dead-end parking lanes serving more than six spaces are prohibited.

3. Landscaping.

(a) Parking must be screened with fencing and plant material.

(b) Wrought iron fencing with masonry posts and details must be located along the perimeter of parking lots. The edges must be softened through the use of appropriate plant materials.

(c) The screening material must be designed such that sufficient access is provided to the site for safety. (See picture Appendix B(N))

4. Residential parking requirements.

a. At least one interior parking space must be provided for each condominium unit in a multi-family building. The parking spaces must be located in a parking structure. The parking structure may be located underground, in the rear yard of the building provided that it is screened from view, or on the ground floor of the building in areas that do not front the street.

b. At least two interior parking spaces must be provided for each townhome unit. They must be provided in private garages on the individual lots.

c. Garages on townhome lots must be accessed from alleys.

d. Garages may either be attached to the dwelling or may be freestanding in the rear yard.

e. There is no minimum setback for townhome garages provided that they do not interfere with the vision triangle.

(14) Drive-through facilities.

(a) Purpose. Drive-through facilities will complement the Downtown without providing negative impacts to aesthetics and circulation.

(b) Discussion. Drive-through facilities are a reality in today's commercial climate. They are thus permitted in edge business locations but their impact must be mitigated through proper design.

(c) Criteria/standard/regulations.

1. When drive-throughs are utilized, they must be designed to minimize the appearance and impact of the drive-through stations through building style, materials and massing consistent with that of the principal structure. (See picture, Appendix B(O))

2. At least five on-site automobile stacking spaces must be provided for each establishment with a drive-through. In the event that there are multiple drive-through bays, three stacking spaces must be provided for each bay.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0509, passed 2-21-07; Am. Ord. 08-0651, passed 5-21-08; Am. Ord. 10-0870, passed 8-4-10; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 12-0984, passed 5-2-12; Am. Ord. 18-1482, passed 5-16-18)

**§ 159.077 RESERVED.**

**§ 159.078 RESERVED.**

**§ 159.079 RESERVED.**

## **§ 159.080 INDUSTRIAL/MANUFACTURING DISTRICTS GENERAL REQUIREMENTS.**

(A) Intent and purpose. The industrial/manufacturing districts set forth in this Chapter are established to protect the public health, to promote public safety, comfort, convenience, and the general welfare, and to protect and develop a sound economic tax base of the village and preserve/increase the value of property. These general purposes include, among others, the following specific objectives:

(1) To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of industrial and manufacturing type uses, thereby protecting and strengthening the economic base of the village;

(2) To place in separate districts those industrial/manufacturing uses, which may create noise, odors, hazards, unsightliness, or which may generate excessive traffic;

(3) To permit selected industrial/ manufacturing uses in districts where adjacency to or inclusion in a residence area has sufficient elements of service or convenience to those area to offset the disadvantages which may be created;

(4) To encourage the grouping in appropriate locations of compatible uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and industrial/ manufacturing prosperity and contribute to the alleviation of traffic and pedestrian congestion;

(5) To provide for the establishment of off-street parking facilities permitted and required so as to alleviate traffic; and

(6) There are hereby created the following districts:

- (a) M-R, Light Manufacturing Research Park District;
- (b) M-1, Medium Manufacturing District;
- (c) M-2, Heavy Manufacturing District.

(B) Residential dwelling units. Residential Dwelling units are a "permitted use" within the M-1, Medium Manufacturing District and M-2, Heavy Manufacturing District and are intended solely for use by the watchmen and their immediate family members, when located on the premises where they are employed in such capacity.

(C) Enclosure of operations. All industrial and manufacturing uses shall be conducted within completely enclosed buildings, except:

- (1) Off-street parking and loading (see requirements);
- (2) And as may otherwise be provided for herein.

(D) Off-street parking/loading and unloading facilities.

(1) Parking of trucks when accessory to the conduct of a permitted or special use shall be limited to vehicles having not over 1-1/2 ton capacity, exception for pick-up or delivery services during normal hours of operation;

(2) Trucks in excess of 1-1/2 ton capacity shall not be parked in the open within 100 feet of a residential district boundary line;

(3) Provision of all off-street parking and loading facilities shall be made in accordance with §§159.019, 159.105 through 159.111 and 159.112 through 159.116 of this chapter.

(4) All maneuvering and staging for parking, loading, and deliveries must be accommodated on site. There shall be no maneuvering or staging in streets.

(E) Signage. Placement of signage in all business districts shall be made in accordance with the provisions of §§159.121 through 159.133 of this chapter.

(F) Outdoor storage.

(1) All storage for the building and accessory uses and products shall be enclosed within buildings, except as provided for in this section.

(a) The use of containers (freight, oversees, cargo, or portable-on-demand storage units, etc.) is prohibited, except for periods less than 72 hours in conjunction with a move or a remodel.

(b) In the event that it is not feasible to accommodate storage within buildings, it may be screened by an architecturally-pleasing masonry wall landscaped in accordance with the requirements of this chapter. The masonry fence must provide full 100% screening from neighboring properties and rights-of-way, as proven through the use of line-of-sight studies.

(c) In the event that it is not feasible to accommodate storage within the primary building, it may be enclosed in an accessory building that meets the following criteria.

1. One accessory storage building is allowed per zoning lot.
2. It must be located in the rear yard.
3. It may not exceed 1,000 square feet in area, 12 feet in height from the floor to the eave, or 15 feet in height from the floor to the roof peak.
4. It must be constructed on a concrete slab capable of supporting the material contained within the building. The concrete slab must be at least four inches thick.
5. The accessory building must be architecturally compatible with the principal structure. It must be constructed of durable materials and may not be sided with metal or fiberglass.
6. The accessory storage building may be used for storage purposes only. It may not be used for habitation, manufacturing, sales, or any non-storage use.
7. A minimum ten-foot pathway must be provided from an entrance to the principal structure to the entrance to the accessory

storage building.

(2) Outdoor storage shall be included and shown within the required landscape plan.

(G) Landscaping. Placement of all landscaping shall be made in accordance with the provisions of this section and §159.030, inclusive.

(1) All applications for building permit requested for new construction in any industrial/manufacturing district must have a previously approved landscape plan, which shall be submitted to the Village Planner for review and subject to approval by the Planning and Zoning Commission;

(2) The exterior storage of materials and inventory, where permitted by the Planning and Zoning Commission, shall be effectively screened from view from any district boundary line and right-of-way. Landscaping may consist of live or decorative plantings, or fencing, and must be approved by the Planning and Zoning Commission; and

(3) Where business/commercial uses abut or are across the street from a residential district, adequate landscape screening shall be provided, as determined by the Village Planner and approved by the Planning and Zoning Commission.

(H) Performance standards. As described in §§159.022 through 159.027 of this chapter and herein:

(1) Any use established in a Manufacturing District after the effective date of this chapter shall be so operated as to comply with the performance standards set forth herein for the district in which the use shall be located. No use lawfully established on the effective date of this chapter shall be so altered or modified as to conflict with, or further conflict with, the performance standards established for the district in which such use is located.

(2) All performance standards shall be governed by the current state or federal Environmental Protection Agency Regulations and the Occupational Safety Health Act (OSHA). Also, the performance standards shall be governed by the current Fire Department Guidelines and Requirements as recommended by the National Fire Protection Association, and any other local governing regulations.

(3) When hazardous liquids and gases and also toxic matter are allowed to be stored under this chapter, then the Fire Department shall be advised in writing as to the conditions, materials, and manufacturer's recommendations with regard to fire fighting (Including evacuation plans and emergency action plans and treatment).

(4) Every and any building hereinafter constructed, expanded, remodeled, or in any way altered or modified shall have as part of its general design a decorative or functional structure having a height above grade of between 12 and 15 feet, and extending across not less than 50 percent of an exterior surface wall facing a street or roadway.

(5) In addition, not less than the first four feet, measured vertically from at grade, of any exterior surface facing a street or roadway, shall be covered with a brick, stone, or other decorative architectural material.

(I) Ingress/egress onto a public street.

(1) Access is limited to not more than two points of ingress and/or egress per lot. The Village Board may approve additional points of access upon demonstration of need and sound traffic planning and management principles.

(2) Minimum width to be 24 feet at property line. Maximum width to be that of 40 feet at property line, or as may be approved by the Planning and Zoning Commission. This can include, but not limited to, two through lanes, one left turning lane and an appropriately landscaped island;

(3) Location to be approved by the Village Engineer, Village Planner and/or as directed by the Village Planning and Zoning Commission and Village Board;

(4) Details of design and construction shall meet all village requirements; and

(5) Entrance curbs and storm drainage provisions shall be required on all street frontages, and shall meet with the approval of the Village Engineer and the standard specifications of the village.

(J) Land Use development or change.

(1) Upon new construction/development of any property within the M-R, M-1 or M-2 Districts being either "permitted or special use", under this section, application must be to the village to have recommendations from Village Staff, Planning and Zoning Commission and final approval by the Village Board of Trustees.

(2) Upon the discontinuance of any "permitted or special use", under this section, the new use must make application to the Village to have said site and landscape plans reviewed by the Village Staff, Planning and Zoning Commission and Beautification Commission for compliance with this chapter and other regulations. Review by the Village Board of Trustees is not necessary for a permitted use by this section, however, special uses and other amendments to this Zoning Code are subject to further review by the Village Board; and

(3) Documentation regarding Use and bulk, Lot coverage, street access, parking requirements, accessory uses and landscaping all need to be submitted to the Village Planner, Planning and Zoning Commission and Village President and Board of Trustees for review and approval.

(4) Any construction or development of a structure with more than 2,500 square feet or on a lot or parcel larger than one-acre in size shall occur only as a planned unit development.

(K) Special provisions. The following special provisions shall apply to those specific uses outlined in this section:

(1) All outdoor parking, storage and sales space shall be improved with a permanent, durable, and dustless surface (asphalt or concrete), and shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses. All unpaved surfaces shall be sodded and landscaped accordingly;

(2) All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a fence, wall, or plant materials adequate to conceal the facilities from adjacent properties and public rights-of-way;

(3) No wastes or materials shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces;

(4) All uses and activities shall conform with the performance standards as enumerated in §§159.022 through 159.027 of this chapter;

(5) Lighting used to illuminate any outdoor sales area, off-street parking or loading areas shall be so arranged and designed as to reflect the light away from adjoining properties;

(6) All outdoor parking areas shall conform with the off-street parking regulations as enumerated in §159.019 of this chapter;

(7) Linear lighting (including neon, fluorescent, rope-lighting, LED lighting, and low voltage strip-lighting) primarily intended as an architectural highlight to attract attention or used as a means to identification or advertisement shall be prohibited.

(L) Manufacturing lighting standards.

(1) A photometric plan will be required as part of the final development plan for all nonresidential projects and for residential developments that utilize parking lots. It will also be required for billboards/signage where a final development plan is not required. The plan must show the location, size (wattage), mounting height, orientation, type, design, and plans for all outdoor lighting and signs including wall mounted lighting. The plan must show the levels of illumination in footcandles (fc) at ground level (minimum 10' x 10' grid). A catalog sheet showing the proposed lighting fixtures must be included.

(a) Lighting for photometric plans must be maintained and operable at all times.

(2) To reduce glare, only "fully shielded" or "full cutoff" light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane passing through the lowest point of the light-emitting element, so that direct light emitted above the horizontal plane is eliminated. In addition, on sites adjacent to residential property, no direct light source (bulb/filament) shall be visible at the property line at ground level.

(3) The average maintained illuminance shall not exceed nor be less than 80% of the levels set below. Uses not listed below shall not exceed nor be less than 80% if the levels set by the Illuminating Engineering Society of North America (IESNA). The uniformity ratio shall not exceed the level set by the IESNA. These levels include:

<b>Use</b>	<b>Average</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Uniformity Ratio</b>
	<b>(fc)</b>	<b>(fc)</b>	<b>(fc)</b>	<b>(Avg/Min)</b>
Regional shopping center	3.6	0.6	--	6:1
Fast food facility	3.6	0.6	--	6:1
Commercial shopping center	2.4	0.4	--	6:1
Office parking	2.4	0.4	--	6:1
Neighborhood shops	2.4	0.4	--	6:1
Industrial parking	2.4	0.4	--	6:1
Church parking	2.4	0.4	--	6:1
Building entrances	--	5.0	--	--
Apartment parking lots	1.6	0.3	--	6:1
Truck parking and maneuvering areas	2.4	--	--	--
Bank drive thru and ATM areas	--	--	40	--
Service station:				
- Pump islands	30	--	45	--
- Service areas	3	--	--	--
Auto lots	7	1.2	20	6:1

Note: These requirements only apply to areas used by vehicles and pedestrians. They do not apply to landscaped areas.

(4) Where non-residential sites are adjacent to residential sites, the light level at the property line produced by the non-residential lighting shall not exceed 0.0 footcandles.

(5) Except as otherwise allowed in the development regulations, luminaries shall not be mounted in excess of 30 feet above grade, or the height of the primary structure, whichever is less; provided however, luminaires located within 200 feet of a single family residential zoning district shall not be mounted in excess of 20 feet above grade or the height of the primary structure, whichever is less.

(6) Service-station canopy lighting shall be accomplished using flat-lens full-cutoff down-lighting fixtures, shielded in such a manner that the edge of the fixture shielded be level with or below the light source envelope.

(7) All other under-canopy lights must be fully recessed into the canopy.

(8) All non-residential lighting is required to be turned off no later than 60 minutes after business hours, only leaving the minimum lighting necessary for site security.

(a) The minimum site security lighting must meet the minimum standards in division (L)(3) of this section.

(b) Security lighting must be capable of being activated and turned off by photo sensors or time.

1. Security lighting must be illuminated ½ hour prior to sunset and turned off ½ after sunrise.

(c) Parking lots must meet the minimum illumination standards in §159.070(M)(3).

(d) For all manufacturing buildings developed prior to the adoption of division (M)(1) of this section which were not required to submit a photometric plan to the village, wall mounted entrance/exit lighting is required for all entrances and exits on commercial buildings.

(9) Definitions and terms used in this section shall be defined by the IESNA handbook, latest edition.

(10) All freestanding poles shall:

(a) Be located within landscaped areas or planter islands, or on sidewalks, maintaining an accessible sidewalk width.

(b) Have concrete bases painted to match the primary building color or finished to match parking screen walls, or shall have decorative steel bases.

(c) Be located to avoid conflict with trees.

(d) All poles shall be numbered.

(11) Commercial outlet lighting fixtures must be architecturally compatible with fixtures used elsewhere in the development.

(12) The village shall have the right to conduct a post-installation inspection to verify compliance with the requirements of this chapter, and if appropriate, to require a remedial action at no expense to the village.

(13) Non-conforming lighting; all lighting fixtures shall be brought into conformity when at such time as 50% or more of the poles are changed, replaced, or added on a property.

(14) The Village of Romeoville retains the right to require that when a non-residential property abuts a residential property or the light from any such non-residential property directly effects any other property that high pressure sodium lights shall be required.

(15) Linear lighting (including neon, fluorescent, rope-lighting, LED lighting, and low voltage strip-lighting) primarily intended as an architectural highlight to attract attention or used as a means to identification or advertisement shall be prohibited.

(16) Maintenance standards; all lighting fixtures present must be illuminated and complaint with the adopted International Property Maintenance Code.

(Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0519, passed 3-21-07; Am. Ord. 16-1306, passed 9-7-16; Am. Ord. 20-1628, passed 4-1-20)

## **§ 159.081 M-R, LIGHT MANUFACTURING/RESEARCH PARK DISTRICT.**

### **(A) Intent and purpose.**

(1) To provide for parcels of land for large, attractively landscaped sites for research activities or specialized compatible industrial activities, and office buildings;

(2) To require adequate off-street parking and limited access to roads through the use of frontage roads;

(3) To promote the grouping of M-R uses and oppose and discourage the hazards to safety and nuisance to traffic congestion generated by "strip-commercial" or "industrial developments";

(4) To provide some retail uses that service the manufacturing research uses within the industrial areas and that do not depend on the direct visits of retail customers;

(5) To promote manufacturing research development in planned industrial parks;

(6) To locate industrial uses on lands suitable for those purposes, but at locations that would not be harmful or disadvantageous to nearby or adjacent property;

(7) To encourage the grouping of compatible industrial activities, thereby promoting convenience, efficiency and safety in transportation; and

(8) To discourage the intrusion of residential and commercial uses which are incompatible with planned industrial uses.

(B) 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 chapter for other than one or more of the following specified uses:

#### **(1) Business service or office establishments:**

(a) Bank or financial institutions;

(b) Business offices;

(c) Professional offices;

(d) Regional sales offices;

(e) Merchandise and product display space, but not direct sales; and,

(f) Clinics in conjunction with research.

#### **(2) Industrial types of uses:**

(a) Design firms;

(b) All manufacturing and industrial activities, including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging, and storage of materials, products, and goods that can be conducted wholly within enclosed buildings;

(c) Electronic industries;

(d) Laboratories and research firms involved in the research, experimentation or testing of materials, goods, or products; and,

(e) Printing, publishing, or lithography establishments.

#### **(3) Public, quasi-public, and governmental buildings and facilities:**

(a) Essential services-electric substation, sewage disposal plant, water well site;

(b) Office building; and,

(c) United States Post Office.

#### **(4) Personal communication facility, located on property owned by the village or other government entity.**

#### **(5) Food truck or food truck operator, subject to the requirements of Chapter 129 (Food Trucks and Food Truck Operators Ordinance).**

(C) Special uses. Upon recommendation by the Planning & Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the district:

#### **(1) Planned unit developments;**

- (2) Railroad rights-of-way and passenger stations, but not including railroad yards and shops;
  - (3) Warehousing and wholesaling, but not including motor freight terminals;
  - (4) Personal communication facility (see § 159.021);
  - (5) Establishments utilizing hookahs or water pipes;
  - (6) Contractor or construction shops;
  - (7) Automobile and truck painting, upholstering, repairing, reconditioning, and body and fender repairing, when done within the confines of a structure;
  - (8) Motor vehicle towing services, with outdoor storage of vehicles.
- (D) Temporary uses. Upon application to and issuance by the Zoning Administrator of a permit therefore, the following uses may be operated as temporary uses:
- (1) Temporary building, trailer, or yard for construction materials 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 permit shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive periods at the same location;
  - (2) 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 permit shall be valid for a period of not more than one year and shall not be renewed for more than five successive periods at the same location; and,
  - (3) Real estate subdivision sign not to exceed 100 square feet for each face. Sign shall be non illuminated. Each permit shall specify the location of the sign. Each permit shall be valid for a period of not more than one year and shall not be renewed for more than five successive periods at the same location.
- (E) Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to or commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

(F) Prohibited uses.

- (1) All uses not expressly authorized in this section.

(G) Site and structure requirements.

- (1) Minimum lot area. A separate ground area of not less than 20,000 square feet shall be designated provided and continuously maintained for each structure of land containing a permitted or special use;
- (2) Minimum lot frontage. A minimum lot frontage of 80 feet shall be provided for each permitted or special use;
- (3) Front yard. All structures shall be set back a least 80 feet from the front lot line on dedicated roads and 130 feet from the center line on non-dedicated roads;
- (4) Side yard. All structures shall be set in a distance of not less than 30 feet from the side lot line;
- (5) Rear yard. All structures shall be set in a distance of not less than 30 feet from rear lot line;
- (6) Maximum height. No structure or portion thereof shall exceed a height of 25 feet;
- (7) Floor area ratio. Not to exceed 1.00; and
- (8) Maximum lot coverage. Not more than 25 percent of the lot area may be occupied by buildings and structures including accessory buildings.

(H) Special provisions.

- (1) Enclosure of operations. All business, servicing, or processing shall be conducted within completely enclosed buildings, except the following:
  - (a) Off-street parking or loading; and
  - (b) Accessory uses.
- (2) Signs. All in accordance with applicable regulations set forth in §§159.121 through 159.133;
- (3) Off-street parking, loading/ unloading. Off-street parking and loading facilities shall be provided as required or permitted by §§ 159.105 through 159.111 of this chapter, except parking setbacks shall be as follows:
  - (a) Front Yard: 35 feet;
  - (b) Side or rear yard, not adjacent a residential zoning district: Ten feet, provided that the required setback for off-street parking, loading, and unloading areas may be reduced to zero if an easement providing access between and across the subject property and the adjoining lots(s) has been duly recorded. Such reduction in the required off-street parking, loading, and unloading area setback may only be permitted along the lot line coincident with the adjoining property that is party to the recorded access easement agreement.
  - (c) Side or rear yard adjacent to a residential use: 50 feet; and
  - (d) No parking in corner side yards.
- (4) Performance standards. All in accordance with applicable regulations set forth in §§159.022 through 159.027 and herein;
- (5) General landscaping. All in accordance with applicable regulations set forth in §§159.030 and 159.080(G);

- (6) Ingress and egress. All in accordance with applicable regulations set forth in §§159.017 and 159.080(H);
- (7) Outdoor storage. All in accordance with applicable regulations set forth in §159.080(I); and
- (8) Accessory uses. All in accordance with applicable regulations set forth in §159.020.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 08-0652, passed 5-21-08; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 16-1306, passed 9-7-16; Am. Ord. 18-1482, passed 5-16-18)

### **§ 159.082 M-1, MEDIUM MANUFACTURING DISTRICT.**

#### **(A) Intent and purpose.**

- (1) Any production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall conform with the performance standards set forth herein (§§ 159.022 through 159.027);
- (2) All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified. Within 150 feet of a residence district, all storage shall be in completely enclosed buildings, or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto at least eight feet high), but in no case lower in height than the enclosed storage and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be unenclosed throughout the district, except for the screening of parking and loading facilities as may be required under the provisions of §§ 159.105 through 159.116;

(3) Uses established on the effective date of this chapter and by its provisions are rendered non-conforming, shall be permitted to continue, subject to the regulations of §§ 159.140 through 159.147; and

(4) Uses established after the effective date of this chapter shall conform fully to the performance standards herein set forth for the district.

(B) 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 chapter for other than one or more of the following specified uses:

(1) Permitted Uses within the M-R District;

(2) Adult entertainment facility or similar use subject to the following conditions:

(a) Shall not be located within 250 feet of the property boundary of a residential use.

(b) Shall not be located within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship.

(3) Apparel and other products manufactured from textiles;

(4) Art needle work and hand weaving;

(5) Automobile painting, upholstering, repairing, reconditioning, and body and fender repairing, when done within the confines of a structure;

(6) Awnings, Venetian blinds;

(7) Bakeries;

(8) Books, hand binding and tooling;

(9) Bottling and distribution of beverages; works;

(10) Brushes and brooms;

(11) Buildings equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature, provided that the yard contain a principal building of at least 5,000 square feet.

(12) Cameras and other photographic equipment and supplies;

(13) Canning and preserving;

(14) Canvas and canvas products;

(15) Carpet and rug cleaning;

(16) Carting, express hauling, or storage yard;

(17) Ceramic products such as pottery and small glazed tile;

(18) Cleaning and dyeing establishments when employing facilities for handling more than 1,500 pounds of dry goods per day;

(19) Clothing;

(20) Consignment stores, pawn shops, resale stores, second hand stores, precious metal purchase stores and other similar uses;

(21) Contractor or construction shops, such as the following:

(a) Building

(b) Cement

(c) Electrical

(d) Refrigeration

- (e) Air Conditioning
- (f) Heating and ventilating
- (g) Masonry
- (h) Painting
- (i) Plumbing
- (j) Roofing
- (k) Landscaping;
- (22) Cosmetics and toiletries;
- (23) Crematoriums;
- (24) Creameries and dairies;
- (25) Drugs with warehousing and distribution of such items;
- (26) Electrical appliances, such as lighting fixtures, irons, fans, toasters, television receivers, and home movie equipment, but not including electrical machinery;
- (27) Electrical supplies, manufacturing, and assembly of (such as wire and cable assembly switches, lamps, insulation, and dry cell batteries);
- (28) Food products, processing and combining of, baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing, and pressing;
- (29) Fuel sales, no retail sales and no gas station uses;
- (30) Fuel sales with storage of fuel oils, gasoline, and other flammable products limited to 120,000 gallons per tank, with the total storage on a zoning lot not to exceed 500,000 gallons;
- (31) Fur goods, not including tanning and dyeing;
- (32) Glass products, from previously manufactured glass;
- (33) Hosiery;
- (34) House trailers, manufacture;
- (35) Ice, dry and natural;
- (36) Ink mixing and packing, and inked ribbons;
- (37) Laboratories, medical, dental, research, experimental, and testing, provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences;
- (38) Laundries;
- (39) Leather products, including shoes and machine belting, but not including tanning and dyeing;
- (40) Luggage;
- (41) Machine shops for tool, die, and pattern making;
- (42) Meat products/meat packaging plant, not including a slaughter house;
- (43) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, and heat treatment;
- (44) Metal stamping and extrusion of small products, such as costume jewelry, pins, needles, razor blades, bottle caps, buttons, and kitchen utensils;
- (45) Musical instruments;
- (46) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers;
- (47) Palm reader, psychic or similar uses;
- (48) Paper products, small, such as envelopes, stationery, bags, paper boxes, tubes, and wallpaper printing;
- (49) Perfumes and cosmetics;
- (50) Pharmaceutical products;
- (51) Plastic products, but not including the processing of the raw materials;
- (52) Precision instruments such as optical, medical, and drafting;
- (53) Products from finished materials: plastic, bone, cork, feathers, felt, fibre, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell, or yarn;
- (54) Printing and newspaper publishing, including engraving and photoengraving;
- (55) Public and community service uses:
  - (a) Bus terminals, bus garages, bus lots, street railway terminals, or street car houses;
  - (b) Electric substations, transmission structures and lines, wood or metal poles, and underground cables;

- (c) Fire stations;
  - (d) Municipal or privately-owned recreation buildings or community centers;
  - (e) Parks and recreation areas;
  - (f) Police stations;
  - (g) Sewage treatment plants;
  - (h) Telephone exchanges;
  - (i) Water filtration plants;
  - (j) Water pumping stations; and,
  - (k) Water reservoirs.
- (56) Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations;
- (57) Repair of household or office machinery or equipment;
- (58) Rubber products, small, and synthetic treated fabrics, (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps, and atomizers;
- (59) Silverware, plate and sterling;
- (60) Soap and detergents, packaging only;
- (61) Soldering and welding;
- (62) Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquet, and rods;
- (63) Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations;
- (64) Storage of household goods;
- (65) Storage of flammable liquids, fats, or oil in tanks each of 50,000 gallons or less capacity, but only after the locations and protective measures have been approved by local governing officials;
- (66) Tattoo parlor, subject to all health regulations of village, county and state;
- (67) Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching;
- (68) Tool and die shops;
- (69) Tools and hardware such as bolts, nuts, screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous material castings, and plumbing appliances;
- (70) Toys;
- (71) Wholesaling and warehousing, local cartage express facilities (but not including motor freight terminals);
- (72) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the district:

- (1) Banks and financial institutions;
- (2) Business and professional offices;
- (3) Carpet, floor, and wall coverings sales and service;
- (4) Electrical, plumbing, hardware, HVAC sales and service;
- (5) Firearms sales and service, including a firing range, indoor only;
- (6) Furniture and office supplies, sales and service;

(7) Cannabis facility: As used in this chapter, "cannabis facility" shall mean either a "cultivation center," "dispensing organization," "craft grower," "infuser," "processor," or "transporter" as defined in the "Compassionate Use of Medical Cannabis Pilot Program Act", 410 ILCS 130/1 et seq. and the "Cannabis Regulation and Tax Act," P.A. 101-27 (hereinafter collectively referred to as "the Cannabis Acts"). In addition to all other special use permit standards required to be met pursuant to this chapter, distribution facilities for cannabis shall meet the specific standards listed below:

- (a) Cultivation centers, craft growers:

1. Cultivation centers and craft growers located within the village shall be and are required to be established, operated, and maintained in full compliance with the Cannabis Acts and all other applicable village ordinances and Illinois statutes.
  2. Cultivation centers and craft growers shall not be located within 1,000 feet of the property line of any pre-existing public or private pre-schools, elementary schools, secondary schools, day care centers, home day care, group day care homes, part day child care facilities, or an area zoned for residential use.
  3. Cultivation centers and craft growers shall not be located in any building containing, in whole or in part, any residential uses.
- (b) Dispensing organizations, infuser, processor, transporter:

1. Dispensing organizations, infuser, processor, transporter, located within the village shall be and are required to be established, operated, and maintained in full compliance with the Cannabis Acts and all other applicable village ordinances and Illinois statutes.

2. Dispensing organizations, infuser, processor, transporter, shall not be located within 750 feet of the property line of any pre-existing public or private pre-schools, elementary schools, secondary schools, or day care centers. Dispensing organizations, infuser, processor, transporter, shall not be located within 750 feet of any property zoned within the UD University zoning district, or within 500 feet of an area zoned for residential. In addition, dispensing organizations, infuser, processor, transporter, shall not be located within 750 feet from any of the following identified locations: any public library within the limits of the village, the Romeoville Village Hall, the Romeoville Recreation Center, or the Edward Athletic and Event Center. For purposes of divisions (C)(7)(a)1., (C)(7)(b)2. and (b)2.A. of this section, the relevant distance shall be measured between the nearest points on the property lines of the lot(s), tract(s) or tax parcel(s) used for cannabis related uses, and the lot(s), tract(s) or tax parcel(s) or zoning districts from which any separation required by divisions (C)(7)(a)1., (C)(7)(b)2. and (b)2.A. of this section shall be maintained.

A. In addition to the distance/separation requirements otherwise set forth in this division (C)(7) of this section, any dispensing organization, infuser, processor, transporter, located in an M-1 or M-2 zoning district shall not be located within 750 feet of any church or place of worship within the corporate limits of the village that is located in a zoning district other than a P-B zoning district, an M-1 zoning district or an M-2 zoning district.

3. Dispensing organizations, infuser, processor, transporter, shall not be located in any building containing, in whole or in part, any residential uses.

4. Any special use permit granted prior to the adoption of this division (C)(7)(b)4. for medical cannabis distribution under the "Compassionate Use of Medical Cannabis Pilot Program Act" prior to January 1, 2020 shall hereby also be deemed to permit the sale of recreational cannabis under and in accordance with the "Cannabis Regulation and Tax Act."

(8) Motor freight terminals;

(9) Off premise or outdoor advertising (billboard) sign, see requirements contained in §§159.121 through 159.133 of this chapter (Signage);

(10) Restaurants, including drive-thru facilities and alcohol sales and service;

(11) Retail sales of goods or products manufactured, assembled, or warehoused on the premises provided that no more than 20% of the building be used for retail space;

(12) Sales or leasing of truck, truck tractor, truck trailer, car, car trailer, buses, heavy equipment, farm equipment, and other similar uses when all equipment is in operable condition, provided that the lot contain a principal building of at least 5,000 square feet;

(13) Stadiums, auditoriums, and arenas;

(14) Self-service storage facilities (SSSF) not in excess of 15 feet in height to the ridge line of the units;

(15) Personal communication facility (see § 159.021);

(16) Planned unit development;

(17) Residential uses. Dwelling units for watchmen and their families when located on the premises where they are employed in such capacity.

(18) Uses not explicitly enumerated in this division as "special uses", but closely similar thereto, provided that these uses are not explicitly mentioned as a permitted or special use elsewhere in this zoning code.

(19) Churches and church schools, and other places of worship.

(D) Miscellaneous uses.

(1) Accessory uses;

(2) Radio and television towers;

(3) Temporary buildings for construction purposes, for a period not to exceed the duration of the construction; and

(4) Tent or fabric structures used for salt storage, sewage sludge storage, landscape material storage or other similar uses, but only if the same shall have been constructed or placed into use on or before August 7, 2019. Any tent or fabric structure other than those within the meaning of the preceding sentence shall only be permitted in accordance with the provisions of § 159.020(F)(1)(b).

(E) Site and structure requirements:

(1) Minimum area. The minimum area for the district shall be not less than ten acres.

(2) Individual lot area. Individual lots within a district shall have a minimum area of 20,000 square feet.

(3) Individual lot width/frontage. Individual lot width shall be a minimum of 100 feet, corner lots shall be a minimum of 125 feet.

(4) Lot depth. The minimum lot depth for each lot shall not be less than 200 feet.

(5) Lot coverage/impervious surface. Lot coverage shall not exceed 60% of the lot. Lot coverage plus impervious surface coverage shall not exceed a total of 85% of the total lot.

(6) Building height. No building or structure shall be erected or altered to exceed a maximum height of 40 feet or 3-1/2 stories, whichever is less.

(7) Setbacks.

(a) Front yards. A 25 foot front yard shall be required, from the property line. For properties having multiple frontages, a front yard setback shall be provided along each such street. For properties whose front yard abuts a residential district, the front yard setback shall be not less than 50 feet;

(b) Side yards. Side yard areas shall be not less than 20 feet in width, except that a side yard which abuts a residential district shall be not less than 30 feet;

(c) Rear yards. Not less than 25 feet, except when a rear lot line adjoins a railroad right-of-way including also spur or team track right-of-way, a rear yard need not be provided. Where abutting or across from a residential district, a 50 foot rear lot line shall be required.

(8) Floor area ratio (F.A.R.). For all uses the Floor area ratio (F.A.R.) for each lot shall not exceed eight-tenths (0.80).

(F) Special provisions:

(1) Enclosure of operations. All business, servicing, or processing shall be conducted within completely enclosed buildings, except the following:

(a) Off-street parking or loading; and

(b) Accessory uses.

(2) Signs. All in accordance with applicable regulations set forth in §159.121 through 159.133;

(3) Off-street parking, loading/ unloading. Off-street parking and loading facilities shall be provided as required or permitted by §§ 159.105 through 159.111 of this chapter, except parking setbacks shall be as follows:

(a) Front yard: required front yard setback;

(b) Side or rear yard, not adjacent a residential zoning district: Five feet side or ten feet rear, provided that the required setback for off-street parking, loading, and unloading areas may be reduced to zero if an easement providing access between and across the subject property and the adjoining lots(s) has been duly recorded. Such reduction in the required off-street parking, loading, and unloading area setback may only be permitted along the lot line coincident with the adjoining property that is party to the recorded access easement agreement.

(c) Side or rear yard adjacent to a residential use: 50 feet; and

(d) No parking in corner side yards.

(4) Performance standards. All in accordance with applicable regulations set forth in §§159.022 through 159.027 and herein;

(5) General landscaping. All in accordance with applicable regulations set forth in §§159.030 and 159.080(G);

(6) Ingress and egress. All in accordance with applicable regulations set forth in §§159.017 and 159.080(H);

(7) Outdoor storage. All in accordance with applicable regulations set forth in §159.080(I); and

(8) Accessory uses. All in accordance with applicable regulations set forth in §159.020.

(Am. Ord. 05-0312, passed 2-1-06; Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 09-0800, passed 12-16-09; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 12-0972, passed 4-4-12; Am. Ord. 14-1086, passed 2-5-14; Am. Ord. 18-1482, passed 5-16-18; Am. Ord. 19-1586, passed 8-7-19; Am. Ord. 19-1606, passed 12-18-19; Am. Ord. 20-1675, passed 12-16-20)

**§ 159.083 M-2, HEAVY MANUFACTURING DISTRICT.**

(A) Intent and purpose.

(1) All production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall conform with the performance standards set forth in §§ 159.022 through 159.027; and

(2) Within 150 feet of a Residence District, all business, production, servicing, processing, and storage shall take place or be within completely enclosed buildings, except that storage of materials or products may be open to the sky provided the storage area is enclosed with a solid wall or fence, as required within this chapter, or as additionally required by the Zoning Officer. However, within 150 feet of a Residence District, off-street loading facilities and off-street parking of motor vehicles under one and one-half ton capacity may be unenclosed, except for screening of parking and loading facilities as may be required under the provisions of §§ 159.112 through 159.116.

(B) Permitted. The following uses are permitted:

(1) Any use permitted in the M-1 District;

(2) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which conforms to the performance standards established for this district;

(3) Cement block manufacturer;

(4) Personal communication facility, located on property owned by the village or other government entity.

(C) Special uses. Upon recommendation by the Planning and Zoning Commission, after public hearing on the petition pertaining thereto, in accordance with the requirements set forth in § 159.176, special uses of this chapter, the corporate authorities of the village may, by "special use permit" allow the following in the district:

(1) Any use which may be allowed as a "special use" in the M-1 District;

(2) Clean construction and demolition debris (CCDD) facility in conformance with the state statutes governing the siting, location, approval, notice, study and fees of such facilities. In addition, CCDD facilities must conform to the following standards:

(a) Facilities must obtain and maintain a permit from the Illinois Environmental Protection Agency (IEPA). Facilities must conform to all IEPA regulations and submit to all inspections from the IEPA or its designee, the Will County Land Use Department.

(b) The borders of the property shall be screened with a solid fence, wall, landscaped berm at least six feet in height, or natural screen barrier capable of providing 100% screening when the property is adjacent to or across the street from any district other than an industrial district or when the property abuts a public right-of-way.

(c) Facilities must ensure that no dirt, mud, dust, or debris is tracked onto any public roadway by vehicles leaving the site. Any costs for road cleaning shall be the sole responsibility of the applicant.

(d) All loads accepted for disposal at the site shall be able to trace back to their point of origin through the use of the applicable IEPA Certification form and a profile number unique to each generating source location. Records of loads accepted shall be kept in accordance with the site's IEPA permit or for a period of three years. In the event of consolidated loads accepted containing soils originating from more than one generator, a list of all origins will be traceable from the records or confirmation through analytical testing may be utilized.

(e) At a minimum, one random soil load delivered to the facility each day, shall be selected for a discharge inspection. The driver of any randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The load shall be spread out and screened with a PID or other monitoring devices approved by the applicable authorities. Readings shall not exceed the background levels. Loads shall also be screened for non-CCDD materials. Documentation of results shall be recorded and the records kept per the site's IEPA permit. If the load is rejected then the load is to be immediately removed from the site and no further loads are to be accepted from the generating source until compliance with IEPA regulations can be re-established.

(f) Any rejected loads shall be reported to the applicable authorities within 24 hours. For all loads the owner or operator is required to report, at a minimum, name and location address of facility, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and operator, and the location of the site of origin of the fill.

(g) No on-site salvaging of CCDD materials or byproducts shall be allowed unless expressly permitted by the IEPA. Materials serving a beneficial use on site may be re-used.

(h) A plan for the reclamation of the land shall be provided as part of the application for the special use permit. The plan of reclamation shall be accompanied by security in an amount equal to the cost to cover the site with one foot of topsoil and appropriate seeding. The applicant shall provide a cost estimate for this work by a certified professional engineer. This estimate may be reviewed every five years and adjusted for the current state of the facility and the Construction Cost Index (CCI). Any security amount required by the IEPA may be deducted from this amount.

(i) In the event of facility closure by any enforcement agency, operations shall cease until the facility owner provides written proof that the matter has been resolved with the applicable authorities, and that such authorities or a court of competent jurisdiction have authorized the reopening and continued operation of the facility.

(3) Compost facility in conformance with the state statutes governing the siting, location, approval, notice, study and fees of such facilities. In addition, compost facilities must conform to following standards:

(a) Facilities must obtain and maintain a permit from the Illinois Environmental Protection Agency (IEPA). Facilities must conform to all IEPA regulations and submit to all inspections from the IEPA or its designee, the Will County Land Use Department.

(b) The borders of the property shall be screened with a solid fence, wall, or landscaped berm at least six feet in height when the property is adjacent to or across the street from any district other than an industrial district or when the property abuts a public right-of-way.

(c) Facilities must ensure that no dirt, mud, dust, or debris is tracked onto any public roadway by vehicles leaving the site. Any costs for road cleaning shall be the sole responsibility of the applicant.

(4) Electrical power generation station or facility in conformance with the state statutes governing the siting, location, approval, notice, study and fees of such facilities. In addition, such facilities must conform to following standards:

(a) Facilities must obtain and maintain a permit from the Illinois Environmental Protection Agency (IEPA). Facilities must conform to all IEPA regulations and submit to all inspections from the IEPA or its designee.

(b) The borders of the property shall be screened with a solid fence, wall, or landscaped berm at least six feet in height when the property is adjacent to or across the street from any district other than an industrial district or when the property abuts a public right-of-way.

(c) Facilities must ensure that no dirt, mud, dust, or debris is tracked onto any public roadway by vehicles leaving the site. Any costs for road cleaning shall be the sole responsibility of the applicant.

