VILLAGE OF MAYWOOD
ZONING ORDINANCE

Adopted
April 15, 2010

Amendments:

(MAYWOOD ORDINANCE No.: (DATE))

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Updated 2018
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SECTION 1. TITLE, PURPOSE & APPLICABILITY

1.1. TITLE

This Ordinance shall be known, referred to and cited as “The Zoning Ordinance of the Village of Maywood.”

1.2. INTENT

The intent of this document is to establish land use regulations to serve the Village of Maywood. The regulations enumerated are based upon the Village’s Comprehensive Plan, and the overall Village policies and objectives. Any reference to this Ordinance shall include all amendments to this Ordinance.

1.3. PURPOSE

The purpose of this Ordinance is to:

A. Promote and protect the public health, safety, comfort and general welfare of the people.

B. Divide the entire Village into districts of such number, shape, area, and of such different classes, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land, height and bulk of structures, or other classification, as deemed best suited to carry out the purposes of this Ordinance.

C. Provide adequate light, air, privacy and convenience of access to property.

D. To protect the character and stability of the Village of Maywood by promoting the orderly and beneficial development of such areas.

E. Classify, regulate and restrict the location of structures designed for specified industrial, commercial, residential, and other uses within the Village.

F. Regulate and limit the intensity of the use of lots within the Village.

G. Regulate and determine the area of open spaces and surrounding structures within the Village necessary to provide adequate light and air and to protect the public health.

H. Fix standards to which structures, or additions or alterations to existing structures, shall conform.

I. Prohibit uses or structures incompatible with the character of development or intended uses within specified zoning districts.
J. Limit congestion in the public streets and protect the public health, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles.

K. Protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety and welfare.

L. Regulate and limit the height, bulk and setback of structures erected within the Village in order to prevent overcrowding of land and undue concentration of structures.

M. Conserve the taxable value of land and structures within the Village of Maywood.

N. Provide for the elimination of nonconforming uses of land and structures that are adversely affecting the character and value of desirable development in each district.

O. Define and limit the powers and duties of the administrative officers and bodies with respect to the administration of this Ordinance.

1.4. APPLICABILITY

A. Territorial Application

This Ordinance shall apply to all land, uses and structures within the corporate limits of the Village, including those owned by other municipal corporations and government bodies.

B. General Application

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, convenience, comfort and general welfare, and shall be construed to achieve the purposes for which this Ordinance was adopted.

C. General Prohibition

Except as otherwise provided by this Ordinance, no portion or whole of any structure or land shall be used or occupied, and no structure, in whole or in part, shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless it conforms with the provisions of this Ordinance.

D. Private Agreements

This Ordinance is not intended to abrogate or nullify any private agreement, easement or covenant. However, where this Ordinance is more restrictive or imposes higher standards or requirements than a private agreement, easement or covenant, the requirements of this Ordinance shall control.

E. Other Laws and Regulations

Unless otherwise specifically provided, the Ordinance shall control over less restrictive statutes, ordinances or regulations, and more restrictive statutes, ordinances or regulations will control over the provisions of this Ordinance.
1.5. TRANSITION RULES

In determining the applicability of this Ordinance, with respect to the previously applicable zoning regulations, the following rules shall apply.

A. Existing Illegal Structures and Uses

A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform with each and every requirement of this Ordinance, then that structure or use shall remain illegal.

B. Existing Permitted Uses

If property is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and that use is classified as a special use by this Ordinance as of the effective date of this Ordinance, that use shall be deemed a lawful special use. However, any subsequent addition, enlargement or expansion of that use shall be required to conform to the procedural and substantive requirements for special uses pursuant to this Ordinance.

C. Certain Uses Rendered Nonconforming

If property is used in a manner that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use and shall be controlled by the provisions of Section 16 (Nonconformities).

D. Certain Structures or Lots Rendered Nonconforming

If structure or lot existing on the effective date of this Ordinance was a conforming structure or lot before the effective date of this Ordinance, and such structure or lot does not meet all standards set forth in this Ordinance, that structure or lot shall be deemed a legal nonconforming structure or lot and shall be controlled by the provisions of Section 16 (Nonconformities).

E. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within one hundred and eighty (180) days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended. When additional alterations to a structure are undertaken or additional structures are constructed on the lot that are not contained on the previously submitted and approved plans, this Ordinance shall govern those alterations or additional structures. Such additional alterations to existing structures or additional structures shall also require approval of all permits as required by this Ordinance or the Village Code.

F. Previously Granted Special Uses and Variation

All special uses and variations granted prior to the effective date of this Ordinance shall remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the plans approved by the Village Board or Plan Commission/Zoning Board of Appeals and any applicable conditions. However, if the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance shall govern.
G. Pending Applications

If an application is pending on the effective date of the Ordinance, the provisions of this Ordinance shall govern that application.

1.6. SEVERABILITY

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

1.7. EFFECTIVE DATE (Amended 01/18/2011: CO-2011-01)

The effective date of this Ordinance is the date of adoption, this date April 15, 2010

1.8. REPEAL OF PREVIOUS ZONING ORDINANCE

After the effective date of this Ordinance, all provisions of the Zoning Ordinance of the Village, as adopted on October 24, 1968, as amended from time to time, are expressly repealed in their entirety. This repeal only applies to the provisions of the Zoning Ordinance.
SECTION 2. ORDINANCE ADMINISTRATION

2.1 PURPOSE

The purpose of this Section is to outline the specific powers of the different boards, commissions and officials as they relate to this Zoning Ordinance.

2.2 VILLAGE BOARD

The Village Board shall have the following specific powers, pursuant to this Zoning Ordinance:

A. To make final decisions on zoning text and map amendment applications (Section 4.2).
B. To make final decisions on applications for zoning variations (Section 4.3).
C. To make final decisions on special use applications (Section 4.4).
D. To make final decisions on planned unit development applications (Section 5).
E. To make final decisions on any other matter covered by this Ordinance, except where another person or body has been given final decision-making authority.

2.3 PLAN COMMISSION/ZONING BOARD OF APPEALS

The Plan Commission/Zoning Board of Appeals shall have the following powers, pursuant to this Zoning Ordinance:

A. To hear and make final decisions on appeals of any zoning interpretation or determination made by the Zoning Administrator in regard to this Zoning Ordinance (Section 4.10).
B. To hear and make recommendations to the Village Board on zoning map and text amendment applications (Section 4.2).
C. To hear and make recommendations on applications for variations (Section 4.3).
D. To hear and make recommendations to the Village Board on special use applications (Section 4.4).
E. To hear and make recommendations to the Village Board on planned unit development applications (Section 5).
F. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

2.4 ZONING ADMINISTRATOR

The Director of Community Development, or his/her designee, shall be considered the Zoning Administrator, and shall have the following powers, pursuant to this Zoning Ordinance:

A. To review and make decisions on zoning interpretations (Section 4.9).
B. To conduct inspections of buildings, structures and uses of land to determine whether there is compliance with the provisions of this Ordinance and to issue citations whenever the provisions of this Ordinance are violated.

C. To review and make decisions on applications for sign permits (Section 4.7).

D. To review applications for zoning permits for compliance with this Ordinance (Section 4.8).

E. To issue all permits provided for under this Ordinance and maintain records thereof.

F. To receive and forward applications for zoning amendments, variations, special uses, planned unit developments, zoning appeals and other administrative reviews required by this Ordinance to the Plan Commission/Zoning Board of Appeals or Village Board, as indicated.

G. To conduct site plan reviews (Section 4.6).

H. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on zoning amendments, variations, special uses, site plan reviews, planned unit developments, zoning appeals and other administrative reviews.

I. To maintain and make available the Village’s Official Zoning Ordinance Text and Map, and all permanent and current records required by this Ordinance.

J. To maintain for public distribution an adequate supply of the compiled text of the Zoning Ordinance, including the Official Zoning Map, and appropriate forms and instructional material for all required hearings and review procedures provided for herein.
SECTION 3. ADMINISTRATIVE PROCEDURES

3.1. PURPOSE

The purpose of this Section is to outline the general application, notice and public hearing procedures for the zoning applications and approvals found within this Zoning Ordinance.

3.2. APPLICATION

A. Authorization

An application for a variation, special use, planned unit development, site plan review, sign permit, zoning appeal or other zoning relief may be filed by an owner of any property in the Village or other person expressly authorized by the owner in writing. An application for a request for a zoning interpretation or a zoning amendment (text or map) may be filed by an owner of any property in the Village or other person expressly authorized by the owner in writing. The Village is also authorized to file any of these applications.

B. Filing

1. All applications shall be filed with the Zoning Administrator.

2. The application shall be on forms provided by the Village and shall be filed in such number as the instructions provide. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.

3. The application shall include information, plans and data as specified in Appendix A (Application Requirements) and sufficient to determine whether the application conforms with the requirements set forth in this Ordinance.

4. All signatures of the petitioner and/or property owner on an application shall be notarized.

C. Completeness

The Zoning Administrator shall determine whether the application is complete. The Zoning Administrator shall notify the applicant in writing that the application is complete or inform the applicant of any deficiencies. The Zoning Administrator shall take no steps to process the application until all deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application shall be scheduled for consideration by the appropriate board, commission or official.

D. Fees

1. Every application shall be accompanied by a required, nonrefundable application fee as established and modified, from time to time, in the Village Code.
2. The failure to pay any fee under this section when due shall be grounds for refusing to process the application, and for denying or revoking any permit or approval for the subject property. The applicant shall be required to pay another nonrefundable application fee in the event the initial application is not completed within a six (6) month time period.

3. For planned unit developments, in addition to the application fee, the applicant shall deposit with the Village an estimate of professional consultant fees and expenses, including but not limited to fees and costs associated with the review and processing of the application by Village staff, Village engineer and Village attorney or other consultants retained by the Village, including an administrative fee. No planned unit development application shall be deemed complete until a deposit in the amount estimated is received.

4. Before any application is accepted by the Zoning Administrator for processing, the petitioner will be required to acknowledge in writing the petitioner's responsibility to pay all Village administrative fees, professional consulting fees and public hearing fees, including court reporter fees, incurred by the Village in reviewing, processing and acting upon such application.

5. If during the course of the review of a planned unit development application the Village Manager determines that the deposit fees paid by the applicant will be insufficient to reimburse the Village for its consultants and expenses, and if the Village provides the applicant with an estimate in writing of the additional consultant fees that will be incurred by the Village, based upon estimates from the consultants themselves, which shall be made available to the applicant, it is the obligation of the applicant to pay to the Village an additional deposit to cover the cost of those anticipated fees plus an additional administrative fee. The Village reserves the right to delay any further action on the application until this additional deposit is paid.

6. At the time of final action by the Village Board or the written request by an applicant to withdraw a planned unit development application, an itemization of costs for consultants and administrative costs pursuant to the fee schedule established in the Village Code shall be sent to the applicant either indicating payment in full, providing a refund to the applicant, or billing the applicant an additional amount to be paid to the Village by the applicant before final action on the application is taken.

E. Withdrawal of Application

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a board, commission or official, including the ability to withdraw the application if it has been tabled by a board or commission. There shall be no refund of fees other than the return of any unused portion of the professional consultant fees and expenses deposit. Requests for withdrawal shall be in writing and signed by the applicant and delivered to the Zoning Administrator.

F. Successive Applications

1. Within one (1) year of the date of denial, a subsequent application shall not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial, as determined by the Zoning Administrator.

2. If the application is resubmitted earlier than one (1) year from the date of denial, such subsequent application shall include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator shall make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one (1) year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

3.3. NOTICE

A. Published Notices

For all applications that require a public hearing, the Village shall publish notice in a newspaper published in the Village, or if no newspaper is published in the Village, in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property, as well as a brief statement of the zoning relief sought. Such notice shall be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date. The Village shall post the public hearing notice on the Village's website. (Amended 10/05/2016: CO-2016-21)

B. Mailed Notice

1. All public hearings for variances, special uses and map amendments require written notice, on forms provided by the Zoning Administrator, to be mailed no less than fifteen (15), but not more than thirty (30), days prior to the public hearing to the "owners/occupants" at the property address, and to the taxpayers of record as shown in the on-line records of the Cook County Treasurer, of all properties located within two hundred fifty (250) feet from each of the property lines of the subject property in the case of variances and special uses, and one hundred feet (100 feet) in the case of map amendments. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property. (Amended 10/05/2016: CO-2016-21)

2. The applicant shall be responsible for mailing proper notice. Notice shall be sent by certified mail, properly addressed to the "owners/occupants" at the property address, and to the taxpayers of record, as shown in the on-line records of the Cook County Treasurer, with sufficient postage affixed thereon and with return-receipt requested. The applicant shall provide an affidavit to the Village stating that notice was mailed to every property within two hundred fifty (250) feet of each of the property lines of the subject property in the case of variances and special uses, and one hundred feet (100 feet) in the case of map amendments. The applicant shall also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients. (Amended 01/18/2011: CO-2011-01) (Amended 10/05/2016: CO-2016-21)

3. Giving notice pursuant to this section shall not be construed to prevent the applicant from giving such additional notice as he/she may deem appropriate.

4. The body conducting the hearing shall hear no application unless the applicant complies in all respects with all notice requirements.

C. Posted Sign Notices

The Village shall post a sign on the subject property for all public hearings for variances, special uses and map amendments in accordance with the following provisions:

1. Location and Time Period for Posting Signs
The required posting period shall be no less than fifteen (15) consecutive days, but no more than thirty (30) days, prior to the public hearing (excluding the day of the hearing from this period). The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists. Properties with more than one (1) street frontage shall be required to post one (1) sign visible from each street frontage. Where multiple contiguous properties or areas are the subject of a proposed map amendment, signs need not be posted on each individual property, but instead may be posted at points of entry and other prominent locations within the perimeter of the area or as otherwise deemed necessary by the Director of Community Development. (Amended 10/05/2016: CO-2016-21)

2. Responsibility for Posting Signs

The Village shall provide and erect the sign on the property. The applicant must maintain the sign during the required period.