(5) Junk yards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least 12 feet high. Outside storage not to exceed the height of the solid fence or if the topography of nearby residential areas within 660 feet allows for visual contact, outside storage shall not be seen;

(6) Mining or extraction of minerals, sand, gravel, topsoil, or other aggregates, including equipment, buildings, or structures for screening, crushing, mixing, washing, or storage, provided that:

(a) No open pit or shaft will be less than 200 feet from any property line or public right-of-way;

(b) All buildings or structures shall be located not less than 200 feet from any property line;

(c) The borders of the property shall be fenced with a solid fence or wall at least six feet in height when the property is adjacent to or across the street from any district other than an industrial district;

(d) A plan of development for the reclamation of the land shall be provided as part of the application for the special use permit. The plan of development shall be accompanied by a written agreement between the owner or his agent and the village and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan;

(e) No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit after the required public hearing by the Planning & Zoning Commission (PZC). If permitted by the Village Board, blasting must conform to the following standards:

1. The use, handling and detonation of explosives (sometimes referred to as "blasting") in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency, State of Illinois or Will County, such persons shall meet the licensing requirements and obtain such license and furnish such proof to the village.

2. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.

3. Blasting procedures shall be in accordance with modern techniques, generally accepted in the quarrying industry, whereby a shot shall consist of a series of drill holes containing quantities of explosives fired or detonated in sequence of multiple delays at intervals of milliseconds, so as to counteract and reduce the ground motion or earthborne vibration from each successive detonation (sometimes referred to as "short period delay blasting"). Blasting procedures shall be designed, on the basis of maximum charge per delay (that is, quantity of explosives in pounds per detonation) and distances in feet, so that the maximum ground vibration intensity shall not exceed 0.5 inches per second of ground particle velocity resulting from any shot or blast measured by any one of three mutually perpendicular planes of ground motion as recorded at the nearest existing building.

4. Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, Illinois Department of Mines and Minerals, Mine Enforcement and Safety Administration (MESA) of the United States Department of the Interior, and any other governmental agency having jurisdiction thereof.

5. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.

6. Compliance with the provision of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time-to-time by authorized village officials, upon reasonable prior notice and during reasonable business hours.

7. The actual detonation of any blast will be restrictive to the local time period between 1:00 p.m. and 4:30 p.m. Monday through Saturday of each week. No blasting shall take place on Sunday or on the following legal holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(7) Personal communication facilities;

(8) Pollution control facilities including, but not limited to, landfill and/or compaction operations, used in the disposal and/or storage of wastes, not classified as "hazardous, special wastes", by the appropriate county, state and/or federal governmental agencies.

(9) Recycling center, garbage transfer station or similar type of use in conformance with the state statutes governing the siting, location, approval, notice, study and fees of such facilities;

(10) Stockyards, slaughtering, livestock, poultry, and the like;

(11) Temporary building, trailer, or yard for construction materials 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 permit shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive periods at the same location;

(12) 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 permit shall be valid for a period of not more than one year and shall not be renewed for more than five successive periods at the same location; and,

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

(D) Temporary uses. Upon application to and issuance by the Zoning Officer of a permit therefore, the following uses may be operated as temporary uses:

(1) Temporary building, trailer, or yard for construction materials 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 permit shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive periods at the same location;

(2) 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 permit shall be valid for a period of not more than one year and shall not be renewed for more than five successive periods at the same location; and,

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

(E) Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to or commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

(F) Site and structure requirements.

(1) Minimum area. The minimum area for the district shall be not less than ten acres.

(2) Individual lot area. Individual lots within a district shall have a minimum area of one acre, 43,560 square feet.

(3) Individual lot width/frontage. Individual lots shall be a minimum width of 200 feet, corner lots shall be a minimum of 225 feet.

(4) Lot depth. The minimum lot depth for each lot shall not be less than 200 feet.

(5) Lot coverage/impervious surface. Lot coverage shall not exceed 60% of the lot. Lot coverage plus impervious surface coverage shall not exceed a total of 85% of the total lot.

(6) Building height. No building or structure shall be erected or altered to exceed a maximum height of 40 feet or 3-1/2 stories, whichever is less.

(7) Setbacks.

(a) Front yards. A 25 foot front yard shall be required, from the property line. For properties having multiple frontages, a front yard

setback shall be provided along each such street. For properties whose front yard abuts a residential district, the front yard setback shall be not less than 50 feet;

(b) Side yards. Side yard areas shall be not less than 20 feet in width, except that a side yard which abuts a residential district shall be not less than 30 feet;

(c) Rear yards. Not less than 25 feet, except when a rear lot line adjoins a railroad right-of-way including also spur or team track right-of-way, a rear yard need not be provided. Where abutting or across from a residential district, a 50 foot rear lot line shall be required.

(8) Floor area ratio (F.A.R.). For all uses the floor area ratio (F.A.R.) for each lot shall not exceed eight-five hundredths (0.85).

(G) Special provisions.

(1) Enclosure of operations. All business, servicing, or processing shall be conducted within completely enclosed buildings, except the following:

(a) Off-street parking or loading; and

(b) Accessory uses.

(2) Signs. All in accordance with applicable regulations set forth in §§159.121 through 159.133;

(3) Off-street parking, loading/ unloading. Off-street parking and loading facilities shall be provided as required or permitted by §§ 159.105 through 159.111 of this chapter, except parking setbacks shall be as follows:

(a) Front yard: Required front yard setback;

(b) Side or rear yard, not adjacent a residential zoning district: Five feet side or ten feet rear, provided that the required setback for off-street parking, loading, and unloading areas may be reduced to zero if an easement providing access between and across the subject property and the adjoining lots(s) has been duly recorded. Such reduction in the required off-street parking, loading, and unloading area setback may only be permitted along the lot line coincident with the adjoining property that is party to the recorded access easement agreement.

(c) Side or Rear yard adjacent to a residential use: 50 feet; and

(d) No parking in corner side yards.

(4) Performance standards. All in accordance with applicable regulations set forth in §§159.022 through 159.027 and herein;

(5) General landscaping. All in accordance with applicable regulations set forth in §§159.030 and 159.080(G);

(6) Ingress and egress. All in accordance with applicable regulations set forth in §§159.017 and 159.080(H);

(7) Outdoor storage. All in accordance with applicable regulations set forth in §159.080(I); and

(8) Accessory uses. All in accordance with applicable regulations set forth in §159.020.

(9) IEPA regulations adopted by reference. The standards, specifications, and regulations of the Illinois Environmental Protection Agency, latest editions, are hereby incorporated into this chapter and made a part thereof this reference. Such standards, specifications, and regulations shall include those as required by the following:

(a) Illinois Pollution Control Board Rules and Regulations: Public Water Supplies;

(b) Illinois Pollution Control Board Rules and Regulations: Livestock Waste;

(c) Illinois Pollution Control Board Rules and Regulations: Solid Waste;

(d) Illinois Pollution Control Board Rules and Regulations: Air Pollution Regulations;

(e) Illinois Pollution Control Board Rules and Regulations: Noise Pollution Control Regulations;

(f) Illinois Pollution Control Board Rules and Regulations: Water Pollution;

(g) State of Illinois: The Environmental Protection Act, and Illinois Pollution Control Board Rules and Regulations, Mine Waste Regulations.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 11-0924, passed 10-5-11; Am. Ord. 11-0925, passed 10-5-11; Am. Ord. 14-1086, passed 2-5-14)

**§ 159.084 RESERVED.**

**§ 159.085 RESERVED.**

**§ 159.086 RESERVED.**

**§ 159.087 RESERVED.**

**§ 159.088 RESERVED.**

**§ 159.089 RESERVED.**

**§ 159.090 AIRPORT DISTRICTS GENERAL REQUIREMENTS.**

(A) Intent and purpose. The airport districts are intended as a zoning designation applied to a large land area which includes a General Aviation/Reliever Category Airport as defined by FAA standards and related ancillary uses. These uses include, but are not limited to, those necessary for airport operations and certain airport related industrial and commercial uses. The district is further intended to allow for efficient airport operations and utilization of certain amenity uses. These general purposes include the following specific objectives:

- (1) Promotion of the most desirable use of land in conformance with an FAA approved airport site plan;
- (2) Promotion of the economic viability and operational value of the airport located within the district; and
- (3) To encourage the development of the airport within the district as an entity which will benefit transportation and economic development on a local and regional basis.

(Ord. passed)

**§ 159.091 AD-1, AIRPORT DISTRICT.**

- (A) Permitted uses. The following types of land use are permitted in this district:
- (1) Uses designed to store or house aircraft (i.e. hangers, ground or the like);
  - (2) Uses designed for servicing and maintenance of aircraft;
  - (3) The construction, use and operation of runways designed for the ground and air movements of aircraft;
  - (4) General Aviation/Reliever Category Airports as defined by FAA standards and related ancillary uses;
  - (5) Residential uses, but only in conjunction with and on the same lot as an agricultural use or as allowed by applicable commercial or industrial district regulations;
- (6) Lot areas and widths for public utility or governmental uses shall be as regulated by this section and not as recommended by the Planning and Zoning Commission and/or Village Board, respectively;
- (7) All the uses listed or allowed as either permitted or Special Use or accessory uses under the A-1, P-1, B-1, B-2, B-3, B-4, M-R and M-1 districts shall be permitted uses in the AD-1 District, except personal communication facilities which shall be a special use in the AD-1 District and in accordance with §§ 159.042(N) and 159.176, except as provided in division (A)(10).
- (8) Roadside stands 600 square feet or less in size used for the display and sale of any agricultural product, except live animals and located only on lots which include an agricultural use;
- (9) For the purposes of this section, accessory uses shall be allowed as permitted or principal uses and subject to all principal use regulations;
- (10) Personal communication facility; and
- (11) Uses not explicitly enumerated in this section as permitted uses but are closely similar thereto provided that those uses are not explicitly listed as prohibited uses.
- (B) Prohibited uses.
- (1) Residential uses which are not in conjunction with or on the same lot as an agricultural use and residential uses which are not established as per applicable regulations of any commercial or industrial district or use;
  - (2) Public or private incinerators;
  - (3) Mining or extraction of minerals, sand, topsoil, gravel or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing or storage except that this shall not prohibit earthwork related to site development;
  - (4) Cement block manufacture;
  - (5) Ready mix concrete or asphalt plants;

- (6) Vehicle storage pounds or facilities, except for aviation equipment;
- (7) Drive-in theaters;
- (8) Junk yards and vehicle wrecking yards;
- (9) Stone and gravel quarries, including crushing, grading, washing and loading equipment and structures;
- (10) Sanitary landfill;
- (11) Slaughtering of livestock, poultry and the like;
- (12) Any uses listed under the M-2 classifications that is not allowed under the M-1 designation or otherwise listed as a prohibited use;
- (13) Roadside agricultural product display and stands larger than 600 square feet in size, stands not located on a lot which includes an agricultural use or stands displaying for sale live animals; and
- (14) Uses not explicitly enumerated in this section as permitted, but are closely similar thereto provided those uses are not explicitly listed as permitted uses.

(C) Site and structure requirements.

- (1) District size. The minimum size of the AD-1 District shall be 162 acres;
- (2) Lot Definition. For the purposes of this section a lot shall be defined as a subdivided or platted lot, the area of a large, unsubdivided, unplatte parcel leased as an individual lot, a parcel adjacent to a public street or roadway or any combination thereof. For the purposes of this section, the boundaries of leased lots shall be treated in the same manner as the boundaries of a subdivided, platted lot of record. For the purposes of this section, any lot line adjacent to a public or private street or roadway shall be considered a front lot line;
- (3) Lot coverage. Lot coverage is not applicable.
- (4) Building height. As regulated by the Federal Aviation Administration (FAA) for airports.
- (5) Individual lot size and dimensions.
  - (a) Any lot adjacent to a public street or roadway shall have a minimum size of 10,000 square feet;
  - (b) Any lot adjacent to a public street or roadway shall have a minimum lot width of 50 feet as measured at the front property line as defined by this chapter;
  - (c) Any lot adjacent to a public street or roadway shall have a minimum lot depth of 100 feet as measured from the front property line as defined by this chapter;
  - (d) Lot size and dimensional requirements shall not apply to any lot not adjacent to a public street or roadway.

(6) Yards.

- (a) Any structure on any lot which is adjacent to a public street or roadway shall be setback 50 feet from the property line adjacent to or parallel to that street;
- (b) The distance between all structures on all lots within the district shall be as per or in accordance with applicable building and fire codes;
- (c) No specific yard requirements shall apply to structures on lots which are not adjacent to a public street or roadway;
- (d) The minimum transitional yard requirements for all structures shall be not less than those specified below:
  - 1. Where a side lot line coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be twice the dimension of the minimum side yard which is required for a residential use on the adjacent residential lot;
  - 2. Where a rear lot line coincides with side lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be twice the dimension of the minimum side yard which is required for a residential lot;
  - 3. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be provided along such a rear lot line. Such yard shall be not less than 40 feet in depth.

(7) Floor area ratio (F.A.R.). is not applicable.

(D) Special provisions.

- (1) All non-aviation business, servicing, processing and the like shall be conducted and take place within completely enclosed buildings except roadside agricultural product sales and display stands and off-street parking;
- (2) For the purposes of this section more than one principal building shall be allowed on one lot.
- (3) Signage. Signs erected on property or on structures on lots adjacent to or abutting a public street shall be regulated as per §§ 159.121 through 159.133 of this chapter.
- (4) Off-street parking and loading. As required or allowed by §§ 159.105 through 159.111 and 159.112 through 159.116 of this chapter.
- (5) Performance and Development standards. All non-aviation uses and activities shall conform with Chapter 158 in its entirety and §§ 159.022 through 159.027 and 159.080 of this chapter.
- (6) Landscaping. Placement of all landscaping shall be made in accordance with the provisions of this section and traditional landscaping techniques. Any area on any individual lot within the AD-1 District not used for construction or vehicular purposes shall be adequately landscaped according to §§ 159.030, 159.080(G) and the following:

- (a) All applications for building permit requested for new construction in the AD-1 District must have a previously approved landscape plan by the Village Planner and Planning and Zoning Commission;
- (b) The landscaping plan must show all areas which will contain grass, ground cover, location of all trees, shrubbery, and other growth proposed. All areas designated for landscaping must be completed as soon as possible after the completion of the building, and no later than six months from the date of the occupancy permit;
- (c) Landscaping or planting will not be delayed for a period in excess of one year after the completion of any building;
- (d) Certificates of occupancy may not be issued prior to the time the landscaping requirements are completed. If so issued, certificates of occupancy shall then state: "Landscaping not approved, approval required within six months of the date of this certificate";
- (e) Minor revisions from the landscaping plan may be made without obtaining prior approval. Amounts and location of land set aside for landscaping may not be reduced;
- (f) The exterior storage of materials and inventory, where permitted by the Planning and Zoning Commission, shall be effectively screened from view from any district boundary line and right-of-way. Landscaping may consist of live or decorative plantings, or fencing, and must be approved by the Planning and Zoning Commission; and
- (g) Where the AD-1 District abuts or is across the street from a residential district, adequate landscape screening shall be provided, as determined by the Village Planner, recommended by the Planning and Zoning Commission and approved by the Village Board of Trustees.

(7) Ingress and egress. Ingress/ egress to any lot off of or to any public street shall be subject to §159.017 of this chapter and the following:

- (a) Access is limited to not more than two combined ingress/egress points, or as may be recommended by the Planning and Zoning Commission and approved by the Village Board of Trustees;
- (b) Minimum width to be 30 feet at property line. Maximum width to be 75 feet at property line, or as may be recommended by the Planning and Zoning Commission and approved by the Village Board of Trustees;
- (c) Location to be approved by the Village Engineer, Village Planner and/or as directed by the village;
- (d) Details of design and construction shall meet all Village requirements; and
- (e) Entrance curbs and storm drainage provisions shall be required on all street frontages, and shall meet with the approval of the Village Engineer and the standard specifications of the village.

(8) Outdoor storage. Outdoor storage related to buildings or uses adjacent to or abutting any public street shall be subject to § 159.080(I) and the following:

- (a) All outdoor storage facilities for the building and accessory uses and products shall be enclosed by an architecturally pleasing fence, wall, or planting materials adequate to conceal the facilities from adjacent properties and the public street right-of-way; and,
- (b) Outdoor storage shall be included and shown within the required landscape plan.

(9) General regulations. Sections 159.014 through 159.035 of this chapter shall only apply to a parcel or parcels adjacent to, abutting or fronting on a public street.

(10) Inconsistent regulations. In the event of inconsistencies between the regulations of this district and other codes of the village, the regulations of this district shall apply.

(11) Land use changes.

- (a) Upon the discontinuance of any "permitted or special use" the new use must make application to the village to have said site and landscape plans reviewed by the Village Staff, Planning and Zoning Commission and Village President and Board of Trustees; and
- (b) Documentation regarding Use and bulk, lot coverage, street access, parking requirements, accessory uses and landscaping all need to be submitted to the village for review and approval by the Village Planner, Planning and Zoning Commission and Village President and Board of Trustees.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07)

## **§ 159.092 AD-2, AIRPORT DISTRICT.**

(A) Intent and purpose. The AD-2 District is intended as a designation assigned to areas adjacent and related to land zoned AD-1, reliever category airport facilities, and AD-1 Districts which include a reliever category airport by allowing mixed land uses, flexible, yet orderly development, to protect and promote public safety, comfort, convenience and the general public welfare, and to protect and enhance the economic value of parcels the district includes. These general purposes include the following specific objectives:

- (1) Promotion of the most desirable use of land in conformance with an FAA approved airport site plan;
- (2) Promotion of the economic viability and operational value of the airport located within the district; and
- (3) To encourage the development of the airport within the district as an entity which will benefit transportation and economic development on a local and regional basis.

(B) Permitted uses.

- (1) All the uses listed or allowed as either permitted or Special Uses or accessory uses under the A-1, P-1, B-1, B-2, B-3, B-4, M-R, M-1 and AD-1 districts shall be permitted uses in the AD-2 District, except personal communication facilities which shall be a special use in the AD-2 District and in accordance with §§ 159.042(N) and 159.176, unless the personal communication facility is located on village-owned property and in which case it shall be a permitted use;

- (2) Residential uses, but only in conjunction with and on the same lot as an agricultural use or as allowed by applicable regulations of the aforementioned zoning districts;

- (3) The construction and operation of runways, but only for the ground movement or transportation of aircraft;
  - (4) Lot areas and widths for public utility of governmental uses shall be as required by this section and not as recommended by the Planning and Zoning Commission or Village Board, respectively;
  - (5) Bars, taverns, cocktail lounges and package liquor stores when operated as an ancillary use to restaurants, hotels, motels, clubs and events sanctioned or sponsored by a governmental or educational jurisdiction;
  - (6) Public and community utility service uses; and
  - (7) Use not explicitly enumerated in this section as permitted uses, but are closely similar thereto provided those uses are not explicitly listed as prohibited uses, notwithstanding § 159.031 of this chapter.
- (C) Prohibited uses.
- (1) Residential uses which are not in conjunction with or on the same lot as an agricultural use and residential uses which are not established as applicable regulations of any commercial or industrial district or use;
  - (2) Public or private garbage incinerators;
  - (3) Mining or extraction of minerals, sand, gravel, topsoil, or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage except that this shall not prohibit the earthwork related to site development;
  - (4) The construction and operation of runways except only for the ground movement or transportation of aircraft;
  - (5) Airports;
  - (6) Roadside agricultural product display and sale stands larger than 600 square feet in size, stands not located on a lot which includes an agricultural use or stands displaying for sale live animals;
  - (7) Automobile racetracks, raceways, and speedways;
  - (8) Bars, taverns, cocktail lounges and packaged liquor stores which are not operated as an ancillary use to restaurants, hotels, motels, clubs and events sanctioned or sponsored by a governmental or educational jurisdiction;
  - (9) Cement block manufacture;
  - (10) Ready mix concrete or asphalt plants;
  - (11) Vehicle storage pounds or facilities;
  - (12) Drive-in theaters;
  - (13) Junk yards and vehicle wrecking yards;
  - (14) Stone and gravel quarries, including crushing, grading, washing and loading equipment and structures;
  - (15) Sanitary landfill;
  - (16) Slaughtering of livestock, poultry and the like;
  - (17) Any use listed under the M-2 classification which is not specifically listed as a permitted use under division (B) hereof, except those allowed under the M-1 designation and except as provided by division (B)(7) of this chapter;
  - (18) Any use listed under the AD-1 classification which is not specifically listed as a permitted use, under division (B) hereof, and except as provided by division (B)(7) of this chapter; and
  - (19) Uses not explicitly enumerated in this section but are closely similar thereto provided those uses are not explicitly listed as permitted uses.
- (D) Accessory uses.
- (1) Accessory uses and structures as defined by this chapter and including individual sewage disposal, water and sewer units or systems as regulated by the village, but subject to the following regulations:
    - (a) Shall be operated and maintained under the same ownership and located on the same lot as the permitted or principal use to which it is accessory;
    - (b) Shall be located in the rear or side yard areas only;
    - (c) Shall be located not less than ten feet from a lot line of adjoining lots, except on corner lots, not nearer to the rear lot line than the distance of the required side yard for the lot adjoining the rear lot line and not nearer to the side street line than the distance required for a side yard adjoining a street, or in the case of a reverse corner lot, the required front yard on the lot adjoining the rear lot line; and on through lots that do not have a rear lot line adjoining a no access strip, not nearer to the rear lot line adjoining a street than the distance required for a front yard. The aforementioned distances shall be doubled when adjacent to a residentially zoned property;
    - (d) Shall be no more than one story in height, except utility towers which may be of a height as approved by the Planning and Zoning Commission;
    - (e) Shall not be constructed or occupied prior to the construction and occupation of the lot's principal structure, respectively; and
    - (f) Shall cover no more than 50% of the side or rear yard area.
  - (2) Roadside stands used for the display and sale of any agricultural products, but subject to the following regulations:
    - (a) Shall be no more than 600 square feet in size;
    - (b) Shall not be used for the display or sale of live animals;
    - (c) Shall be allowed in any yard area;

(d) Shall be no closer than ten feet to any side or rear property line and no closer than 25 feet to any front property line; except on corner lots, not nearer to the rear lot line than the distance of the required side yard for the lot adjoining the rear lot line and not nearer to the side street line than the distance required for a side yard adjoining a street; or in the case of a reverse corner lot, the required front yard on the lot adjoining the rear lot line; and on a through lot that does not have a rear lot line adjoining a no access strip, not nearer to the rear lot line adjoining a street than the distance required for a front yard. The aforementioned distances shall be doubled when adjacent to a residentially zoned property;

- (e) Shall be no more than 25 feet in height;
- (f) Shall only be located on a lot which includes an agricultural use; and
- (g) Shall cover no more than 50% of any rear, side or front yard area.

(3) Agricultural buildings and structures, but subject to the following regulations:

- (a) Shall be allowed in rear and side yard areas only;
- (b) Shall be no closer than ten feet to any property line, except on corner lots, not nearer to the rear lot line than the distance of the required side yard for the lot adjoining the rear lot line and not nearer to the side street line than the distance required for a side yard adjoining a street, or in the case of a reverse corner lot, the required front yard on the lot adjoining the rear lot line; and on through lots that do not have a rear lot line adjoining a street than the distance required for a front yard. The aforementioned distances shall be doubled when adjacent to a residentially zoned property;
- (c) Shall be no more than one story in height;
- (d) Shall only be located on lots which include an agricultural use; and
- (e) Shall cover no more than 50% of the rear or side yard area.

(E) Site and structural requirements:

(1) District size: An AD-2 District shall be no less than 20 acres in size.

(2) Lot definition. For the purposes of this section a lot shall be defined as a subdivided or platted lot, the area of a large, undivided, unplatteed parcel leased as an individual lot, a parcel adjacent to a public street or roadway or any combination thereof. For the purposes of this section, any lot line adjacent to a public or private street or roadway shall be considered a front lot line.

(3) Individual lot sizes and dimensions:

- (a) Individual lots within the AD-2 District shall have a minimum area of 10,000 square feet;
- (b) Individual lots within the AD-2 District shall have a minimum lot width of 30 feet as measured at the front property line as defined by this Chapter; and
- (c) Individual lots within the AD-2 District shall have a minimum depth of 100 feet as measured from any front lot line as defined by this chapter.

(4) Yards.

(a) Individual lots within the AD-2 District shall have the following minimum required yards or setbacks:

1. Front Yard: 50 feet;
2. Rear Yard: 20 feet; and
3. Side Yard: 15 feet.

(b) The minimum transitional yard requirements for all principal structures shall be not less than those specified below:

1. Where a side yard lot line coincides with a side or rear lot line in an adjacent Residential District, a yard shall be provided along such side lot line. Such yard shall be twice the distance of the minimum side yard required for a residential use on the adjacent residential lot;

2. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twice the distance of the minimum side yard required for residential use on the adjacent residential lot; and

3. Where a rear lot line coincides with a rear lot line in an adjacent Residential District, a yard shall be provided along such rear lot line. Such yard shall be not less than 30 feet in depth.

(5) Lot coverage. The maximum lot coverage allowed on any individual lot within the AD-2 District shall be no more than 50%.

(6) Floor area ratio. The maximum floor area ratio on any individual lot within the AD-2 district shall be no more than 1.00.

(7) Building height. The maximum height of individual buildings on individual lot within the AD-2 District shall be subject to regulations imposed by the FAA as applicable.

(F) Special provisions. All business, servicing, processing and the like shall be conducted and take place within completely enclosed buildings, except roadside agricultural product sales and display stands and off-street parking and loading.

(1) Signs. As required or allowed by §§ 159.121 through 159.133 of this chapter.

(2) Off-street parking and loading/ unloading. As required or allowed by §§ 159.105 through 159.111 of this chapter.

(3) Performance standards. As required or allowed by Chapter 158 in its entirety, §§ 159.022 through 159.027 and § 159.080(D) of this chapter, and all applicable building, fire, construction, electrical and plumbing codes as adopted by the village.

(4) Landscaping. Any area on any individual lot within the AD-2 District not used for construction or vehicular purposes, shall be adequately and attractively landscaped in accordance with plans reviewed by the Village Staff. The basis for this review shall be a comparison of said plans to conformance with the spirit and intent of the regulations listed herein.

(5) Ingress and egress. As required or allowed by §§ 159.017 and 159.080(H) of this chapter.

(6) Outdoor storage.

(a) All outdoor storage facilities for the building and accessory uses and products shall be enclosed by an architecturally pleasing fence, wall, or planting materials adequate to conceal the facilities from adjacent properties and the public street right-of-way; and

(b) Outdoor storage shall be included and shown within the required landscape plan.

(7) General regulations. Sections 159.014 through 159.035 of this chapter shall only apply to a parcel or parcels adjacent to, abutting or fronting on a public street.

(8) Inconsistent regulations. In the event of inconsistencies between the regulations of this District and other Codes of the village, the regulations of this district shall apply.

(9) Land use change.

(a) Upon the discontinuance of any "permitted or special use" the new use must make application to the village to have said site and landscape plans reviewed by the Village Staff, Planning and Zoning Commission and Village President and Board of Trustees; and

(b) Documentation regarding Use and bulk, Lot coverage, street access, parking requirements, accessory uses and landscaping all need to be submitted to the village for review and approval by the Village Planner, Planning and Zoning Commission and Village President and Board of Trustees.

(Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07)

**§ 159.093 RESERVED.**

**§ 159.094 RESERVED.**

**§ 159.095 RESERVED.**

**§ 159.096 RESERVED.**

**§ 159.097 RESERVED.**

**§ 159.098 RESERVED.**

**§ 159.099 RESERVED.**

**§ 159.100 UNIVERSITY DISTRICT GENERAL REQUIREMENTS.**

(A) Intent and purpose. The UD District is intended as a zoning designation applied to a large individual parcels held under single ownership or leasehold and which includes a college or university and related ancillary uses. The UD classification is further designed to allow and encourage the flexible, yet orderly development of such an area by emphasizing regulations which buffer and limit the cross-effects of District and adjacent land uses. This is intended to be achieved by imposing a maximum degree of regulations to only those District uses adjacent to public rights-of-way and those along and within the perimeter of the District. Reference to "maximum degree of regulations" is not intended to override the specific provisions of the UD District, but simply to point out the existence of specific restrictions elsewhere in this section.

(B) Permitted uses.

(1) All the uses listed or allowed as either permitted or special uses or accessory uses under the A-1, P-1, B-1, B-2, B-3, M-R and all residential zoning districts be shall be permitted uses in the UD District, except personal communications facilities which shall be a Special use in the UD District and in accordance with § 159.042(N) and 159.176 unless the personal communication facility is located on village-owned property and in which case it shall be a permitted use.

(2) Public or private garbage incinerators receiving or processing refuse generated within the boundaries of the district;

(3) Roadside stands 600 square feet or less in size used for the display and sale of any agricultural product, except live animals and located only on lots which include an agricultural use;

(4) Lot areas and lot widths for public utility or governmental uses shall be as required by this section and not as recommended by the Planning and Zoning Commission and Village Board, respectively;

(5) Bars, taverns, cocktail lounges and package liquor stores when operated as an ancillary use to restaurants, hotels, motels, clubs and events sanctioned or sponsored by a governmental or educational jurisdiction;

(6) The construction and operation of airport runways, but only for the ground movement or transportation of aircraft;

(7) Mobile home parks related to or utilized by a college or university;

(8) Uses designed to store or house aircraft;

(9) Uses designed for the servicing, fueling and maintenance of aircraft;

(10) Uses not explicitly enumerated in this section as permitted, but are closely similar thereto provided those uses are not explicitly listed as prohibited uses, notwithstanding § 159.026, uses not specifically permitted by this chapter;

(11) Public and community service and utility uses;

(12) Weather service stations and/or facilities; and

(13) Churches and church-schools, and other places of worship.

(C) Prohibited uses.

- (1) Public or private incinerators receiving or processing refuse generated outside the boundaries of the district;
- (2) Roadside agricultural product display and sale stands larger than 600 square feet in size, stands not located on a lot which includes an agricultural use or stands displaying for sale live animals;
- (3) Automobile racetracks, speedways and raceways;
- (4) Mining or extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage except that this shall not prohibit earthwork related to site development;
- (5) Bars, taverns, cocktail lounges and package liquor stores which are not an ancillary use to restaurants, hotels, motels, clubs and events sanctioned or sponsored by a governmental or educational jurisdiction;
- (6) Construction and operation of airport runways, but only for the ground movement or transportation of aircraft;
- (7) Railroad classification yards, freight terminals or maintenance yards or facilities;
- (8) Mobile home parks not related to or utilized by a college or university;
- (9) Cement block manufacture;
- (10) Ready mix concrete and asphalt plants;
- (11) Vehicle storage pounds or facilities;
- (12) Drive-in theaters;
- (13) Airports;
- (14) Any use listed under the M-1 classification as a permitted use but which is not allowed under the M-R District, in which is otherwise listed as a prohibited uses under the M-R District, except as otherwise provided at division (B)(10) herein;
- (15) Junk yards and vehicle wrecking yards;
- (16) Stone and gravel quarries, including crushing, grading, washing and loading equipment and structures;
- (17) Sanitary landfill;
- (18) Slaughtering of livestock, poultry and the like;
- (19) Any uses listed under the M-1, M-2, AD-1 or AD-2 classifications, except as provided by division (B)(10), herein;
- (20) Uses not explicitly enumerated in this section as permitted, but are closely similar thereto provided those uses are not explicitly listed as prohibited uses, notwithstanding § 159.026, uses not specifically permitted by this chapter;

(D) Site and structural requirements.

- (1) Minimum site. Minimum site requirements in a U-D District shall be that of 30 acres;
- (2) Individual Lots. Individual lot size and dimensions are not required;
- (3) Setback requirements:
  - (a) Any structure on the parcel which is adjacent to, abuts or fronts a public street shall be setback 50 feet from the property line adjacent or parallel to that street. In addition, all structures within the District shall be setback from any other structure half the distance of its longest side and in accordance with any Building or Fire Code requirements, whichever is greater;
  - (b) The minimum transitional yard requirements for all structures within the U-D District shall be not less than the following:
    - 1. Where a side lot line coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be twice the dimension of the minimum side or rear yard required for the residential district;
    - 2. Where a rear lot line coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twice the dimension of the minimum side or rear yard required for the residential district;
    - 3. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be provided along such a rear lot line. Such yard shall be not less than 40 feet in depth.

- (4) Lot coverage. Lot coverage is not applicable.
- (5) Floor area ratio (FAR). The FAR is not applicable.
- (6) Building height.
  - (a) No building or structure except utility towers or airport related uses shall exceed a height of 40 feet or as allowed or required by applicable FAA regulations, whichever is more restrictive;
  - (b) Utility towers shall be no higher than that required or allowed by applicable FAA regulations.

(E) Special provisions.

- (1) All business, servicing, processing and the like shall be conducted and take place within completely enclosed building except roadside agricultural product sales and display stands and off-street parking and loading;
- (2) For the purposes of this section, more than one principal building shall be allowed on one lot;
- (3) Signs. Signs erected on the property, structures or buildings adjacent to or abutting a public street shall be regulated as per §§ 159.121 through 159.133 of this chapter;
- (4) Off-street parking and loading. As required or allowed by §§ 159.105 through 159.111 and 159.112 through 159.116 of this

chapter;

(5) Performance and development standards. As required or allowed by Chapter 158 in its entirety, §§ 159.022 through 159.027 Performance Standards and all applicable Fire, Building, Construction, Electrical and Plumbing codes as adopted by the village.

(6) Landscaping. Any area on any individual lot within the UD District not used for construction or vehicular purposes shall be adequately and attractively landscaped in accordance with plans prepared and submitted by the lot occupant. The landscape design may incorporate native plant materials and existing site amenities or new forms and vistas may be introduced by the use of plant materials, earth sculptures and/or structures. Said plans will require review by the Village Staff, recommendation by the Planning and Zoning Commission and approval from the Village Board of Trustees. The basis for this review shall be a comparison of said plans to conformance with the spirit and intent of the regulations listed herein. Placement of all landscaping shall be made in accordance with the provisions of this section and traditional landscaping techniques.

(a) All building permit applications requested for new construction in the U-D District must have a previously approved landscape plan by the Village Planner, Planning and Zoning Commission and Village Board of Trustees;

(b) The landscaping plan must show all areas which will contain grass, ground cover, location of all trees, shrubbery, and other growth proposed. All areas designated for landscaping must be completed as soon as possible after the completion of the building, and no later than six months from the date of the occupancy permit;

(c) Landscaping or planting will not be delayed for a period in excess of one year after the completion of any building;

(d) Certificates of occupancy may not be issued prior to the time the landscaping requirements are completed. If so issued, certificates of occupancy shall then state: "Landscaping not approved, approval required within six months of the date of this certificate;"

(e) Minor revisions from the landscaping plan may be made without obtaining prior approval. Amounts and location of land set aside for landscaping may not be reduced;

(f) The exterior storage of materials and inventory, where permitted by the Planning and Zoning Commission, shall be effectively screened from view from any district boundary line and right-of-way. Landscaping may consist of live or decorative plantings, or fencing, and must be approved by the Planning and Zoning Commission; and

(g) Where the U-D District abuts or is across the street from a residential district, adequate landscape screening shall be provided, as determined by the Village Planner, recommended by the Planning and Zoning Commission and approved by the Village Board of Trustees.

(7) Ingress/egress. Ingress and egress to any lot off of or to any public street shall be subject to §§ 159.017 and 159.080(H) and the following:

(a) Access is limited to not more than two combined ingress/egress points;

(b) Minimum width to be 40 feet at property line. Maximum width to be 75 feet at property line, or as may be approved by the Planning and Zoning Commission;

(c) Location to be approved by the Village Engineer, Village Planner and/or as directed by the village;

(d) Details of design and construction shall meet all village requirements; and

(e) Entrance curbs and storm drainage provisions shall be required on all street frontages, and shall meet with the approval of the Village Engineer and the standard specifications of the village.

(8) Outdoor Storage. Outdoor storage related to buildings or uses adjacent to or abutting any public street shall be subject to § 159.080(I) and the following:

(a) All outdoor storage facilities for the building and accessory uses and products shall be enclosed by an architecturally pleasing fence, wall, or planting materials adequate to conceal the facilities from adjacent properties and the public street right-of-way; and,

(b) Outdoor storage shall be included and shown within the required landscape plan.

(9) General regulations. Sections 159.014 through 159.035 of this chapter shall only apply to a parcel or parcels adjacent to, abutting or fronting on a public street.

(10) Inconsistent regulations. In the event of inconsistencies between the regulations of this District and other codes of the village, the regulations of this district shall apply.

(11) Land use change.

(a) Upon the discontinuance of any "permitted or special use" the new use must make application to the Village to have said site and landscape plans reviewed by the Village Staff, Planning and Zoning Commission and Village President and Board of Trustees; and

(b) Documentation regarding Use and bulk, lot coverage, street access, parking requirements, accessory uses and landscaping all need to be submitted to the village for review and approval by the Village Planner, Planning and Zoning Commission and Village President and Board of Trustees.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 18-1482, passed 5-16-18)

**§ 159.101 RESERVED.**

**§ 159.102 RESERVED.**

**§ 159.103 RESERVED.**

**§ 159.104 RESERVED.**

**OFF-STREET PARKING**

## **§ 159.105 OFF-STREET PARKING GENERAL REQUIREMENTS.**

(A) Intent and purpose. The purpose of this section is to alleviate or prevent congestion of the public roads, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which property is placed.

(B) Scope. The off-street parking provisions of this chapter shall apply as follows:

(1) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory off-street parking facilities shall be provided as required by the regulations of the District in which the buildings or uses are located. However, where a building permit has been issued prior to the effective date of this chapter, and provided that construction is begun within one year of the effective date and diligently prosecuted to completion, off-street parking, loading and unloading facilities as required herein need not be provided.

(2) When the intensity of the use of any building, structures, or premises shall be increased through addition of dwelling units, gross floor area seating capacity, or other units of measurement specified herein for required off-street parking facilities the off-street parking as required herein shall be provided for the increase in intensity of the land use. No building or structure lawfully erected or use lawfully established prior to the effective date of this chapter shall be required to provide the additional off-street parking facilities unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing on the effective date of this chapter, in which event off-street parking facilities as required herein shall be provided for the total increases.

(3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, off-street parking facilities shall be provided as required for the new use. However, if the building or structure was erected prior to the effective date of this chapter, additional off-street parking facilities are mandatory only in the amount by which requirements for the new use would exceed those for the existing use of the latter were subject to the parking and loading provision of this chapter.

(C) Existing off-street parking facilities. Accessory off-street parking facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this chapter or were provided voluntarily after the effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this chapter for a similar new building or use.

(D) Voluntary establishment. Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement, and operation of the facilities are adhered to.

(E) Damage or destruction. For any conforming or legally non-conforming building or use, as restricted by §§159.140 through 159.147 which is in existence on the effective date of this chapter, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking facilities equivalent to any maintained at the time of the damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain off-street parking facilities in excess of those required by this chapter for equivalent new uses in construction.

(F) Control of off-site facilities. Where required off-street parking facilities are provided on land other than the zoning lot on which the building or use served by the facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the off-street parking facilities are necessary. No such off-site parking facilities shall be authorized and no zoning certificate shall be issued where the plans call for off-site parking facilities other than on the same zoning lot until and unless the Planning and Zoning Commission has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-street parking facilities will be maintained at all times during the life of the proposed use or building.

(G) Submission of plot plan. Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and showing dimensions, any off-street parking facilities to be provided shall be in compliance with this chapter.

## **§ 159.106 USE OF FACILITIES.**

Off-street parking facilities accessory to residential use and development in any residential district in accordance with the requirements of this section shall be used solely for the parking of vehicles controlled by the occupants of the dwelling structures to which the facilities are necessary, or by guests of the occupants of the structure, and as regulated in § 159.019 of this chapter.

(Am. Ord. 07-0508, passed 2-21-07)

## **§ 159.107 JOINT USE OF FACILITIES.**

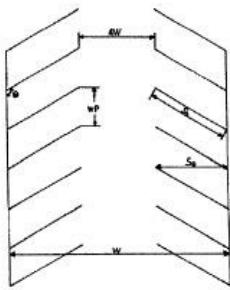
Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use. Developer, builder and/or developer shall provide a recorded document for cross access easements when property or properties have more than one tenant/occupant to the property for parking lot usage by patrons, employees, and the like.

## **§ 159.108 COMPUTATION OF PARKING SPACES.**

(A) When a determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(B) The total number of accessory parking spaces provided for one-family, two-family or multiple family dwellings shall not exceed that required by this chapter for such or for any equivalent new use by more than 50% or four spaces, whichever number is greater.

(C) Size and access (off-street parking).



(1) Size. A required off-street parking space in all districts shall be at least

nine feet six inches in width (WP) and at least 18 feet in length, exclusive of access drives or aisles, ramps, curbs, columns, office or work areas. The width and length of all parking spaces adjacent to curb and gutter shall be measured from the edge of pavement. All spaces shall have a minimum vertical clearance of at least seven feet. Aisles widths between vehicular parking spaces shall be not less than the following:

- (a) Forty-five degree angle with a 16 feet 6 inch stall length (SL), 15 foot aisle width (AW), and 48 feet wall to wall (W) measured to and from the edge of pavement, accommodating one-way aisle travel;
- (b) Sixty degree angle with 18 foot stall length (SL), 18 foot aisle width (AW), and 54 foot wall to wall (W) measured to and from edge of pavement, accommodating one-way aisle travel;
- (c) Sixty degree angle with 18 foot stall length (SL), 26 foot aisle width (AW), and 62 foot wall to wall (W) measured to and from edge of pavement, accommodating two-way aisle travel; and,
- (d) Ninety degree angle with 18 foot stall length (SL), 26 foot aisle width (AW), and 62 foot wall to wall (W) measured to and from edge of pavement, accommodating two-way aisle travel.