3. Failure to Post

Staff shall take a picture of the sign after posting. Failure to post for the required time or where signs are compromised due to vandalism, weather, accidental damage, removal by third parties, or for other reasons shall not constitute grounds for suspension or continuance of the approval process or otherwise act to invalidate any action taken. (Amended 10/05/2016: CO-2016-21)

D. Public Examination and Copying of Applications and Other Documents

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Illinois Freedom of Information Act, as amended (5 ILCS 140/1 et seq.). Upon reasonable request, any person shall be entitled to copies of the application and related documents. The Zoning Administrator shall make copies of such materials available for a fee specified by the Village.

3.4. PUBLIC HEARING

A. Conduct of Public Hearings

1. All public hearings shall be subject to the Illinois Open Meetings Act (5 ILCS 120/1 et. Seq.), as amended.

2. Unless the Chair decides to alter the order of presentation, the general procedure for public hearings shall be as follows:

   a. Call to order and roll call.

   b. The Chair presents a brief explanation of the public hearing procedure and swears in those wishing to give testimony. All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he/she offers testimony, but not if he/she is questioning a witness, summarizing witness testimony, or addressing the board or commission on procedural issues. All persons wishing to testify at the public hearing shall state for the record his/her name and address.

   c. Confirmation of notices being published and mailed in accordance with state law and Ordinance requirements.

   d. The application is placed into the record.
e. Village staff presentation.
   i. Questions by the body conducting the hearing.
   ii. Questions by public (objectors or interested persons).
   iii. Rebuttal.

f. Applicant presentation.
   i. Questions by the body conducting the hearing.
   ii. Questions by public.

g. Objector’s presentation.
   i. Questions by the body conducting the hearing.
   ii. Questions by public.

h. Interested person’s presentation.
   i. Questions by the body conducting the hearing.
   ii. Questions by public.

i. Applicant’s rebuttal.

j. Final questions by the body conducting the hearing.

k. Closing remarks by petitioner, objectors, interested persons and Village staff.

l. Hearing closed or continued by the approval of a motion of the body conducting the hearing. If the hearing is closed, the body conducting the hearing shall not accept any comment regarding the petition from outside parties, except:
   i. A staff report based on evidence presented at the public hearing.
   ii. Any person presenting information in response to a specific question from the body conducting the hearing.
   iii. Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.

B. Continuances

The Chair, with approval of the body conducting the hearing, may continue the public hearing. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notices must be given that would have been required for the initial public hearing.
C. Evidence and Testimony

1. All interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.

2. All testimony and evidence shall be given under oath or by affirmation. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Each person who submits evidence shall identify themselves and their address. Any person may ask relevant, non-repetitive questions of other witnesses, but only through the Chair and at the discretion of the Chair.

3. The Chair, with consent of a majority of the body conducting the hearing, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.

4. The body conducting the hearing is not bound by strict rules of evidence, but the Chair may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.
SECTION 4. APPLICATIONS & APPROVAL PROCESSES

4.1. PURPOSE
The purpose of this Section is to delineate the scope of applicability, specific procedures and requirements, and approval standards that are applicable to each zoning application and approval.

4.2. ZONING AMENDMENT

A. Purpose
The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this Section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to permit modifications in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation
An owner of any property in the Village, any person expressly authorized by a property owner in writing, the Village Board or the Plan Commission/Zoning Board of Appeals may propose zoning text or map amendments.

C. Authority and Execution
The Village Board, after receiving a recommendation from the Plan Commission/Zoning Board of Appeals, shall take formal action on requests for zoning text or map amendments.

D. Procedure
All applications shall be filed with the Zoning Administrator in accordance with the requirements of Section 3.2 (Application). Once it is determined that the application is complete, the Zoning Administrator shall schedule the application for consideration by the Plan Commission/Zoning Board of Appeals. Amendments initiated by the Village also require an application, but are exempt from fees.

1. Action by the Plan Commission/Zoning Board of Appeals
   a. The Plan Commission/Zoning Board of Appeals shall conduct a public hearing on a proposed zoning amendment in accordance with Section 3.4 (Public Hearing) no more than sixty (60) days of receipt of a complete application. Notice for the public hearing shall be in accordance with Section 3.3 (Notice). If, in the Plan
Commission/Zoning Board of Appeals’ judgment, the application does not contain sufficient information to enable the Plan Commission/Zoning Board of Appeals to properly discharge its responsibilities, the Plan Commission/Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

b. Within sixty (60) days of the close of the public hearing, the Plan Commission/Zoning Board of Appeals shall forward to the Village Board its recommendation, together with the minutes of the hearing.

c. The Plan Commission/Zoning Board of Appeals shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below. For zoning text amendments, the Plan Commission/Zoning Board of Appeals shall recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Plan Commission/Zoning Board of Appeals shall recommend approval of the proposed zoning district, approval of a more restrictive zoning district within the same general use category or denial of the application.

2. Action by the Village Board

The Village Board shall consider the application within sixty (60) days of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval, approval of a more restrictive zoning district within the same general use category or denial on applications for zoning map amendments. The Village Board may also refer the application back to the Plan Commission/Zoning Board of Appeals for further consideration. If the application is not acted upon by the Village Board within six (6) months of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals, the application shall be deemed to have been denied.

E. Approval Standards for Zoning Amendments

The Plan Commission/Zoning Board of Appeals recommendation and the Village Board decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission/Zoning Board of Appeals and the Village Board shall consider the following standards.

1. Map Amendments

Where a map amendment is proposed, the Plan Commission/Zoning Board of Appeals and Village Board shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to the following matters:

a. Existing uses of property within the general area of the property in question.

b. The zoning classification of property within the general area of the property in question.

c. The suitability of the property in question for the uses permitted under the existing zoning classification.
d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

2. Text Amendments

Where a text amendment is proposed, the Plan Commission/Zoning Board of Appeals and Village Board shall make findings based upon the evidence presented to it each specific case with respect to, but not limited to, the following matters:

a. The degree to which the proposed amendment has general applicability within the Village at large and is not intended to benefit specific property.

b. The consistency of the proposed amendment with the objectives of this Ordinance and the intent of any applicable zoning district regulations.

c. The degree, if any, to which the proposed amendment would create nonconformity.

F. Written Protest of Map Amendment

Whenever a written protest against the proposed map amendment has been filed with the Village prior to approval of the amendment by the Village Board, the ordinance providing for the proposed map amendment shall not be passed except by the favorable vote of two-thirds (\(\frac{2}{3}\)) of the members of the Village Board then holding office. Such written protest must be signed and acknowledged by one (1) of the following: 1) the owners of twenty percent (20%) of the frontage proposed to be altered; or 2) the owners of twenty percent (20%) of the frontage immediately adjoining in the same block or across an alley therefrom; or 3) by twenty percent (20%) of the frontage owners immediately opposite the frontage to be altered.

4.3. VARIATION

A. Purpose

The variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

B. Initiation

An owner of any property in the Village or other person expressly authorized by the owner in writing may request a variation for that property.

C. Authority and Execution

Variations may be authorized after a public hearing, where the Plan Commission/Zoning Board of Appeals shall make recommendation on and the Village Board shall decide upon a variation application in accordance with Paragraph E below, that owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in practical difficulties or particular hardship for the owner of land or a structure.

D. Procedure

All applications shall be filed with the Zoning Administrator in accordance with the requirements in Section 3.2 (Application). Once it is determined that the application is complete, the Zoning Administrator shall forward a copy of the application to the Plan Commission/Zoning Board of Appeals.
1. **Action by the Plan Commission/Zoning Board of Appeals**

   a. The Plan Commission/Zoning Board of Appeals shall conduct a public hearing in accordance with Section 3.4 (Public Hearing) within sixty (60) days of receipt of a complete application, as determined by the Zoning Administrator. Notice for the public hearing shall be in accordance with Section 3.3 (Notice). If, in the Plan Commission/Zoning Board of Appeals judgment, the application does not contain sufficient information to enable the Plan Commission/Zoning Board of Appeals to properly discharge its responsibilities, the Plan Commission/Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

   b. The Plan Commission/Zoning Board of Appeals shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below.

   c. The Plan Commission/Zoning Board of Appeals shall recommend approval, approval with conditions or denial of the application. The Plan Commission/Zoning Board of Appeals shall, within sixty (60) days of the close of the public hearing, forward its recommendation to the Village Board.

2. **Action by the Village Board**

   The Village Board shall consider the variation within sixty (60) days of receipt of the Plan Commission/Zoning Board of Appeals recommendation. The Village Board may also refer the application back to the Plan Commission/Zoning Board of Appeals for further consideration. If the application is not acted upon by the Village Board within six (6) months of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals, the application shall be deemed to have been denied.

3. **Conditions and Restrictions**

   The Plan Commission/Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the variation. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the recommendation and approval.

4. **Approval Standards for Variations**

   1. No variation from the provisions of this Ordinance shall be granted unless the Plan Commission/Zoning Board of Appeals and Village Board makes specific written findings based on the standards imposed by this section. These standards are as follows:

      a. The strict application of the terms of this Zoning Ordinance will result in undue hardship.

      b. The plight of the owner is due to unique circumstances and not applicable generally to other property within the same zoning classification.

      c. The variation, if granted, will not alter the essential character of the locality.
2. **The** Plan Commission/Zoning Board of Appeals and Village Board, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:

a. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

b. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.

c. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.

d. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or impair property values within the neighborhood.

e. The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted Comprehensive Plan.

f. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

**F. Variation Less Than Requested**

A variation less than that requested may be granted by the Village Board when the record supports the applicant’s right to some relief, but not to the entire relief requested.

**G. Revocation of Variation**

No order of the Village Board granting a variation shall be valid for a period longer than one-hundred eighty (180) days from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. The Plan Commission/Zoning Board of Appeals may recommend, and upon such recommendation, the Village Board may grant, one (1) extension of this period, valid for no more than one-hundred eighty (180) additional days, upon written application, and good cause shown, without notice or hearing.

**4.4. SPECIAL USE**

**A. Purpose**

The development and execution of a zoning ordinance is based upon the division of the Village into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are either of such an unusual nature or are such unique uses of land that their operation or proposed location on a site may give rise to unique challenges with respect to their impact on the immediate area. Anything that requires relief from bulk regulations of this Ordinance requires a separate application for a variation.
B. Initiation

An owner of the subject property or other person expressly authorized by the owner in writing may file an application to use such land for one (1) or more of the special uses provided for in this Ordinance within the zoning district in which the land is situated or to change an existing special use.

C. Authority and Execution

The Village Board, after receiving a recommendation from the Plan Commission/Zoning Board of Appeals, shall take formal action on special use requests.

D. Procedure

An application for a special use shall be filed with the Zoning Administrator. All applications for a special use shall be filed in accordance with the requirements in Section 3.2 (Application). Once it is determined that the application is complete, the Zoning Administrator shall schedule the application for consideration by the Plan Commission/Zoning Board of Appeals at a public hearing.

1. Action by the Plan Commission/Zoning Board of Appeals

a. The Plan Commission/Zoning Board of Appeals shall conduct a public hearing on a proposed special use in accordance with Section 3.4 (Public Hearing) within sixty (60) days from receipt of a complete application. Notice for the public hearing shall be in accordance with Section 3.3 (Notice). If, in the Plan Commission/Zoning Board of Appeals judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Plan Commission/Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

b. Following a public hearing on an application for special use, the Plan Commission/Zoning Board of Appeals shall determine whether or not to recommend approval of the special use. The Plan Commission/Zoning Board of Appeals shall, within sixty (60) days of the close of the public hearing, forward its recommendation or approval or approval with conditions to the Village Board.

c. The Plan Commission/Zoning Board of Appeals shall vote to recommend either approval, approval with conditions or denial of the special use, and a written recommendation shall be forwarded to the Village Board. The Plan Commission/Zoning Board of Appeals shall make findings, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below.

2. Action by the Village Board

The Village Board shall consider the special use within sixty (60) days of receipt of the Plan Commission/Zoning Board of Appeals recommendation. In granting any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure the applicant’s compliance with the stipulated conditions. The application may be referred back to the Plan Commission/Zoning Board of Appeals for further consideration at the direction of the Village Board. If the application is not acted upon by the Village Board within six (6) months of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals, the application shall be deemed to have been denied.
3. **Conditions on Special Uses**

The Plan Commission/Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as may be deemed necessary for the protection of the public interest. Except as modified by the Village Board, the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

**E. Approval Standards for Special Uses**

No special use shall be recommended for approval by the Plan Commission/Zoning Board of Appeals and approved by the Village Board unless it has made findings, based upon the evidence presented at the public hearing, to support each of the following conclusions:

1. The establishment, maintenance and operation of the special use in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or general welfare of any portion of the community.

2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use.

3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity.

4. The establishment of the proposed special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.

6. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan.