(2) Access. Each required off-street parking space shall open directly on an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space, unless the parking facilities are serviced by a parking attendant. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of 25 feet, unless otherwise allowed within this chapter.

(3) Measurement of space. When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded; and, any fraction over one-half shall be interpreted as one parking space.

(D) Design and maintenance.

(1) Open and enclosed parking spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.

(2) Surfacing. All open off-street parking areas, including driveways and aisles, shall be improved with a compacted stone base, not less than eight inches thick, surfaced with not less than three inches of compacted asphalt or concrete as approved by the village.

(3) Curbing. All parking lots shall have complete non-mountable curbing system at the perimeter of the lots. This system shall be designed to retain and direct storm water on-site.

(4) Screening and landscaping. All applications for a building permits requested for new construction in multi-family residential, commercial, and manufacturing districts shall provide a landscaping plan which shall be submitted to the Village Planner for review and subject to approval by the Planning and Zoning Commission and Village Board of Trustees. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence or densely planted compact hedge not less than five feet nor more than seven feet in height. The required screening shall conform with the front and side yard setback requirements of the district in which the parking is located. Landscaping requirements under the business/commercial section of this chapter shall also apply where required.

(5) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from any residential properties and public highways in such a way as not to create a nuisance.

(6) Signage. Directional and regulatory signs only are permitted on parking areas.

(7) Repair and service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residential district. The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residential district.

(8) Required setbacks. Except for otherwise provided for herein this chapter or within a specific zoning district, no parking space nor portion thereof shall be established within the front yard setback of any business, commercial, industrial, manufacturing, airport or university district. Further any decorative or landscaping wall, fence or hedge developed around any parking area shall be subject to the setback requirements of this chapter in the same manner as the parking lot.

(E) Location of off-street parking facilities. Off-street parking spaces may be located in any yards, except required front yards. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be within walking distance between the parking spaces and a main entrance to the use served:

- (1) For uses in a residential district. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across the street or alley from the

lot occupied by the use served, but in no case at a distance in excess of 300 feet from such use.

(2) For apartments, condominiums or efficiency units containing four or more dwelling units on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than 300 feet from the nearest entrance to the main building being served, provided the lot or parcel of land selected for the parking facilities is located in a apartment district or a less restricted district.

(3) For boarding house, clubs, congregate care, convalescent homes, dormitories, fraternity, halfway house, health club, hospitals, lodge, lodging house, nursing home, orphanages, rooming house, sanitariums, sorority, and for other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.

(4) For uses in business and industrial/ manufacturing districts. All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units (not including hotels) which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district, unless recommended by the Planning and Zoning Commission in accordance with § 159.172 of this chapter to the Village Board of Trustees.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0599, passed 12-19-07; Am. Ord. 08-0655, passed 5-21-08)

### **§ 159.109 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.**

For the following uses, accessory off-street parking spaces shall be provided as required herein. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(A) Floor area. The term "floor area" of a building or structure shall mean the gross floor area of a building or structure as measured from interior wall to interior wall. It is the purpose of this section to measure the floor area which will contribute to the parking demand of either employees or customers. Therefore, "floor area" for the purposes of this section shall not include any area used for the following uses:

- (1) Hallways enclosed on two sides by permanent walls;
- (2) Elevator, escalator or stair wells;
- (3) Rest room facilities;
- (4) Dressing, fitting or alteration rooms;
- (5) Employee cafeteria facilities;
- (6) Employee lounge areas used as work areas;
- (7) Special employee meeting rooms not utilized by employees as general work areas during the normal course of business; and
- (8) Any other areas accessory to the principal use of a building and not used as an employee work area.

(B) Residential uses, as follows:

- (1) One-family dwellings and two- family (duplex) dwellings. Two parking spaces shall be provided for each dwelling unit.
- (2) Multiple-family dwellings. One and one-half parking spaces for a one bedroom; two parking spaces for a two bedroom; and, two and one-half spaces for a three bedroom, plus five percent of the total for visitor and required number of handicapped spaces as outlined herein.
- (3) For one and two bedroom dwelling units on the second floor of a building located in a B-1, B-2 or B-3 District, when the first floor is occupied for business uses, 1-1/2 parking spaces per dwelling unit shall be provided.

(4) Hotels and full-service hotels. One parking space shall be provided for each dwelling unit or lodging room, plus such additional space as deemed necessary because of any supplementary parking generative activities such as bars, ballrooms, dining rooms, night club facilities, banquet rooms and the like.

(5) Boarding houses and rooming houses. One parking space shall be provided for each lodging room, plus one space for the owner or manager on premises.

(6) Private clubs and lodges (with sleeping facilities for guests). One parking space shall be provided for each lodging room plus parking spaces equal in number to 10% of the capacity in persons (exclusive of the lodging room capacity) of the club or lodge.

(7) Private clubs and lodges (without sleeping facilities for guests). Parking spaces equal in number to 20% of the capacity in persons shall be provided, but not less than one parking space for each 200 square feet of floor area used for assembly.

(8) For dormitories, fraternities and sororities. One parking space for each five active members, plus one additional space for each employee.

(C) Business/commercial/retail and service uses, as follows:

- (1) Automobile laundry. Ten parking/ stacking spaces shall be provided for each wash rack, plus one space for each employee.
- (2) Barber shops, beauty shops/parlors. Three parking spaces for the first station, chair or operator; plus, two paces for each additional station, chair or operator.
- (3) Bowling alleys. Five parking space shall be provided for each alley, plus one parking space for each 300 feet of floor area devoted for affiliated uses, bars, restaurants, and the like.
- (4) Convenience food stores. One parking space shall be provided for each 300 square feet of floor area.
- (5) Establishments handling the sale and consumption of any type of beverage and/or food on the premises. One parking space shall be provided for each 50 square feet of floor area accommodating customers.

(6) Furniture and appliance stores, household equipment or furniture repair shops. One parking space shall be provided for each 600 square feet of floor area.

(7) Full line grocery store, drug stores. One parking space shall be provided for each 200 square feet of floor area.

(8) Gas station, full-serve (see also gas station, self-serve). One space for every employee on the maximum shift plus, one space for each 250 square feet of floor area and two spaces for each repair bay, which the repair bay may not be counted towards the credit of meeting the parking requirements. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

(9) Gas station, self-serve only. One space for every employee on the maximum shift plus, one space for each 250 square feet of floor area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

(10) Gas station, self-serve with mini-mart. One and one-half space for each fuel nozzle. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

(11) Motor vehicle sales and equipment/ machinery sales. One parking space shall be provided for each 300 square feet of floor area, inclusive of showrooms, offices, parts department and customer waiting areas. Parking spaces required for this use must be clearly identified and marked to be for customer, service and employee parking only and shall not be used for parking of any other vehicles.

(12) Motor vehicle repair/service. Five parking spaces shall be provided for the first repair/ service bay; Plus, two parking spaces for each additional repair/service bay. Parking spaces required for this use must be clearly identified and marked to be for customer, service and employee parking only and shall not be used for parking of any other vehicles.

(13) Retail centers. Four parking spaces shall be provided for each 1,000 square feet of customer service area, excluding storage space. Retail stores. One parking space shall be provided for each 300 square feet of customer service area, excluding storage space.

(14) Theaters (indoor). One parking space shall be provided for each 3-1/2 seats up to 500 seats, plus one parking space for each four seats above 500 seats. (Outdoor) reservoir space equal to 10% of the capacity.

(15) Undertaking establishments, funeral parlors. Twelve parking spaces shall be provided for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises, and one parking space for each employee.

(D) Offices (business or professional) as follows:

(1) Offices (business, professional or governmental). One parking space for each 250 square feet of floor area on the ground, first or single floor area; one parking space for each 400 square feet of occupied floor space below the ground or first floor area; and, one parking space for each 300 square feet of floor space above the ground or first floor area.

(2) Banks/savings institutions. One parking space for each 200 square feet of ground, first or single floor area; One parking space for each 400 square feet of occupied floor space below the ground or first floor area; and, One parking space for each 300 square feet of floor space above the ground or first floor area; provided, however, that when a drive-through window or windows are provided to serve patrons, customers or clients calling for service at such windows in motor vehicles, then the parking space requirements shall be reduced as follows (credit against the aforementioned criteria):

(a) For each such drive-through window deduct four spaces;

(b) For each 200 square feet of area set aside for motor vehicles waiting in line for service at a drive-through window deduct one space; and

(c) For each drive-through cash station deduct one space.

(3) For medical or dental office uses having floor area space as follows:

(a) Less than 1,000 square feet of floor area, 1.75 spaces per 100 square feet of floor area; or

(b) At least 1,000 square feet of floor area but less than 5,000 square feet of floor area, 1.35 spaces per 100 square feet of floor area; or

(c) At least 5,000 square feet of floor area but less than 15,000 square feet of floor area, 0.85 spaces per 100 square feet of such floor area; or

(d) At least 15,000 square feet of floor area, 0.75 spaces per 100 square feet of floor area.

(E) Wholesale establishments, not including warehouses and storage buildings other than accessory. One parking space shall be provided for each 600 square feet of floor area.

(F) Establishments manufacturing or industrial engaged in the following: production, processing, cleaning, servicing, testing, or repair of materials, goods or products. One parking spaces shall be provided for each shift employee; Plus one space for each vehicle used in the conduct of the enterprise.

(G) Warehouse and storage buildings. One parking spaces shall be provided for each employee; Plus one space for each vehicle used in the conduct of the enterprise.

(H) Educational buildings, public buildings and community service buildings as follows:

(1) Churches. One space per four seats or one space per each 18 inches of bench length (if no seating, one space per 60 square feet of sanctuary space) plus spaces required for uses other than the conduct of worship services.

(2) Nursery, Elementary and Middle schools. One parking space for each employee; Plus one space for each 100 square feet of floor area dedicated to administrative offices to be reserved for visitor parking.

(3) High schools. Eight parking spaces for each classroom; Plus one space for employee; Plus one space for each 100 square feet of floor area dedicated to administrative offices to be reserved for visitor parking.

(4) Colleges, universities, business, professional and trade schools. One parking space shall be provided for each employee; Plus one space shall be provided for each four students based on the maximum number of students attending classes on the premises at any

one time during any 24 hour period.

(5) Arenas, auditoriums, banquet halls/ facilities, convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly. Parking spaces equal in number to 33% of the maximum capacity in persons shall be provided.

(6) Health centers, governmentally operated. Three parking spaces shall be provided for each staff member and visiting doctor.

(7) Health centers/clubs. One parking space shall be provided for 25% of the membership or the maximum occupancy of the building, whichever is greater.

(8) Hospitals. One parking space shall be provided for each two hospital beds; Plus one parking space for each two employees (other than staff doctors); Plus, one parking space for each doctor assigned to the staff.

(9) Institutions for the care of the insane and feeble-minded. One parking space shall be provided for each employee; Plus one parking space for each four patients/rooms on the premises.

(10) Libraries, art galleries and museums, public. Four parking spaces shall be provided for each 1,000 square feet of gross floor area.

(11) Municipal or privately owned recreational buildings or community centers. One parking space shall be provided for each one employee; Plus, one parking space shall be provided for each 250 square feet of floor area; Plus, five parking spaces for each baseball, football, soccer or similar fields provided.

(12) Public utility and public service uses. One parking space shall be provided for each one employee; plus one parking space shall be provided for each vehicle used in the conduct of the public entity; plus two parking spaces shall be provided for use by the general public, if applicable, as determined by the Zoning Administrator.

(13) Rest homes or nursing homes. One parking space shall be provide for each four beds; Plus one parking space for each one employee; and one parking space for each doctor assigned to the staff.

(14) Sanitariums, convalescent homes or institutions for the aged or for children. One parking space shall be provided for each four beds; Plus one parking space for each two employees (other than staff doctors); Plus one parking space for each doctors assigned to the staff.

(15) For the following uses, parking spaces shall be provided in adequate number, as determined by the Zoning Administrator, to serve persons employed or residing on the premises as well as the visiting public:

- (a) Airports or aircraft landing fields and heliports;
- (b) Convents and monasteries;
- (c) Crematories and mausoleums;
- (d) Outdoor amusement establishments, fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers;
- (e) Penal and correctional institutions;
- (f) Rectories and parish house; and
- (g) Swimming pools.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0599, passed 12-19-07; Am. Ord. 12-0972, passed 4-4-12)

#### **§ 159.110 MIXED LAND USES AND OTHER LAND USES.**

(A) When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Planning and Zoning Commission in accordance with § 159.158 of this chapter.

(B) 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 use, or as determined by the Zoning Administrator.

#### **§ 159.111 HANDICAPPED PARKING.**

Parking places for disabled persons are as follows:

(A) The number of parking spaces planned for disabled drivers in parking lots shall be as follows:

<b>TOTAL OFF-STREET PARKING SPACES REQUIRED</b>	<b>REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES</b>
1 to 20	1
21 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

501 to 1,000	2% of total number
1,000 or more	20 plus 100 for each 1,000

- (2) Where curbs are required around the parking areas, curb ramps shall be provided.
- (3) Handicapped parking signs shall be provided and posted at each disabled driver parking space as required by the Zoning Administrator and the village.
- (4) All provisions of the State of Illinois Accessibility Code and guidelines on parking for the disabled driver shall be made a part of this chapter as if spelled out in its entirety.

(Am. Ord. 06-0369, passed 2-1-06)

## **LOADING UNLOADING AND OUTDOOR STORAGE**

### **§ 159.112 LOADING, UNLOADING AND OUTDOOR STORAGE GENERAL REQUIREMENTS.**

(A) Intent and purpose. The purpose of this section is to alleviate or prevent congestion of the public roads, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street loading and unloading of motor freight vehicles in accordance with the use to which property is placed.

(B) Scope. The off-street loading, unloading and outdoor storage provisions of this chapter shall apply as follows:

(1) For all buildings and structures erected and all uses of land established after the effective date of this chapter, off-street loading, unloading and outdoor storage facilities shall be provided as required by the regulations of the district in which the buildings or uses are located. However, where a building permit has been issued prior to the effective date of this chapter, and provided that construction is begun within one year of the effective date and diligently prosecuted to completion.

(2) When the intensity of the use of any building, structures, or premises shall be increased through addition of gross floor area or other units of measurement specified herein for required off-street loading, unloading and outdoor storage facilities, the off-street loading, unloading and outdoor storage as required herein shall be provided for with the increase in intensity of the land use. No building or structure lawfully erected or use lawfully established prior to the effective date of this chapter shall be required to provide the additional off-street loading, unloading and outdoor storage facilities unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing on the effective date of this chapter, in which event off-street loading, unloading and outdoor storage facilities as required herein shall be provided for the total increases.

(3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, and off-street loading, unloading and outdoor storage facilities need to be provided for the new use it shall be in accordance herein. However, if the building or structure was erected prior to the effective date of this chapter, additional off-street loading, unloading and outdoor storage facilities are mandatory only in the amount by which requirements for the new use would exceed those for the existing use of the latter were subject to the loading and unloading provisions of this chapter.

(C) Existing off-street loading, unloading and outdoor storage facilities. Off-street loading, unloading and outdoor storage facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this chapter or were provided voluntarily after the effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this chapter for a similar new building or land use.

(D) Voluntary establishment. Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street loading, unloading and outdoor storage facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement, and operation of the facilities are adhered to.

(E) Damage or destruction. For any conforming or legally non-conforming building or use, as restricted by §§159.140 through 159.147, which is in existence on the effective date of this chapter, which is subsequently thereto damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street loading, unloading and outdoor storage facilities equivalent to any maintained at the time of the damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain off-street loading, unloading and outdoor storage facilities in excess of those required by this chapter for equivalent new uses in construction.

(F) Control of off-site facilities. Where required off-street loading, unloading and outdoor storage facilities are provided on land other than the zoning lot on which the building or use served by the facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the off-street loading, unloading and outdoor storage facilities are necessary. No such off-site loading, unloading and outdoor storage facilities shall be authorized and no zoning certificate shall be issued where the plans call for off-site loading, unloading and outdoor storage facilities other than on the same zoning lot until and unless the Planning and Zoning Commission has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the loading, unloading and outdoor storage facilities are reasonably certain to continue and that the off-street loading, unloading and outdoor storage facilities will be maintained at all times during the life of the proposed use or building.

(G) Submission of plot plan. Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and showing dimensions, any off-street loading, unloading and outdoor storage facilities to be provided shall be in compliance with this section.

(Am. Ord. 06-0369, passed 2-1-06)

### **§ 159.113 USE OF FACILITIES.**

Off-street loading, unloading and outdoor storage facilities accessory to any development shall be in accordance with the requirements of this section and shall be used solely for the loading, unloading and outdoor storage of vehicles controlled by the occupants of the structures to which the facilities are necessary, and as regulated in § 159.019 of this chapter.

(Am. Ord. 07-0508, passed 2-21-07)

### **§ 159.114 JOINT USE OF FACILITIES.**

Off-street loading, unloading and outdoor storage facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate loading, unloading and outdoor storage facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use. Developer, builder and/or development shall provide a recorded document for cross access easements when property or properties have more than one tenant/occupant to the property for parking lot usage by patrons, employees, and the like.

#### **§ 159.115 SIZE, ACCESS AND DESIGN OF LOADING, UNLOADING AND OUTDOOR STORAGE.**

(A) Size and access (off-street loading, unloading and outdoor storage).

(1) Size. Each off-street loading, unloading and outdoor storage space provided on a zoning lot shall be at least 12 feet in width and at least 50 feet in length, exclusive of aisle and maneuvering space thereto, and shall have a vertical clearance of at least 14 feet.

(2) Access. Each required off-street loading, unloading and outdoor storage space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

(B) Design and maintenance.

(1) Open and enclosed loading, unloading and outdoor storage Spaces. Accessory loading, unloading and outdoor storage spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building.

(2) Surfacing. All open off-street loading, unloading and outdoor storage areas, including driveways and aisles, shall be improved with a compacted stone base, not less than eight inches thick, surfaced with not less than three inches of compacted asphalt or concrete as approved by the village.

(3) Curbing. All parking lots shall have complete non-mountable curbing system at the perimeter of the lots. This system shall be designed to retain and direct storm water on-site.

(4) Screening and landscaping. All applications for building permits requested for new construction in multi-family residential, commercial, and manufacturing districts shall provide a landscaping plan which shall be submitted to the Village Planner for review and subject to approval by the Planning and Zoning Commission and Village Board of Trustees. All open loading, unloading and outdoor storage areas containing more than four loading, unloading and outdoor storage spaces shall be effectively screened on each side adjoining or fronting on any property by a wall, fence or densely planted compact hedge not less than five feet nor more than seven feet in height. The required screening shall conform with the front and side yard setback requirements of the district in which the loading, unloading and outdoor storage is located. Landscaping requirements under the business/commercial section of this chapter shall also apply where required (see § 159.070(G)).

(5) Lighting. Any lighting used to illuminate off-street loading, unloading and outdoor storage areas shall be directed away from any residential properties and public highways in such a way as not to create a nuisance.

(6) Signage. Directional and regulatory signs only are permitted in loading, unloading and outdoor storage areas. All other signage must meet with the approval of the Village Planner and the Planning and Zoning Commission if required.

(7) Repair and service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off- street loading, unloading and outdoor storage facilities provided in a residential district. The sale of gasoline and motor oil in conjunction with accessory off-street loading, unloading and outdoor storage facilities is not permitted in any residential district.

(8) Space requirements. Space allocated to any off-street loading, unloading and outdoor storage facility shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facility or portions thereof.

(9) Receiving facilities. Uses for which off-street loading, unloading and outdoor storage facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for the required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicles.

(10) Special uses. For special uses other than prescribed herein, loading, unloading and outdoor storage facilities adequate in number and size to serve the use, as determined by the Village Planner, shall be provided.

(C) Location of off-street loading, unloading and outdoor storage facilities:

(1) All required loading, unloading and outdoor storage facilities shall be located on the same zoning lot as the use served. No loading, unloading and outdoor storage facilities for vehicles over two ton capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building/structural walls, or any combination thereof, not less than six feet in height. No permitted or required loading, unloading and outdoor storage facility shall be located within 50 feet of the nearest point of intersection of any two streets.

(2) Within all commercial zoning districts and within the M-R, Manufacturing/Research District, loading, unloading and outdoor storage facilities shall not be permitted on any portion of a building facade having street frontage on a public roadway, except as directed and reviewed by the Village Planner and Planning and Zoning Commission.

(D) Additional Criteria for outdoor storage spaces. The maximum number of outdoor trailer storage spaces for truck trailers shall not be greater than 1 1/2 outdoor trailer storage spaces for each loading dock on the principal building(s) on the same lot. Outdoor trailer storage spaces shall be landscaped in the manner prescribed for off-street parking spaces in § 159.030(D) of this chapter.

(Am. Ord. 06-0369, passed 2-1-06)

#### **§ 159.116 SCHEDULE OF OFF-STREET LOADING, UNLOADING REQUIREMENTS.**

Off-street loading and unloading spaces shall be provided for any use occupying 25,000 square feet or more of floor area.

#### **§ 159.117 RESERVED.**

#### **§ 159.118 RESERVED.**

#### **§ 159.119 RESERVED.**

## **§ 159.120 RESERVED.**

## **SIGNAGE**

### **§ 159.121 SIGNS PURPOSE.**

The regulation of signs by this chapter is intended to promote and protect the public health, safety and welfare by:

- (A) Reducing the depreciation of property values caused by signs that are incompatible with surrounding land uses;
- (B) Creating a viable economic and business climate within the commercial and industrial areas of the village;
- (C) Enhancing and protecting the physical appearance of all areas of the village; and
- (D) Reducing the distraction, obstructions and hazards to pedestrians and vehicular traffic caused by the indiscriminate placement and use of signs.

(Ord. 15-1190, passed 9-16-15)

### **§ 159.122 SCOPE.**

(A) The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the village and any sign not expressly permitted by these regulations shall be prohibited.

(B) The regulations of this section related to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the Romeoville Building Code.

(C) For the purposes of this section, a sign shall mean any object, device, display, or structure or part thereof situated outdoors or, when situated indoors, intended to be seen from the outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images.

(Ord. 15-1190, passed 9-16-15)

### **§ 159.123 PROHIBITED SIGNS.**

The following signs shall not be permitted in any zoning district:

- (A) Flashing signs, except electronic message boards/dynamic display signs, as defined and permitted in this chapter, which show temperature, time, business or public service messages for not less than ten seconds with no animation effects;
- (B) Signs which constitute a hazard to public health or safety;
- (C) Signs displaying obscene, indecent or immoral matter;
- (D) Signs mounted on trailers or motor vehicles, provided that signs containing the name, address or business identification of the owner or user and displayed on a motor vehicle in use and portable signs defined herein are exempt from this section;
- (E) Signs which are mounted on the roof and project above the highest point of the building or roof to which they are attached; (See diagram, Appendix B (Q))
- (F) Attention-getting devices including, but not limited to, moving, rotating or undulating signs, or light beams, strobe lights, flashing lights, or animated light displays;
- (G) Inflatable devices, except as otherwise permitted with a special events permit;
- (H) Signs which, by reason of size, location, content, color, or manner of illumination, obstruct the vision of motorists or interfere with the visibility or effectiveness of any traffic sign or control device on public streets;
- (I) Signs which make use of words such as "Stop," "Look," "One-Way," "Danger," "Yield," or any similar word, phrase, symbol or light so as to interfere with or confuse pedestrian or vehicular traffic;
- (J) Signs displayed within or extended over public right-of-way, except those erected or authorized by a government authority having jurisdiction of the public right-of-way;
- (K) Signs which obstruct ingress or egress from any fire escape, door, window, or other exit or entrance;
- (L) Wall mounted box signs or cabinet signs;
- (M) Advertising, business, or identification signs on light poles of establishments, unless such signs are owned by the village, the Chamber of Commerce, or another government agency as part of a community-wide event or marketing campaign;
- (N) Signs painted directly on trees, rocks and fences and other structures or objects, except walls;
- (O) Festoon lighting.

(Ord. 15-1190, passed 9-16-15)

### **§ 159.124 GENERAL PROVISIONS.**

(A) Sign area. The following principles shall control the computation of sign area and sign height within the village: (See diagram, Appendix B (R) and (S))

(1) Individual signs. The area of a sign shall be the smallest rectangle which encloses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but excluding the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meeting zoning code regulations and is clearly incidental to the sign display

itself.

(2) Multiple-faced signs. The sign area for a sign with more than one surface shall be computed by adding together the area of all sign surfaces visible from any one point. When two identical sign surfaces are placed back to back, so that both faces can not be viewed from any point at the same time, and when such sign surfaces are part of the same sign structure and are not more than 12 inches apart, the sign area shall be computed by the measurement of one of the sign surfaces.

(3) Number of signs. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

(B) Sign height. The height of sign shall be the distance measured between the top of the nearest public street curb and the highest point of the sign for freestanding signs. For all other signs, the distance measured between finished grade adjoining the wall on which a wall, projecting, awning, or window sign is attached and the highest point of said sign.

(C) Illumination. An illuminated sign is any sign from which artificial light emanates either by means of exposed lighting on the surface of the sign or through transparent or translucent material from a source within the sign, or a sign which reflects artificial light from a source intentionally directed upon it.

(1) Illuminated signs permitted in Residential Districts or located in any other zoning district adjacent a residential zoned lot shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open;

(2) No illuminated sign shall be positioned or maintained so as to permit the beams and illumination there from to be directed or beamed upon any adjacent property nor to cause glare or reflection that may constitute a nuisance or traffic hazard;

(3) A photometric plan may be required by the village in order to confirm that light emitted by the sign does not exceed zero foot candles at the property line of the parcel or lot on which the sign is located.

(4) See § 159.129(L) for additional illuminance standards set forth for dynamic display/electronic message board signs.

(D) Setback. Except as otherwise provided herein, freestanding signs shall be located at least ten feet from any driveway and lot line. The setback of a sign shall be measured as the distance between the point of reference specified and the closest point on the sign. (See diagram, Appendix B (T))

(E) Electrical elements. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Romeoville Building Code and shall be contained in rigid conduit or enclosed in poles or raceways. No wiring may be exposed on the surface of any element of the sign.

(F) Sign maintenance. The owner of a sign or the premises on which such sign is located shall be liable for maintenance of such sign, including its source(s) of illumination, its neat and orderly condition (free of any debris), maintenance to ensure good working order at all times (i.e. functional light bulbs), and for preventing deterioration of the physical appearance (i.e. sign fading) or safety of such sign. Message board signs must be designed in such a manner that the message area is resistant to damage by wind and vandalism.

(G) Structural elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the Romeoville Building Code.

(H) Sight triangle. To protect the visibility of automotive traffic, bicyclists, and pedestrians, signs, and any concealed support elements supporting a sign, shall not be located within any sight triangle described in § 159.014.

(I) Overhang. Except awning, canopy and projecting signs, no sign may overhang any part of a structure, sidewalk, parking or loading space, driveway or maneuvering aisle.

(J) Window surface area. For the purposes of calculating window signage, window surface area shall be defined as all the glass surfaces, including windows and doors of a single tenant building or of a space in a multiple tenant building occupied by a single user, that make up the street-facing facade.

(1) All window signs shall occupy no more than 50% of the total window surface area of a storefront facing the public street.

(2) The Zoning Administrator or Village Manager may revoke the use of window signs at a particular location at any time if the window signage is deemed to limit visibility into a location in a matter that compromises public safety.

(Ord. 15-1190, passed 9-16-15; Am. Ord. 15-1229, passed 11-18-15)

## **§ 159.125 SIGNS EXEMPTED FROM THIS SECTION.**

Nothing in this section shall be construed as exempting the following signs from the provisions of § 159.123 and § 159.124 or from any provisions of the Building Code or those portions of the Village Code other than this chapter which may be applicable to signs. The following signs are otherwise exempt from regulations of this section.

(A) Flags, symbols or crests of nations, states, cities or political, fraternal, religious or civic organizations, provided the number of such flags does not exceed four. One flag displaying the name or logo of a company or business shall be allowed provided that it is flown along with the American flag and shall not be larger than said flag. These flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

(B) Decorations customarily and commonly associated with a national, local or religious holiday, or recognized local special event, provided that such decorations shall not be displayed for more than 60 days.

(C) Signs in non-residential districts not exceeding two square feet in area bearing only the name or logo of the occupant, or address of the lot, or indicating building entrances or exits. Only one such sign per occupant entrance or exit shall be permitted. Such signs may be illuminated.

(D) Legal notices, identification, informational, directional, traffic or other sign erected or required by governmental authority under the law, statute or ordinance.

(E) Memorial signs or tablets containing the names of a building and the date of construction, when cut into any masonry surface so as to be part of the building or when constructed of bronze or some other non-combustible material and permanently attached to a building.

(F) Non-illuminated signs displayed on windows provided the area of all window signs occupy no more than 50% of the window surface area.

(G) For purposes of marketing lots or parcels for sale, lease, or development (real estate), for advertising activities related to construction taking place on a lot, and/or for purposes of announcing a business opening soon on a lot in non-residential districts, the following shall be exempt:

(1) For one property less than ten acres in size having one real estate, construction, and/or coming soon sign erected on site. Contiguous lots under the same ownership shall be considered one property for the purposes of this section. Such sign shall meet the following requirements:

(a) Sign shall be more than six square feet in area but not exceeding 32 square feet in area, and not more than eight feet in height. This sign shall be for marketing a lot or parcel for sale or lease or development, and for indicating the name of the owner, agent or broker having a role or interest with respect to the sale or lease or development of the lot or parcel. It may also be for a lot on which construction is taking place that indicates the name of the architects, engineers, landscape architects, contractors, and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project. Additionally, the sign may advertise a future business opening on the lot, i.e. Coming Soon.

(b) Sign shall be located on vacant or non-residential property in any zoning district, or on a lot under construction. Said sign shall be a wall or freestanding sign, shall not be illuminated, and shall be set back not less than ten feet from any lot line.

(c) Such real estate signs must be removed within two days of closing or lease transaction.

(2) For one property over ten acres in size having no more than one real estate, construction, and/or coming soon sign erected on each street frontage, but not to exceed two total on site. Contiguous lots under the same ownership shall be considered one property for the purposes of this section. Such signs shall meet the following requirements:

(a) Signs shall be more than six square feet in area but not exceeding 32 square feet in area, and not more than eight feet in height. These signs shall be for marketing a lot or parcel for sale or lease or development, and for indicating the name of the owner, agent or broker having a role or interest with respect to the sale or lease or development of the lot or parcel. They may also be for a lot on which construction is taking place that indicates the name of the architects, engineers, landscape architects, contractors, and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project. Additionally, the signs may advertise a future business opening on the lot, i.e. Coming Soon.

(b) Sign shall be located on vacant or non-residential property in any zoning district, or on a lot under construction. Said sign shall be a wall or freestanding sign, shall not be illuminated, and shall be set back not less than ten feet from any lot line.

(c) Such real estate signs must be removed within two days of closing or lease transaction.

(H) Signs attached to the underside of a canopy provided such signs do not exceed six square feet in area and are mounted at right angles to the building facade and provided a minimum clearance of seven feet above the sidewalk is maintained and that no portion of such sign is within one foot of the edge of the canopy. (See diagram, Appendix B (V))

(I) Public telephone, gasoline pump and vending machine graphics, logos and instructions.

(J) Residential signs. All signs in residential zoning districts are subject to the following.

(1) The maximum size of an individual sign is 2' x 3'. The maximum total allowed square footage of sign area per lot is 24 square feet.

(2) Signs which are mutilated, damaged, faded, destroyed or rendered unreadable must be removed or replaced by the person that erected them or caused their creation.

(3) Signs are not allowed to obstruct vision and not allowed to be located in the vision triangle.

(4) No sign shall be illuminated.

(K) Works of art that do not include a commercial message, graphic or logo.

(L) One menu board sign for a drive-thru window operation provided such sign does not exceed 32 square feet in area and eight feet in height.

(M) Religious symbols or identification emblems of religious orders, no greater than 32 square feet in area, in connection with a place of worship or religious assembly.

(N) When located on agricultural property used for agricultural purposes, signs no greater than two square feet in area pertaining to seed, fertilizer or hybrid products used, produced or cultivated on the property, and signs no greater than 32 square feet in area pertaining to the sale in season of agricultural products grown or produced on the property.

(O) In non-residential districts, signs no greater than four square feet in area, which may not be illuminated, with only one such sign per business entrance.

(P) One portable sign no larger than ten square feet in area when displayed on a sidewalk adjacent the facade of a tenant space or a building occupied by a commercial use, provided such sign is displayed only during the hours of operation of the commercial use, is not illuminated, the sign does not interfere with pedestrian movement, and that it does not require transport by a motor vehicle. Such signs are intended to benefit and to attract the attention of pedestrians.

(Q) Permanent public park and pathway signs no greater than 32 square feet in area.

(R) Directional signs within the public right-of-way in conjunction with a license agreement with the village.

(S) Public agency or unit of government special event signage. Temporary signs for festivals, programs, or special events hosted by a public body. Such signage may be located on-site or off-premise with the permission of the property owner. Signs shall not exceed 32 square feet in area and eight feet in height. Portable signs are permitted provided they shall not be internally illuminated. Such signage must follow the applicable standards in this chapter for duration of display, sight triangle, and sign maintenance.

(T) Village signage including entryway signs, public building identification signs, and public information/address signage. Such signage may include electronic message boards.

(Ord. 15-1190. Passed 9-16-15)

## **§ 159.126 CLASSIFICATIONS OF SIGNS.**

For purpose of this section, signs shall be classified according to their function and structural type, defined as follows:

(A) Sign Classification Table. For purposes of convenience, the following table is provided to clarify which sign structural types may be used for particular types of sign functions. An "X" shall indicate the only permitted use of various sign structural types for various types of sign functions:

FUNCTIONAL TYPE	STRUCTURAL TYPE							
	AWNING	CANOPY	FREE STANDING	PORTABLE	PROJECTING	ROOF	WALL	WINDOW
FUNCTIONAL TYPE	STRUCTURAL TYPE							
	AWNING	CANOPY	FREE STANDING	PORTABLE	PROJECTING	ROOF	WALL	WINDOW
ADVERTISING			X					
BUSINESS	X	X	X		X	X	X	X
DEVELOPMENT			X					
TENANT IDENTIFICATION			X					
MESSAGE BOARD			X					
GRAND OPENING	X	X	X	X		X	X	X
IDENTIFICATION	X	X	X		X	X	X	X
REAL ESTATE			X				X	X
TIME/ TEMPERATURE			X					
TEMPORARY			X				X	X
POLITICAL			X					
DIRECTIONAL			X				X	
TEMPORARY			X					

(B) Functional type.

(1) Advertising sign. A sign, commonly known as a billboard, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the lot on which the sign is located; or, a sign which directs attention to a business that is no longer conducted or to a product that is no longer sold on the lot on which the sign is located. An advertising sign shall

be a freestanding sign.

(2) Business sign. A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located or to which it is affixed. A business sign shall be an awning, canopy, roof, wall or window sign.

(3) Development sign. A sign designating the name and/or address of the development. A development for the purpose of this section shall mean a building or buildings located on a lot not less than 100 feet in width at the front property line and under unified ownership or control. A development sign may be used for the identification of residential or non-residential subdivisions or developments. A development sign shall be a freestanding sign and may include tenant identification signs, time and temperature signs, and message board signs.

(4) Tenant identification sign. A sign giving the name of a tenant on a lot on which two or more tenants or businesses are located. Said sign shall only indicate the name of the tenant or business establishment or a logo or symbolic representation of the type of business. Tenant identification signs shall be uniform in size and shape and be designed for maximum legibility.

(5) Message board/dynamic display/digital sign. A sign designed so that characters, letters, or illustrations can be changed or rearranged electronically, electrically, or manually without altering the face or surface of the sign. A message board sign shall only be accessory and incidental to a development, identification, or business sign, and shall only utilize LCD or LED technology that cannot be read past the property line on which the sign is placed.

(6) Grand opening sign. Any sign used for the purpose of advertising a grand opening or grand re-opening of a new business. A grand opening sign may be an awning, canopy, freestanding, portable, roof, temporary, wall or window sign. Grand opening signs shall not be used for promotions, special sales, seasonal sales, or going-out-of-business sales.

(7) Identification sign. A sign giving the name and address of a residential building, business, development, industry, or other building or establishment. Such signs may be wholly or partly devoted to a readily recognized logo or symbol. An identification sign shall be an awning, canopy, freestanding, projecting, roof, wall, or window sign.

(8) Real estate sign. A sign indicating the sale, rental, lease, or development of a building or lot, or a portion thereof, on which the sign is located. A real estate sign may be a freestanding, wall or window sign.

(9) Time and temperature sign. A sign that provides current time and/or temperature information to the public. Such signs may be wholly or partially devoted to a readily recognized logo or symbol. A time and temperature sign shall only be accessory and incidental to a freestanding development, identification, or business sign.

(10) Temporary sign. Any sign, banner, pennant, streamer, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light-weight material without a frame. A temporary sign shall be a wall, window, awning or canopy sign. (See diagram, Appendix B (W))

(C) Structural type.

(1) Awning sign. A sign that is mounted on or attached to an awning that is otherwise permitted by this section. An awning may be fixed or retractable and shall be securely attached to and supported by the building. No posts or columns shall be permitted to support the awning. Awnings shall be designed to provide unobstructed flow of pedestrian traffic along any sidewalk. The construction materials and the manner of construction of all awnings shall be in accordance with the Romeoville Building Code.

(2) Canopy sign. A sign that is mounted on or attached to a canopy that is otherwise permitted by this section. A canopy shall not encroach upon the required building line on a lot. The construction materials and the manner of construction of all canopies shall be in accordance with the Romeoville Building Code.

(3) Freestanding sign. A sign supported independently of any structure. Such sign may be referred to as a ground, monument, or pole sign.

(4) Portable sign. A freestanding sign, no face of which shall exceed 32 square feet, attached to or mounted upon a frame intended to be moved from place to place. Such sign may be used as a grand opening sign and may or may not include moveable lettering and/or electrical equipment for use as illuminated signs. All illuminated portable signs shall be wired with a UL approved ground fault interrupter, and all service connections shall be approved by a Romeoville electrical inspector. No flashing lights or other moving displays shall be permitted on such sign, and all illumination shall be of an indirect or diffused nature.

(5) Projecting sign. A sign attached perpendicular to a wall of a building, supported solely by the building, and having not more than two faces which may be no more than 12 inches apart.

(6) Roof sign. A sign attached to or mounted on a roof of a building and shall not project or extend above the peak or deck line of a gambrel, gable, hip, or mansard roof. No sign shall be attached, anchored or located above the deck of a flat roof.

(7) Wall sign. A sign painted on or fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure. No sign shall extend beyond the width of the facade of the building to which it is attached.

(8) Window sign. A sign which is painted, applied, or attached to, or located within three feet of the interior of a window, which sign may be seen through the window from the exterior of the structure.

(Ord. 15-1190, passed 9-16-15)

**§ 159.127 PERMITTED SIGNS.**

Unless otherwise provided elsewhere in these regulations, the following signs shall be permitted in the village as accessory structures, subject to the following and all other applicable standards:

(A) Awning signs. Where permitted in § 159.126(A), Sign Classification Table, awning signs shall be permitted subject to the following:

(1) Number. Not more than one awning sign shall be permitted on each awning.

(2) Location. Individual letters, words or symbols may be affixed or applied to any awning surface facing a public street or mounted

over a public entrance to an establishment and shall not face a residential lot.

(3) Height. The maximum height of an awning sign shall be the highest point of the awning to which the sign is attached or 16 feet, whichever is less.

(4) Sign display area limits. The awning sign shall not extend beyond the awning surface on which the sign is located, nor beyond the premises of a particular establishment.

(5) Sign area. The area of an awning sign shall not exceed one and one-half square feet of sign area for each lineal foot of awning, and the actual signage face shall not exceed three feet in height.

(6) Illumination. Awning signs may be illuminated subject to the standards in §159.124.

(7) Clearance. A minimum clearance of eight feet shall be provided between finished grade and the lowest point of an awning sign, but in no instance shall an awning sign extend below the lowest point of the awning to which the sign is attached.

(8) Projection. No awning sign and the awning to which it is affixed shall project more than eight feet from the building wall, but shall not project into or over the roadway of any street or driveway.

(9) Setback from curb. No awning sign and the awning to which it is affixed shall project within two feet of the curb of a street or driveway or parking space.

(B) Canopy signs. Where permitted in §159.126(A), Sign Classification Table, canopy signs shall be permitted subject to the following:

(1) Number. Not more than one canopy sign shall be permitted per street frontage per building or tenant space having an exterior public entrance.