**F. No Presumption of Approval**

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each proposed special use shall be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

**G. Revocation of Special Use Permit**

1. **Initiation**

A special use permit may be revoked by the Village Board after a finding of the existence of any one (1) of the following conditions or of the occurrence of any of the following events:

a. The operation of the use for which a special use permit has been issued ceases for a continuous period of one-hundred eighty (180) days. Such cessation shall result in an automatic termination of the special use permit, subject to extension of the time period by the Village Board, for up to ninety (90) days if the building is being remodeled or has been damaged and is being repaired.
b. The licenses or permits required for the operation or maintenance of the use are not obtained or are subsequently terminated. Such failure or termination shall result in an automatic termination of the special use permit, subject to extension of the time period by the Village Board, for up to ninety (90) days if the building is being remodeled or has been damaged and is being repaired.

c. Any of the provisions of this Section or Zoning Ordinance, or any of the terms and conditions of the special use permit is violated.

d. A building permit for the construction of the structure(s) for which a special use permit is approved but is not issued, through no fault of the Village, within one (1) year of the granting of the special use permit by the Village Board. Examples of situations where a building permit is not issued include failure to pay the required building permit fees or to submit required information missing from a building permit application. Such failure to issue shall result in an automatic termination of the special use permit, subject to extension of the time period approved by the Village Board, for up to ninety (90) days if the building is being remodeled or has been damaged and is being repaired.

e. Failure to commence the operation of the use for which the special use permit has been issued within eighteen (18) months of the date the special use permit was granted. Such failure to commence shall result in an automatic termination of the special use permit, subject to extension of the time period for up to ninety (90) days by the Village Board upon evidence of progressive progress on the commencement of the use or other good causes shown.

2. Procedure

a. The Zoning Administrator shall send written notice to property owner and/or operator to whom the special use permit was issued describing the applicable conditions listed in Paragraph 1 above.

b. The holder of the special use permit shall have thirty (30) days from the date of the written notice to file an appeal of the revocation of the special use permit, on the form for application for an appeal of a Zoning Administrator interpretation provided by the Village.

c. The filing of an appeal stays all proceedings in furtherance of termination of the special use, unless the Zoning Administrator certifies to the Village Board, after the filing of the appeal application, that, by reason of the facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property. In that event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Village Board or by a circuit court on application and on notice to the Zoning Administrator, and on due cause shown.

d. The Village Board shall commence the hearing on the appeal of revocation of the special use within sixty (60) days and shall give due notice of the hearing date to the parties. At the hearing, any party may appear in person or by agent or by attorney.

e. The Village Board shall decide and issue a written decision on the appeal within sixty (60) days of the conclusion of the hearing. The Village Board may reverse or affirm, wholly or partly, or may modify the revocation. The final administrative decision of the Village Board on the appeal of a special use revocation shall be subject to judicial review pursuant to the Administrative Review Law, as amended.
4.5. PLANNED UNIT DEVELOPMENT

Where permitted within district regulations, planned unit developments shall be a considered special uses, and subject to the requirements of both special uses in Section 4.4 (Special Uses) and planned unit developments. See Section 5 (Planned Unit Developments) of this Ordinance for planned unit development process and requirements.

4.6. SITE PLAN REVIEW

A. Purpose

The site plan review process is intended to promote orderly development and redevelopment in the Village, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with the Comprehensive Plan, and promotes the general welfare of the Village. This section provides standards by which to determine and control the physical layout and design to achieve the:

1. Compatibility of land uses, buildings and structures.
2. Protection and enhancement of community property values.
3. Efficient use of land.
4. Minimization of traffic and safety hazards, and efficient parking layout.
5. Minimization of environmental problems, including stormwater management and incorporation of sustainable design techniques.

B. Authority and Execution

1. The Zoning Administrator shall approve site plans. The Zoning Administrator may convene a Technical Review Committee comprised of Village staff the Zoning Administrator deems appropriate to conduct site plan reviews.

2. Site plan review and approval is required for all new construction, additions and enlargement of building footprint, accessory structures, parking lots and any action that may increase the impervious surface on private property.

3. No building permit shall be issued until site plan approval has been granted. If the Zoning Administrator approves a site plan, a building permit may then be issued, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.

C. Procedure

Applications for site plan review shall be submitted to the Zoning Administrator in accordance with the requirements in Section 3.2 (Application).

1. The Zoning Administrator shall review the completed site plan review application no more than forty-five (45) days from receipt of a complete application. If, in the Zoning Administrator’s judgment, the site plan review application does not contain sufficient information to enable site plan review, the Zoning Administrator may request additional information from the applicant. In that event, the forty-five (45) day period shall be suspended pending receipt of all requested information.
2. The Zoning Administrator shall approve, approve with conditions or deny the site plan and shall notify the applicant of such decision within ten (10) days of the action taken. The Zoning Administrator shall evaluate the site plan pursuant to the applicable standards in Paragraph D below.

3. The Zoning Administrator may request modification of the submitted site plan and resubmittal of such revised site plan. The revised site plan shall be processed in the same manner as the initial site plan review application. No new fees shall be required.

4. The Zoning Administrator may approve the site plan subject to certain conditions or minor modifications to be listed in the resolution approving the application. All plans and drawings submitted as part of the application for a building permit must include those conditions or minor modifications in order for a building permit to be issued.

D. Standards for Site Plan Review

Each site plan submitted for review shall include the following details: the location of principal and accessory structures, infrastructure, open space, landscaping, exterior lighting, traffic movement and flow, number of parking spaces, design of parking lots, and location of landscaping and screening. In reviewing site plans, the relationship of the site plan to adopted land use policies, and the goals and objectives of the Comprehensive Plan shall be evaluated.

In addition, the following characteristics shall also be considered:

1. Degree of conformity with existing standards.

2. Regulations of this Zoning Ordinance, and any other applicable regulations within the Village’s Municipal Code, and the goals and policies of the Comprehensive Plan.

3. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs, including:
   a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities and infrastructure.
   b. Compatibility with, and mitigation of, any potential impact upon, adjacent property.
   c. Site illumination designed and installed to minimize adverse impact on adjacent properties.
   d. Signs in accordance with Section 15 (Signs).
   e. Off-street parking design.

4. Landscaping and the arrangement of open space or natural features on the site should:
   a. Create a desirable and functional environment for motorists, pedestrians, bicyclists and occupants of residential dwellings, business owners and employees. To achieve such an environment, landscaping may take advantage of open space design features such as bike paths, running paths and outdoor relaxation areas.
   b. Preserve unique natural resources, including measures to preserve and protect existing healthy, mature trees.
c. Protect natural resources and landscaping on adjacent sites.

d. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.

e. Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site. The use of species native to northeastern Illinois is encouraged.

f. Use of screening to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments. For screening requirements for refuse disposal dumpsters, refuse storage areas and other uses, see Section 14.13.

5. Circulation systems and off-street parking shall be designed to:

a. Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians and bicyclists.

b. Minimizing potentially dangerous traffic movements.

c. Separate pedestrian and auto circulation and provide for bicycle parking or storage insofar as practical.

d. Minimize curb cuts by using cross-access easements and shared parking.

e. Design off-street parking lots or garages to minimize adverse impacts on adjacent properties, particularly through the use of perimeter and interior landscaping, and promote logical and safe parking and internal circulation.

f. Clearly define pedestrian access from the parking area to the building(s). A clearly defined visible and identifiable network of pedestrian connections should be provided in and between parking lots, street sidewalks, open spaces and buildings.