(2) Location. Canopy signs shall be mounted on the face of a canopy.

(3) Height. The maximum height of a canopy sign shall be the highest point of the canopy to which said sign is attached or 18 feet, whichever is less.

(4) Sign display area limits. The canopy sign shall not extend beyond the canopy face on which the sign is located, nor beyond the premises of a particular establishment.

(5) Sign area. The area of a canopy sign shall not exceed one and one-half square feet of sign area for each lineal foot of awning, and the actual signage face shall not exceed three feet in height.

(6) Illumination. Canopy signs may be illuminated subject to the standards in §159.124.

(7) Clearance. A minimum clearance of eight feet shall be provided between finished grade to the lowest point of a canopy sign, but in no instance shall a canopy sign extend below the lowest point of the canopy on which the sign is attached.

(8) Projection. No canopy sign shall project more than 12 inches from the canopy to which it is attached.

(C) Freestanding signs. Where permitted in §159.126(A), Sign Classification Table, freestanding business, identification and development signs shall be permitted subject to the following:

(1) Development signs.

(a) Number. Each multiple tenant development having a minimum of 25 acres of area shall be permitted one freestanding development sign for each 25 acres of land area, but in no case shall more than two such signs be permitted on a development parcel and provided there is only one such sign per street frontage.

(b) Location. No development sign shall be located closer than ten feet from any property line, and shall be located not less than 25 feet from any residential zoned lot. No development sign shall be located closer than 100 feet to another permanent freestanding sign.

(c) Height. No development sign shall exceed 25 feet in height.

(d) Sign area. The maximum sign area shall be 150 square feet.

(e) Illumination. Development signs may be illuminated subject to the standards in §159.124.

(f) Time and temperature displays. Time and temperature displays may be incorporated into a development sign provided location, area and other technical requirements herein are satisfied. The area of any time and temperature displays shall be included in the maximum sign area.

(g) Message board sign. Message board/dynamic display signs shall be permitted when incorporated into a development sign subject to all applicable standards set forth § 159.129(L).

(h) Distance from buildings. No development sign shall be located closer than ten feet to a building.

(i) Sign landscaping. All development signs shall be located in a landscaped area separated and protected from vehicular circulation and parking areas. A minimum of two square feet of landscaping area shall be required for every one square foot of sign surface area provided, but no development sign landscape area shall be less than 50 square feet in area. Said landscape area shall be landscaped appropriately. (See diagram, Appendix B (X))

(j) Architectural feature. All development signs shall be designed and constructed as an integral architectural element of the overall development incorporating elements and details and building materials used in the principal building(s). The area and height of the architectural feature shall not be computed as part of the development sign area and height.

(k) Multi-tenant signs. Any sign constructed with tenant panels must not have blank tenant panels at any time.

(2) Business and identification signs.

(a) Number. Each lot or development having less than 25 acres of area shall be permitted one freestanding business or identification sign for each street frontage.

(b) Location. No freestanding business or identification sign shall be located closer than ten feet from any property line, and shall be located not less than 25 feet from any residential zoned lot. No freestanding business or identification sign shall be located closer than 100 feet to another permanent freestanding sign.

(c) Height. No freestanding business or identification sign shall exceed ten feet in height.

(d) Sign area. The maximum sign area shall be 25 square feet.

(e) Illumination. Freestanding business or identification signs may be illuminated subject to the standards in §159.124.

(f) Time and temperature displays. Time and temperature displays may be incorporated into a freestanding business or identification sign provided location, area and other technical requirements herein are satisfied. The area of any time and temperature displays shall be included in the maximum sign area.

(g) Message board sign. Message board/dynamic display signs shall be permitted when incorporated into a business identification sign subject to all applicable standards set forth in § 159.129(L).

(h) Distance from buildings. No freestanding business or identification sign shall be located closer than ten feet from a building.

(i) Sign landscaping. All freestanding business or identification signs shall be located in a landscaped area separated and protected from vehicular circulation and parking areas. A minimum of two square feet of landscaping area shall be required for every one square foot of sign surface area provided, but no development sign landscape area shall be less than 50 square feet in area. Said landscape area shall be landscaped appropriately. (See diagram, Appendix B (Y))

(j) Decorative sign base. All freestanding business or identification signs shall be designed and constructed with an integral decorative base constructed of wood, metal, masonry, or stone to conceal the sign's support structure(s) and to visually compliment the building materials used on the principal building(s) on the lot. The decorative base shall be equal to at least 75% of the width of the sign face. The area of the decorative sign base shall not be computed as part of the sign area. The height of the decorative sign base shall be computed in determining the sign height.

(k) Multi-tenant signs. Any sign constructed with tenant panels must not have blank tenant panels at any time.

(D) Portable signs. Where permitted in § 159.126(A), Sign Classification Table, portable signs shall be permitted subject to the following: (See diagram, Appendix B (Y))

(1) Number. No more than one portable sign shall be permitted on a lot at any one time. Such sign that must be transported by motor vehicle and/or on a trailer may only be used as a grand opening sign.

(2) Location. Portable signs shall comply with all location requirements for free-standing signs, with the exception that portable signs may be located closer than 100 feet from a freestanding sign.

(3) Sign area. The area of a portable sign shall not exceed 32 square feet.

(4) Duration of display.

(a) No portable sign shall be displayed for more than 30 consecutive days within six months of occupancy of a building or tenant space.

(b) Portable signs may be displayed only for grand opening or grand re-opening celebrations.

(E) Projecting signs. Where permitted in § 159.126(A), Sign Classification Table, projecting identification signs shall be permitted subject to the following: (See diagram, Appendix B (AA))

(1) Number. Not more than one projecting sign per establishment shall be permitted on a building wall facing a public street and/or having a public entrance, provided no canopy or roof sign for the establishment are located on the same building wall.

(2) Location. Projecting signs shall be affixed to the wall having the establishment's public entrance and shall not be located beyond the premises of a particular establishment.

(3) Height. No projecting sign shall extend above the roof line or the highest point of the wall of the building on which it is located or 14 feet from finished grade, whichever is less.

(4) Sign area. The area of a projecting sign shall not exceed 16 square feet.

(5) Illumination. Projecting signs may be illuminated subject to the standards in § 159.124.

(6) Clearance. Projecting signs shall provide a minimum clearance of eight feet between the finished grade below the sign to the lowest edge of the sign.

(7) Projection. No projecting sign shall project from the building wall more than six feet. The innermost edge of the projecting sign shall be no more than one foot from the wall of the building to which it is attached. Projecting signs may swing, but all projecting signs shall be permanently attached to the building.

(8) Setback from curb. No projecting sign shall project within two feet of the curb of a street or driveway or parking space.

(F) Roof signs. Where permitted in § 159.126(A), Sign Classification Table, roof signs shall be permitted subject to the following:

(1) Number. Not more than one business or identification roof sign per street frontage shall be permitted, provided no wall or canopy sign for the same establishment is directed to the same street frontage, except that:

(a) No roof sign shall face a residential lot and shall be at least 50 feet from a public street.

(b) No roof sign shall be allowed for individual tenants in a multi-tenant building or a multi-story building.

(2) Location. A roof sign shall be located on a decorative mansard, penthouse or other architectural element of a building which extends vertically beyond the roof line, and shall be single-faced and be mounted directly vertical as a wall sign, with no visible angle-iron, guy wires, braces or secondary supports and all hardware concealed. A roof sign shall be displayed parallel to the eave line of the roof to

which it is attached, or parallel to the penthouse or architectural element above the roof line to which it is attached, and shall face a public street.

(3) Height. The maximum height of a roof sign shall be 30 feet from finished grade or two stories, whichever is less.

(4) Sign display area limits. The roof sign shall not extend beyond the dimensions of the roof, mansard, penthouse or architectural element on which the sign is located, or beyond the premises of a particular establishment.

(5) Sign area. The area of a roof sign shall not exceed one and one-half square feet per lineal foot of eave line of the roof, and the actual signage face shall not exceed three feet in height.

(6) Illumination. Roof signs may be illuminated subject to the standards in § 159.124.

(G) Temporary signs. Where permitted in § 159.126(A), Sign Classification Table, temporary signs shall be permitted subject to the following:

(1) Location. Temporary signs shall comply with all location requirements for awning, canopy, and wall signs.

(2) Number. No more than one- third of the businesses on any individual lot may display temporary signs concurrently.

(3) Height. Temporary signs shall comply with the height requirements for awning, canopy, and wall signs.

(4) Sign area. No freestanding temporary sign shall exceed 32 square feet in area and eight feet in height. No temporary sign attached to an awning, canopy, or wall shall exceed 60 square feet in area.

(5) Illumination. Temporary signs shall not be illuminated.

(6) Duration of display.

(a) Temporary signs shall be permitted for no more than 30 consecutive days.

(b) Temporary signs shall not be displayed more than three times in any one calendar year by an establishment on a lot. The three permits may be issued consecutively.

(H) Wall signs. Where permitted in § 159.126(A), Sign Classification Table, wall signs shall be permitted subject to the following:

(1) Number. Not more than one business and identification wall sign per street frontage or per building wall having a public entrance per establishment shall be permitted, provided no canopy or roof sign for the same establishment is directed to the same street frontage, except that:

(a) Not more than one business or identification wall sign may be permitted on walls not facing a street or having a public entrance, provided the wall does not face a residential lot and is at least 50 feet from the nearest property line or another building on the lot.

(b) No wall signs shall be allowed for individual tenants in a multi-story or a multi-tenant building having no exterior building entrance for each tenant.

(2) Location. Wall signs shall be affixed only to a wall having the establishment's public entrance or a wall facing a public street.

(3) Height. The maximum height of a wall sign shall be 30 feet from finished grade adjacent the wall to which the sign is attached.

(4) Sign display area limits. The wall sign display area shall not extend above the wall of a building, beyond the premises of a particular establishment in a building, or over clear breaks in architectural facade on the wall face.

(5) Sign area. The total area of all wall signs per wall shall not exceed one and one-half square feet per lineal foot of wall to which the sign is attached.

(a) For individual tenant spaces under 30,000 square feet, the actual signage face shall not exceed three feet in height.

(b) For individual tenant spaces in the P-B, M-1, or M-2 District 30,000 square feet or greater, wall signs may not exceed five feet in height. The sign must also be framed by at least two feet of clear wall space preceding and following any text or image.

(6) Illumination. Wall signs may be illuminated subject to the standards in §159.124.

(I) Window signs, illuminated. Where permitted in § 159.126(A), Sign Classification Table, illuminated business and identification signs may be placed or positioned within three feet of the interior of window glass subject to the following:

(1) Location. Window signs may be displayed only in windows facing a public street, or in windows in a wall having a public entrance, but in no instance in any windows facing a residential lot.

(2) Sign display area. Each illuminated window sign shall be located within the exterior glass surface area of all permitted windows, but excluding doors and superficial borders or trim.

(3) Sign area. All window signs shall occupy no more than 50% of the total window surface area of a storefront facing the public street.

(4) Illumination. Window signs may be illuminated subject to the standards in §159.124.

(Ord. 15-1190, passed 9-16-15)

## **§ 159.128 SIGN AREA BONUSES.**

(A) To encourage higher quality of design and increased effectiveness of graphics in the village, the village will reward the use of certain design features and criteria by permitting the property owner to increase the area of a sign if any of the following design criteria are employed. Such bonuses shall be granted cumulatively for compliance with each of the criterion, up to a maximum of 50%. The percentage increase shall be based on the original permitted maximum sign area.

(1) Twenty-five percent bonus for preparation of a Comprehensive Sign Plan for a lot having more than one principal building or more than one tenant in the principal building. The Comprehensive Sign Plan shall specify the standards for consistency among all signs on the lot with regard to color, lettering or graphic style, illumination, decorative lighting, materials, location of signs on the building(s) and on the lot, and dimensions of signs.

(2) Fifteen percent bonus for any sign using natural material in the construction of the sign surface area.

(3) Fifteen percent bonus for any freestanding sign which utilizes an opaque or non-illuminated background sign surface.

(4) Ten percent bonus for any wall sign if the background color matches the color of the building material behind the sign.

(B) Signs erected under the bonus provisions contained in this section shall be adequately and continuously maintained, including landscaping as provided herein, by the owner and such successors and assign as benefit from the bonus provisions in this section.

(Ord. 15-1190, passed 9-16-15)

## **§ 159.129 SPECIAL SIGNS.**

In addition to the foregoing, the following signs shall be permitted subject to the following:

(A) Gasoline stations, service stations and mini-marts. Each gasoline station, service station or mini-mart shall be allowed: (See diagram, Appendix B (BB))

(1) One freestanding development sign per street frontage. Gasoline price signs shall be integrated into the development sign but not included in the calculation of allowable square footage. Price signs may be digital.

(2) One business sign per pump island, the total area of which shall not exceed two square feet per gasoline pump and no such sign may be located more than eight feet above grade. This sign may advertise products and goods sold at the station premises and can be an electronic screen incorporated into the design of the pump. For the purposes of this section, a pump is the above ground equipment used to dispense and measure multiple grades of gasoline for full-service or self-service use of the customer and may have one or more pump nozzles attached thereto for dispensing fuel to up to two cars at one time.

(3) Identification signs at each pump island, the total area of which shall not exceed six square feet per gasoline pump island, and no such sign. (See diagram, Appendix B (CC))

(4) Business and identification signs located at the pump island shall not be illuminated, unless the sign being incorporated is an electronic screen and such screen cannot be read past the property line.

(5) For the purpose of this section, a pump island shall mean one or more pumps arranged in a row. More than one pump island may be located under a protective canopy or other roof-like structure.

(6) No gas station signs may be displayed except with a valid sign permit.

(B) Motor vehicle and recreational vehicle dealership. Each such dealership shall be allowed a second freestanding development sign only if the lot is used for both new and pre-owned vehicles, or if two or more makes or product lines are offered for sale on the same lot. No more than two such signs shall be allowed: one identifying the new vehicle product line, and one identifying pre-owned vehicles or the sale of a second vehicle product line. Each sign shall otherwise conform to the height, area and location requirements, herein.

(C) Grand opening signs. A grand opening sign may be displayed only within six months of issuance of an occupancy certificate. Any combination of portable and temporary signs shall be permitted for grand opening or grand re-opening celebrations, not to exceed three such signs and subject to the following:

(1) Permit required. No grand opening sign may be displayed except with a valid sign permit.

(2) Portable signs.

(a) Number. No more than one portable sign shall be permitted on a lot at any one time.

(b) Location. Portable signs shall comply with all location requirements for freestanding signs, with the exception that portable signs may be located closer than 100 feet from a freestanding sign.

(c) Sign area. The area of a portable sign shall not exceed 32 square feet.

(d) Illumination. Portable signs may be illuminated subject to the standards in § 159.124.

(3) Temporary signs.

(a) Number. A maximum of two temporary signs shall be displayed on the premises, not including flags, pennants and streamers.

(b) Sign area. No temporary sign attached to a freestanding sign shall exceed 32 square feet in area and eight feet in height. No temporary sign attached to a wall, canopy, or awning shall exceed 60 square feet in area and shall conform to the sign display area limits for such awning, canopy and/or wall signs.

(c) Location. Temporary signs shall comply with all location requirements for awning, canopy, freestanding, roof, and wall signs.

(d) Illumination. Temporary signs shall not be illuminated.

(4) Duration of display.

(a) No portable and/or temporary sign(s) used for advertising a grand opening of a new business shall be displayed for more than one period of time not exceeding 30 consecutive days within a calendar year and shall be displayed only within six months of new occupancy of a building or tenant space.

(b) All portable and temporary signs used for advertising a grand opening of a new business or a business anniversary shall be displayed simultaneously.

(c) Portable signs may be displayed only for grand-(re)opening promotions or business anniversaries.

(D) Advertising signs. In addition to the terms and conditions of the special use permit, advertising signs shall comply with the following:

(1) Permit required. Advertising signs shall only be permitted in the zoning districts where such signs are identified as a special use.

(2) Number. Not more than one advertising sign per street frontage per lot shall be permitted.

(3) Area and height. The area and height of advertising signs shall not exceed the maximum specified for freestanding signs in § 159.127(C).

(4) Distance to residential lots. No advertising sign shall be located closer than 100 yards to a residential zoning lot.

(5) Distance between signs. No advertising sign shall be located closer than 100 feet to another freestanding sign.

(6) Setback. No advertising signs shall be located closer than ten feet to any right-of-way line or closer than 75 feet to any side lot line.

(7) Advertising signs shall be permitted only on unimproved property.

(8) Advertising signs shall be removed at such time the lot on which they are located is improved.

(9) Advertising signs shall not be illuminated.

(E) Marquee sign.

(1) Marquees shall be designed and specified by a registered structural engineer or registered architect and shall be subject to approval by the Romeoville building official.

(2) Marquees shall be supported solely by the building to which they are attached; no columns or posts shall be permitted as supports. Marquees shall be designed to provide unobstructed flow of pedestrian traffic along any sidewalk.

(3) No marquee shall project within two feet of the curb of any street, alley or driveway.

(F) Model home signs. For the purpose of this section, a model home sales area shall mean one or more lots or dwellings arranged, developed and displayed in such a manner as to showcase on a temporary basis various dwelling styles, features, exteriors, and other design options to the general public, and at least one such model home or a temporary structure may be used for sales presentations, consultations and displays for prospective purchasers. A model home sales area shall provide accessory off-street parking, and may include model homes for sale by more than one builder. A model home sales area is usually located in the same recorded subdivision as the lot(s) on which the dwellings are to be constructed. Model homes may be furnished and decorated.

(1) Master sign plan required. A master sign plan for model home sales areas shall be provided by the builder and/or subdivider. The

master sign plan shall specify the standards for consistency among all signs in the model home sales area and subdivision, if applicable, with regard to color, lettering or graphic style, illumination, decorative lighting, materials, location of signs on the building(s) and in the model home sales area and subdivision, and dimensions of all signs, subject to the following:

(a) Model home sales area identification sign.

1. Number. One freestanding sign identifying the model home sales area shall be permitted.
2. Location. The freestanding model home sales area identification sign shall be located in the model home area it is identifying.
3. Height. The freestanding model home sales area identification sign shall not exceed 15 feet in height.
4. Sign area. The maximum area of the model home area identification sign shall be 64 square feet, provided that if the model home sales area consists of two or less adjacent lots or buildings, or the recorded subdivision has a development gateway sign(s), said freestanding sign shall not exceed 32 square feet in area.

(b) Temporary signs. Temporary signs may be displayed in a model home sales area subject to the requirements of this subchapter. In addition, flags, banners, pennants and streamers may be displayed in a model home sales area provided same are kept in good appearance.

(c) Additional model home sales area signs. Signs identifying individual model homes, manufacturers, suppliers, builders or sponsors shall be permitted provided the total area of such signs shall not exceed 16 square feet per model home and no individual sign shall exceed six square feet in area and six feet in height. Said signs may be freestanding or wall signs.

(d) Subdivision directional signage. Signs directing customers to the site of the subdivision or model home. Signs may be located on-site or off-premise with the permission of the property owner. Signs may be no more than 15 square feet in area and three feet in height. No more than three such signs shall be permitted per subdivision. If located off-premise, no more than one such signs shall be located on any individual property. A maximum of two off-site signs are allowed per intersection of public streets. Off-site signs shall be a minimum of 1,000 feet from one another. Signs shall be constructed of durable materials and kept in good condition. The Zoning Administrator shall have the authority to approve the materials and to order the sign removed at any time if it is deemed to be in disrepair. The duration of display shall be subject to division (F)(3) of this section except that applications for off-site signs must be submitted prior to February 1, 2010.

(2) Illumination. Model home sales area signs may be illuminated subject to the standards in § 159.124.

(3) Duration of display. The model home sales area sign shall be displayed as long as the model home(s) is(are) open to the general public and are actively marketed. In no instance shall such signs be displayed continuously for more than two years. The Village Board may grant extensions of time for no more than one year for each request by the subdivider.

(4) Permit required. No model home sales area signs shall be displayed except with a valid sign permit.

(G) Directional signs. Signs which direct or regulate the movement of pedestrians or vehicles into or within a site, shall comply with the following:

(1) No directional sign shall be displayed except with a valid sign permit;

(2) No more than one such sign is displayed per driveway intersection;

(3) In M-1, M-2, and P-B Zoning Districts, the sign area may be a maximum of 12 square feet and the sign may be a maximum of six feet tall. In all other zoning districts, the sign does not exceed six square feet in area or three feet in height from finished grade for freestanding signs or eight feet in height from finished grade for wall signs; and

(4) No more than 10% of the area of the sign is used to advertise any business, product or service provided on the lot.

(H) Political signs in non-residential zoning districts. Signs or posters announcing or describing candidates seeking a public office at a particular election or announcing or describing political issues and data pertinent to a specific election thereto shall be permitted. Such signs shall be permitted according to the following:

(1) Public rights-of-way. None allowed.

(2) Private property. Not to exceed 16 square feet:

(a) Signs or posters relating to such candidates for office shall be "free standing" only.

(b) These signs cannot be attached to any utility poles, traffic control devices, street signs or street lights.

(c) Signs cannot be placed so as to interfere with visibility or cause a traffic hazard.

(d) Signs shall be posted no more than 60 days prior to an election.

(e) The signs or posters must be removed by the person who placed them or caused them to be placed within ten days following the election, or when mutilated, damaged, or unreadable, whichever comes first.

(3) Political signs/posters are of a temporary nature and shall not be illuminated by any type of artificial lighting sources; i.e. flood light, porch light, Christmas lights or lights that cast light onto the sign/poster placed by individuals, and not exclusive of street lights, traffic lights or existing lighting prior to the sign being placed on the property.

(4) No political sign/poster shall be placed on any property or right-of-way owned by the village except as allowed by Section 7-41 of the Illinois Election Code (ILCS Ch. 10, Act 5, § 7-41).

(I) Temporary signs. All temporary signs, defined herein, except grand opening signs, shall comply with the following standards unless otherwise stated:

(1) No temporary sign may be displayed except with a valid sign permit.

(2) No temporary sign shall be located upon any easement or right-of-way.

- (3) No temporary sign shall be located in such a way as to pose a traffic hazard.
- (4) All temporary signs shall be located entirely on the property being served by the sign.
- (5) All temporary signs shall comply with all other applicable regulations regarding the use and placement of such signs.
- (6) All temporary signs shall be removed within 24 hours after the expiration of the authorization date, or if, in the opinion of the Zoning Administrator, the sign becomes damaged or poses an immediate danger to the general health, safety, and welfare of the community.

(7) Inflatable devices. Any cold air inflatable device, including balloons, identifying a sale or promotional event for a business or a non-profit entity shall be considered a temporary sign. In addition to the standards for temporary signs set forth herein, such cold air inflatable devices:

- (a) Shall not exceed 25 feet in height.
- (b) Shall not exceed 15 feet in diameter.
- (c) Shall not be located on the roof of a building or atop any other structure.
- (d) Shall be securely anchored to the ground.

(J) Bank drive-through and ATM signs. Signs which advertise special events, services, or promotional campaigns occurring on the bank premises, shall comply with the following standards:

(1) Advertising signage at each drive-through and ATM shall not exceed two square feet in area and no such sign may be located more than six feet above grade. This sign may advertise products and services offered, or special events occurring on the bank premises. Said sign can be an electronic screen incorporated into the design of the drive-through or ATM that cannot be read past the property line.

(K) Permanent residential development entrance signs. Each subdivision located on ten or more acres shall be permitted to install entryway signage at entrances off major or secondary arterials, or major collector as defined by § 159.03 and the Village of Romeoville Master Transportation Plan (§ 157.03(E)), and shall comply with the following standards:

- (1) Location. Signs are only permitted in easements or out lots specifically designed or designated for such structure. No residential development entrance sign shall be located in the sight triangle as described in § 159.124.
- (2) Height. No residential development entrance sign shall exceed five feet in height.
- (3) Sign area. The maximum area of each sign shall be 32 square feet.
- (4) Materials. The facade of the residential development entrance sign shall be installed on a masonry base and/or framed by masonry columns. Any lettering, ornaments or other graphics on the structure must be constructed of stone or brick, wrought iron, anodized aluminum or engraved into a quality hardwood like redwood or cedar.
- (5) Landscaping. The residential development entrance sign shall be located in a landscaped area. Said landscape area shall be landscaped appropriately so as to be equally attractive in winter and summer.
- (6) Illumination. The freestanding residential development sign shall not be internally illuminated.

(L) Message board/dynamic display/digital signs. A dynamic display sign or digital sign is allowed as a message board.

(1) Maximum dynamic display sign area. The dynamic display portion of the sign may not exceed 50% of the total sign area allowed. The dynamic display element is incorporated into the sign's total area. The remainder of the sign may not have the capability to have dynamic display even if not used. Only one, contiguous dynamic display is allowed on a sign face.

(2) General regulations. The following regulations apply to all message board/dynamic display or digital signs:

(a) The images and messages displayed on a dynamic display must have a minimum dwell time of at least ten seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

(b) The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

(c) The images and messages displayed must be complete in and of themselves within the required dwell time.

(d) Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

(e) Dynamic displays may not have a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist or person operating a motor vehicle.

(f) Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

(g) The maximum brightness level of a dynamic display may not exceed 5,000 nits (candelas per square meter) during daylight hours or 250 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face. Before the issuance of a sign permit, the applicant must provide written clarification from the sign manufacturer that the light intensity has been factory preset so that it will not exceed 5,000 nits (candelas per square meter).

1. For the purpose of verifying compliance with maximum brightness level requirements, the Zoning Administrator will measure brightness levels with the dynamic display sign set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.

2. If the measurement is more than the maximum allowed, the brightness level is in violation of the subchapter and must be adjusted downward. Failure to make such adjustments may result in other available enforcement actions to be taken by the village.

(h) Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the village's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (i.e. dwell time, transitions, illumination/brightness, etc.) are modified by the village, sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations.

1. Proposals for dynamic displays must be reviewed and approved by the Community Development Department for compliance with all applicable building, safety and electrical code. Applications must include appropriate documentation from an Illinois licensed design professional of the sign structure's ability to accommodate the dynamic display technology.

(i) A freestanding sign with a dynamic display incorporated into the sign must not be closer than 500 feet to any other dynamic display sign.

(M) I-55 Corridor freestanding business identification signs. A larger freestanding sign shall be allowed with a special use permit in the B-3 and P-B Zoning Districts for businesses along I-55. Businesses or properties that are within 150 feet of the I-55 right-of-way (measured from property lines as defined by the village GIS) shall be allowed the following:

(1) Number. Not more than one business identification sign per I-55 frontage shall be permitted per lot.

(2) Location. The sign must meet setbacks defined in § 159.127(C)(2).

(3) Height. The sign must not exceed 40 feet.

(4) Sign area. The sign area must not exceed 200 square feet.

(5) Dynamic display. See § 159.129(L). If a dynamic display message board is incorporated into the sign, the sign must not be closer than 1,000 feet to any other dynamic display message board sign in the corridor.

(6) Sign landscaping. A minimum of two square feet of landscaping area shall be required for every one square foot of sign surface area provided, but no sign landscaping shall be less than 50 square feet in area.

(7) Decorative sign base. The I-55 business identification sign shall be designed and constructed with an integral decorative base constructed of masonry or stone to conceal the sign's support structure(s) and to visually compliment the building materials used on the principal building(s) on the lot. The decorative base shall be equal to or at least 75% of the width of the sign face. The area of the decorative base shall not be computed as part of the sign area. The height of the decorative base shall be included when determining the sign height.

(Ord. 15-1190, passed 9-16-15)

### **§ 159.130 PERMITS REQUIRED.**

If a sign requiring a permit under the provisions of this section is to be placed, constructed, erected, or modified on a zoning lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such sign in accordance with the requirements of this section. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such signs in accordance with § 159.131. No signs shall be erected in the public rights-of-way except in accordance with § 159.125 and the permit requirements of § 159.133. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this code (including those protecting existing signs) in every respect and with the Master Sign Plan or Comprehensive Sign Plan in effect for the property.

(A) Permit procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this subchapter, and the submission and review of a Master or Common Signage Plan.

(1) Application. All applications for sign permits of any kind and for approval of a Master Sign Plan or Comprehensive Sign Plan shall be submitted to the Zoning Administrator, or his or her duly authorized agent, on the application form or in accordance with application specifications published by the village.

(2) Fees. Each application for a sign permit or for approval of a Master Sign Plan or Comprehensive Sign Plan shall be accompanied by the applicable fees, which shall be established by the governing body of the village from time to time by resolution.

(3) Completeness of application. Within five business days of receiving an application for a sign permit or for a Master Sign Plan or Comprehensive Sign Plan, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application then shall be processed. If the Zoning Administrator finds it to be incomplete, the Zoning Administrator shall, within the five business days, send notice to the applicant of the deficiencies, with appropriate references to the applicable sections of this subchapter.

(4) Decisions. Within seven business days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:

(a) Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this section and of applicable Master Sign Plan or Comprehensive Sign Plan; or

(b) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this section and of the applicable Master Sign Plan or Comprehensive Sign Plan. In case of rejection, the Zoning Administrator shall specify in the rejection the section or sections of the Code or applicable plan with which the sign(s) is inconsistent.

(5) Action on Plan.

(a) On any application for approval of a Master Sign Plan or Comprehensive Sign Plan, the Zoning Administrator shall take action on the applicable one of the following dates:

1. Fourteen business days after the submission of a complete application if the application is for signs for existing buildings; or

2. On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.

(b) On or before such applicable date, the Zoning Administrator shall either:

1. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this section; or

2. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of this section. In case of a rejection, the Zoning Administrator shall specify in the rejection the section or sections of the Code with which the plan is inconsistent.

(B) Permits to construct or modify signs. Signs to be erected, installed, or created only in accordance with a properly issued and authorized building permit from the Building Inspector. Such permits shall be issued only in accordance with the following requirements and procedures:

(1) Permit for modification of existing signs. No application or permit shall be required for the replacement or simple face changing of signs currently established on the zone lot. An application and fee shall be required if additional signs are being requested or current signs are being changed with regards to size or height.

(2) Permit for new sign. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawing to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Sign Plan or Comprehensive Sign Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.

(C) Inspections. The Zoning Administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of the inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this section and with the building and electrical codes of the village, the Zoning Administrator shall affix to the premises a permanent symbol identifying the sign(s) and applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this section and applicable codes of the village, the Zoning Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall be voided. If the construction is then complete, the Zoning Administrator shall affix to the premises the permanent symbol described above.

(D) Temporary sign permits. Temporary signs shall be allowed only upon the issuance of a temporary sign permit, which shall be issued subject to the following requirements:

(1) Term. A temporary sign permit shall allow the use of a temporary sign for a specified 30 day period.

(2) Number of permits. A maximum of three temporary sign permits shall be issued to the same business license holder in any one calendar year.

(Ord. 15-1190, passed 9-16-15)

## **§ 159.131 VIOLATIONS.**

Any of the following shall be a violation of these sections and shall be subject to the enforcement remedies and penalties provided by this subchapter, and by state law:

(A) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

- (B) To install, create, erect, or maintain any sign requiring a permit without such a permit;
- (C) To install, create, erect, or maintain any permanent or temporary sign within a public right-of-way or on public property except when a license agreement has been executed by the authority having jurisdiction over said public right-of-way or public property;
- (D) To fail to remove any sign that is installed, created, erected, or maintained in violation of this section, or for which the sign permit has lapsed; or
- (E) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this section and of this Code.

(Ord. 15-1190, passed 9-16-15)

#### **§ 159.132 ADMINISTRATION AND ENFORCEMENT.**

Any violation or attempted violation of this section of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to village codes and state law. A violation of this section shall be considered a violation of this Code. The remedies of the city shall include the following:

- (A) Issuing a stop work order for any and all work on any sign on the same zone lot.
- (B) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity.
- (C) Imposing any penalties that can be imposed directly by the village according to this Code, §159.999, Penalties.
- (D) Seeking in court the imposition of any penalties that can be imposed by such court according to this Zoning Code.
- (E) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the village under the applicable provisions of this Zoning Code and Building Codes for such circumstances.
- (F) In the case of a sign placed in the public right-of-way, village staff may remove the sign entirely. Each sign removed shall be considered a separate violation when applying the penalty portions of this section.

(Ord. 15-1190, passed 9-16-15)

#### **§ 159.133 PERMIT FEES.**

The Village Board of Trustees shall establish a schedule of fees, charges and expenses for permits for any inspection, construction, alteration, repair, demolition, or removal of any sign regulated by this chapter. Fees shall be paid to the village at the time application for a permit is made. The schedule of fees shall be posted in the office of the Village Clerk and may be altered or amended from time to time by the Mayor and Village Board.

(Ord. 15-1190, passed 9-16-15)

### **NON-CONFORMING, BUILDINGS, STRUCTURES AND USES**

#### **§ 159.140 NON-CONFORMING, BUILDINGS, STRUCTURES AND USES INTENT AND PURPOSE.**

This section establishes separate districts, each of which is an appropriate area for the locations of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts, that non-conforming buildings, structures, and uses not be permitted to continue without restrictions. Therefore, the purpose of this article is to provide for the regulation of non-conforming buildings, structures, and uses and to specify those circumstances and conditions under which those non-conforming buildings, structures and uses shall be permitted.

#### **§ 159.141 EXISTING USES.**

- (A) Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- (B) Any legal non-conforming building or structure may be continued in use provided there are no physical changes other than necessary maintenance and repair, except as otherwise permitted herein.
- (C) Any building for which a permit has been lawfully granted may be completed in accordance with the approved plans, provided construction is started within 90 days of the adopting of this chapter and diligently prosecuted to completion. The building shall thereafter be deemed a lawfully established building(s).

#### **§ 159.142 DISCONTINUANCE OF LAND USE.**

- (A) Whenever any part of a building, structure, or land occupied by a non-conforming use is changed to or replaced, the premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.
- (B) Whenever a non-conforming use of a building or structure or part thereof has been discontinued for a period of six consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a non-conforming use, this use shall not, after being discontinued or abandoned, be re-established. The use of the premises thereafter shall be in conformity with the regulations of the district it is located in.
- (C) Where no enclosed building is involved, discontinuance of a non-conforming use for a period of three consecutive months shall constitute abandonment, and shall not thereafter be used in a non-conforming manner.
- (D) A non-conforming use not authorized by the provisions of the Zoning Code now in effect shall be discontinued. (See §159.143 below for time of removal)
- (E) In no event shall an owner of a non-conforming driveway located within a zoned residential district be required to remove the

driveway so long as the owner maintains the driveway in good order and repair. The owner shall be permitted to maintain and repair the driveway but may not expand its use or otherwise enlarge its size.

#### **§ 159.143 TERMINATION AND REMOVAL.**

The period of time during which the following non-conforming uses of buildings, structures, or land may continue or remain shall be limited from the effective date of this chapter and section, or amendment thereto, which causes the use to be non-conforming. Every non-conforming use shall be completely removed from the premises at the expiration of the period of time specified below:

- (A) Any non-conforming use of a building or structure having an assessed valuation not in excess of \$500 shall be removed after two years;
- (B) All non-conforming advertising devices such as pennants, flags, movable signs, or portable outdoor displays, in any business district shall be removed after two years;
- (C) Any non-conforming signs and any and all billboards and outdoor advertising structures shall be removed after ten years;
- (D) Any non-conforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to the use, or where the use is maintained in connection with a conforming building, shall be removed after a period of two years;
- (E) Any non-conforming house trailer(s) shall be removed after a period of ten years; and
- (F) In all residential districts, any use lawfully existing at the adoption of this Chapter, but permitted only in the business districts or in the manufacturing/industrial districts, and which use is located in a building, all or substantially all of which is designed or intended for residential accessory purpose, shall be entirely discontinued and shall thereafter cease operation in accordance with the following schedule:

<b>Description of Use</b>	<b>Amortization Period</b>
Uses Permitted only in the Business District.	Ten years from the date of the adoption of this chapter.
Uses Permitted only in the Manufacturing District.	Eight years from the date of the adoption of this chapter.

#### **§ 159.144 REPAIRS AND ALTERATIONS.**

- (A) Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- (B) No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:
  - (1) When the alteration is required by law;
  - (2) When the alteration will actually result in elimination of the non-conforming use; and
  - (3) When a building is in a residential district containing residential non-conforming uses, it may be altered in any way to improved livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

#### **§ 159.145 DAMAGE AND DESTRUCTION.**

If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of 50% or more of its replacement value at the time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than 50% of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of the building may be continued which existed at the time of the partial destruction. In either event, restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion.

#### **§ 159.146 ADDITIONS AND ENLARGEMENTS.**

- (A) A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conforming use, and is made to conform to all the regulations of the district in which it is located, except as provided in § 159.147 of this chapter;
- (B) No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by the non-conforming use, except as provided in § 159.147 of this chapter;
- (C) No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this chapter, or to displace any conforming use in the same building or on some parcel of land, except as provided in § 159.147 of this chapter; and
- (D) A building or structure which is non-conforming with respect to yards, floor area ratio, or any other element of bulk, shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformity with respect to the bulk regulations for the district in which it is located, except as provided in § 159.147 of this chapter.

#### **§ 159.147 EXEMPTIONS.**

Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of the district in which it is located, but is non-conforming only in the particular manner herein specified, the building and use thereof shall be exempt from the requirements of §§ 159.143 and 159.144 of this chapter. This section does not nullify the requirements of § 159.145, where a nonconforming building or structure is damaged or destroyed.

- (A) In any residential district where a dwelling is non-conforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein;
- (B) In any residential district where a use permitted in the B-1 District occupies ground floor space within a multiple family dwelling located on a corner lot;
- (C) In any business or manufacturing district, where the use is less distant from a residence district than that specified in the regulations for the district in which it is located; and
- (D) In any district where an established building, structure, or use is non-conforming with respect to the standards prescribed herein for any of the following:
- (1) Floor area ratio (FAR);
  - (2) Lot area per dwelling unit;
  - (3) Yards, front, side, rear, or transitional;
  - (4) Off-street parking and loading;
  - (5) Lot area;
  - (6) Building height; and
  - (7) Gross floor area.

## PLANNED UNIT DEVELOPMENT

### § 159.150 GENERAL - PUD.

- (A) Definition. A Planned Unit Development is defined as an area of land developed as a "special use" and as a single entity for a number of land uses including, but not limited to; residential, commercial, institutional, research and, industrial.
- (B) Intent and purpose. The purpose of the Planned Unit Development regulations are to encourage and promote a more creative, imaginative and an environmentally sensitive design for the development of land by allowing a greater freedom and/or flexibility than is possible under the precise and rigid requirements of conventional zoning ordinances. The Planned Unit Development is therefore accomplished through the use of objective standards which shall establish goals and criteria for judgment rather than the application of a fixed formula. To this intent it shall allow for the diversification in the land uses permitted and variations to the relationships of land uses, structures, open spaces, and heights of structures in particular developments that are understood to be conceived and implemented as a comprehensive and cohesive unified project, while still requiring substantial compliance to the master plan for community development. It is further intended to encourage more imaginative site planning; contributing to a more rational and economic relationship to public services, while permitting optimum development of the land; and, whereas it shall encourage and facilitate the conservation of open lands, natural site features such as: woods, streams, wetlands, floodplains and the like as an integral component of a balanced ecology between nature and the development, which will provide for exceptional urban amenities and higher quality developments.
- (C) Permitted location. A Planned Unit Development shall be considered as a special use in any residential, business, office, industrial or manufacturing zoning district.
- (D) Permitted uses. In a Planned Unit Development, the following uses may be permitted subject to the criteria as established, provided, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
- (1) Residential dwelling units in detached, semi-detached, attached, multi-storied structures, or any combination thereof;
  - (2) Non-residential uses as follows:
    - (a) Religious, cultural, recreational and educational uses;
    - (b) Business uses permitted in the "B-3" Highway/Regional Shopping District;
    - (c) Manufacturing/Industrial use permitted in the "M-R" Manufacturing/Research District;
    - (d) Business Parks as permitted in the "PB" Planned Business District; and
    - (e) Utility and municipal uses.
- (E) Special uses. The Planned Unit Development is in itself a special use, where the following uses may be allowed by a "special use permit" in accordance with the provisions of § 159.176 of this chapter, and provided the uses are located on a lot of not less than ten acres with a minimum width of 400 feet and a minimum depth of 400 feet. If a special use permit is granted and portions of the property are sold reducing the lot size to less than four acres or reducing the width or depth of the property to less than 400 feet the special use permit will be deemed to have been revoked concurrent to that action.
- (1) Special uses as listed in any residential district;
  - (2) Special uses as listed in the B-3 Highway/Regional Shopping District; and
  - (3) Special uses as listed in the M-R Manufacturing/Research District.
- (F) Temporary uses. Upon application to and issuance by the Zoning Administrator of a permit therefor, the following use may be operated as a temporary use: processing, screening, washing yards and plants of the quasi-temporary nature connected with the construction of roads which are normally removed when a specific purpose is completed, are permitted under this classification after a permit is obtained from the Building Inspector. This permit shall be effective for a period not to exceed six continuous months and shall not be renewed for more than one successive period at the same location.
- (G) Accessory uses. Accessory uses may include the following:
- (1) Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or

special use may be permitted, provided they are operated and maintained under the same ownership and on the same parcel, do not include structures or structural features inconsistent with the permitted or special use, and as regulated by §§ 159.020 and 159.003 under "Accessory Building or Use".