E. Amendments to Approved Site Plan Reviews

1. Application

An application for an amendment to an approved site plan shall be submitted to the Zoning Administrator. Amendment applications shall include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.

2. Minor Changes

a. Minor changes, as required by technical engineering or other physical site circumstances not foreseen at the time that the site plan was approved, and verified by the Village Engineer, may be authorized by the Zoning Administrator.

b. However, in the case of site plans that were submitted as part of an application originally approved by the Village Board, the Village Board must approve any modification to an approved site plan, including minor changes.
c. The Zoning Administrator may determine that a proposed amendment to an approved site plan requires submittal of a revised site plan for proper evaluation. Such revised site plan shall only include those components of the site plan submittal package impacted by the proposed change. Until such revised site plan is submitted, the application shall not be considered complete. Nothing within this section shall prevent an applicant from submitting a complete revised site plan with the amendment application at the time of initial submission.

d. Any change considered a major change in Paragraph 3 below cannot be considered a minor change.

3. Major Changes

a. Major changes to site plans constitute a new site plan review application and are subject to the complete site plan review provisions of this section. Major changes to an approved site plan include, but are not limited to:

i. An increase in the gross floor area.

ii. A change in building height.

iii. A change in the number of dwelling units.

iv. A reduction in open space or yards.

v. A reduction in the number of parking spaces or an increase of more than four (4) parking spaces.

vi. A change in the number and/or location of access to public streets or alleys.

vii. A change in excess of five (5) feet in the location of walkways, vehicle circulation ways and parking areas, or exterior walls.

viii. A change to the landscape plan that results in a reduction in the net amount of plant material. Changes to the landscape plan that do not result in a reduction in the net amount of plant material or violate the landscaping requirements of the Ordinance, are considered minor changes.

b. However, in the case of site plans that were part of applications originally approved by the Village Board, the Village Board must approve the new site plan application.

4.7. SIGN PERMIT

A. Applicability

No sign, except those identified as exempt in Section 15 (Signs), shall be erected, constructed, altered or relocated without first obtaining a sign permit.

B. Authority and Execution

The Zoning Administrator shall be responsible for determining compliance with this Ordinance and shall be responsible for issuing a sign permit.
C. Permit Issuance

Upon the filing of an application for a permit for erection, alteration or relocation of a sign, the Zoning Administrator shall determine whether the application is complete. Once it is determined that the application is complete, the Zoning Administrator shall:

1. Examine the plans and specifications and the premises upon which the proposed structure is to be erected.

2. Issue or cause to be issued a permit if the structure complies with the requirements of this Ordinance and all other ordinances of the Village.

D. Approval of Electrified Signs

The application for a sign permit for the erection of a sign in which electrical wiring and connections are to be used shall be submitted to the Zoning Administrator. The Zoning Administrator shall examine the plans and specifications to determine compliance with the Electrical Code of the Village as a condition of granting the sign permit.

E. Inspection

The Zoning Administrator may inspect, at such times as deemed appropriate, each sign or other advertising structure regulated by this Ordinance. The purpose of the inspection is to ascertain whether the structure is secure or insecure, whether in need of repair or removal, or not in conformance with the permit application or otherwise in violation of the provisions of this Ordinance.

F. Termination or Revocation of Permit

Upon the termination or revocation of the sign permit, the licensee shall remove the sign without cost or expense of any kind to the Village. In the event of the failure, neglect or refusal on the part of the licensee to do so, the Village may proceed to remove the same and charge the expense to the licensee.

G. Expiration of Permit

If the work authorized under a sign permit is not completed within one-hundred eighty (180) days after the date of issuance, the sign permit shall expire without further notice from or action by the Village and be null and void.

4.8. ZONING PERMIT

A. Applicability

Before proceeding with the erection, enlargement, alteration, repair, moving or removal of any structure or change of use in the Village, a zoning permit for such erection, enlargement, alteration, repair, removal or change of use shall first be obtained by the owner or his agent from the Zoning Administrator. As part of the zoning permit application process, the Zoning Administrator shall review the application for compliance with this Ordinance. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
B. Authority and Execution

The Zoning Administrator shall be responsible for determining compliance with this Ordinance and all other applicable ordinances, prior to issuance of a building permit. A record of all zoning permits shall be kept on file and copies shall be available on request to any person for a fee specified by the Village.

C. Procedure

1. Written application for a zoning permit shall be made to the Zoning Administrator.

2. If the proposed use or structure is in conformity with the provisions of this Ordinance, the zoning permit shall be issued within ten (10) days after the application has been filed. Each zoning permit shall state that the structure or use complies with all of the provisions of this Ordinance.

3. A zoning permit shall be applied for at the same time as the written application for a building permit or occupancy permit.

4. A building permit or occupancy permit may not be issued until the Zoning Administrator has issued the required zoning permit.

5. An applicant may appeal the Zoning Administrator’s decision to the Plan Commission/Zoning Board of Appeals pursuant to Section 4.10.

4.9. ZONING INTERPRETATION

A. Purpose

This interpretation authority is not intended to add or change the essential content of the Ordinance. The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue.

B. Initiation

Applications for zoning interpretations may be filed in writing by an owner of any property in the Village on a form provided by the Zoning Administrator. In addition, the Village Board or the Plan Commission/Zoning Board of Appeals may request that the Zoning Administrator render an interpretation. All applications for interpretations shall be filed with the Zoning Administrator in accordance with the requirements in Section 3.2 (Application). Requests initiated by the Village require an application, but are exempt from fees. All interpretation requests shall be for the purpose of furthering an application or written development proposal that has been filed with the Village.

C. Authority and Execution

The Zoning Administrator shall review and make final decisions on written requests for interpretations.

D. Procedure

The Zoning Administrator shall review a written request for an interpretation and render the interpretation in writing within thirty (30) days. The Zoning Administrator shall have the ability to request additional information prior to rendering an interpretation.
E. Appeals

An applicant may appeal the Zoning Administrator’s decision to the Plan Commission/Zoning Board of Appeals pursuant to Section 4.10.

4.10. APPEALS

A. Purpose

The zoning appeals process for review of interpretations, orders, requirements, determinations or decisions of the Zoning Administrator is intended to provide appropriate checks and balances on administrative authority and to conform to Section 11-13-12 of the Illinois Municipal Code, as amended (65 ILCS 5/11-13-12).

B. Initiation and Limitations on Appeals

Applications for appeals, on a form provided by the Village, may be filed by any owner of any property in the Village that is directly affected by an interpretation, order, requirement, determination or decision of the Zoning Administrator. An interpretation, order, requirement, determination or decision may only be appealed if an application is filed in writing and on the form provided by the Village within forty five (45) days of that interpretation, order, requirement, determination or decision being made or imposed in relation to the property.