(2) Accessory uses may include the following:

- (a) Off-street parking facilities as regulated by §§ 159.105 through 159.111; and
- (b) Signs, in accordance with regulations set forth in §§ 159.121 through 159.133.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07)

## **§ 159.151 DEVELOPMENT STANDARDS.**

In the development of a Planned Unit Development certain standards must be adhered to when designing the "General and Final Development Plans". Those standards are as follows:

(A) As a basis for determining the acceptability of a Planned Unit Development proposal, specific consideration shall be given as to whether or not it is consistent with the "Definition" and the "Intent and Purpose" of this section. That it has been prepared with competent professional advice and guidance in terms of planning, architecture and engineering and that it produces significant benefits in terms of improved environmental design;

(B) Specific lot size, density, open space, building location, height, size, floor area, building setbacks, parking, and other such requirements shall be based upon determination as to their appropriateness to the land uses and/or structures as they relate to the total environmental concept of the Planned Unit Development, and that they are consistent with the criteria set forth in this section and with those generally accepted as standards necessary to insure the protection of the general public health, safety and welfare. Such requirements shall be made a part of the approved "Final Development Plan" and shall be, along with the plan itself, be construed and enforced as a part of this chapter; and

(C) Engineering and subdivision design standards relative to street type, location and width, sidewalks, street lighting, infrastructure improvements, lot arrangement and other elements of site design shall be based upon the submission of detailed engineering drawings with standards showing the effectiveness of each element as it relates to the total plan. It is necessary for the plans to be consistent and compatibility with the existing land use patterns in the areas peripheral to the development. In no case shall minimal construction standards be less than those necessary to protect the general public health, safety and welfare. To this intent the specific provisions of the "Development Regulations, Chapter 158". Precise standards proposed for the development shall be made a part of the approved "Final Development Plan" and shall be construed to be and enforced as part of this chapter.

(D) The following objectives shall be obtained through the use of the Planned Unit Development policies and procedures:

- (1) To permit 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 this and other village regulations pertaining to land development;
- (2) To promote a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities;
- (3) To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design;
- (4) To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features;
- (5) To provide for the prevention and control of soil erosion, surface flooding, and the preservation of subsurface water;
- (6) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development;
- (7) To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;
- (8) To promote the more efficient use of the land, resulting in more economically feasible networks of utilities, streets, and other facilities;
- (9) To encourage a land use which promotes the public health, safety, comfort, morals, and welfare;
- (10) To create a method for the permanent preservation of architectural and historic landmarks.

(E) 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 should provide amenities not otherwise required by law, and often establishes facilities and open space greater than the minimums required by law;

(F) The Planned Unit Development may consist of conventionally subdivided lots to be sold, unsubdivided single ownership lots, separate condominium ownership of structures, and/or other ownership methods that are considered appropriate for the subdivision of property. Also the development shall provide a plat of subdivision, which shall establish the location and extent of the features that will be incorporated into the Planned Unit Development.

(Am. Ord. 06-0369, passed 2-1-06)

## **§ 159.152 BUILDING STANDARDS.**

(A) Single Family. Single Family dwelling units shall comply with the requirements of § 159.061 E-R, Estate Residential; § 159.062 R-1, Single Family Residential; § 159.063 R-2, Single Family Residential; § 159.064 R-3, Single Family Residential; § 159.065 R-4, Single Family Residential; § 159.066 R-5 Single Family Residential Districts of this chapter.

(B) Townhouses and attached residential. Townhouses and attached residential dwelling units shall comply with the requirements of § 159.067 R-6, Attached Residential District of this chapter.

(C) Multiple family. Multiple family dwelling units shall comply with the requirements of § 159.068 R-7, Multiple Family District of this

chapter.

(D) Commercial/retail/business. Commercial/ retail/business units shall comply with the requirements of §§159.070 through 159.075 of this chapter.

(E) Industrial/manufacturing. Industrial/ manufacturing units shall comply with the requirements of §§159.080 through 159.083 of this chapter.

(F) Accessory buildings/structures. Accessory buildings or structures shall comply with the requirements of §159.020 of this chapter.

(G) Height of buildings. The height of any building or structure to be erected or structurally altered shall not exceed 3-1/2 stories, nor 50 feet in height. Where additional building height is being considered, the setback or the required yard shall be increased by 1/2 foot for each foot of building height in excess of 50 feet.

(H) Land coverage and minimum lot size.

(1) Maximum land coverage. The maximum ground area that may be occupied by all of the buildings and structures shall not exceed 30% of the total ground area of the Planned Unit Development.

(2) Single Family Residential lot size. Single Family dwellings shall be located on individual lots whose area and dimensions are not less than 80% of the minimum lot area and dimensions required by the underlying zoning district(s).

(3) Townhouses and attached residential lot size. Townhouses and attached residential shall be located on tracts containing not less than the minimum required by § 159.067 R-6 district lot area requirements, exclusive of any area intended for public use. Such tracts shall contain no other uses except accessory buildings and automobile parking that are accessory to the dwelling units located thereon.

(4) Multiple family residential lot size. Multi-family dwellings, except townhomes, shall be located on tracts containing not less than the minimum area required by § 159.068 R-7, Multiple Family Residential, exclusive of any area intended for public use. Such tracts shall contain no other uses except accessory buildings and automobile parking that are accessory to the dwelling units located thereon. For multi-family dwelling buildings exceeding two stories in height, the required land area may be reduced by an amount equal to 50% of the floor area of all stories used for dwelling units above the first two stories.

(I) Setback requirements.

(1) Setbacks - Single Family Residential. In single family residential districts (E-R, R-1, R-2, R-3, R-4 and R-5) the same setbacks shall apply. In no case shall a building be closer to any other building than be the minimum required in the district or 1/2 the height of the building, whichever is greater. No buildings shall be located closer to the rights-of-way or property lines than 25 feet or 1/2 the height of the building whichever is greater.

(2) Setbacks - Multiple Family Residential. In multiple family residential districts (R-6 and R-7) the same setbacks shall apply. In no case shall a building be closer to any other building than be the minimum required in the district or 1/2 the height of the building, whichever is greater. No buildings shall be located closer to the rights-of-way or property lines than 25 feet or 1/2 the height of the building whichever is greater.

(3) Setbacks - Commercial/retail/ business. Yard areas and setback distances for commercial/retail/business buildings and for buildings in the PB District shall be as required in the respective districts. No building shall be located closer to an adjoining property line than the distance which would be required for a building in the adjoining district, or less than 1/2 the height of the building, whichever is greater. No building shall be located closer to the right-of-way line of the street than 25 feet nor less than 1/2 the height of the building, whichever is greater.

(J) Intensity and character of land use. In a Planned Unit Development, the suitability of the type and character of uses proposed and their intensity and arrangement on the site shall be based upon the following standards:

(1) Compatibility. Compatibility to the physical nature of the site, with particular concern for conservation of natural features (i.e. tree growth, streams, wetlands, geological features, natural resources, and the like); attention to the suitability of the soils for the uses proposed development; preservation of open space; and for the careful shaping of terrain to minimize scarring, insure suitable drainage; and for the preservation of natural terrain wherever appropriate.

(2) Attractiveness. Achievement of an attractive environment appropriate to the uses proposed, compatibility with existing development in the surrounding area and with official development plans for the area, with particular concern for preservation of ecological and economic balance.

(3) Local services impact. Capacity to be effectively serviced without creating a demand on schools, sanitary sewer, water and storm water management, recreational areas, streets and highways, or other public services substantially in conflict with that anticipated by the appropriate jurisdictional plans for such services or which could not be provided without adverse effect upon the jurisdictional area involved.

(4) Local demands. Adequate provisions for the practical functioning of the development in terms of circulation, parking, emergency services, mail and delivery service, street maintenance, and utility service.

(5) Public uses. Adequate provisions for appropriate sites for schools, parks, streets and highways, and other public facilities serving the proposed development.

(K) Common open space, park or other amenities. In a Planned Unit Development the provision for common open space, park land, or other amenity area serving the recreational aesthetic needs of the people in the development may be required as a condition to granting the exceptions to the normal requirements for development under ordinary zoning standards. Such requirements shall be based upon appropriate relationship to the character of the development, the need created for such area by the development, and the suitability or potential area for such use.

(1) Landscaping/naturalistic grounds. Such areas shall include landscaping or naturalistic grounds, water bodies, or specific recreational activity facilities, within the Planned Unit Development boundaries. These shall be of such size, shape, character and location as makes them practical recreational amenities, readily accessible and available for use by all of the residents of the development and/or by the general public. They shall be developed so that they are a contribution to the environmental quality of the development. Such space may not be used for parking, service or maintenance facilities, except as required for maintenance of the common open space. Within

these areas common recreational buildings or structures of a non-commercial nature may be provided as noted hereinafter.

(2) Permanent open space. Adequate provisions shall be made for the establishment of permanent preservation and maintenance of such common open space, park land or amenity areas either by private reservation of dedication to the public:

(a) Dedication shall not be mandatory, but where public ownership is desired by the village, reservation for such purposes may be required by the village;

(b) In the case of private open space reservation, the open space to be reserved shall be protected against building development by conveying to the village as part of the conditions for project approval an open space easement over such areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational, cultural or other purpose compatible with the open space objective may be permitted only where specifically authorized as part of the final development plan of subsequent amendments with the expressed approval of the village Planning and Zoning Commission following approval of building, site, and operational plans;

(c) The care and maintenance of private open space reservations shall be assured by the establishment of appropriate management organization for the project. The manner in which to assure the maintenance and assessment of such cost to individual properties shall be determined prior to the approval of the final development plans and shall be included in the conditions of approval and in the title to each property;

(d) Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the village and made a part of the conditions of the final development plan approval;

(e) Any areas of open space, such dedicated for passive actives shall be developed with a walking, jogging and/or biking pathway with a minimum width of eight feet and construction with a minimum base course prescribed by the Recreation Department.

(f) Any individual parcel of land dedicated for use as a public park shall have an area of not less than one acre (43,560 square feet), and a minimum frontage of not less than 150 feet across. The boundary of a public park shall not be less than 50 feet from any residential building.

(L) Additional land uses.

(1) Commercial/retail/business. Commercial/retail/business land uses, in a Planned Unit Development, shall comply in general with the provision of §§ 159.022 through 159.027 and 159.070 through 159.075 of this chapter.

(2) Office/warehouse. Office/warehouse land uses, in a Planned Unit Development, shall comply in general with the provisions of §§ 159.022 through 159.027 and section 159.080 through 159.083 of this chapter.

(3) Industrial/manufacturing. Industrial/Manufacturing land uses, in a Planned Unit Development, shall comply in general with the provisions of §§ 159.022 through 159.027 and 159.080 through 159.083 of this chapter.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 07-0508, passed 2-21-07)

**§ 159.153 APPLICATION PROCEDURES.**

(A) Pre-application meeting procedures: Prior to the official submittal of an application for consideration of a planned unit development, the applicant can request a meeting with the Planning and Zoning Commission for a conceptual discussion as to the scope and the nature of the proposed development. After this meeting the applicant shall submit to the village the following information:

(1) General site information. General site data regarding existing site conditions, land characteristics, available community facilities, utilities, existing covenants, and other related information;

(2) Sketch plan. A sketch plan showing the proposed location and extent of the land uses, streets, lots, proposed master utility plan (i.e. water, sanitary, storm) and other features;

(3) Legal description. Legal description and land survey of the site proposed for the development; and

(4) Additional information. Additional information may be requested by the Planning and Zoning Commission so as to clarify various aspects of the proposed planned unit development. This additional data might include, but is not limited to, traffic, tax, and market analysis of the development, pertinent environmental information, and conceptual renderings of structures with the development.

(B) Application procedures: The subsequent procedures shall be followed when making application for a Planned Unit Development:

(1) Special use permit. A planned unit development shall be granted as a special use in accord with the procedures and standards of § 159.176, special uses of this chapter. Prior to the consideration of the planned unit development by the Village President and Board of Trustees, all hearings and recommendations as are required by this chapter shall be executed exclusively by the Planning and Zoning Commission;

(2) Application form. Application shall be made on forms provided by the village and shall be accompanied by the required plats and documents. Each step shall be reviewed and certified by the Planning and Zoning Commission as being in accordance with the planned unit development requirements; and

(3) Application fees. A non-refundable fee shall be levied at the time of application, in accordance with §159.178 of this chapter. This fee is in addition to any and all other fees as may be required. Moreover, the applicant shall be responsible for any engineering, consulting, transcript, and other review costs as may be incurred by the village in the review of any and all plans.

(Am. Ord. 06-0369, passed 2-1-06)

**§ 159.154 GENERAL DEVELOPMENT PLAN (GDP).**

(A) General requirements. A General Development Plan for the proposed Planned Unit Development shall be submitted to the Planning and Zoning Commission for a Public Hearing, report, and recommendations to the Village President and Board of Trustees. Meetings with the other taxing bodies affected by the development will be necessary to fulfill the requirements of the General Development Plan review. The General Development Plan and supporting data shall be in accord with the stipulations of this section; and

(B) Documentation. Thirty-five copies, not to exceed 24" x 36" and one reduced copy not less than 11" x 17" shall be submitted of the general development plan and supporting data to the Village for review by the Village Staff and the Planning and Zoning Commission for certification of conformity with these regulations and for comments, recommendations and suggestions regarding the overall design.

(C) Public hearings. The Planning and Zoning Commission shall hold a public hearing on the application for a special use permit and the General Development Plan under a Planned Unit Development. Notice of the hearing, containing the location and brief description of the proposed development, which shall be published in a newspaper of general circulation in accordance with municipal and statutory requirements.

(D) Planning and Zoning Commission Action. It shall be the duty of the Planning and Zoning Commission to submit its report on each such application to the Village Board of Trustees within 60 days following the final adjournment of the aforesaid public hearing thereon, but failure to so submit such report within said period of time shall result in no impairment of the legality thereof nor of any action taken thereon or in connection therewith. Such report shall recommend:

- (1) Approval of the General Development Plan as submitted;
- (2) Approval subject to specific modifications or conditions; or
- (3) Denial of the general development plan, which such report shall include findings of fact and shall specify the reasons for the Planning and Zoning Commissions recommendation. and
- (4) No special use permit for a planned unit development shall be recommended by the Planning and Zoning Commission unless they have found the following to be evident:
  - (a) The establishment, maintenance, or operation of the special use/planned unit development will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - (b) The special use/planned unit development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;
  - (c) The establishment of the special use/planned unit development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - (d) Adequate utilities, access roads, drainage, or other necessary facilities have been or are being provided;
  - (e) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
  - (f) The special use/planned unit development shall in all other respects conform to the applicable regulations of the district in which it is located, except as those regulations may in each instance be modified by the Village Board pursuant to the recommendations of the Planning and Zoning Commission.

(E) Village Board of Trustees. The Village President and Board of Trustees, after receipt of the General Development Plan from the Planning and Zoning Commission, shall, within 60 days after its first regularly scheduled workshop meeting, approve, modify, or disapprove the general development plan. In the case of approval, or approval with modifications, the Village President and Board of Trustees may require special conditions to insure conformance with the intent of all comprehensive plan elements and the stated purposes of the planned unit development provisions of this chapter:

- (1) Approval of the General Development Plan shall not constitute approval of the Final Development Plan, rather, it shall be deemed an expression of approval to the layout submitted on the General Development Plan as a guide to the preparation of the Final Development Plan which will be submitted for approval of the requirements of these regulations and any conditions placed upon the General Development Plan, if any. The Final Development Plan shall be approved if it conforms with the General Development Plan for the Planned Unit Development;
- (2) The general and final development plans may be filed and approved simultaneously, or the final plan may be filed and approved without a general development plan, if all of the land is to be developed at one time, and if all requirements herein are met;
- (3) No building permits shall be issued for any structure until the approval of the "Final Development Plan" and "Final Plat of Subdivision" by the Village Board of Trustees.

(F) Content - General Development Plan. The following information shall be required unless specifically waived by the Planning and Zoning Commission. A drawing of the planned unit development shall be prepared to a scale of not less than one inch equals 100 feet, and shall show such designations as proposed street names, 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/or drawings, and shall include the following:

- (1) Land uses. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density, and environmental character, and the relationship to surrounding uses;
- (2) Boundary survey. Boundary survey shall have an accurate legal description of the property area, boundary lines showing bearings, distances and property markers of the areas to be subdivided;
- (3) Easements. Easements with their general location, width and purpose;
- (4) Street, rights-of-way. Streets on and adjacent to the tract with their street name, right-of-way width, existing or proposed centerline elevations, pavement type, sidewalks, curbs, gutters, culverts and the like;
- (5) Utilities, easements. Utilities on and adjacent to the tract with location, size, and invert elevation of sanitary and storm sewers, location and size of water mains. Location of gas mains, 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 (the location of gas, electric, and telephone lines may be deferred to the Final Development Plan by the Planning and Zoning Commission);
- (6) Site elevations and contours. Elevations and contours shall be shown at one foot intervals, less if deemed necessary by the Village Staff and/or the Planning and Zoning Commission;

(7) Subsurface site conditions. Subsurface conditions with location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions;

(8) Additional site conditions. Other conditions on the property such as watercourses, flood plains, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings, and other significant features;

(9) Additional adjacent conditions. Conditions on adjacent lands with the approximate direction and gradient of ground slope which can be interpreted from U.S.G.S. maps, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences; owners of adjacent unplatte land; for adjacent platted land, refer to subdivision plat by name, and show approximate percent build-up, typical lot size, and dwelling type;

(10) Existing zoning. Zoning on and adjacent to the property;

(11) Public improvements. Proposed public improvements such as highways, streets, or other major improvements planned by public authorities for future construction on, near, or affecting the tract;

(12) Open space amenities. The location, size, and character of recreational and open space areas designated for private reservation or reserved or dedicated for public uses such as schools, park, greenway, and the like or any other special amenity to be provided shall be indicated;

(13) General location of buildings. General location, purpose, and height, in feet and stories, of each building other than single family residence on individually platted lots;

(14) Map data. Map data to include the name of the development, name of the site planner, north point and scale, date of preparation, and acreage of site.

(G) Planned Unit Development characteristics. Explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the flexibility of these regulations, and referencing the general benefits that will accrue to the public as a result of the development.

(H) Statement of ownership. A statement of present and proposed ownership of all land within the project, including present tract designation according to official records in the offices of the County Recorder.

(I) Owner(s) name(s). The names and addresses of the persons to whom the notice of the hearing to be held by the Planning and Zoning Commission should be sent, including the subdivider the designer/land planner of the development, and the owners of the land immediately adjoining the land to be platted.

(J) Schedule of development. Development schedule indicating the following:

(1) Estimated stated in which the project will be built, with emphasis on area, density (gross and residential), land 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 the beginning and completion of each stage of the development; and

(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.

(K) Covenants and restrictions. Proposed agreements, provision, covenants and/or restrictions which will govern the use, maintenance, and continued protection of the planned unit development and any of its common open space.

(L) Densities and intensities. Provide preliminary statistics on the proposed gross and residential density, including the number of dwelling units by type and bedroom, and the number of buildings by type. This information should be submitted in conformity with the Planned Unit Development staging (i.e., densities at various stages), as well as for the overall project.

(M) Non-residential uses. Information on Non-residential and ancillary uses based on the type and amount within the residential development, including the amount of common open space.

(N) Service facilities: Provide information on all service facilities and off-street parking facilities.

(O) Architectural plans/renderings. Preliminary architectural plans and concepts for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the general design of the buildings, and the number, size and type of dwelling units.

(P) Landscape plans. Preliminary landscape plans and concepts for plant materials, earth sculpturing, berthing, and aesthetic features shall be submitted in sufficient detail to understand the style of the development.

(Q) Utility facilities plan: Preliminary engineering plans shall be submitted which will indicate that the proposed development can be adequately serviced by the following:

(1) Streets, including classification, width of rights-of-way, width of pavement, and typical cross-section details;

(2) Sanitary sewers;

(3) Storm sewers and stormwater management techniques;

(4) Water supply system; and

(5) Street lighting program.

(R) School impact. Provide information on the student load and financial impact on the local school districts, including estimated scheduling of potential students.

(S) Tax impact study: Provide information on the estimated assessment and distribution of taxes to be generated by the proposed project, and the cost to the various taxing bodies to provide necessary services to the project.

(T) Economic impact and feasibility study. In order to minimize the possibility of adverse effects resulting from failure to implement an

approved final development plan from the economic impact of its development upon the community, the proponents of the Planned Unit Development shall provide satisfactory evidence of their economic feasibility to finance the project, and that the economic prosperity of the area or the values of surrounding properties would not be adversely affected as compared to the impact of development which might reasonably have been anticipated under the zoning in effect at the time the Planned Unit Development was proposed.

(U) Traffic impact study. Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic development. This analysis shall include the anticipated impact for both on-site and community (off-site) transportation systems.

(V) Environmental impact study. Provide information on the relationship between the proposed land uses and the natural environment of the area, including, but not limited to, the soils, geology, hydrology, and atmosphere. The "Natural Resource Opinions" of the United States Soil and Water Conservation District and/or the "Natural Resource Opinions Report" of the Will and South Cook Soil and Water Conservation district may be utilized as a part of these studies.

(W) Objectives. Provide a statement of planning objectives to be achieved by the Planned Unit Development. This statement should include a description of the proposed development and the rationale behind the assumptions and site plan of the developer.

(X) Other information. Provide any other information that the Planning and Zoning Commission may reasonably require for their evaluation of the proposed Planned Unit Development.

(Am. Ord. 06-0369, passed 2-1-06)

#### **§ 159.155 FINAL DEVELOPMENT PLAN (FDP).**

A Final Development Plan for implementation for all or phases of the Planned Unit Development may be submitted concurrently with the General Development Plan or within a reasonable period of time as determined by the Planning and Zoning Commission. The purpose of the Final Development Plan is to designate, with greater detail, the divisions of the land into common open space, home sites, exact building locations and any other subdivided tracts of land in accordance with the General Development Plan. If the Final Development Plan, which the Planning and Zoning Commission determines to be a reasonable phase of the total plan, has not been submitted within a reasonable time, the Planning and Zoning Commission may recommend revocation of the General Development Plan to the Village Board of Trustees.

(A) The required procedure for approval of the final plan shall be:

(1) A final planned unit development plan and other supporting data required for approval shall be submitted to the Planning and Zoning Commission in accordance with the provisions for final plan submission. Supporting data shall show in detail the design, precise location, and use of all buildings, and overall land development, as well as such additional information as the Planning and Zoning Commission may require.

(2) The final plan and supporting data shall be submitted to the Planning and Zoning Commission for certification that the final plan is in conformity with the approved preliminary plan. It shall be the duty of the Planning and Zoning Commission, within 30 days following the last Planning and Zoning Commission meeting wherein the final Planned Unit Development Plan was considered, to recommend approval or disapproval, and reasons therefore, to the Village Board.

(3) The Village Board, after receipt of the final plan, shall approve or disapprove the final plan, and shall, within 60 days after its first regularly scheduled meeting, pass an ordinance authorizing the planned unit development as a special use and allowing the issuance of all necessary permits, if approved. Permits are to be issued only after the final planned unit development plan and supporting data have been recorded with the County Recorder of Deeds, and shall be issued in full conformance with this chapter.

(4) Submission requirements. The final development plan must be submitted for approval in accordance with the agreed scheduling. The first final plan must be submitted not later than one year from the approval of the preliminary development plan, and construction as authorized by the issuance of a building permit must begin within six months of the date of the filing of the final development plan dealing with such construction; in the event that same is not done, the planned unit development special use shall be null and void, and the Planning and Zoning Commission shall initiate such action to revoke the PUD/SUP. If behind with agreed schedule filed with the final plan, the Planning and Zoning Commission may either extend the schedule period or shall initiate action to revoke the planned unit development special use. Extensions in the building schedule for one year periods may be recommended by the Planning and Zoning Commission and granted by the Village Board of Trustees.

(B) The Final Development Plan shall conform substantially to the General Development Plan as approved. The Final Development Plan shall include the following detailed construction and engineering plans and related detailed documents, suitable for recording with the County Recorder of Deeds, and shall be prepared in accordance with the following general requirements:

(1) An accurate legal description and map of the area covered by the plan, including the relationship to the total General Development Plan, at a scale of one inch equals 200 feet with contour lines at two foot intervals;

(2) If subdivided lands are included, a subdivision plat of all subdivided lands in the same form and meeting the requirements for subdivision plats;

(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, other than single family detached residences on individually platted lots;

(5) Certificates, seals, and signatures required for the dedication of lands and recording the documents;

(6) All common open space shall be conveyed to the homeowners association, including condominium owners, of the buildings within the planned unit development. This conveyance to contain covenants running with the land making those owners jointly responsible for the care, upkeep, and maintenance of all common open space. This covenant shall further provide that the village, its successors and assigns, shall have the right to bring any action at law or in equity to assess fines for the non-compliance with applicable municipal codes, or to compel the owners to provide such maintenance as may be required.

(7) 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, in lieu of that, escrow deposits, letter of credit (@ 125% of proposed improvement value) or commitments from banks or other financial institutions, in a form acceptable to the village, shall be posted by the sponsors of the planned

unit development to guarantee construction of the required improvements.

(8) The pattern of public and private roads, driveways, walkways, and parking facilities and proposed design and construction standards;

(9) Detailed lot layout and subdivision platting, where required, in compliance with the Final Platting procedures in Chapter 158, Development Regulations of the Village;

(10) The arrangement of building groups, other than single family detached residential development;

(11) Minimum front, side and rear yard dimensions for all lots for single family dwellings and for lots or tracts for other residential buildings intended for separate ownership;

(12) Floor plans and elevations or perspectives showing the architectural treatment of all buildings other than single family detached residential;

(13) Statistical tabulations showing the apportionment of land uses, the density of residential use, the ratio of apartments by bedroom count, the percentage of ground cover by buildings, the floor area ratio, and the parking ratio;

(14) A listing of all buildings, other than residential, showing building height, specific occupancies together with gross floor area of each occupancy and floor area devoted to retail sales or service for each occupancy. A schedule of parking requirements and such information as may be available concerning anticipated lessees and tenants of the proposed buildings;

(15) Master Grading Plan and Water Shed Plan;

(16) Engineering plans for sanitary sewer, storm sewer and potable water system;

(17) Plans of off-street parking facilities showing pavement, ingress and egress, parking stalls, traffic patterns, drainage, and other required details;

(18) Location of all exterior lighting facilities and a complete description and technical data applicable to all exterior lighting fixtures and standards;

(19) Boundaries of all public parks, other common use open spaces, school, church sites, and the like;

(20) Location and description of all recreation facilities to be provided by the developer, indicating type of facilities, size and capacities;

(21) Landscape plans including plant materials list in accordance with §159.030 of this chapter;

(22) Statement regarding proposed financing and ultimate ownership of all common-use facilities, roads, utilities, parking, recreational, and the like;

(23) If sites only are to be provided for construction of common use or community service facilities by public, religious or institutional agencies, a statement explaining the type of land transaction proposed together with the sale price or rental to be charged, if any, for use of such sites for such purposes as well as any restrictions to be placed upon the use and development of the sites for the purposes shown;

(24) Proposed development schedule showing the overall phasing anticipated, the relationship of the proposed Final Development Plan to the total schedule, the starting and anticipated completion time for the phase covered by the Final Plan, and the area of open space to be provided in each phase of development;

(25) If the plan contemplates any portion of the project to be implemented or subsequently owned by other than the petitioner/applicant, sufficient information concerning such arrangements shall be submitted to enable the Village to be assured that the development will be carried out in complete compliance with the spirit and intent of the approval granted;

(26) Updated information for the following impacts: school, tax, traffic, economic feasibility and environmental study;

(27) Agreements, bylaws, provisions, or covenants which govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities;

(28) Guarantee deposit. A deposit shall be made to the Village in cash, maintenance bond, irrevocable bankable letter of credit, or commitments from banks or other financial institutions, in a form acceptable to the Village and consistent with the provisions of the Development Regulations. This guarantee shall be furnished to cover the completion of the public infrastructure that is to be constructed within the planned unit development.

(29) Delinquent taxes. A certificate shall be furnished from the County Collector stating that he finds no delinquent taxes on subject property, and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been satisfied.

(30) Any other plans, documents, or schedules deemed necessary by the village for proper evaluation of the proposal.

(C) Public hearings. If the Final Development Plan conforms substantially to the General Development Plan as approved, then, no public hearing shall be required, however, the Planning and Zoning Commission may hold informal hearings if it so desires, to determine the conformance of the Final Development Plan with the General Development Plan.

(D) Planning and Zoning Commission findings and action: It shall be the duty of the Planning and Zoning Commission to submit its report on the Final Development Plan to the Village Board of Trustees within 30 days following the final adjournment of the aforesaid public hearing thereon, but failure to so submit such report within said period of time shall result in no impairment of the legality thereof nor of any action taken thereon or in connection therewith. Such report shall provide findings of fact setting forth the reasons for recommendation on one of the following:

(1) Approval of the Final Development Plan as submitted;

(2) Approval subject to specific modifications or conditions; or

(3) Denial of the Final Development Plan. These findings shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, the following:

- (a) In what respect 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 or other Village regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, and use, and the reasons why these departures are deemed to be in the public interest;
- (d) The method by which the proposed plan makes adequate provision for public services, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment;
- (e) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhoods;
- (f) The desirability of the proposed plan regarding physical development, tax base, and economic well being of the entire community; and
- (g) The conformity with the intent and spirit of the comprehensive plan and the community planning objectives of the village.

(E) Conditions and guarantees. Prior to the granting of any planned unit development, the Planning and Zoning Commission may recommend, and the Village Board of Trustees 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 of this chapter. In all cases in which planned unit developments are granted, the Village Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the approval of the planned unit development are being, and will be, complied with.

(F) Conveyance of easements and utilities.

(1) All sanitary sewer lines and water mains within the planned unit developments in the village, which sanitary sewer lines are required by the Environmental Protection Agency (EPA) or other division or branch of the state government, to be owned, operated, or maintained by the village, and which mains are specified by the Village Engineer, shall be conveyed by the owner or developer of the development to the village free and clear of all liens and encumbrances by bond and proper bills of sale and such other documents, such as waivers of lien, as are deemed necessary by the Village Attorney.

(2) All these lines and mains shall be constructed and installed to the satisfaction of the Village Engineer, and the engineer shall be present at all times during construction and installation of the lines and mains.

(3) The owner or developer shall furnish the Village with three full sets of as-built plans, and shall grant the village a permanent easement of not less than ten feet (or as determined necessary by the Village Engineer) on each side of the sanitary sewer lines and water mains for the purpose of operation, maintenance, replacement, repair, and cleaning of the lines and mains.

(4) The owner or developer shall reimburse the village for all engineering fees, TV inspections, infiltration and pressure tests, and inspection expenses incurred by the Village relating to the lines and mains. The owner or developer shall also reimburse the village for all costs of maintenance, replacement, and repair (except cleaning) of the lines and mains, and all costs of returning the area to its original conditions, including, but not limited to, landscaping and paving, and shall enter into a binding written agreement with the Village to do so.

(5) The provisions of this section shall be fully complied with by the developers and owners of the planned unit developments in the village prior to the acceptance by the village of such lines and mains, and prior to the issuance of any certificates of occupancy by the village; and the village shall not acquire any responsibility for the lines and mains until they are accepted by a duly passed resolution of the Village President and Board of Trustees.

(G) (1) Village President and Board of Trustees. It shall be the duty of the Village Board of Trustees, within 60 days following receipt of the report of the Planning and Zoning Commission on the Final Development Plan, to approve the recommendation, approve the recommendation with their modifications, disapprove the recommendation or refer the matter back to the Planning and Zoning Commission for further review and action, but failure to do so within said period of time shall result in no impairment of the legality of the action of the Board of Trustees nor of any action taken thereon or in connection therewith.

(2) After approval is received, by ordinance, the village shall issue building permits providing that the Final Development Plan and supporting documentation has been recorded with the County Recorder of Deeds and construction drawings and the like have been reviewed, with the proof thereof, shall the building permits be issued.

(H) Recording of final documentation. The ordinance authorizing construction/development of the Planned Unit Development shall be effective only upon the recording of the Final Development Plan, Final Plat of Subdivision and supporting documentation with the Recorder of Deeds. The recording of the Final Development Plan and Final Plat of Subdivision shall be a tool to inform all who deal with the Planned Unit Development of the restrictions placed upon the land, and act as the zoning control device.

(I) Guarantees of performance. The provisions and requirements of Chapter 158 Development Regulations, § 158.005 Administration and Enforcement, division (E) Guarantees of Public Improvements, and § 158.010 General Requirements for Subdivisions, and § 158.015, Agreements, of the Code of Ordinances of the village shall apply to all Planned Unit Developments. The developer shall comply with these requirements prior to the final approval by the Village Board of Trustees on the Final Development Plan.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 08-0654, passed 5-21-08)

## **§ 159.156 AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT.**

The Planned Unit Development shall be developed only in accordance to the approved and recorded Final Development Plan with all the supporting documentation. The recorded Final Development Plan and the sub-sequential amendments, if any, shall be binding on the applicants, their successors, grantees and assignees which shall limit and control the use of the premises and location of structures in the Planned Unit Development as set forth therein. Changes to the recorded PUD may be made as follows:

(A) Major change. If major changes are proposed, a new public hearing is required during re-submission of the General or Final Development Plan. The Village Board of Trustees shall decide what constitutes a major change for each Planned Unit Development. All changes to the Final Development Plan shall be recorded with the County Recorder of Deeds as amendments to the Final Development Plan/Plat, or reflected in the recording of a new "corrected" Final Development Plan/Plat. The following constitutes a major change:

- (1) A change which alters the concept or intent of the approved "General/Final Development Plans" for the Planned Unit Development;
- (2) An increase in the gross residential density or intensity of land uses;
- (3) An increase in the height of buildings;
- (4) A reduction in the area set aside for common open space, park or school site, or in any case below that required for a minimum dedication;
- (5) An increase in the bedroom count;
- (6) Increase of the floor area for non-residential uses;
- (7) An increase of the total ground area covered by buildings and structures;
- (8) Changes in the road design standards below the minimum requirements of Chapter 158, Development Regulations; and
- (9) Significant changes in the final governing agreements, being that of covenants, by-laws, provisions, etc. These changes shall be resubmitted and approved only under a new General/Final Development Plan with supporting data, wherein all changes therein or amendments thereto may be approved only by following the procedures for original approval.

(B) Minor changes. The Village Board of Trustees may approve minor changes to the Final Development Plan/Plat which do not change the concept or intent of the General Development Plan, without going through the General Development Plan approval procedures. Minor changes shall be any change not defined as a major change.

(C) Changes and/or amendments. No changes and/or amendments in the General or Final Development Plan/Plat approved hereunder shall be considered to waive any of the covenants or agreements limiting the use of land, buildings, structures and improvements within the Planned Unit Development unless specifically so stated.

(D) Development schedule. If the construction completion sequence set forth by the Final Development Plan is not followed at any phase in the construction of the Planned Unit Development, the Village Board of Trustees may direct the Building Inspector to refrain from issuing additional building or occupancy permits, except such as are necessary to conform to the construction completion sequence, until the development progress conforms to such required completion sequence.

(E) Additions. Land contiguous to an existing Planned Unit Development may be added to such Planned Unit Development provided such land is made a part of the original General Development Plan in all respects prior to its incorporation into such plan by an amendment of the Final Development Plan as provided in this section.

(F) Development fees. The requirements of §159.178 of this code, which establish the fees for reviewing engineering designs and inspection construction of Planned Unit Development shall apply, as amended from time to time.

(Am. Ord. 06-0369, passed 2-1-06)

#### **§ 159.157 PLANNED UNIT DEVELOPMENTS - RESIDENTIAL.**

For planned unit developments located in one or more residential districts, exception may be made in the regulations of these districts, as provided herein:

(A) Use regulations. In developments containing over 50 dwelling units, uses specifically permitted and special uses in the B-1 District may be allowed, provided that these uses and accessory uses shall not occupy more than 10% of the gross floor area of the development.

(B) Bulk regulations. In accordance with individual district requirements.

(C) Off street parking and loading facilities. All in accordance with regulations set forth in §§159.105 through 159.111 and 159.112 through 159.116.

(D) Signage. All in accordance with regulations set forth in §§159.121 through 159.133.

(E) General landscaping. All in accordance with regulations set forth in §§159.030 and 159.080(G).

(F) Performance standards. All activities shall conform with the performance standards established and set forth in §§159.022 through 159.027.

(G) Ingress and egress onto a public street. All in accordance with regulations set forth in §§159.017, 159.019 and 159.105 through 159.111.

(H) Outdoor storage. All in accordance with regulations set forth in §§159.020, 159.030 and respected district regulations.

(I) Accessory uses. All in accordance with regulations set forth in §159.020.

(Am. Ord. 07-0508, passed 2-21-07)

#### **§ 159.158 PLANNED UNIT DEVELOPMENTS - BUSINESS/ COMMERCIAL.**

For planned developments located in one or more business districts, exceptions may be made in the regulations of these districts, as set forth herein:

(A) Use regulations. Uses listed as permitted and special uses in the residential and business districts are allowed.

(B) Bulk regulations. In the B-1 and B-2 Districts, not more than 12 dwelling units per gross acre are allowed, except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and lodging room as 0.50 of a dwelling unit.

(C) Off-street parking and loading facilities. All in accordance with regulations set forth in §§159.105 through 159.116.

(D) Signage. All in accordance with regulations set forth in §§159.121 through 159.133.

(E) General landscaping. All in accordance with regulations set forth in §§159.030 and 159.080(G), all development subject to the

planned unit development, §§ 159.150 through 159.159, must include a sprinkler/irrigation system.

(F) Performance standards. All activities shall conform to the performance standards established and set forth in §§159.022 through 159.027.

(G) Ingress and egress onto a public street. All in accordance with regulations set forth in §§159.105 through 159.111.

(H) Outdoor storage. All in accordance with regulations set forth in §§159.020 and 159.112 and respected district regulations.

(I) Accessory uses. All in accordance with regulations set forth in §159.020.

(J) Commercial design guidelines. The following building design guidelines shall apply to all structures.

(1) The facades of commercial establishments shall be architecturally detailed.

(2) Commercial structures will reflect an architecturally pleasing design.

(a) Examples of desired architecture:



(3) Features incorporated into the building design will be considered as individual elements.

(a) Each structure must meet the minimum requirements for all Building Sections One through Five.

(b) Should a large user share a common wall with other structures, then that user will be subject to §159.158(J)(6) and not § 159.158(J)(7). Large users shall be defined as a single occupant comprised of 8,000 square feet or more building space and possessing only two or less customer entrances. This space must be built for a specifically single occupant user, and have no intention of being divided into smaller tenant spaces at the time of construction. (Example: a 40,000 square foot electronics store is constructed in line with a multiple tenant structure).

(c) Should any structure share a wall with another structure, only the visible portion of that wall shall meet the number of required elements. Example: If two units share 200 lineal feet of wall surface and one of the users wall's extend an extra 100 lineal feet from the point in which the shared section ceases, then only that 100 lineal feet shall meet the element requirement.

(d) Should a facade be entirely blocked from public view by other structures or shared facades, then that facade will not have to meet the element requirement.

(e) Buildings that consist of more than one functional story shall contain similar design features as required per each section of the following code. However, the actual element requirements will not increase. Any additional elements will count for the section requirement. Concerning roof design, a functional second story will be considered the same as a false second story and will fulfill the roof design requirements if a detailed cornice is utilized.

(4) Certain elements can be counted twice. These particular features are as follows:

(a) Awnings, overhangs, and canopies which accentuate entry points, can also be counted for Section Two: Street Facing Facades or Section Five: Non Street Facing Facades.

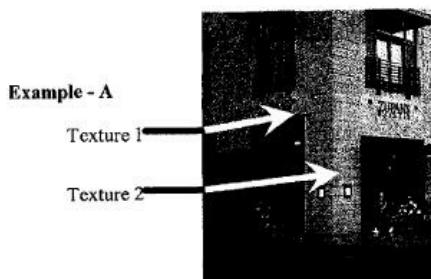
(b) Architectural thematic lights that accentuate an entry point can also be counted for Section Two: Street Facing Facades or Section Five: Non Street Facing Facades.

(c) Medallions and other features that accentuate an entry point can also be counted for Section Two: Street Facing Facades or Section Five: Non Street Facing Facades.

(5) Definitions and examples of elements. In order to meet the criteria, any of the elements applied in Section One must be uniform in nature over the entire structure.

(a) Section One: Building Form and Massing.