C. Procedure

1. The officer from whom the appeal is taken shall transmit to the Plan Commission/Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

2. The filing of an appeal stays all proceedings in furtherance of an action appealed from, unless the officer from whom the appeal is taken certifies to the Plan Commission/Zoning Board of Appeals, after the filing of the appeal application, that by reason of the facts stated in the certificate a stay would, in the officer’s opinion, cause imminent peril to life or property. In that event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Plan Commission/Zoning Board of Appeals or by a circuit court on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

3. The Plan Commission/Zoning Board of Appeals shall commence the hearing on the appeal within sixty (60) days and shall give due notice of the hearing date to the parties. At the hearing, any party may appear in person or by agent or by attorney.

4. The Plan Commission/Zoning Board of Appeals shall decide and issue a written decision on the appeal within sixty (60) days of the conclusion of the hearing. The Plan Commission/Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

5. All final administrative decisions of the Plan Commission/Board of Appeals shall be subject to judicial review pursuant to the Administrative Review Law, as amended.
4.11. ENFORCEMENT

A. Enforcement

This Ordinance shall be enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the Village Attorney to seek an injunction, abatement or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

B. Penalties

Any person, firm, or corporation who violates, disobedies, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, shall be fined for each offense. Each day that a violation continues shall constitute a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, shall cease upon correction of the violation.

C. Fines

Each violation, and each day that such violation continues, shall be subject to a fine as established in the Village Code. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense.
## TABLE 4-1: ADMINISTRATION MATRIX

<table>
<thead>
<tr>
<th>ZONING AMENDMENTS, MAP OR TEXT</th>
<th>VARIATION</th>
<th>SPECIAL USE PERMIT</th>
<th>PLANNED UNIT DEVELOPMENT</th>
<th>SITE PLAN REVIEW</th>
<th>SIGN PERMIT</th>
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<tbody>
<tr>
<td><strong>APPLICATION INITIATION</strong></td>
<td>Owner of any property in the Village, any person authorized by a property owner in writing, the Village Board, or the Plan Commission/ Zoning Board of Appeals</td>
<td>Owner of any property in the Village, or any person authorized by a property owner in writing</td>
<td>Owner of subject property, or any person authorized by a property owner in writing</td>
<td>Owner of any property in the Village, or any person authorized by a property owner in writing</td>
<td>Owner</td>
<td>Owner</td>
<td>Owner</td>
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</tr>
<tr>
<td><strong>APPLICATION FILING/ COMPLETENESS DETERMINATION</strong></td>
<td>Zoning Administrator</td>
<td>Zoning Administrator</td>
<td>Zoning Administrator</td>
<td>Preliminary: Zoning Administrator Final: Plan Commission/ Zoning Board of Appeals</td>
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<td>Zoning Administrator</td>
</tr>
<tr>
<td><strong>PUBLIC NOTICE (SECTION 3.3)</strong></td>
<td>15-30 day published notice 15-30 day posted sign notice 15-30 day certified mail notice to owners within 250 feet (text) or 100 feet (map)</td>
<td>15-30 day published notice 15-30 day posted sign notice 15-30 day certified mail notice to owners within 250 feet</td>
<td>15-30 day published notice 15-30 day posted sign notice 15-30 day certified mail notice to owners within 250 feet</td>
<td>15-30 day published notice 15-30 day posted sign notice 15-30 day certified mail notice to owners within 250 feet</td>
<td>None</td>
<td>None</td>
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<td>None</td>
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<tr>
<td><strong>PUBLIC HEARING/ RECOMMENDATION (SECTION 3.4)</strong></td>
<td>Plan Commission/ Zoning Board of Appeals</td>
<td>Plan Commission/ Zoning Board of Appeals</td>
<td>Preliminary &amp; Final: Plan Commission/ Zoning Board of Appeals</td>
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<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>FINAL DECISION</strong></td>
<td>Village Board</td>
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<td>Preliminary &amp; Final: Village Board</td>
<td>Zoning Administrator</td>
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<td>Zoning Administrator</td>
<td>Plan Commission/ Zoning Board of Appeals</td>
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<tr>
<td><strong>APPEAL BODY</strong></td>
<td>Circuit Court</td>
<td>Circuit Court</td>
<td>Circuit Court</td>
<td>Circuit Court</td>
<td>Plan Commission/ Zoning Board of Appeals</td>
<td>Plan Commission/ Zoning Board of Appeals</td>
<td>Plan Commission/ Zoning Board of Appeals</td>
<td>Plan Commission/ Zoning Board of Appeals</td>
</tr>
</tbody>
</table>
SECTION 5. PLANNED UNIT DEVELOPMENTS

5.1. PURPOSE

A planned unit development is a type of special use. Planned unit developments are of such substantially different character from other special uses that specific and separate standards, exceptions and procedures for approval are hereby established to govern the recommendations of the Plan Commission/Zoning Board of Appeals and the action of the Village Board. The purpose of these planned unit development regulations is to:

A. Encourage flexibility in the development of land and in the design of structures.

B. Encourage planned diversification in the location of structures.

C. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Sections of this Ordinance.

D. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems and utilities.

E. Provide for more usable and suitably located open space and recreation areas than might otherwise be provided under the application of other Sections of this Ordinance.

F. Encourage the construction of appropriate aesthetic amenities which will enhance the character of the site.

G. Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.

H. Facilitate the implementation of the Comprehensive Plan, particularly with respect to redevelopment areas designated within the Comprehensive Plan or any other plans or planning documents or studies approved or adopted by the Village.

I. Encourage quality construction and design through an efficient application procedure that is sensitive to the need for expeditious development review.

5.2. INITIATION

Applications for planned unit developments may be filed by an owner of any property in the Village for that property, or by other persons authorized by the owner, or by the Village, in accordance with the provisions of Section 5.3 (Authorization).
5.3. AUTHORIZATION

A planned unit development may be authorized as a special use in any zoning districts. A planned unit development shall be granted in accordance with the procedures and standards of this Section, and the special use provisions of Section 4.4 (Special Use). Unless specifically approved by the ordinance granting or amending the planned unit development as a special use, the requirements of the underlying district shall apply. The ordinance granting or amending the planned unit development as a special use may depart from the normal procedures, standards and other requirements of this Ordinance.

5.4. GENERAL STANDARDS FOR PLANNED UNIT DEVELOPMENTS

A. The site of the planned unit development shall be under common ownership and/or unified control. If there are two (2) or more owners, the application for the planned unit development shall be jointly filed by all such owners.

B. There is no minimum size requirement for planned unit developments in any zoning district.

C. The ordinance authorizing the special use for a planned unit development may grant exceptions to the regulations contained in this Ordinance including, but not limited to, use, density, area, bulk, setbacks, off-street parking and loading, and signs, as may be desirable to achieve the objectives of the proposed planned unit development, provided that such exceptions are fully consistent with and authorized by this Section.

D. Planned unit developments shall be compatible with the purpose and intent of this Ordinance and the Village’s Comprehensive Plan. A planned unit development shall not substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.