1. Texture Change – A change in the surface quality, grain, or consistency of the building.

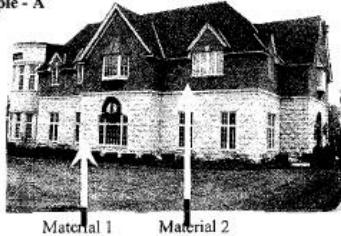


2. Pattern Change – A differentiation in the configuration, design, or arrangement of building materials in relationship to one another. Examples: changes in building form from straight lines to arches or changing the direction of bricks.

3. Color Change – A differentiation in the color of exterior materials used in construction of the actual building.

4. Material Change – A change in the physical material used to construct an individual building. Examples: Changes from brick to ground face block or limestone to granite.

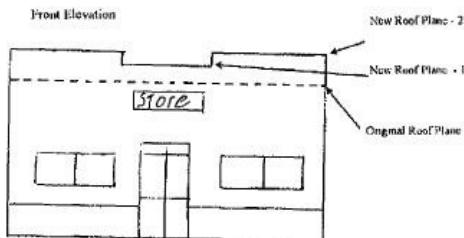
**Example - A**



5. Height Variations – Height variations include roofline or peak sections which form a new roof plane. Variations which terminate at the same height plane as other variations will not be double-counted in the point system. Functioning second stories do not count for a height variation. However, second stories may qualify for the mix-use bonus. For false second stories, see § 159.158(J)(5)(c)6. The original height will count as a one height variation, essentially all buildings will start with one change.

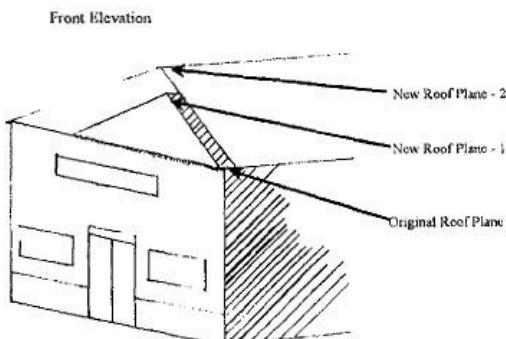
**Example - A**

**Building Height Variation - Flat Roof w/ Parapet**



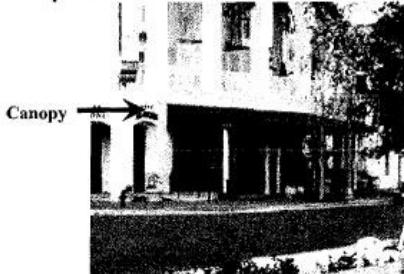
**Example - B**

**Building Height Variation - Peaked Roof**



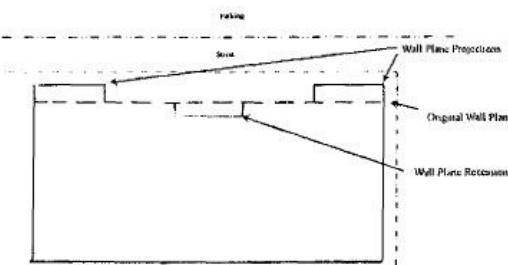
6. Canopy – A protective covering fashioned entirely over an entryway or pedestrian space, typically made of canvas. Other materials are acceptable.

**Example – A**



7. Recesses and Projections – A change in the wall plane in which a section of the building moves either closer to or further from the original wall plane of a structure. The original wall plane will count as one recess and projection; essentially all buildings will start with one change.

**Example – A**  
**Plan View**



8. Arcade – A series of arches supported by piers or columns.

9. Single Tenant Buildings - A single tenant building shall be considered as a structure that possesses only one tenant and cannot be separated into smaller units with more than one occupant by a demising wall or any other means.

10. Multiple Tenant Buildings - A multiple tenant building shall be considered as a structure that possesses two or more tenants and can be separated into smaller units with more than one occupant by a demising wall or other means.

(b) Section Two: Street Facing Facades.

1. Street Facing Facades - Those facades that face any public street or major thoroughfare.

2. Colonnades – A series of, or row of, columns, usually spanned by lintels, i.e. beams.

3. Pilasters - A flat, rectangular vertical member projecting from a wall of which it forms a part. It usually has a base and a capital and is often fluted.

**Example - A**  
Square Pilaster



**Example - B**  
Column Pilaster



4. Columns – A vertical, weight carrying architectural member, circular in cross section and consisting of a base and fluted (sometimes omitted).

5. Exterior Architectural Window Frames - An enhanced frame around the exterior facade of a window incorporating one or more features, such as: pilasters, columns, pediments, stones, creative brick work, or the like.

6. Windows — Glass features that are translucent or semi-translucent in which a person can see into and out of a structure. Sheets of glass separated by only metal frames or other materials will be counted as one window. Windows will not be counted as separate unless they are separated by at least three inches of a material such as masonry, concrete, or an architectural window frame. Functional windows:

**Example – A One Window**



**Example – B Multiple Windows**



7. False Windows - Windows that do not see visually into a structure, but do have some sort of visual point of interest. Examples: display windows, pictures, and the like. Opaque or non-transparent windows do not qualify as an element.

8. Overhang - A feature that physically projects away from the building wall plane. Can be made up of various materials or built out of the building structure.

**Example - A**



**Example - B**



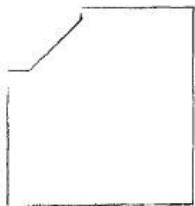
(c) Section Three: Roof Design.

1. Eave - The lower part of a roof which overhangs the building facade.
2. Sloped Roofs One-Sided - A roof projecting from or above the top of any structure that has a vertical slope between 30 and 80 degrees on one side, and is surrounded by walls that meet at 90 degree angles. Angles of a lesser or greater degree do not count.

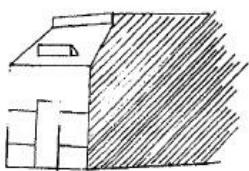
**Example - A**

## Sloped Roofs—One Sided, A

Side Elevation

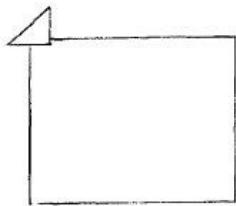


3-D Rendering

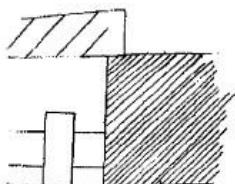
**Example - B**

## Sloped Roofs—One Sided, B

Side Elevation



3-D Rendering



3. Peaked Roofs Finished and Sloped on All Four Sides - A roof that climaxes at a peak and has slopes on all four sides. Does not need to cover the whole functional roof of the structure, rather screen all roof top equipment.

**Example - A**

## Peaked Roof—Finished and sloped on all four sides

Front Elevation



Rear Elevation



3-D Rendering

**Example - B**

## Rear Elevation

\* does not cover all of the functional roof



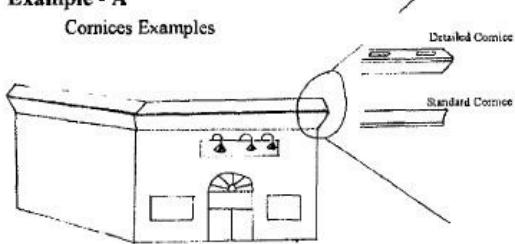
4. Complete sloped and peaked roof that covers the entire roof surface - A roof sloping on all four sides which climaxes at a peak. This type of roof does not cover 100% of the functional roof surface.

**Example - A****Example - B**

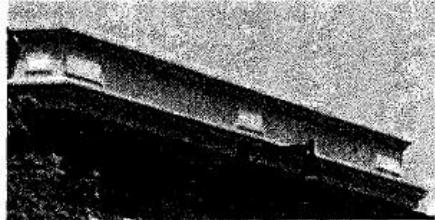
5. Cornice - The projecting crowning member of a roof, which frames the roof plane and screens rooftop equipment.

**Example - A**

Cornices Examples

**Example - B**

Detailed Cornice



Standard Cornice



6. False Second Story - The use of additional vertical height on a structure to create a second story in exterior appearance only. The equivalent of a second story without having any inhabitable floor area.

**Example - A**

False Second Story

## (d) Section Four: Entry- Articulation.

1. Overhang - A feature that physically projects away from the building wall plane to accentuate an ingress or egress point. Can be made up of various materials or built out of the building structure.

**Example - A****Example - B**

2. Architecturally Thematic Lights - Lights that are incorporated into the design of the building and go beyond a standard square light fixture. Strings of LED or neon lights do not count.

**Example - A**



**Example - B**



3. Portico - An entrance porch with a roof supported by columns. The portico shall include all necessary elements that an architecturally pleasing entry entails: lighting, columns pilasters, and architectural detailing.

**Example - A**



4. Columns - See § 159.158(J)(5)(b)4..

5. Exterior Architectural Window Frames - See § 159.158(J)(5)(b)5..

6. Knee Wall - Knee walls shall be a minimum of two feet in height.

7. Multiple Tenant Building Entry Ways - Multiple tenant entry ways in multiple tenant buildings will be defined as possessing an access point into a tenant space separated by a demising wall. Furthermore, each entryway must meet the minimum element standards as detailed in § 159.158(J)(5)(d). A differentiated entryway may not exceed more than 60 feet, and must occur at a logical division of the building.

8. Pediments –

**Example - A**



**Example - B**



**Example - C**



**Example - D**

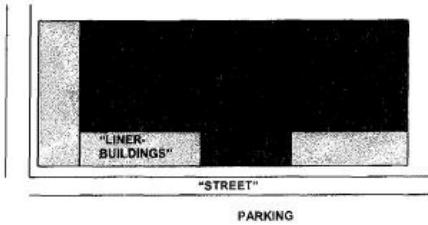


- (e) Section Five: Non Street Facing Facades, see § 159.175(5)(b).

- (f) Section Six: Bonuses

1. Outdoor patios - A clearly defined area set aside for outside dining.
2. Mixed Use - Structures that contain commercial uses on the ground floor and additional uses on the second floor.
3. Lining of Buildings - Using smaller tenant space to surround (line) a larger big box user.

**Example - A**

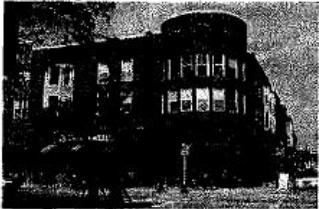


**Example - B**

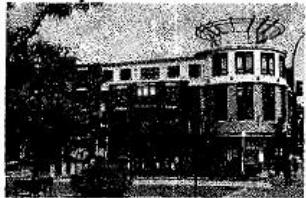


4. Changes in Building Form to Accentuate Corners - Change in the physical shape of the building at the corner to further articulate the entryway and differentiate the building form.

**Example - A**



**Example - B**



**Example - C**



**Example - D**



- (6) Single tenant commercial building elements will be assessed as follows. Building elements will be assessed in the following manner, and must conform to the minimum number of elements set forth in the following sections.

- (a) Certain features can be counted twice:

1. Awnings that accentuate an entry point can also be counted for Section Two: Street Facing Facades and Section Five: Non

Street Facing Facades.

2. Architectural thematic lights that accentuate an entry point can also be counted for Section Two: Street Facing Facades and Section Five: Non Street Facing Facades.

3. Medallions and other features that accentuate an entry point can also be counted for Section Two: Street Facing Facades and Section Five: Non Street Facing Facades.

(b) Section One: Building Form and Massing. In order to meet the criteria any of the elements applied in Section One must be uniform in nature for the entire structure. Smooth concrete panels are not allowed. If the primary wall surface material is either concrete or tilt up concrete then a pattern must be utilized within the concrete surface such as a stamped brick pattern.

1. Table One:

<b>Building Materials: A minimum of 3 of the following categories must be utilized. (Please indicate the number and type of changes utilized)</b>	<b>Retail 10,000 S.F. or less</b>	<b>Retail 10,000 to 50,000 S.F. or less</b>	<b>Retail 50,001 S.F. or greater</b>
<b>Building Materials: A minimum of 3 of the following categories must be utilized. (Please indicate the number and type of changes utilized)</b>	<b>Retail 10,000 S.F. or less</b>	<b>Retail 10,000 to 50,000 S.F. or less</b>	<b>Retail 50,001 S.F. or greater</b>
Texture change			
Pattern change			
Color change			
Material change			
Building Form			
Height variations: Height differentiations shall not exceed a maximum of 5 feet. Variations shall include different peak heights on four sided or finished roofs; see Section Three. Height intervals cannot be less than 1 foot.	A minimum of 2 variations shall be required	A minimum of 3 variations shall be required	A minimum of 3 variations shall be required
Recess or projection. Variation shall not exceed 5 feet of recess or projection from wall plane	A minimum of 2 variations shall be required.	A minimum of 3 variations shall be required.	A minimum of 3 variations shall be required.

(c) Section Two: Street Facing Facades. Points will be assessed as follows: All street-facing and visible facades of a building shall include, at set intervals, either horizontally or vertically, architectural details such as:

(d) Table Two:

<b>Facade Elements</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or Greater</b>
<b>Facade Elements</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or Greater</b>
Elements (write the amount of elements included)	4 elements are required per every 15 lineal feet of the facade	4 elements are required per every 20 lineal feet of the facade	3 elements are required per every 30 lineal feet of the facade
Colonnades (Counts as one element per every 10 lineal feet.)			
Pilasters (Each pilaster counts as 1.5 elements and must be spaced at intervals no less than 20 feet.)			

Functional windows  (Each functional window counts as 2.5 elements. Windows must be separated by an architectural frame for consideration.)			
False windows			
Pediments			
Exterior architectural window frames (Each complete architectural frame counts as 2 elements.)			

Facade Elements	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or Greater
Architectural detailing such as medallions, incorporated stone features, or the like. (Each medallion counts as 0.5 elements.)			
Architecturally thematic light fixtures. (Each light fixture counts as 0.5 elements.)			
Fabric awnings  (Individual awnings count as 1 element.)			
Overhangs (Counts as 4 elements.)			
Columns (Counts as 3 elements.)			

(e) Section Three: Roof Design. Points for this section will be assessed as follows: Attention should be paid to the design of roofs. There must be variations in roof lines incorporating the following features:

1. Table Three Part I — Roof Form

Major Roof Form	Retail 10,000 S.F or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Major Roof Form	Retail 10,000 S.F or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Sloped roofs one-sided.	Must incorporate a combination of 8 elements from Group Two	Must incorporate a combination of 10 elements from Group Two	Must incorporate a combination of 12 elements from Group Two
Peaked roofs finished and sloped on all 4 sides. Based on the amount of the roof perimeter covered by the finished roof.	0-25% = 8 additional elements required from roof articulation section	0-25% = 8 additional elements required from roof articulation section	0-25 % = 8 additional elements required from roof articulation section
	26-50% = 6 additional elements required from roof articulation section	26-50% = 6 additional elements required from roof articulation section	26-50% = 6 additional elements required from roof articulation section
	51-75 % = 4 additional elements required from roof articulation section	51-75 % = 4 additional elements required from roof articulation section	51-75 % = 4 additional elements required from roof articulation section
	76-100% = 2 additional elements required from roof articulation section	76-100% = 2 additional elements required from roof articulation section	76-100% = 2 additional elements required from roof articulation section

Complete sloped and peaked roof that covers the entire roof surface.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.
False Second Story with cornice. False second story must be constructed on all 4 sides of the structure and finished with a cornice.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.
Aesthetic roof covering on sloped roofs only; slate, shale, clay, cedar shake, or other high quality shingle deemed appropriate by the Zoning Administrator.	Will substitute for 4 additional roof features required from roof articulation section.	Will substitute for 4 additional roof features required from roof articulation section.	Will substitute for 4 additional roof features required from roof articulation section.

Major Roof Form	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Parapets along flat roofs that must conceal all rooftop equipment. All parapets must cover 100% of the structure.	Must incorporate a combination of 10 elements from roof articulation section.	Must incorporate a combination of 12 elements from roof articulation section.	Must incorporate a combination of 34 elements from roof articulation section.

2. Table Three Part II — Roof Articulation.

Roof Articulation	
Overhanging eaves: must span entire facade. (Each facade counts as 5 roof articulation elements).	
Dormers	
Large roof pediment	
Cornices: must span entire facade (Each facade counts as 2 elements.)	
Detailed cornice sections (Must be at least 25 feet in length).	Will count as 1 articulation element.
Cornice that incorporates additional architectural detailing. Must encompass 100% of the building	Substitutes for additional roof requirements such as: eaves, dormers, pediments, or each facade counts as 3 articulation elements.

(f) Section Four: Entry-Articulation. Points for this section will be assessed as follows: Each primary entrance shall be accentuated by incorporating the following elements:

1. Table Four

Entry Articulation	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Elements (write the amount of elements included).	10 elements are required per each entrance	10 elements are required per each entrance	10 elements are required per each entrance
Overhang (Counts as 4 elements.)			
Architectural detailing such as medallions, incorporated stone features, or the like. (Each medallion counts as 0.5 elements.)			
Planter or wing wall that incorporates landscaping.			

<b>Entry Articulation</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
Architecturally thematic light fixtures. (Each light fixture counts as 0.5 elements.)			
Porticos (counts for 8 elements.)			
Pilasters.			
Columns. Does not include columns used as a support of a portico.			
Large pediments over doorways (Counts as 4 elements.)			
Exterior architectural door frames (Counts as two elements.)			
Canopy (Counts as 5 elements.)			
Windows (Counts as 2.5 Elements).			

(g) Section Five: Non Street Facing Facades. Points for this section will be assessed as follows: All non street-facing facades of a building shall include, at set intervals, either horizontally or vertically, architectural details such as:

1. Table Five

<b>Facade Elements</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
Elements (write the amount of elements included.)	2.5 elements are required per every 15 lineal feet of the facade	2 elements are required per every 25 lineal feet of the facade	2 elements are required per every 30 lineal feet of the facade
Colonnades (Counts as 1 element per every 10 lineal feet.)			
Pilasters (Each pilaster counts as 2 elements and must be spaced at intervals no less than 20 feet.)			
Functional windows (Each functional window counts as 2.5 elements. Windows must be separated by an architectural frame for consideration.)			
False windows			
Pediments			
Exterior architectural window frames (Each Complete architectural frame counts as 2 elements.)			

<b>Facade Elements</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
Architectural detailing such as medallions, incorporated stone features, or the like. (Each medallion counts as 0.5 elements.)			

Architecturally thematic light fixtures. (Each light fixture counts as 0.5 elements.)			
Fabric awnings (Individual awnings count as 1 element.)			
Overhangs (Counts as 4 elements.)			
Columns (Counts as 3 elements.)			

(h) Section Six: Building Bonuses. Points for this section will be assessed as follows: Points awarded from the bonus section can be used as a substitute for points required in other sections.

#### 1. Table Six

Feature (the following extra features qualify as bonus and therefore can be substituted for elements in the previous five sections)	
Building set close to the main or public street without large expanses of parking, no more than one row of parking between the public street and building.	15 elements
Outdoor patios, 10 points. With a clear separation between the patio and pedestrian paths.	10 elements
LEED Certification.	30 elements
Mixed use buildings.	15 elements
Lining of large retails	20 elements
Changes in building form to accentuate corners	15 elements

a. Additional bonuses: Should one section of the building go "above and beyond" the required amount of points, those points may be distributed to another section. A maximum of 20 elements will be allowed to be redistributed. A total of 20 elements can be redistributed over the design sections, but not more than ten elements per section. These bonus elements can be applied in addition to the elements list in Table Six, § 159.158(J)(6)(h)1.

b. If a whole development equaling five or more total lots chooses an encompassing architectural theme such as, "Prairie Style", "colonial", "gothic revival", or another theme, will result in the bonus of 50 bonus elements to be distributed to the different lots of the new development. Which new lots receive the bonus elements will be at the discretion of the developer, but no lot will be eligible for more than 12 element bonuses. These bonus elements can be applied in addition to the elements list in Table Six, § 159.158(J)(6)(h)1., and may exceed the ten element per section limit.

c. Should a developer choose to use architecturally designed light posts and fixtures away from the building such as on the sidewalks or in the parking lots, a bonus of ten elements will be granted. These bonus elements can be applied in addition to the elements list in Table Six, § 159.158(J)(6)(h)1.

d. A total of 30 additional element bonuses can be applied per building.

2. Penalties. No truck dock, trash facility, or otherwise conceived loading/unloading space shall face a major public or private street. If the development must be designed so as to have a facility face a major public or private street, then it must be properly screened as per § 159.030(D)(4)(o) and will result in a penalty of 15 elements on the respective facade on which the truck dock is located.

(7) Multiple tenant commercial building elements will be assessed as follows. Building elements will be assessed in the following manner, and must conform to the minimum number of elements set forth in the following sections.

(a) Certain features can be counted twice:

1. For multiple tenant buildings with three or more separate tenant spaces Section Four: Entryway Articulation shall be substituted for either Section Two: Street Facing Facades or Section Five: Non Street Facing Facades depending on the orientation of the multiple entrance facade. However, for elements to receive credit as entryway articulation they must fall within ten feet to either side of the entryway, but may extend to the roof line of the structure.

2. Awnings that accentuate an entry point can also be counted for Section Two: Street Facing Facades and Section Five: Non Street Facing Facades.

3. Architectural thematic lights that accentuate an entry point can also be counted for Section Two: Street Facing Facades and Section Five: Non Street Facing Facades.

4. Medallions and other features that accentuate an entry point can also be counted for Section Two: Street Facing Facades and Section Five: Non Street Facing Facades.

5. Features such as lights, medallions, pilasters, and the like which fall on the dividing line of individual tenant spaces will count as equal points for both tenant spaces. Points will only be awarded if the feature in question falls evenly in the space between two tenant spaces.

(b) Section One: Building Form and Massing. Elements for this section will be assessed as follows and should include: In order to meet the criteria all elements applied in Section One must be uniform in nature for the entire structure. If the primary wall surface material is either concrete or tilt up concrete then a pattern must be utilized within the concrete surface such as a stamped brick pattern.

1. Table One:

<b>Building Materials. A minimum of 3 of the following categories must be utilized</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
<b>Building Materials. A minimum of 3 of the following categories must be utilized</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
Texture change.			
Pattern change.			
Color change.			
Material change.			
Building Form			
Height variations: Height differentiations shall not exceed a maximum of 5 feet. Variations will include different peak heights on 4 sided or finished roofs; (See Section Three.) Height intervals cannot be less than 1 foot.	Height of parapet must be varied per the lesser of 40 lineal feet or 2 tenant spaces.	Height of parapet must be varied per the lesser of 40 lineal feet or 2 tenant spaces.	Height of parapet must be varied per the lesser of 40 lineal feet or 2 tenant spaces.
Recess or projection. Variation shall not exceed 5 feet of recess or projection from wall plane.	Wall projections must be varied per the lesser of 40 lineal feet or 2 tenant spaces.	Wall projections must be varied per the lesser of 40 lineal feet or 2 tenant spaces.	Wall projections must be varied per the lesser of 40 lineal feet or 2 tenant spaces.

2. Individual Unit Form. Units must be either differentiated in terms of form, color, or materials per the lesser of 40 lineal feet or two tenant spaces in the building to create the appearance of individual buildings. Alternating similar patterns will be accepted provided an architectural theme is adhered to and tenant spaces are clearly defined as separate.

3. Roof Form of Units. Changes in the appearance or shape of the roofline to further accentuate the individual units are mandatory. Changes must occur per the lesser of 40 lineal feet or two tenant spaces in the building to create the appearance of individual buildings. Alternating similar patterns will be accepted provided an architectural theme is adhered to and tenant spaces are clearly defined as separate.

(c) Section Two: Street Facing Facades. Points will be assessed as follows: All street-facing and visible facades of a building shall include, at set intervals, either horizontally or vertically, architectural details such as:

1. Table Two:

<b>Facade Elements</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
<b>Facade Elements</b>	<b>Retail 10,000 S.F. or Less</b>	<b>Retail 10,000 to 50,000 S.F. or Less</b>	<b>Retail 50,001 S.F. or greater</b>
Elements (write the amount of elements included).	4 elements are required per every 15 lineal feet of the facade	4 elements are required per every 20 lineal feet of the facade	3 elements are required per every 30 lineal feet of the facade
Colonnades (Counts as 1 element per every 10 lineal feet.)			
Pilasters (Each pilaster counts as 1.5 elements and must be spaced at intervals no less than 20 feet.)			
Functional windows (Each functional window counts as 2.5 elements. Windows must be separated by an architectural frame for consideration.)			
False windows			
Pediments			
Exterior architectural window frames (Each complete architectural frame counts as 2 elements.)			

Architectural detailing such as medallions, incorporated stone features, or the like. (Each medallion counts as 0.5 elements.)			
Architecturally thematic light fixtures. (Each light fixture counts as 0.5 elements.)			
Fabric awnings (Individual awnings count as 1 element.)			
Overhangs (Counts as 4 elements.)			
Columns (Counts as 3 elements.)			

(d) Section Three: Roof Design. Points for this section will be assessed as follows: Attention should be paid to the design of roofs. There must be variations in roof lines incorporating the following features:

1. Table Three Part I — Roof Form

Major Roof Form	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Sloped roofs one-sided.	Must incorporate a combination of 8 elements from Group Two	Must incorporate a combination of 10 elements from Group Two	Must incorporate a combination of 12 elements from Group Two

Major Roof Form	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Peaked roofs finished and sloped on all 4 sides. Based on the amount of the roof perimeter covered by the finished roof.	0-25% = 8 additional elements required from roof articulation section	0-25% = 8 additional elements required from roof articulation section	0-25 % = 8 additional elements required from roof articulation section
	26-50% = 6 additional elements required from roof articulation section	26-50% = 6 additional elements required from roof articulation section	26-50% = 6 additional elements required from roof articulation section
	51-75% = 4 additional elements required from roof articulation section	51-75 % = 4 additional elements required from roof articulation section	51-75 % = 4 additional elements required from roof articulation section
	76-100% = 2 additional elements required from roof articulation section	76-100% = 2 additional elements required from roof articulation section	76-100% = 2 additional elements required from roof articulation section
Complete sloped and peaked roof that covers the entire roof surface.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.
False second story with cornice. False second story must be constructed on all 4 sides of the structure and finished with a cornice.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.	No additional roof features required from roof articulation section.
Aesthetic roof covering on sloped roofs only: slate, shale, clay, cedar shake, or other high quality shingle deemed appropriate by the Zoning Administrator.	Will substitute for 4 additional roof features required from roof articulation section.	Will substitute for 4 additional roof features required from roof articulation section.	Will substitute for 4 additional roof features required from roof articulation section.

Parapets along flat roofs that must conceal all rooftop equipment. All parapets must cover 100% of the structure.	Must incorporate a combination of 8 elements from roof articulation section.	Must incorporate a combination of 10 elements from roof articulation section.	Must incorporate a combination of 12 elements from roof articulation section.
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2. Table Three Part H — Roof Articulation

Roof Articulation	
Overhanging eaves: must span entire facade (Each facade counts as 5 roof articulation elements).	
Dormers	
Large roof pediment	
Cornices: must span entire facade (Each facade counts as 2 elements.)	
Detailed cornice sections (Must be at least 25 feet in length).	Will count as 1 articulation element.
Cornice that incorporates additional architectural detailing. Must encompass 100% of the building.	Substitutes for additional roof requirements such as: eaves, dormers, pediments, or each facade counts as 3 articulation elements.

(e) Section Four: Entry-Articulation. Points for this section will be assessed as follows: Each primary entrance shall be accentuated by incorporating the following elements:

1. Table Four

Multi-Tenant Entry Articulation	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Multi-Tenant Entry Articulation	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Elements (write the amount of elements included)	15 elements are required per each entrance	15 elements are required per each entrance	15 elements are required per each entrance
Overhang (Counts as 4 elements)			
Architectural detailing such as medallions, incorporated stone features, or the like. (Each medallion counts as 0.5 elements.)			
Planter or wing wall that incorporates landscaping.			
Architecturally thematic light fixtures (Each light fixture counts as 0.5 elements.)			
Porticos (Counts for 8 elements.)			
Pilasters.			
Columns. Does not include columns used as a support of a portico.			
Pediments over doorways (Counts as 4 elements.)			
Exterior architectural door frames (Counts as 2 elements.)			
Canopy (Counts as 5 elements.)			

Knee wall except for ingress and egress points (Counts as 5 elements.) ** Clear glass to the bottom of any structure is prohibited.			
Colonnades.			
Windows, functional. Must have architectural frame (Counts as 2 elements.)			
False windows			
Individual space fabric awnings (Counts as 2 elements.)			

(f) Section Five: Non Street Facing Facades. Points for this section will be assessed as follows: All non street facing facades of a building shall include, at set intervals, either horizontally or vertically, architectural details such as:

1. Table Five

Facade Elements	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Facade Elements	Retail 10,000 S.F. or Less	Retail 10,000 to 50,000 S.F. or Less	Retail 50,001 S.F. or greater
Elements (write the amount of elements included).	2.5 elements are required per every 15 lineal feet of the facade	2 elements are required per every 20 lineal feet of the facade	2 elements are required per every 30 lineal feet of the facade
Colonnades (Counts as 1 element per every 10 lineal feet.)			
Pilasters (Each pilaster counts as 2 elements and must be spaced at intervals no less than 20 feet.)			
Functional windows (Each functional window counts as 2.5 elements. Windows must be separated by an architectural frame for consideration.)			
False windows			
Pediments			
Exterior architectural window frames (Each complete architectural frame counts as 2 elements.)			
Architectural detailing such as medallions, incorporated stone features, or the like. (Each medallion counts as 0.5 elements.)			
Architecturally thematic light fixtures. (Each light fixture counts as 0.5 elements.)			

Fabric awnings (Individual awnings count as 1 element.)			
Overhangs (Counts as 4 elements.)			
Columns (Counts as 3 elements.)			

(g) Section Six: Building Bonuses. Points for this section will be assessed as follows: Points awarded from the bonus section can be used as a substitute for points required in other sections.

#### 1. Table Six

Feature (the following extra features qualify as bonus and therefore can be substituted for elements in the previous five sections)	
Building set close to the main or public street without large expanses of parking, no more than one row of parking between the public street and building.	15 elements
Outdoor patios, 10 points. With a clear separation between the patio and pedestrian paths.	10 elements
LEED Certification.	30 elements
Mixed use buildings.	15 elements
Lining of large retails	20 elements
Changes in building form to accentuate corners	15 elements

#### 2. Additional bonuses:

a. Additional bonuses: Should one section of the building go "above and beyond" the required amount of points, those points may be distributed to another section. A maximum of 20 elements will be allowed to be redistributed. A total of 20 elements can be redistributed over the design sections, but not more than ten elements per section. These bonus elements can be applied in addition to the elements list in Table Six § 159.158(J)(6)(g)1.

b. If a whole development equaling five or more total lots chooses an encompassing architectural theme such as, "Prairie Style", "colonial", "gothic revival", or another theme will result in the bonus of 50 bonus elements to be distributed to the different lots of the new development. Which new lot receives the bonus elements will be at the discretion of the developer, but no lot will be eligible for more than 12 bonus elements. These bonus elements can be applied in addition to the elements list in Table Six, § 159.158(J)(6)(g)1., and may exceed the ten element per section limit.

c. Should a developer choose to use architecturally designed light posts and fixtures away from the building such as on the sidewalks or in the parking lots, a bonus of 15 elements will be granted. These bonus elements can be applied in addition to the elements list in Table Six § 159.158(J)(6)(g)1., and may exceed the five elements per section limit.

d. A total of 30 additional bonus elements can be applied per building.

3. Penalties. No truck dock, trash facility, or otherwise conceived loading/unloading space shall face a major public or private street. If the development must be designed so as to have a facility face a major public or private street, then it must be properly screened as per § 159.030(D)(4)(o) and will result in a penalty of 15 elements on the respective facade on which the truck dock is located.

#### (8) Light pole design must comply with the following:

(a) All parking lot and pedestrian light poles must possess an architectural character. Refer to §159.158(J)(5)(d)2.

#### (9) Materials shall be of durable quality with good architectural character.

(a) Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

(b) Materials shall be selected for suitability to the type of buildings and the design in which they are used.

(c) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

(d) Materials shall include brick, wood, stone, tinted and textured concrete, masonry units, etc.

(e) Colors should be of low reflectance, subtle, neutral or earth tone colors.

(f) Smooth-faced concrete blocks, pore-fabricated steel panels are not acceptable.

(g) EFIS will not be allowed for more than 15% of the ground floor elevation and 30% of any additional story or false second story.

(10) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design.

(11) Landscaping shall conform to the requirement of §159.030. Careful attention should be paid in the design of these buildings to

insure that all foundation landscaping can be accommodated.

(12) Sign locations on all buildings will be required as part of the sign plans. These plans must identify sign placement "envelopes" of rectilinear spaces wherein signs are allowed. Signs are not allowed outside of the designated envelope nor are envelopes allowed to span between different tenant spaces.

(K) Site design guidelines. The following site design guidelines shall apply to all structures.

(1) Site layout.

(a) Buildings shall be sited so as to encourage pedestrian traffic and so as to highlight architectural features of the buildings.

(b) Focal points, vistas, public art and architectural features shall be incorporated into the site design. These elements shall be provided in the landscaping areas, at natural vistas, and in parking lot islands.

- (c) The parking lot shall be surrounded by a landscaped berm except where impractical due to entrances and/or intersections.
- (d) Parking shall be distributed around large buildings in order to reduce traveling distance and the overall scale of paved surface.
- (e) At least one customer entrance shall be provided for each street-facing facade.
- (f) Drop-off and pick-up points shall be integrated into the parking lot design. These shall be designed so as to accommodate private vehicles as well as transit.
- (g) Snow clearing must be addressed by providing a designated snow piling area.
- (h) A build-to line shall be established for all establishments located on out lots so as to accommodate a streetscape of buildings rather than one of parking spaces.

(2) Circulation.

- (a) The circulation systems shall be designed to carry different types of traffic and to provide safe access to all parking spaces and access drives.
- (b) Vehicular circulation systems providing access to parking areas shall be designed to reduce the potential for vehicular conflicts.
- (c) Adequate stacking for vehicles shall be provided at the access points from parking areas.
- (d) Entrances to the site shall be designed to accommodate vehicles, pedestrians, and cyclists. Special attention shall be paid to accommodate cyclists and pedestrians along property lines abutting the path system.
- (e) In the event a vehicle deflector is provided, the deflector must consist of a landscaped area and a focal feature. The landscaping must incorporate ornamental trees, shrubs, flowers and grasses. The focal feature must be a unique piece of art or an architectural element consistent with the design of the buildings on the site.

(3) Pedestrian considerations.

- (a) Sidewalks shall be provided along all sides of the lot that abut a public street.
- (b) Continuous internal pedestrian walkways shall be provided from the public sidewalk or right-of-way to the principal entrance of all principal buildings on site. At a minimum, walkways shall connect focal points of pedestrian activity and shall feature adjoining landscaped areas.
- (c) Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting parking areas. Such sidewalks shall be setback at least six feet from the facade of the building in order to provide planting beds for foundation landscaping, except where impractical due to entrances, etc.
- (d) All internal pedestrian walkways shall be distinguished from driveways through the use of different surface treatments.
- (e) Pedestrian ways shall be anchored by special design features and architectural elements that define circulation ways and outdoor spaces.
- (f) Delivery and loading areas shall be designed so as not to disturb pedestrian and parking lot circulation and so as not to disturb adjoining neighborhoods.
- (g) Sidewalks shall be five feet minimum in width. A variance will be considered for special circumstances with restricted space, however in no case shall a width less than four feet be allowed. Sidewalks that abut a public street shall be separated from the street with a landscaped parkway with a minimum width of six feet wherever practical.
- (h) Sidewalk curb ramps. Sidewalk curb ramps shall be constructed at all intersections between sidewalks and streets, parking areas, driveways and other vehicular passageways. The ramps shall be of the truncated dome type and shall be constructed in accordance with the latest version of the Illinois Department of Transportation's Standard No. 424001, Curb Ramps for Sidewalks. The ramps shall also be placed at the ends of sidewalk island areas in parking areas, and adjacent to disabled-access parking stalls in sidewalk island areas in parking areas. The sidewalks shall meet the requirements of the ADA and ABA Accessibility Guidelines for Buildings and Facilities.
- (i) Entranceways to buildings. Sidewalks at entranceways to buildings shall be constructed so that the entranceways meet the requirements of the ADA and ABA Accessibility Guidelines for Buildings and Facilities.

(Ord. 06-0388, passed 6-7-06; Am. Ord. 07-0508, passed 2-21-07; Am. Ord. 07-0557, passed 7-18-07; Am. Ord. 07-0558, passed 7-18-07; Am. Ord. 08-0657, passed 5-21-08)

## **§ 159.159 PLANNED UNIT DEVELOPMENTS - MANUFACTURING/INDUSTRIAL.**

For planned developments located in one or more manufacturing/industrial districts, exceptions may be made in the regulations of these districts, as set forth herein:

- (A) Use regulations. Uses listed as permitted and special uses in the business/ commercial and manufacturing/industrial districts are allowed.
- (B) Bulk regulations.
  - (1) Yards. Yard requirements may be waived, except along the exterior boundaries of the development.
  - (2) Floor area ratio. Floor area ratio requirement of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development. For this purpose, the net site area shall be used in the computation.
- (C) Off street parking and loading facilities. All in accordance with regulations set forth in §§159.105 through 159.111 and 159.112 through 159.116.
- (D) Signage. All in accordance with regulations set forth in §§ 59.120 through 159.133.
- (E) General landscaping. All in accordance with regulations set forth in §§159.030 and 159.080 (G).

(F) Performance standards. All activities shall conform with the performance standards established and set forth in §159.022 through 159.027.

(G) Ingress and egress onto a public street. All in accordance with regulations set forth in §§159.017, 159.019 and 159.105 through 159.111.

(H) Outdoor storage. All in accordance with regulations set forth in §§159.020, 159.030 and respected district regulations.

(I) Design guidelines. The following building design guidelines shall apply to all structures.

(1) Facades.

(a) Architectural details shall be incorporated on all visible building facades, such as:

1. Textures.
2. Patterns.
3. Color building.
4. Forms used on front of facades.

(b) Building massing should be varied to create a logical hierarchy of building forms; to break up long expanses of facade and create shade and shadow.

(2) Entrances. Each principle building on a site should have clearly defined, highly visible customer entrances featuring at least three the following:

- (a) Overhangs.
- (b) Recesses/projections.
- (c) Arcades.
- (d) Raised cornice parapets.
- (e) Peaked roof forms.
- (f) Arches.
- (g) Display windows.

(3) Building Materials.

(a) High quality building materials such as concrete, brick, and stone must be used on the facade of buildings. Vinyl siding, metal siding (including standing seam metal) and EIFS are prohibited.

(b) Building materials should be similar to the materials of the structures in the area. However, dissimilar materials may be permitted when incorporating other character- istics such as scale, form, architectural detailing and color to make the building compatible with the area.

(c) Materials requiring low maintenance are recommended over high maintenance materials. For instance, materials with integral color are generally recommended over materials require painting.

(4) Siting.

- (a) Orient buildings so that building entries, office areas, and pedestrian-scale amenities are on the exposed sides of the facility.
- (b) Configure buildings and circulation to conceal loading docks, rolling up doors, mechanical equipment, and outdoor areas with a high level of vehicular activity. Service and mechanical areas shall be designed as an architectural feature of the building and entirely screened from view.
- (c) Provide sufficient buffer space and landscape treatment to mitigate noise, visual clutter, or other negative impacts.

(Am. Ord. 07-0508, passed 2-21-07)

## ADMINISTRATION AND ENFORCEMENT

### **§ 159.170 ADMINISTRATION AND ENFORCEMENT.**

(A) Intent and purpose. It shall be the duty of the Zoning Administrator to enforce this chapter. The Village Planner is hereby designated the Zoning Administrator. The Zoning Administrator shall receive applications required by this chapter, issue permits and furnish prescribed certificates. He/she shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He/she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. He/she shall when requested by the Planning & Zoning Commission, Zoning Board of Appeals, Village Administration or Village Board of Trustees, or when the interests of the municipality so require, make investigations in connection with matters referred to in this chapter and render written reports on the same. For the purpose of enforcing compliance with law, he/she shall issue such notices or orders as may be necessary.

(B) Inspections: Inspections shall be made by the Zoning Administrator or a duly appointed assistant or employee of the village.

(C) Organization: The administration of this chapter is hereby vested in:

- (1) The Zoning Administrator;
- (2) The Zoning Board of Appeals (ILCS Ch. 65, Act 5, § 11-13-3);
- (3) The Planning & Zoning Commission (ILCS Ch. 65, Act 5, §§ 11-12-4 and 11-12-5); and,

(4) The Village President (Mayor) and Board of Trustees.

(D) Enforcement:

(1) The Zoning Administrator shall enforce this chapter. The Administrator shall:

- (a) Adopt policies and procedures that are consistent with, in order to carry out the provisions of this chapter;
- (b) Request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Village Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Village Attorney in prosecuting violations, of the building inspector for construction violations to this chapter, and of other officials from time to time and are determined to be necessary in carrying out the strict letter of this chapter;
- (c) Determine the conformity of applications for zoning certificates with this chapter;
- (d) Issue all zoning certificates, following approval as required by this chapter, and maintain records thereof;
- (e) Countersign all certificates of occupancy with Building Inspector and maintain records thereof;
- (f) Conduct inspections of structures and uses of land to determine compliance with this chapter, at least once every two years;
- (g) Decide or make recommendations on all other matters under this chapter upon which the Zoning Administrator is required to act;
- (h) Initiate, direct, and review from time to time, a study of this chapter, and make reports of his recommendations to the Planning & Zoning Commission, not less than annually;
- (i) Issue permits regulating the erection and use of temporary buildings for specific periods of time for purposes such as community, religious, eleemosynary, educations, amusement, recreational, or commercial purposes, provided that such uses are in conformity with all other regulations and codes of the village;
- (j) Provide and maintain public information relative to all matters pertaining to this chapter;
- (k) Receive, file, and forward to the Zoning Board of Appeals all applications for variances or other matters which, under this chapter, require referral to the Zoning Board of Appeals;
- (l) Receive, file, and forward to the Planning & Zoning Commission all applications for amendments, special uses, or other matters which, under this chapter, require referral to the Commission;
- (m) Maintain permanent and current records of the administration and enforcement of this chapter, including, but not limited to, applications, processing and decisions for all amendments, special uses and planned unit developments recommended by the Planning & Zoning Commission and variances granted by the Zoning Board of Appeals.
- (n) Shall also designate on the "Official Zoning Map" all map amendments and corporate limit modifications no later than March 31 of the following year, in accordance with state statutes and local ordinance.

(E) Zoning certificates: No building permit or license pertaining to the use of structures or land shall be issued by the village unless the application for that permit has been examined by the Zoning Administrator, and has affixed to it a certificate that the proposed structure and use complies with all of the provisions of this chapter. Construction or development authorized by a permit shall proceed with reasonable continuity until completion. Any certificate issued in conflict with any of the provisions of this chapter shall be null and void.

(F) Filing of plans: An application for a zoning certificate shall be accompanied by a current registered survey of the lot, drawn to a scale and prepared by a registered surveyor, showing the shape, area, and dimensions of the lot to be built upon, the exact size and location on the lot of the existing buildings and accessory buildings, the lines within the new structures of dwelling unit, the location of driveways, the location and number of off-street parking and off-street loading, unloading and outdoor storage, and such other information with regard to the lot and neighboring lots and performance standards as may be necessary to determine and provide for the enforcement of this chapter. One photo-copy of these plans shall be returned to the owner of the approved plan, and one copy shall be filed with the building inspector. The lot and location of the building thereon shall be staked out on the ground before construction is started.

(G) Certificates of occupancy:

(1) No land shall be occupied or used in a manner different from that existing on the effective date of this section, and no structure hereafter erected or altered shall be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued by the Zoning Administrator and/or Building Inspector, stating that the structure or land improvement complies with all the building and zoning laws and with all of the provisions of this chapter. No change of use shall be made in any structure or land improvement or part thereof, now or hereafter erected or altered, without an occupancy permit having been issued by the Zoning Administrator and/or Building Inspector, and no permit shall be issued to make such change unless it is in conformity with this chapter. Nothing in this chapter shall prevent the continuance of the present occupancy or use of any existing structure or land improvement, except as may be necessary for the safety of life and property.

(2) Application for a certificate of occupancy shall be made to the Zoning Administrator and/or Building Inspector and shall be issued within ten days after the erection or alteration of the structure has been completed. A record of all certificates of occupancy shall be kept on file, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or structure affected.

(3) Pending the issuance of a regular certificate of occupancy, a temporary permit may be issued by the Zoning Administrator and/or Building Inspector this permit to be valid for a period not to exceed six months from its date, during the completion of any structure or land improvement or during partial occupancy thereof. Application for temporary permit shall be accompanied with a statement covering the items of work to be completed and the reasons the temporary permit is requested.

(Ord. 12-0973, passed 4-4-12)

**§ 159.171 ZONING BOARD OF APPEALS.**

(A) The Zoning Board of Appeals (ZBA) is hereby established and shall consist of seven members appointed by the Village President with the consent of the Village Board of Trustees. All members of the ZBA shall be residents of the village. All members appointed to the ZBA shall serve terms of one year from the date of appointment (including appointments made prior to the effective date of this amended

division (A)), and until their successors shall have been appointed and qualified. As of the effective date hereof, members of the Planning and Zoning Commission shall be relieved of any obligations as members of the ZBA and shall thereafter no longer serve or be obligated to serve in such capacity unless subsequently appointed as set forth herein.

(B) Vacancies shall be filled by the Village President with the consent of the Village Board of Trustees for the unexpired term. Members may be removed by the Village President and Board of Trustees for cause after written charges have been filed and after a public hearing has been held by the Village Board if demanded by the member so charged. Such hearing shall be conducted in accordance with the Open Meetings Act, but shall not be subject to the requirements of § 159.179.

(C) The Village President shall, with the advice and consent of the Village Board of Trustees, designate one member of the ZBA as the Chairman of the ZBA, who shall preside over the meetings and proceedings of the ZBA, and be empowered to compel the attendance of witnesses and administer oaths as provided by law, and designate one member of the ZBA as the Vice-Chairman of the ZBA, who shall perform the duties of the Chairman in the Chairman's absence.

(D) The Zoning Board of Appeals shall have a recording secretary and may employ a court reporter who shall make and keep a record of all of its meeting and official acts. The enforcing officer shall be the recording secretary to the Board and shall attend all meetings called by the Board. This does not supersede the enforcement powers or authority of the Zoning Administrator.

(E) The members of the Zoning Board of Appeals in office as of the time of the adoption of this amended division (E) shall be recognized as the Village Zoning Board of Appeals under the provisions of Chapter 159 and Chapter 35, and shall serve terms of one year from the date of appointment (including appointments made prior to the effective date of amended division (A) of this section), and until their successors shall have been appointed and qualified.

(F) The Zoning Board of Appeals is vested with the following jurisdiction and authority:

(1) To hear and make recommendations on appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this chapter;

(2) To hear and recommend upon applications for variations from the terms provided in this chapter, in the manner prescribed by, and subject to, the standards established herein; and,

(3) To hear and recommend all matters referred to it and upon which it is required to hear under this chapter.

(G) The Zoning Board of Appeals shall meet as required prior to the Planning & Zoning Commission regular meetings and at such times and places within the village as the Zoning Board of Appeals may determine, provided same are accessible to the general public. All meetings of the Zoning Board of Appeals shall be open to the general public and conducted in accordance with the Open Meetings Act.

(H) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on every question, or if absent or failing to vote, indicating that fact. The Board shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case and the reasons for granting or denying each application shall be specified. Every rule, regulations, and every order, requirement, decision, or determination of the Zoning Board of Appeals shall be filed in the office of the Zoning Administrator.

(I) The Zoning Board of Appeals shall adopt its own rules of procedure and may require submission of any records, plats, and other information necessary to make its determinations. A copy of the rules and procedures, and all recommendations shall be on file in the office of the Zoning Administrator.

(J) The minutes of the Zoning Board of Appeals are to be itemized with enough detail on the determination and shall be prepared and maintained by Village Department of Community Development staff.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 11-0938, passed 11-2-11; Am. Ord. 12-0973, passed 4-4-12; Am. Ord. 12-1013, passed 11-7-12)

## **§ 159.172 ZONING VARIANCES.**

(A) The Zoning Board of Appeals, after a public hearing, may determine to recommend a variance to the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances herein set forth, where the Zoning Board of Appeals makes findings of fact in accordance with the standards herein prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

(B) An application for a variation shall be filed in writing with the Zoning Administrator, and copies thereof delivered to the Zoning Board of Appeals. The application shall be made on forms provided by the village and shall contain such information as the Zoning Board of Appeals may from time to time, by rule, require. All variations including those authorized by division (D) of this section on which the Zoning Board of Appeals may act, shall be submitted to the Zoning Board of Appeals and acted on in a public hearing conducted in accordance with § 159.179.

(C) Recommendations:

(1) Standards. The Zoning Board of Appeals shall not recommend a variance to the regulations of this chapter to the Village Board of Trustees unless it shall make findings of fact based upon the evidence presented to it in each specific case that:

(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located;

(b) The plight of the property owner is due to unique circumstances; and,

(c) The variance, if granted, will not alter the essential character of the locality.

(2) Supplemental standards. For the purposes of implementing the provisions of this section, the Zoning Board of Appeals shall also, in making its determination/recommendation as to whether or not there are practical difficulties or particular hardships. They shall take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence submitted:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were not carried out;

(b) The conditions on which a petition/application for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification;

(c) The alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property;

(d) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and,

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.

(D) The Zoning Board of Appeals may impose such conditions and restrictions on the premises benefited by the variation as may be necessary to comply with the standards established in this section, to reduce or minimize the effect of the variation on other property in the neighborhood and to better carry out the general intent of this chapter.

(E) Variations from the regulations of this chapter shall only be recommended by the Zoning Board of Appeals in accordance with the standards established in division (C) above, and may be granted by the Village Board of Trustees only in the following instances:

(1) To permit any yard or setback less than the yard or setback required by the applicable regulations, but not more than 25%;

(2) To permit the use of a lot or lots for a use, otherwise prohibited solely because of insufficient area or widths of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 90% of the required area and width. The percentage set forth in this division is not to be reduced by any other percentage for minimum lot width and area set forth by this chapter;

(3) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that the substantial use of the facility by each use 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, unloading and outdoor storage facilities required by not more than one parking space or loading, unloading and outdoor storage space, or 20% of the applicable regulations, whichever number is greater;

(5) To increase by not more than 25% the maximum distance that required parking spaces are permitted to be located from the use served;

(6) To increase by not more than 20% the gross area or locational requirements of any signage;

(7) To increase by not more than 10% the maximum gross floor area of any use so limited by the applicable regulations;

(8) To vary fence and/or hedge requirements by not more than 20%;

(9) To exceed any of the authorized variations allowed under this division, when a lot of record or a zoning lot, vacant or legally used on the effective date of this chapter, is by reason of the exercise of the right of eminent domain by any authorized governmental domain proceeding reduced in size so that the remainder of the lot of record or zoning lot or structure on the lot does not conform with one or more of the regulations of the district in which the lot of record or zoning lot or structure is located; and,

(10) The concurring vote of four members of the Zoning Board of Appeals shall be necessary to recommend a variation.

(F) Variations other than or exceeding those listed above shall only be granted by the Village Board of Trustees, but only after a public hearing as set forth herein for an authorized variation. The concurring vote of four of the elected members of the Village Board of Trustees shall be necessary to reverse any recommendation of the Zoning Board of Appeals. The concurring vote of the majority of the elected members of the Village Board of Trustees shall be necessary to approve or concur with the recommendations of the Zoning Board of Appeals.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 12-0973, passed 4-4-12)

### **§ 159.173 ZONING APPEALS.**

An appeal to the Zoning Board of Appeals may be made by any person aggrieved by a decision of the Zoning Administrator under this chapter and in accordance with the Illinois State Statutes and the following provisions:

(A) An application for an appeal shall be filed with the Village Clerk within 45 days of the date of the action from which the appeal is being filed, and thereafter the Clerk shall forward the application to the Zoning Board of Appeals for processing.

(B) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

(C) The Zoning Board of Appeals shall fix a reasonable time, not to exceed 60 days, for the public hearing on the appeal, and give due notice thereof to the parties involved, and decide the same within a reasonable time frame. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed, as it sees fit, and to that end shall have all the powers of the officer from whom the appeal was taken.

(D) All applications for appeals shall be accompanied by a fee, consistent with the fee schedule as adopted by the Village Board of Trustees and as noted in § 159.178. In addition, the applicant is responsible for any and all review fees, transcription fees and publication fees that may be incurred by the village.

(Ord. 12-0973, passed 4-4-12)

### **§ 159.174 PLANNING and ZONING COMMISSION DUTIES.**

The Planning & Zoning Commission of the village, which has been duly created by the Village President with the advice and consent of the Village Board of Trustees, shall have the authority, responsibilities and duties as set forth herein:

(A) To hear and report findings and recommendations to the Village President and Village Board of Trustees on all applications for

annexations, code amendments, planned unit developments, site and landscape plan review, zoning map amendments, and subdivisions (according to Chapter 158) in the manner prescribed by standards and other regulations set forth herein and elsewhere.

(B) To initiate, direct, and review, from time to time, studies of the provisions of this chapter, and to make reports of its recommendations to the Village President and Board of Trustees at least once each year.

(C) To hear and decide all matters on which it is required to pass under this chapter. All meetings of the Planning & Zoning Commission shall be held at the call of the Chairman and at such time as the Planning & Zoning Commission may determine. In all official proceedings, the Chairman, or in his absence, the Vice-Chairman of the Planning & Zoning Commission shall have the power to administer oaths and compel by subpoena the attendance and testimony of witnesses and the production of books and papers. The Planning & Zoning Commission shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indication of that fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every appearance, every recommendation, order, requirements, decision, or determination of the Planning & Zoning Commission shall also be kept. The Planning & Zoning Commission shall adopt its own rules and procedures, not in conflict with this chapter or with applicable state laws. All hearings shall be open to the general public.

(Ord. 12-0973, passed 4-4-12; Am. Ord. 12- 1013, passed 11-7-12)

## **§ 159.175 ZONING CODE AMENDMENTS.**

(A) Zoning map amendments. This section applies to changes in the zoning designation of individual properties or changes to the zoning district boundaries and sizes of one or more properties on the zoning map.

(1) Map amendments may be proposed by the Village President and Village Board of Trustees, Planning & Zoning Commission, Zoning Board of Appeals, village staff, Zoning Administrator or individual property owners applying only for the property they own.

(2) An application for a map amendment shall be filed with the village or the Zoning Administrator. The application shall be accompanied by the plans or data and any other information, specified by the Planning & Zoning Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed map amendments will conform to the standards set forth herein. Copies of the application shall be forwarded by the Zoning Administrator to the Planning & Zoning Commission with the request to hold a public hearing.

(3) The Planning & Zoning Commission shall conduct a public hearing in accordance with §159.179.

(4) Upon receipt in proper form of the applications and statement referred to in division (A)(2) above, the Planning & Zoning Commission shall hold at least one public hearing on the proposed map amendment. However, the Planning & Zoning Commission may continue from time to time the public hearing without further notice being published, subject to compliance with the requirements of the Open Meetings Act.

(5) Within 45 days after the close of the public hearing on a proposed map amendment, the Planning & Zoning Commission shall make written findings of fact and shall submit them together with its recommendations to the Village President and Village Board of Trustees. The Planning & Zoning Commission shall make findings based on the evidence presented to it in each specific case with respect to the following matters:

- (a) Existing uses of the property within the general area of the property in question;
- (b) The suitability of the property in question to the land uses permitted under the existing zoning district or classification in question;
- (c) Length of time the property has remained vacant as zoned in the context of land development in the general area;
- (d) Community need for the proposed land use;
- (e) Extent to which property values are diminished by a particular zoning district or classification;
- (f) Extent to which the destruction of the property value of a property owner benefits the health, safety, or general welfare of the public;
- (g) Relative gain to the public as compared to the hardship on an individual property owner; and,
- (h) Consistency and compliance of the proposed use with the Village Comprehensive Plan, and the current applicability of the Comprehensive Plan designation of the property in question.

(6) The Planning & Zoning Commission may hear a request for any map amendment and may recommend a zoning district or classification that is more restrictive than that requested.

(B) Zoning Code text amendments. This section applies to any revision, change, addition, or deletion of text from Chapter 159.

(1) Text amendments may be proposed by the Village President and Village Board of Trustees, Planning & Zoning Commission, Zoning Board of Appeals, Village Staff, or the Zoning Administrator.

(2) The Planning & Zoning Commission shall conduct a public hearing in accordance with §159.179.

(3) Within 45 days after the close of the public hearing on a proposed text amendment, the Planning & Zoning Commission shall make written findings of fact and shall submit them together with its recommendations to the Village President and Village Board of Trustees.

(C) For each application for a zoning text or map amendment, the Planning & Zoning Commission shall report to the Village President and Board of Trustees its findings and recommendations, including the stipulations of additional conditions, and guarantees that these conditions will be complied with, when they are deemed necessary for the protection of the public interest. The Village President and Board of Trustees may grant or deny any application for an amendment, provided, that in the event of written protest against any proposed map amendment signed and acknowledged by the property owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, and filed with the Village Clerk, then such map amendment shall not be passed except by a favorable vote of two-thirds of the trustees of the village then holding office.

(D) A concurring vote of a majority of those members present at the meeting with a minimum of three concurring votes shall be required

to recommend granting or denying an application for an amendment.

(E) The report to the Village President and Board of Trustees shall contain the number present and the number of votes for or against the motion.

(F) The Village President and Board of Trustees, upon receiving the recommendation of the Planning & Zoning Commission, may grant or deny the proposed amendment in accordance with applicable state law, or may refer to the Planning & Zoning Commission for further consideration.

(G) If an application for a proposed amendment had not received a final action by the Village Board of Trustees within six months from the date on which the application was received by the Village President and Board of Trustees, it shall be deemed to have been denied.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 12-0973, passed 4-4-12; Am. Ord. 12-1013, passed 11-7-12)

### **§ 159.176 SPECIAL USES.**

(A) The development and execution of a zoning ordinance or code is based on the division of the village into districts. Within these districts the use of the land and buildings and the location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, as to the impact of those use on neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two 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 on neighboring properties or public facilities.

(B) Any person owning or having an interest in the subject property may file an application to use the land for one or more of the special uses provided for in this chapter in the zoning district in which the land is situated.

(C) An application for a special use or expansion of a special use shall be filed with the Zoning Administrator and shall be accompanied by those plans, data and fees prescribed by the Planning & Zoning Commission and/or this chapter.

(D) Upon receipt of the application referred to in division (C) above, the Zoning Administrator shall provide notice for a public hearing in accordance with § 159.179.

(E) For each application for a special use permit, the Planning & Zoning Commission shall report to the Village President and Board of Trustees its findings and recommendations, including the stipulations of additional conditions, and guarantees that these conditions will be complied with, when they are deemed necessary for the protection of the public interest. The Village President and Board of Trustees may grant or deny any application for a special use permit.

(F) No special use permit shall be recommended by the Planning & Zoning Commission unless they have found the following to be evident:

(1) The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(4) Adequate utilities, access roads, drainage, or other necessary facilities have been or are being provided;

(5) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and,

(6) The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as those regulations may in each instance be modified by the Village Board pursuant to the recommendations of the Planning & Zoning Commission.

(Ord. 12-0973, passed 4-4-12)

### **§ 159.177 ANNEXATION PROCEDURES.**

(A) All annexation agreements shall be initiated by the filing of a petition with the Village Clerk and Zoning Administrator. This application/petition shall be verified under oath by all the recorded title owners, including mortgage holders, of all the lands included within the annexation agreement.

(B) All petitions for annexation, requesting a zoning district/classification other than the zoning district/classification assigned to the lands annexed to the village, or for variations, special uses, planned unit developments, shall be processed in the same manner as a petition for a request for zoning amendments or variations, as provided herein for lands within the jurisdictional limits of the village. All request for zoning amendments or variations shall be accompanied by the fees as provided in § 159.178. The fees shall be paid at the time of filing the petition/application for annexation. The Planning & Zoning Commission, after due consideration and a public hearing on the request for zoning amendment or variance incidental to and part of the petition/application for annexation and conducted in accordance with the requirements of § 159.179, shall make specific findings of facts and recommendations with respect to zoning or variances upon the property included within the annexation agreement, as in all cases within the jurisdictional limits of the village.

(C) At the conclusion of the public hearing before the Planning & Zoning Commission of the village, and upon the Planning & Zoning Commission reporting its specific findings and recommendations, the village shall cause a public hearing on the petition for annexation to be conducted before the Village Board of Trustees in accordance with the requirements of § 159.179.

(D) In all cases of petitions/applications for annexation which do not include requests for zoning districts/classifications, other than those assigned to property annexed by the Village Board of Trustees, or have a request for a variation, the Village President and Board of

Trustees may refer the petition/application to the Planning & Zoning Commission for study/review and recommendations. Upon receiving the recommendations of the Planning & Zoning Commission, the village shall cause a public hearing on the petition for annexation to be conducted before the Village Board of Trustees in accordance with the requirements of § 159.179.

(Am. Ord. 06-0369, passed 2-1-06; Am. Ord. 12-0973, passed 4-4-12)

### **§ 159.178 APPLICATION FEES AND OTHER CHARGES.**

The Mayor and Village Board of Trustees shall establish a schedule of fees, charges, and expenses for amendments, special uses, variances, site plan review, and all other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Village Clerk and may be altered or amended from time to time by the Mayor and Village Board of Trustees. The village shall be entitled to suspend or withhold the issuance of any relevant permits or approvals, the conduct of any service, process, review or action, or the review and consideration of any application in any case where the person or entity seeking the same shall become more than 30 days delinquent in the payments of any fees or monies owed to the village for any purpose whatsoever, or in the performance of any other obligation owed to the village, whether or not the delinquency in question arises from or relates to the permit, approval, action, process, review, service or application in question, and without regard to the source of the underlying payment or performance obligation.

(Ord. 12-0973, passed 4-4-12)

### **§ 159.179 PUBLIC HEARINGS.**

For any public hearing required under this chapter the following provisions shall apply.

(A) Public hearing notice and notification.

(1) The Zoning Administrator or their designee shall publish a "Notice of Public Hearing" on any application for which it is required under this chapter, and cause the placement of such public hearing as an item on the agenda of the public body of the village conducting the hearing at issue.

(2) Said notice shall include the following information:

- (a) Date, time, and location where the hearing is to be held;
  - (b) An identifiable common address of the parcel and the Property Index Number (PIN) of the parcel. If no common address is available, a legal description must be provided;
  - (c) The present zoning of the parcel and a brief statement of the intended action being applied for; and
  - (d) The address and telephone number where copies of the application, plans, and proposals may be reviewed or obtained.
- (3) Notice shall be published at least 15 days but not more than 30 days prior to the hearing in a paper of general circulation within the village.

(4) Notice shall be mailed at least 15 days but not more than 30 days prior to the hearing to all of the property owners within 250 feet of the parcel, excluding public rights-of-way, by certified mail, return receipt requested. When the application includes the annexation of territory to the village, notice shall be mailed to all of the taxing bodies of the parcel to be annexed.

(5) Public notice of the agenda for the meeting of the public body of the village conducting the hearing shall also be posted at the Village Hall and/or other location where the meeting and hearing are to be conducted and the village website not less than 48 hours prior to the conduct of the meeting and hearing in question.

(6) Signage. At least 15 days but not more than 30 days prior to the hearing a sign shall be posted on the parcel, viewable from the public right-of-way, indicating that the parcel is subject to a public hearing. Such sign shall remain on the property until the hearing, and any continuances thereof, is concluded. In the event that the parcel does not front a public right-of-way or that the application covers multiple parcels, the zoning administrator may post additional signs as reasonably required to ensure adequate notice of the application to the public.

(7) In the event that a public hearing for which notice has been properly provided in accordance with the above requirements is continued to or is to be reconvened at a future date, no additional notice of the continuance or reconvening of the public hearing shall be required as long as the continuance or reconvening of the public hearing in question is to a date and time certain that was publicly announced during the original opening or convening of the public hearing in question.

(B) Rules of procedure for public hearings.

(1) Registration of public participants. Anyone who wishes to speak or testify at the public hearing must sign-in prior to the commencement of the public hearing on the sign-up cards or sheets available at the front door of the meeting room. Speakers shall provide their names, and indicate the topic or topics that they desire to address.

(2) Conduct of hearing.

(a) The Chair may impose reasonable limitations on evidence or testimony presented by persons and parties, such as barring repetitious, irrelevant or immaterial testimony. Each individual (other than an applicant) shall have ten minutes to present his/her testimony. The meeting or hearing shall not be governed by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible or taken. The Chair shall rule on all questions related to the admissibility or materiality of evidence which ruling may be overruled by a majority vote of the members of the body or board present. The Chair may impose reasonable conditions on the hearing process and grant additional time for evidence and testimony based on the following factors:

1. The complexity of the issue;
2. Whether the witness possesses special expertise;
3. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact;
4. The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal; and
5. Such other factors as are appropriate for the hearing.

(b) The Chair may take such actions as are required to maintain an orderly and civil hearing. Courtesy or disorderly conduct shall be deemed a breach of order, and such misconduct shall be dealt with as appropriate, including but not limited to expulsion from the hearing. All persons presenting evidence or testimony, or who are otherwise participating in the hearing shall first be recognized by the Chair prior to proceeding, and shall either direct their remarks to the Chair, the public body or direct their questions to a witness, as the case may be, and shall refrain from engaging in colloquy or debate with members of the audience. Likewise, all members of the audience not engaged in presenting testimony or evidence or otherwise recognized by the Chair to speak shall refrain from colloquy, debate or exclamation until such time as they may be so engaged or recognized.

(c) All persons offering testimony at a public hearing shall testify under oath. People participating shall identify themselves for the record, giving their name and address, either orally or in writing, and indicate if an attorney represents them.

(d) The order of presentation of evidence at a public hearing or meeting shall generally be as follows, but may be modified as determined appropriate by the Chair:

1. Identification of applicant.
2. Statement of the Chair or designee regarding the nature of the case, relief sought, and
3. Submittal of proof of notice.
4. Introduction of application by village staff.
5. Presentation of evidence and testimony by applicant.
6. Review of application and comment by village staff or consultants.
7. Questions regarding application by village elected or appointed officials.
8. Questions and comments regarding application by members of public.
9. Presentation of testimony and evidence by others relating to the application.
10. Questions by village elected or appointed officials or applicant regarding testimony and evidence by others.
11. Applicant response to questions and comments.

12. In some cases, re-examination may be allowed by the Chair, however reexamination shall be limited to the scope of matters raised on cross-examination.

13. At any point in the proceedings, the Chair or other village elected or appointed officials may call upon witnesses who have not previously testified, such as village staff and village consultants. The elected or appointed officials, staff and consultants of the village may ask questions at any time during the hearing or meeting.

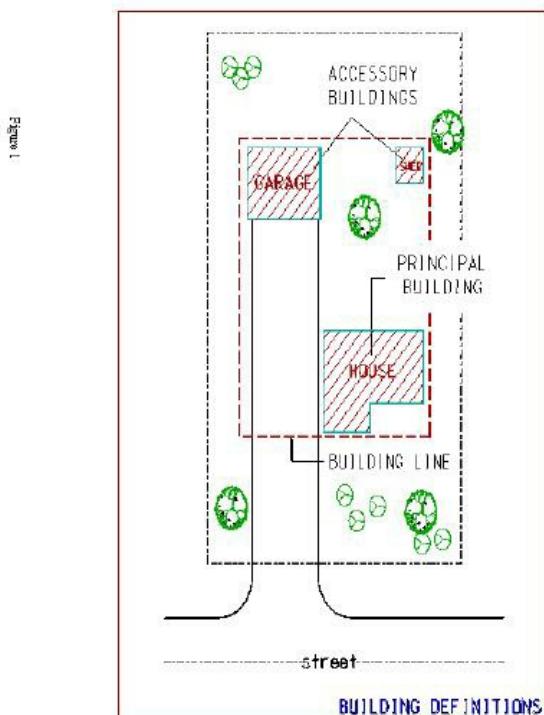
(e) At the conclusion of an evidentiary portion of a public hearing, the Chair or body present may move to close the public hearing, move to deliberate on the evidence presented, or move to continue the hearing to a date time and location certain.

(Ord. 12-0973, passed 4-4-12; Am. Ord. 14- 1136, passed 9-17-14)

#### **§ 159.999 PENALTY.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Chapter shall be subject to a fine not less than \$50 nor more than \$750 dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **APPENDIX A: FIGURES**



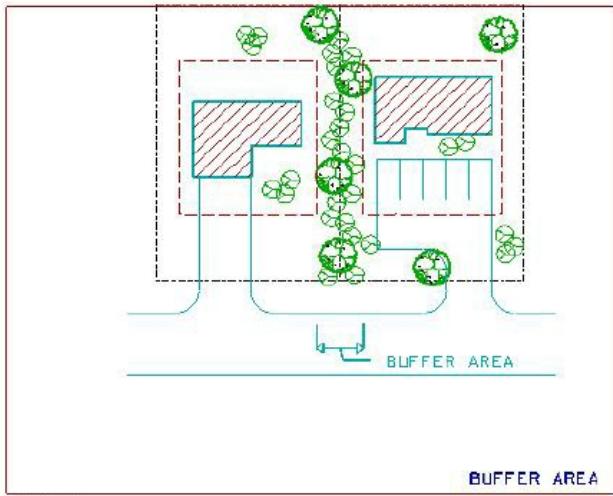


Figure 2

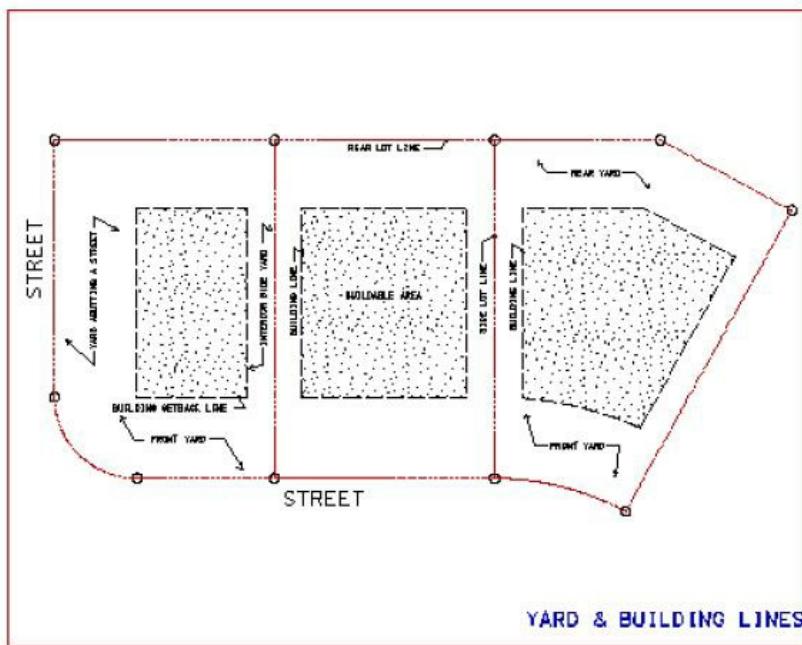


Figure 3

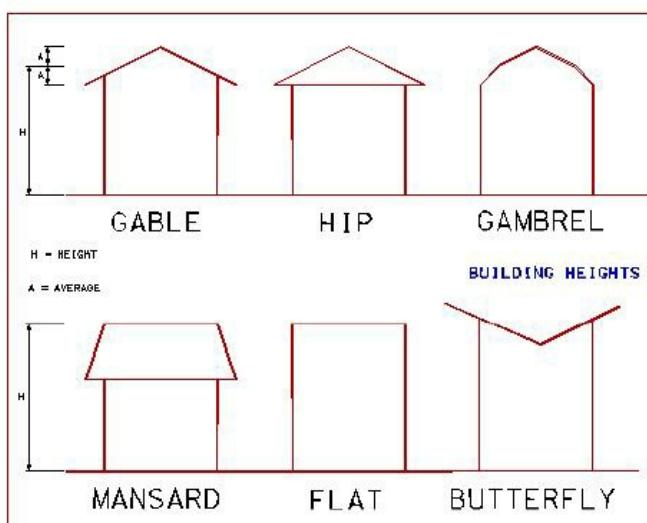


Figure 4

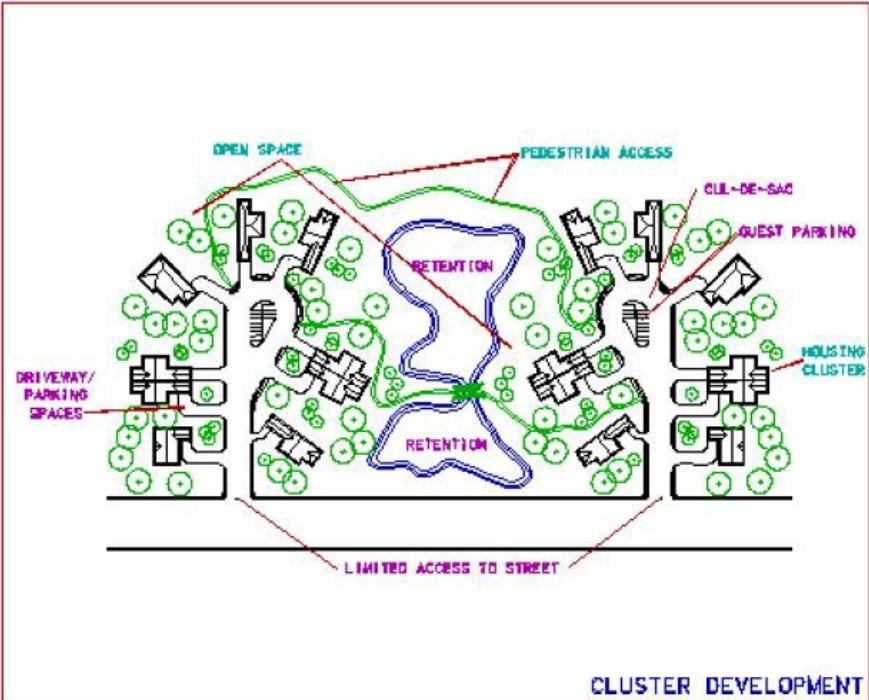


Figure 5

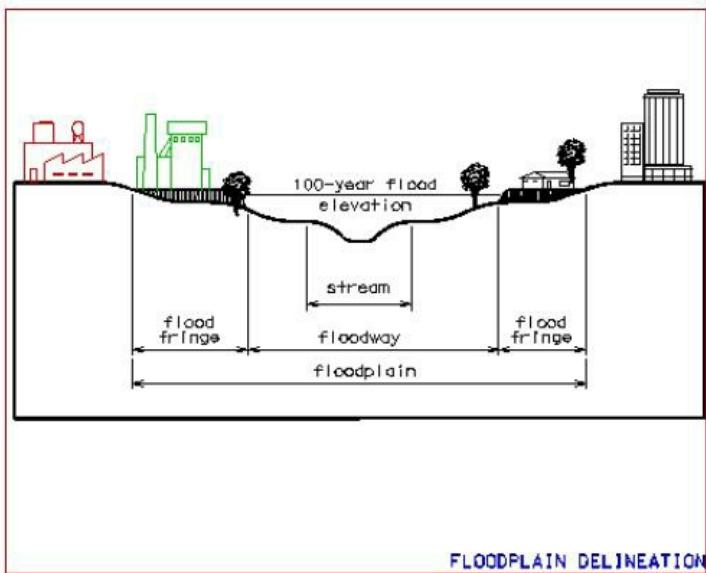


Figure 6

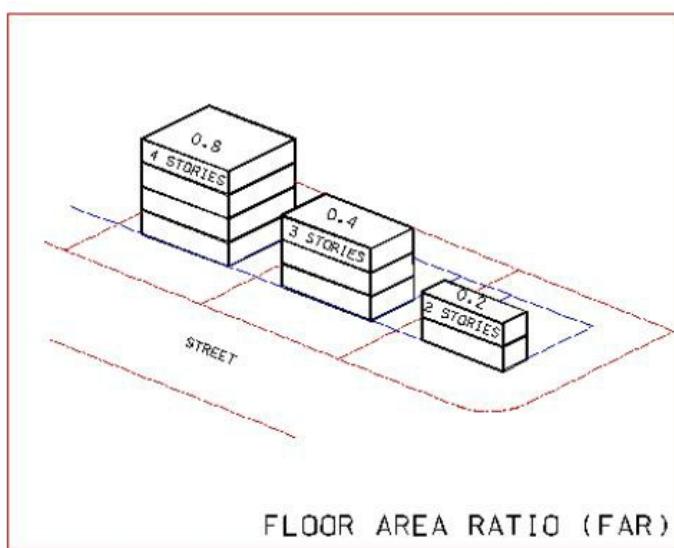


Figure 7

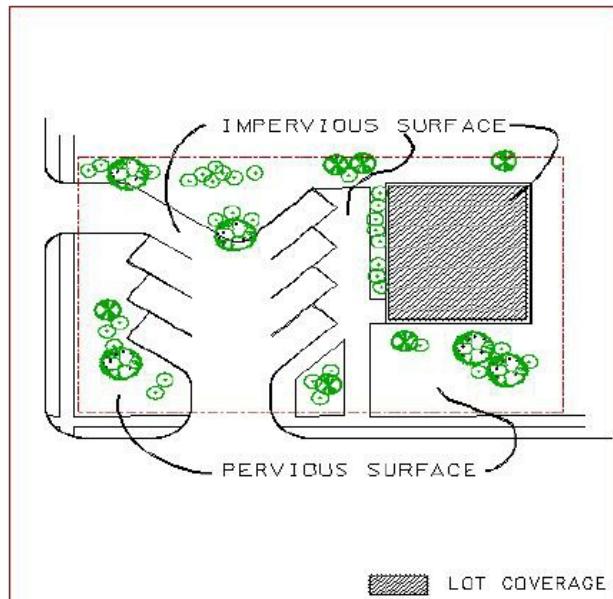


Figure 8

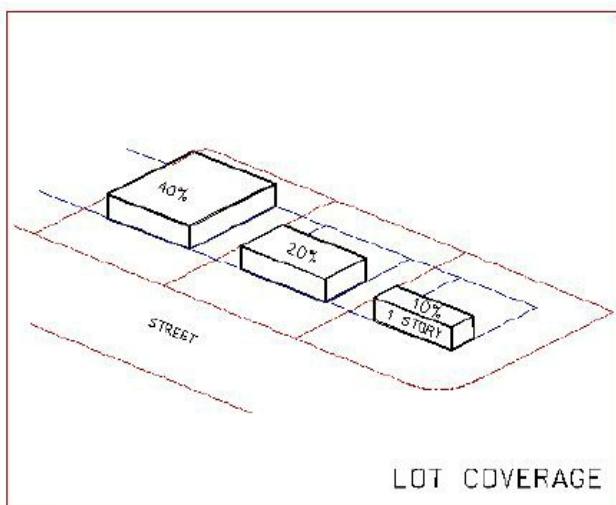
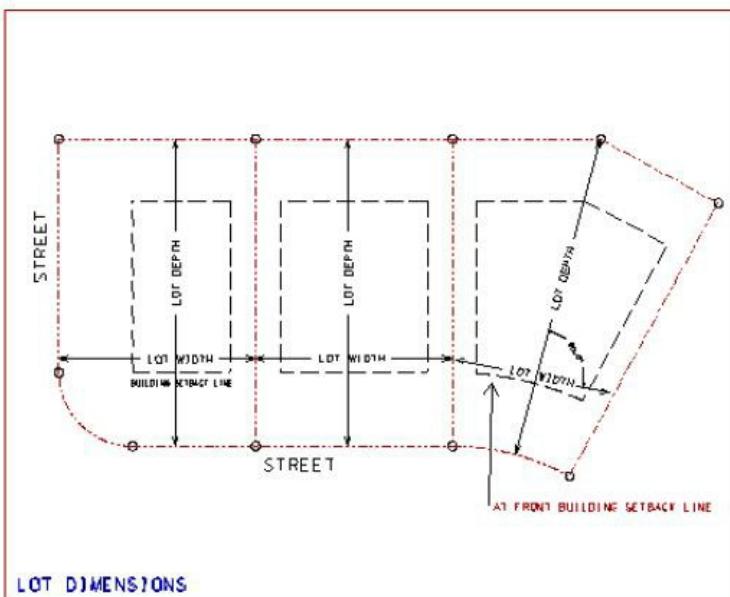


Figure 9



LOT DIMENSIONS

Figure 10

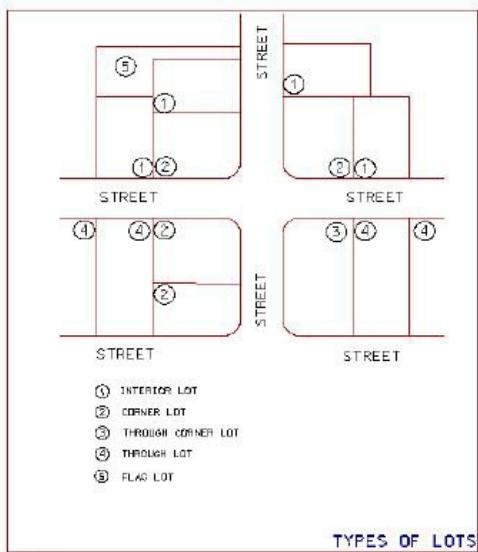


Figure 11

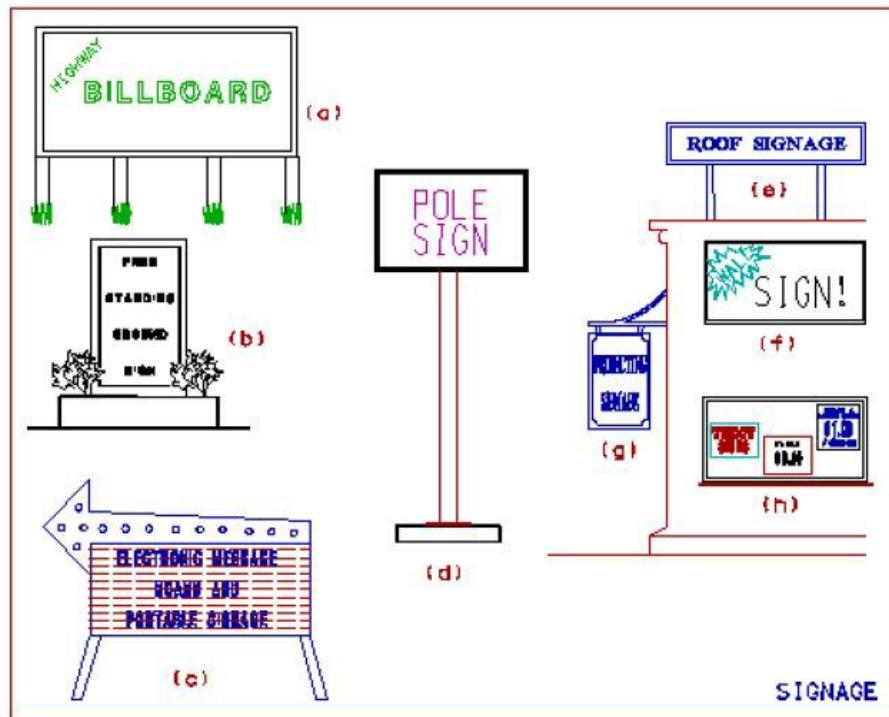


Figure 12

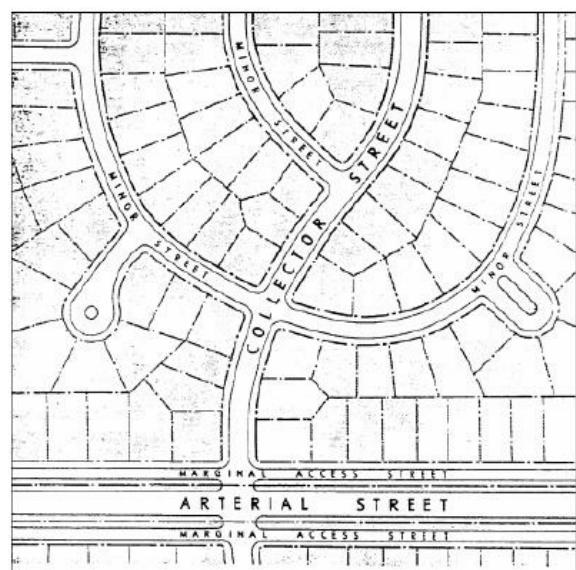
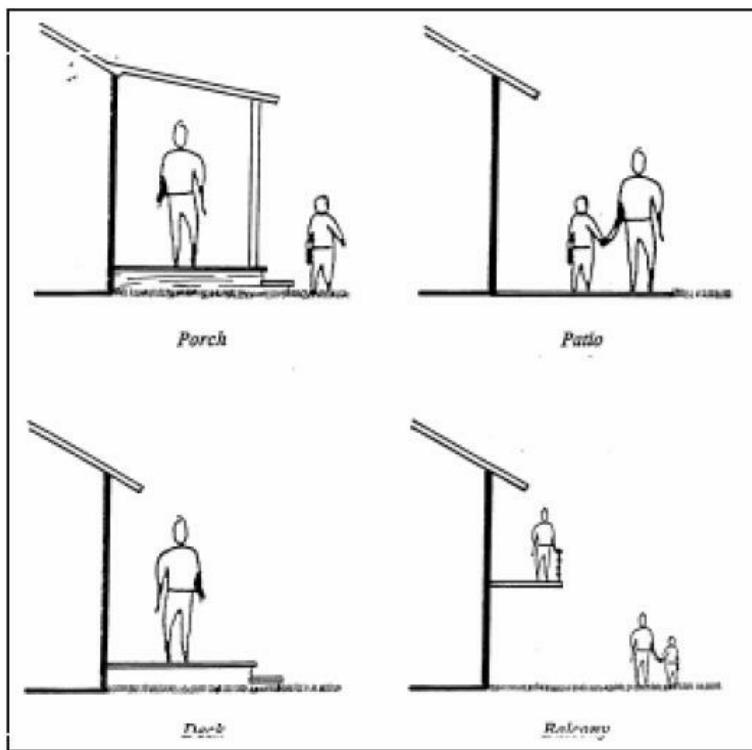
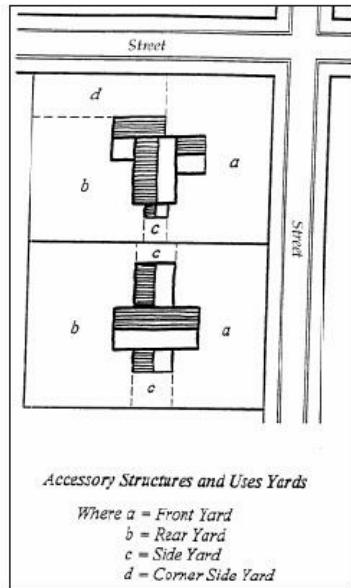
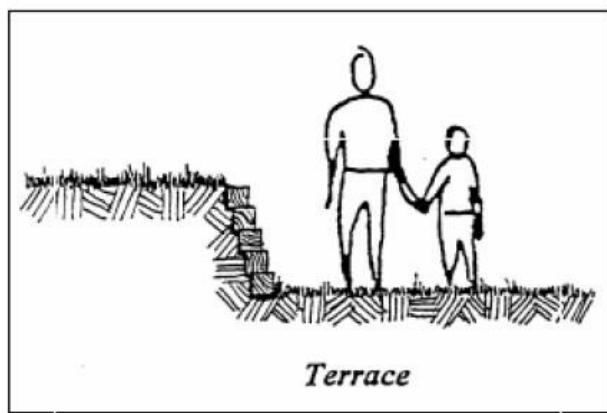
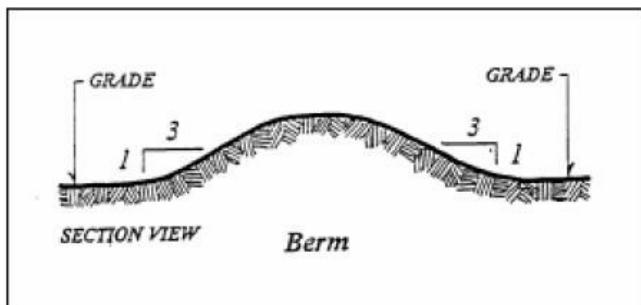
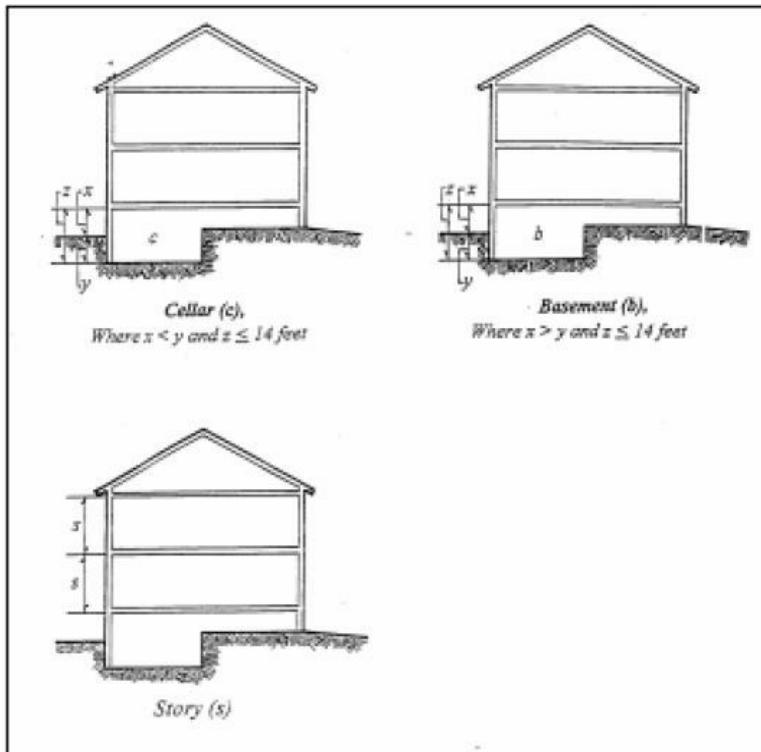
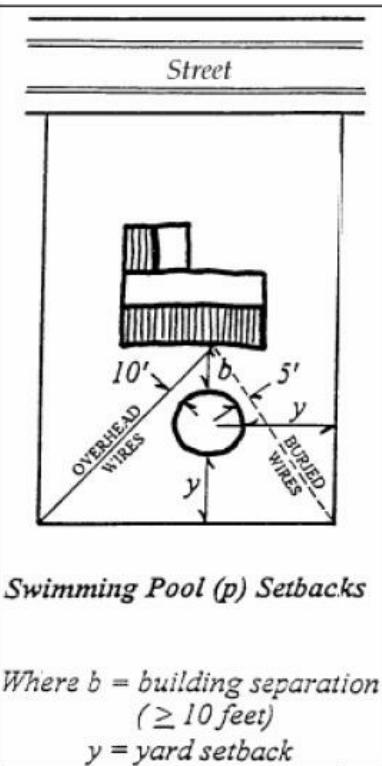


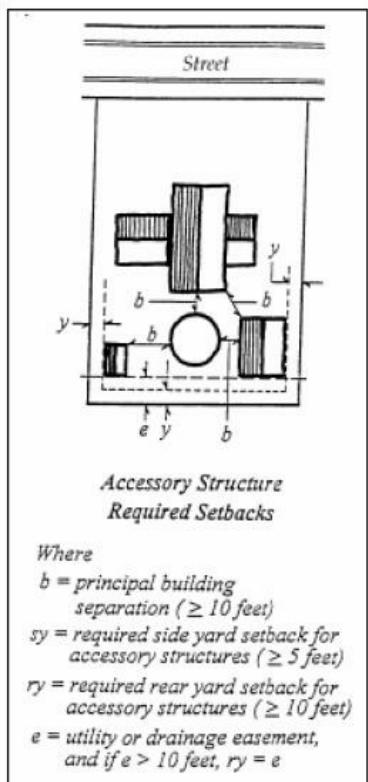
Figure 13



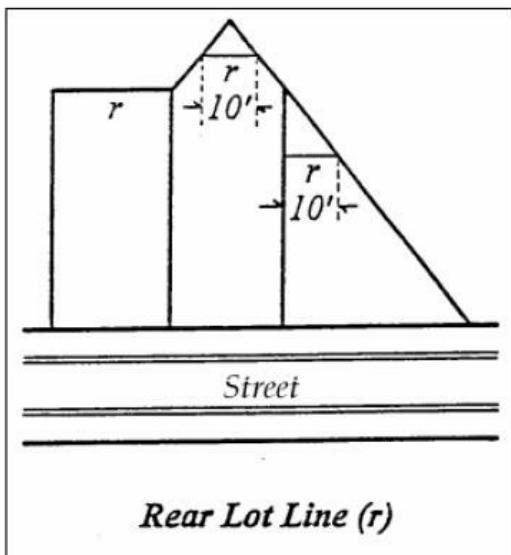
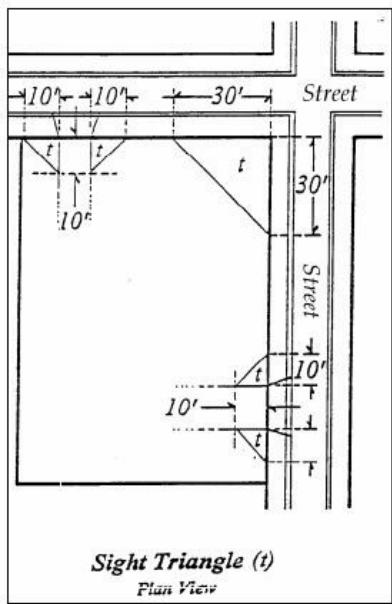
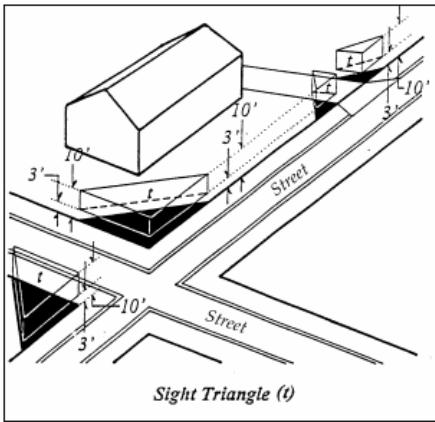


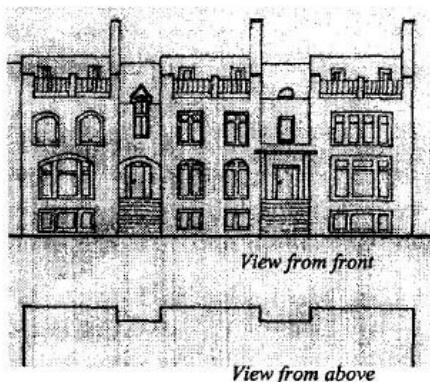
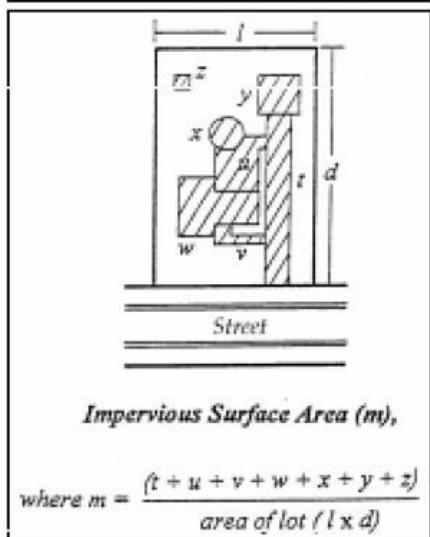
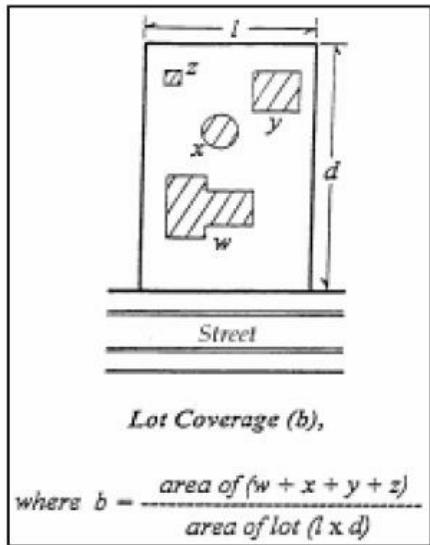


Where  $b = \text{building separation}$   
 $(\geq 10 \text{ feet})$   
 $y = \text{yard setback}$



Where  
 $b = \text{principal building separation} (\geq 10 \text{ feet})$   
 $sy = \text{required side yard setback for accessory structures} (\geq 5 \text{ feet})$   
 $ry = \text{required rear yard setback for accessory structures} (\geq 10 \text{ feet})$   
 $e = \text{utility or drainage easement, and if } e > 10 \text{ feet, } ry = e$





Articulated facade

[Click here to view the images from Chapter 159, Appendix A in a PDF document.](#)

**Figure 26**

**Main East-West Roadways in the Romeoville Planning Boundary**

Road	Jurisdiction	Classification

**Figure 26**

**Main East-West Roadways in the Romeoville Planning Boundary**

Road	Jurisdiction	Classification
Renwick Road / County Route 36	Will County	Major Arterial Route
135th Street / Romeo Road	Village of Romeoville	Secondary Arterial Route
Airport Road	Village of Romeoville	Secondary Arterial Route
Taylor Road	Village of Romeoville	Secondary Arterial Route and Major Collector Route
Normantown Road	Will County and Village of Romeoville	Secondary Arterial Route and Major Collector Route
Remington Boulevard	Village of Romeoville	Major Collector Route
Crossroads Parkway	Village of Romeoville	Major Collector Route
Bluff Road	Village of Romeoville	Major Collector Route

**Figure 27**

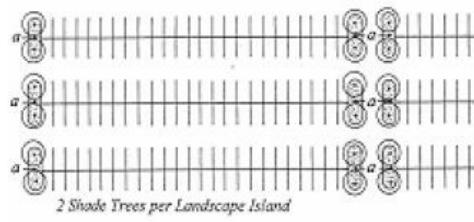
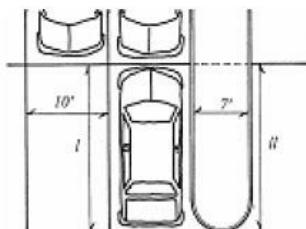
**Main North-South Roadways In the Romeoville Planning Boundary**

Road	Jurisdiction	Classification
<b>Figure 27</b>		
<b>Main North-South Roadways In the Romeoville Planning Boundary</b>		
Road	Jurisdiction	Classification
Interstate 55 / Stevenson Expressway	State of Illinois	Interstate Freeway and Expressway Route
Weber Road / County Route 88	Will County	Major Arterial Route
IL Route 53 / Joliet Road / Independence Boulevard / Bolingbrook Drive	State of Illinois	Major Arterial Route
New Avenue	State of Illinois	Secondary Arterial Route
Veterans Parkway / Luther Drive	Village of Romeoville	Secondary Arterial Route
South Creek Parkway	Village of Romeoville	Secondary Arterial Route
Budler Road	Village of Romeoville	Major Collector Route

(Ord. 09-0800, passed 12-16-09)

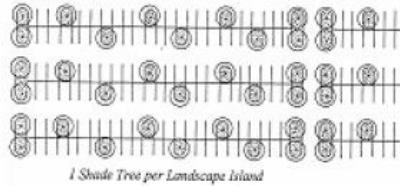
**APPENDIX B: IMAGES**

(A) From § 159.030 (D) (6) (b) 1.

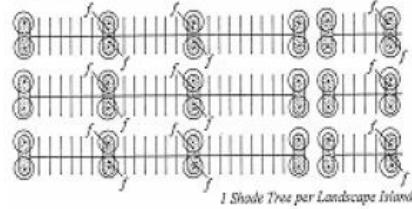


(B) From § 159.030 (D) (6) (b) 2. a.

**EXAMPLE 1**



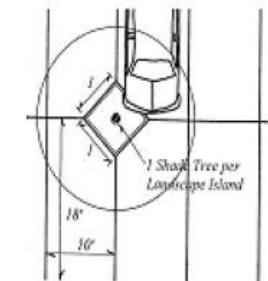
**EXAMPLE 2**



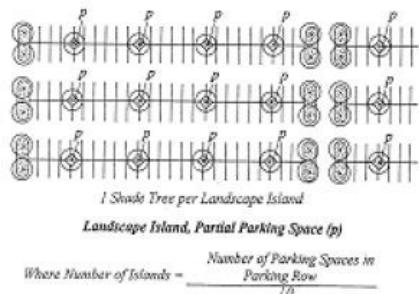
*Landscape Island, Full Parking Space (f)*

$$\text{Where Number of Islands} = \frac{\text{Number of Parking Spaces in Parking Row}}{10}$$

(C) From § 159.030 (D) (6) (b) 2. b.



Where  $I = 6.5$  feet (measured back-of-curb to back-of-curb)

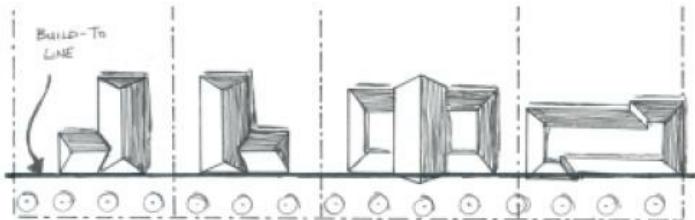


$$\text{Where Number of Islands} = \frac{\text{Number of Parking Spaces in Parking Row}}{10}$$

(D) From § 159.076 (B) (9).



(E) From § 159.076 (C) (2) (c) 1.a .



Buildings Built Along a Build-To Line

(F) From § 159.076 (C) (2) (C) 1. a.



Although effectively one building, the horizontal and vertical plane changes gives the illusion of many smaller buildings.

(G) From § 159.076 (C) (6) (c) 1. a.



Architectural details are carried around all sides of the building (360° architecture).

(H) From § 159.076 (C) (6) (c) 1. b.



Buildings constructed at the elevation of the sidewalk are at the correct scale for is at the same level as pedestrians passing by.

(I) From § 159.076 (C) (6) (c) 1. d.



Ground floor architecture includes large display windows while upper floors have smaller windows and balconies. All elements are proportional to one another.

(J) From § 159.076 (C) (8) .



Weather protection can take a variety of different forms to match any architectural style.

(K) From § 159.076 (C) (11) . Figure 11-1.



Figure 11-1 Projecting Sign

(L) From § 159.076 (C) (11) . Figure 11-4.



Window Signage



Signboard



Figure 11-4 Die-Cut Letters



Awning Valence Sign

(M) From § 159.076 (C) (13) (c) 2. c.



Well-Defined Pedestrian Areas and Circulation

(N) From § 159.076 (C) (13) (c) 3. c.



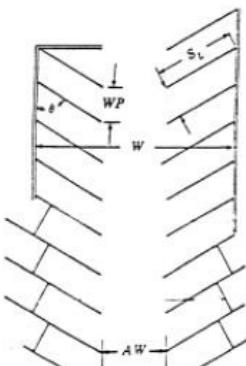
Parking Bordered with Masonry & Wrought Iron Fencing

(O) From § 159.076 (C) (14) (c) 1.



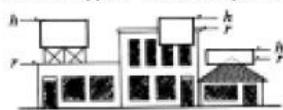
Figure 14-1 Drive-through facilities must be compatible with the architecture of the building and mitigate aesthetic impacts.

(P) From § 159.108 (C).



(Q) From § 159.123.

**Roof Signs--Unacceptable**



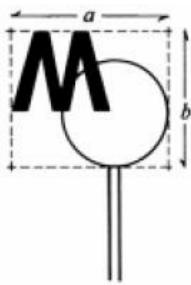
Where  $h$  = height of sign, and  
 $r$  = height of building wall or roof, and  
 $h > r$

**Roof Signs--  
ACCEPTABLE**



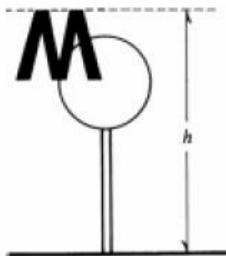
Where  $h$  = height of sign, and  
 $r$  = height of building wall or roof, and  
 $h \leq r$

(R) From § 159.124 (A) .



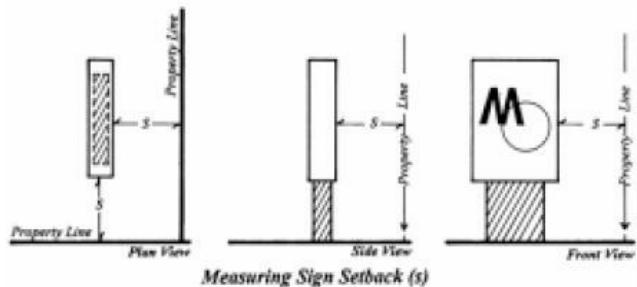
*Sign Area (x)*  
where  $x = a \times b$

(S) From § 159.124 (B).



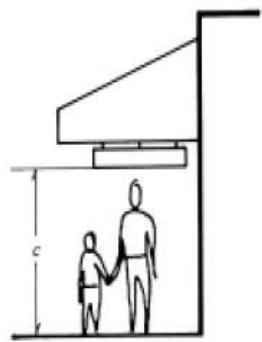
*Sign Height (h);  
Freestanding Sign*

(T) From § 159.124 (D).



(U) (Reserved)

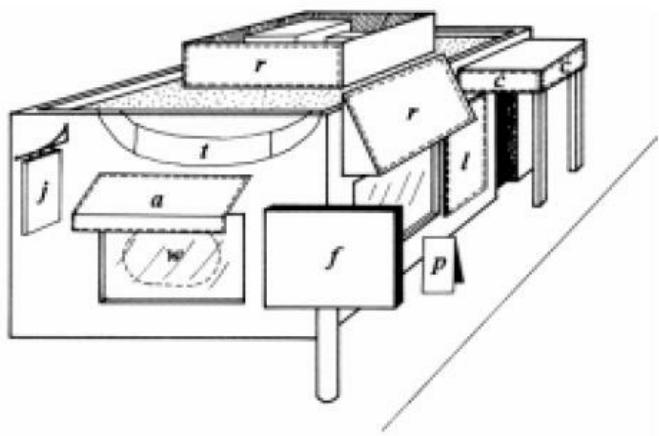
(V{}) From § 159.125 (I).



*Under Canopy Signs (s)*

Where  $c = \text{clearance}$

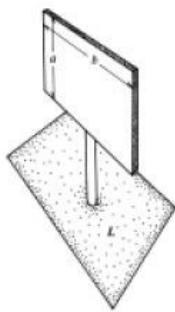
(W) From § 159.126 (E).



*Sign Types (by Structural Classification)*

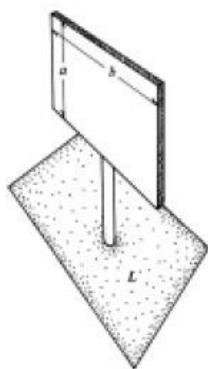
Where *a* = Awning Sign; *c* = Canopy Sign; *f* = Freestanding Sign;  
*j* = Projecting Sign; *l* = Wall Sign; *p* = Portable Sign; *r* = Roof Sign;  
*t* = Temporary Sign; and *w* = Window Sign

(X) From § 159.127 (C) (1) (i) .



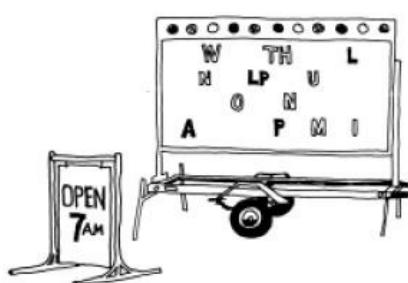
*Freestanding Sign  
Landscape Area (L)*  
Where  $L = 2(a \times b)$ ,  
and  $L > 50 \text{ sq ft}$

(Y) From § 159.127 (C) (2) (i) .

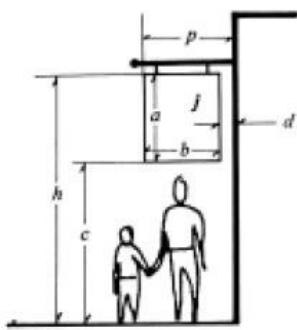


*Freestanding Sign  
Landscape Area (L)*  
Where  $L = 2(a \times b)$ ,  
and  $L > 50 \text{ sq ft}$

(Z) From § 159.127 (D) .



(AA) From § 159.127 (E).



*Projecting Sign (j)*

Where  $p$  = projection from building wall,

$h$  = height of sign

$c$  = clearance of sign

$j$  = area of sign ( $a \times b$ ) and

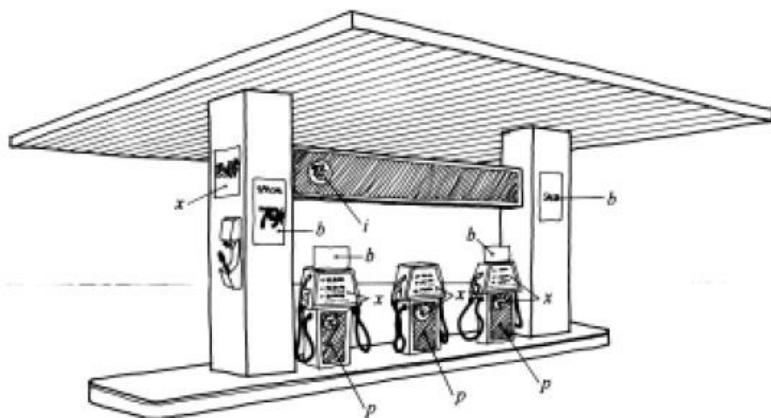
$d$  = 1 foot

(BB) From § 159.129 (A).



*Gasoline Station Identification/Price Sign*

(CC) From § 159.129 (A).



*Gasoline Pump Island*

*Gasoline Pump Island Signs*

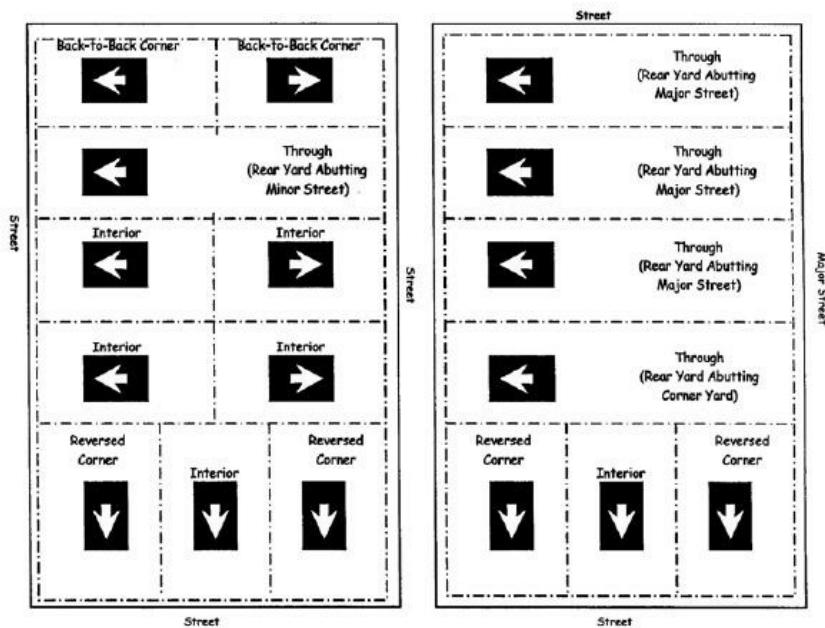
Where  $p$  = Gasoline Pump,

$i$  = Identification Signs,

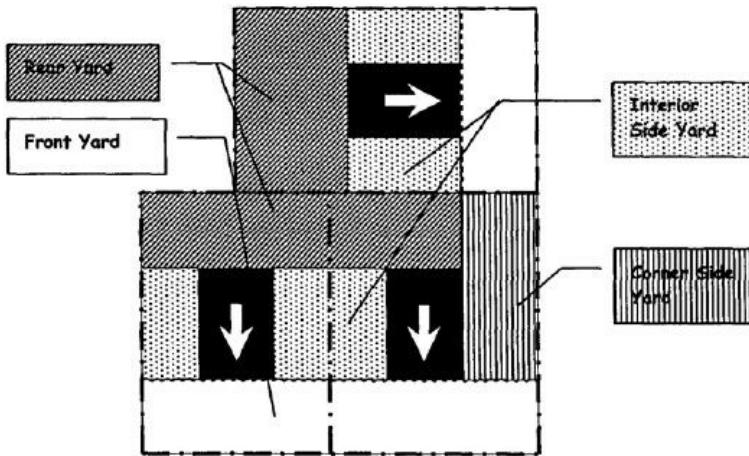
$b$  = Business Signs,

and  $x$  = Exempt Signs

(DD) From § 159.035 (F) (2) .



(EE) From § 159.035 (F) (3) .



[Click here to view the images from Chapter 159, Appendix B in a PDF document.](#)

## APPENDIX C: SUMMARY TABLE AND LAND USE TABLE

Zoning District	Lot Area (Sq. Ft.)	Lot Width	Lot Depth	Maximum Building Coverage	Maximum Lot Coverage	Minimum Landscape Coverage	F.A.R.	Building Height	Setbacks:								
									Front	Side	Corner Side	Rear	1 BR (Sq.Ft.)	2 BR	3 BR	4 BR	5 BR
E-R, Estate Residential	43,560	200'	210'	40%	50%	50%	0.60	2-1/2 stories or 30 ft	50'	20'	50'	40'	N/A	1,800	2,000	2,400	2,800
R-1, Single Family Residential	20,000	125'	160'	40%	50%	50%	0.60	2-1/2 stories or 30 ft	40'	15'	40'	35'	N/A	1,600	1,825	2,000	2,200
R-2, Single Family Residential	15,000	100'	150'	40%	50%	50%	0.60	2-1/2 stories or 30 ft	35'	15'	35'	30'	N/A	1,375	1,600	1,825	2,000
R-3, Single Family Residential	10,000	80'	125'	40%	50%	50%	0.60	2-1/2 stories or 30 ft	30'	10'	30'	25'	N/A	1,200	1,500	1,800	2,000
R-4, Single Family Residential	8,000	75'	105'	40%	50%	50%	0.60	2-1/2 stories or 30 ft	25'	10'	25'	25'	N/A	1,200	1,375	1,600	1,800
R-5, Single Family Residential	6,500	65'	100'	40%	50%	50%	0.65	2-1/2 stories or 30 ft	25'	5'/15'	25'	20'	N/A	1,100	1,200	1,300	N/A
R-5A, Single Family Residential	6,500	65'	100'	40%	50%	50%	0.65	2-1/2 stories or 30 ft	25'	5'	25'	20'	N/A	1,100	1,200	1,300	N/A
R-6, Attached Single	5,500	55'	90'	40%	50%	50%	0.65	2-1/2 stories	25'	5'/15 det.	20'	20'	N/A	det. 2,000	det. 2,000	det. 2,000	det. 2,000

Family Residential							or 30 ft	10' att.			N/A	att. 1,600	att. 1,700	att. 1,800	att. 1,800		
R-7, Multiple Family Residential	4,000	50'	80'	40%	50%	50%	0.65	3-1/2 stories or 40 ft	25'	10'	20'	20'	700	900	1,100	N/A	N/A
All numbers reflect minimum requirements; except building coverage, lot coverage, and building heights, which are maximum requirements. LAND USE CHART																	

[Click here to see the above table in a PDF document.](#)

## APPENDIX D: PAST HISTORIES TABLE

<b>Ord.No.</b>	<b>Date Adopted</b>	<b>Description of Ordinance</b>
<b>Ord.No.</b>	<b>Date Adopted</b>	<b>Description of Ordinance</b>
780	29676	Ordinance amending Chapter 14, Article 1, Zoning Ordinance of the Village of Romeoville
838	30292	Ordinance amending Chapter 159, Section 159.118(G)
861	30530	Ordinance amending Chapter 159, Section 159.158, Establishing meeting dates for ZBA
864	30579	Ordinance amending Chapter 159, Section 159.126, Non-conforming building and uses
866	30594	Ordinance amending Chapter 159, providing for decorative fencing requirements
904	31097	Ordinance amending Chapter 159, Section 159.100, M-1 Medium Manufacturing District
921	31237	Ordinance amending Chapter 159, Sections 159.070 thru 159.074
923	31251	Ordinance regulating pennants and banners
925	31251	Ordinance creating Historical District
928	31272	Ordinance creating P-1, Public/Private Land Conservation Dist.
930	31272	Codification Ordinance
936-85	31370	Ordinance amending Chapter 159, providing for regulations of vehicle parking within certain zoning districts
938-85	31384	Ordinance amending Alley requirements within Chapter 159
944-86	31503	Ordinances amending Chapter 159 under P-1 Public/Private Land Conservation District
950-86	31566	Ordinance amending Chapter 159, Section 159.116, Temporary use of portable signs
951-86	31566	Ordinance amending Chapter 159, providing for the regulation of the placement of Satellite Dish Antennas
959-86	31629	Ordinance amending Chapter 159 Section 159.163 providing for the revisions to planning, subdivision and zoning fees
982-87	31811	Ordinance amending certain provisions of Chapter 159
987-87	February 18, 1987	Ordinance amending Business and Manufacturing District Regulations
988-87	31848	Ordinance establishing the Phelps/Spangler Homestead. Buildings as an official landmark
1026-88	32147	Ordinance amending Chapter 159 providing for Residential Zoning Districts
1034-88	32224	Ordinance adopting the Official Zoning Map of the Village
1050-88	32392	Ordinance amending Chapter 159, Section 159.080 providing for the Planned Business District (PB)
1059-88	32361	Ordinance amending Chapter 159, Section 159.091 regarding "pole buildings"
2052-90	32924	Ordinance codifying the "Code of Ordinances" for the Village
2059-90	33043	Ordinance amending Chapter 159, Section 159.020 regarding Satellite Dishes
2061-90	33099	Ordinance amending Chapter 159, Section 159.030 regarding Fences and Hedges

<b>Ord.No.</b>	<b>Date Adopted</b>	<b>Description of Ordinance</b>
<b>Ord.No.</b>	<b>Date Adopted</b>	<b>Description of Ordinance</b>
2074-91	33246	Ordinance amending Chapter 159, Section 159.081 creating the University District (UD)

2075-91	33246	Ordinance amending Chapter 159, Section 159.083 creating the Airport District-2 (AD-2)
2076-91	33246	Ordinance amending Chapter 159, Section 159.081 creating the Airport District-1 (AD-1)
2092-91	33302	Ordinance amending Chapter 159, Section 159.080 regarding the Planned Business District (PB)
2105-2-91	33428	Ordinance amending Chapter 159, Section 159.161 Fee Schedule
2122-91	33470	Ordinance providing for public notification on annexations, rezonings, amendments to code or map, planned unit developments, special use permits and zoning variances
R.790-91	33512	Resolution adopting the "Official Zoning Map"
2164-92	33666	Ordinance amending Chapter 159, Section 159.161 Fee Schedule
R.811-92	March, 18, 1992	Resolution adopting the "Official Zoning Map"
2191-1-92	33897	Ordinance amending Chapter 159, Section 159.153. Subsection (G) Zoning Board of Appeals
2220-93	34107	Ordinance amending Chapter 159, Sections 159.056, 159.057, 159.058, 159.059, 159.060, 159.061 Minimum Dwelling Unit Size
2241-93	34226	Ordinance amending Chapter 159, Section 159.161 Fee Schedule
2298-94	34653	Ordinance amending Chapter 159, Section 159.072 adding "Dog Groomers" as a permitted use
2314-95	34730	Ordinance amending Chapter 159, Sections 159.003 Definitions, 159.020 Accessory Uses and Buildings, 159.071 B-1 Local Shopping District 159.152 Appearance Review, 159.161 Fee Schedule
2411-96	35157	Ordinance adopting the "Official Zoning Map"
2426-96	35220	Ordinance amending Chapter 159, Section 159.059(G) Lot Coverage
2459-97	35465	Ordinance amending Chapter 159, All sections, see filed Ordinance
2671-99	36331	Ordinance of New Fee Schedules (taking fees out of the Zoning Ordinance, see Ordinance 2671-99)
2691-99	36417	Ordinance amending Chapter 159, Accessory Structures and Uses, Tents, Lot Coverage, et al
2715-99	36466	Ordinance amending Chapter 159, Landscaping, Personal Communications Facilities, Automobiles Uses, et al
2734-00	36557	Amending Zoning Ordinance
2762-00	36662	Amending Zoning Ordinance
2775-00	36711	Ordinance amending Chapter 159, Parking Setbacks, Lot Coverage, Truck Trailer Storage/Parking, Outdoor Eating Areas, et al
38503	36816	Ordinance amending Chapter 159, P-B Planned Business Districts
0015-01	36914	Ordinance amending Section 159.003 and 159.037, Flex space
0061-01	37026	Fences and hedges
0051-02	37474	R-5A single family 02-37A
0052-02	37474	B-2, B-3, B-4, P-B 02-37B
0053-02	37474	Campaign Signs Text 02-37C

<b>Ord.No.</b>	<b>Date Adopted</b>	<b>Description of Ordinance</b>
<b>Ord.No.</b>	<b>Date Adopted</b>	<b>Description of Ordinance</b>
0054-02	37474	Accessory Structures 02-37D
0104-02	37607	E-R Text Amendments 02-67A
03-?	37628	Fences on through lots 02-60
0025-03	37698	Lakewood Center Retail 02-34B
0039-03	37775	Inflatable Signage 03-25B
0047-03	37838	Amending Zoning Ordinance
0048-03	37838	Planned Unit Development Standards 03-49A
03-0059	37880	Expanded Rear Yard
03-0060	37880	Yard Def. in the R5-A

03-102	38034	DD. Downtown District 03-95A, B
04-0110	38034	Tree Preservation 03-97A
04-0116	38048	Zoning Ordinance Text Amendment 04-07A
04-0117	38048	Design Guidelines for Manufacturing/Office/Warehouse Buildings 04-07B
04-0118	38048	Manufacturing Districts 04-07C
04-0119	38048	Yard Obstructions 04-07D
04-0120	38048	Self-Service Storage Facility 04-07E
04-0132	38083	Non-Conforming Uses 04-12
04-0144	38125	Signage Text Amendment 04-28A
04-0172	38244	PODS Text Amendment 04-66A
04-0184	38230	Decks