E. Planned unit developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

F. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required.

G. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. Access points to public streets and the location of private streets, alleys and driveways shall be subject to the approval of the Village Board when granting the planned unit development special use.

H. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.

I. All planned unit developments, to the extent possible, shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the Village.
5.5. EXCEPTIONS FROM DISTRICT REGULATIONS

A. The Plan Commission/Zoning Board of Appeals may recommend and the Village Board may grant exceptions to the district bulk regulations where a planned unit development is located. The planned unit development is subject to the underlying district regulations unless such exception is specifically granted. Exceptions from district regulations may be granted for planned unit developments, if the Village Board finds that such exceptions:

1. Enhance the overall merit of the planned unit development.
2. Promote the objectives of both the Village and the development.
3. Enhance the quality of the design of the structures and the site plan.
4. Enable the development to offer environmental and pedestrian amenities.
5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
6. Is compatible with the land use policies of the Village’s Comprehensive Plan.
7. Provide a public benefit to the Village, as described in Paragraph C below.

B. The planned unit development is subject to the underlying district use regulations unless the Plan Commission/Zoning Board of Appeals recommends and the Village Board permits uses other than those allowed within the district when it is determined by the Village Board to be desirable in achieving the objectives of the planned unit development. However, there must be clear evidence that such uses are desirable and appropriate with respect to the primary purpose of the development, and are not of such a nature, or so located, as to exercise a detrimental influence on the development or the surrounding neighborhood.

C. The underlying zoning district requirements shall apply, unless an exception is granted by ordinance as part of the approved special use. Exceptions to district regulations may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities, including use of green building and sustainability techniques. In no case shall an exception to district regulations within a planned unit development be granted unless the applicant demonstrates a substantial benefit to the community.

D. The following design characteristics and amenities are provided as a guide for consideration as to whether to grant an exception to district requirements. The following items are a guide and not an exclusive list of requirements. Additional design characteristics and amenities not listed may be considered as part of the approval process. One (1) or more of the following may be required as a condition or approval of a planned unit development:

1. Landscaping, buffering or screening within or around the perimeter of the planned unit development that is in addition to the minimum required by this Ordinance.
2. The provision of underground parking, and additional landscaping and screening of parking lots and structures in addition to the minimum required by this Ordinance.
3. Reduced use of impervious surface materials, including cluster development and use of semi-pervious materials such as pervious pavers and grass-crete.
4. The use of green building and sustainable development techniques, including LEED or LEED-equivalent certification of structures.

5. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.

6. Preservation of environmental or historical features.

7. Open space and recreational amenities such as:
   a. Swimming pools
   b. Tennis courts
   c. Recreational open space accessory buildings
   d. Jogging trails and fitness courses
   e. Playgrounds
   f. Natural water features and conservation areas
   g. Detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation
   h. Dog parks

8. Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, installation of gutters and sewers, and traffic control devices to improve traffic flow.

9. Senior or affordable housing set-aside.

10. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

11. Provision of car sharing facilities.

5.6. PROCEDURE

In its establishment and authorization as a special use/planned unit development, in addition to the special use standards of Section 4.4 (Special Use), the following procedures, requirements, restrictions, and conditions shall be observed. In addition to the special use procedures, approval of a planned unit development is a four-step process, which includes a pre-application consultation, optional concept plan, Preliminary Plan, and Final Plan. No plats shall be recorded and no building permit shall be issued until a Final Plan has been approved.

A. Pre-Application Consultation

Prior to the filing of an application for a planned unit development, the applicant shall confer with the Zoning Administrator, as well as other Village staff the Zoning Administrator deems appropriate to confer with, regarding the proposed development. At the pre-application meeting the applicant shall provide information as to the location of the proposed planned unit development, the proposed uses, proposed public and private improvements, a list of any known exceptions to this Ordinance and other ordinances of the Village, and any other
information necessary to clearly explain the planned unit development. The purpose of such pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the optional concept plan or required preliminary plan, so that the applicant may determine:

1. Whether the proposed planned unit development appears in general to be in compliance with the provisions of this Ordinance and other applicable regulations.

2. Whether any zoning exceptions are required in connection with the proposed planned unit development.

3. Whether the proposed planned unit development will be in conformity with the Comprehensive Plan, and the goals and policies of the Village for development. The pre-application conference does not require formal application, fee or filing of a planned unit development application.

Any opinions or advice provided by the Zoning Administrator shall be in no way binding with respect to any official action the Plan Commission/Zoning Board of Appeals or Village Board may take on the subsequent formal application.

**B. Optional Concept Plan**

1. Before submitting a formal application for a planned unit development, the applicant may present a concept plan before the Plan Commission/Zoning Board of Appeals for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. At minimum, the concept plan shall consist of the following:

   a. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned unit development, the location of all adjacent public streets, thoroughfares and public utilities, and schematic drawings showing the size, character and disposition of buildings on the site.

   b. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

2. At the request of the applicant or Zoning Administrator, the Plan Commission/Zoning Board of Appeals shall review the concept plan at a public meeting and provide such information and guidance as it deems appropriate. Any opinions or advice provided by the Plan Commission/Zoning Board of Appeals shall be in no way binding with respect to any official action the Plan Commission/Zoning Board of Appeals or Village Board may take on the subsequent formal application. The review of the concept plan shall not be a public hearing, and any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation.

**C. Preliminary Plan**

All applications for planned unit developments shall contain a Preliminary Plan, which shall be filed with the Zoning Administrator, who shall forward a copy of the same to the Plan Commission/Zoning Board of Appeals.

1. **Minimum Requirements**

   Every Preliminary Plan shall contain the following:
a. A plat of survey of the parcel or parcels of land comprising the zoning lot that is less than one (1) year old. The plat shall be drawn to scale showing the actual dimensions of this zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land.

b. Proof of ownership.

c. A site location map drawn to an appropriate scale showing the proposed planned unit development in relation to surrounding streets and property located within three hundred (300) feet in all directions of the development site. The map shall indicate the location, yards, height and land use of all existing buildings and structures immediately adjacent to the development site.

d. A site plan drawn to an appropriate scale showing:

i. The location, ground area, height, bulk and approximate dimensions of all existing and proposed buildings and structures within the planned unit development.

ii. The use or uses to be made of such existing and proposed buildings and structures.

iii. The dimensions of all perimeter yards and the distance between all buildings and structures.

iv. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.

v. The location, height, design and illumination characteristics of all external lighting fixtures within the development.

vi. The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public or quasi-public use.

e. **Typical** building elevations and schematic design presentations indicating the general architectural character of all proposed structures, including proposed building materials. The drawings need not be the result of final architectural decisions.

f. A traffic circulation plan and traffic impact analysis prepared by a qualified professional indicating the proposed movement of vehicles, goods and pedestrians within the planned unit development, and to and from adjacent streets, and the impact of the proposed planned development upon existing traffic patterns. Such studies shall also include an examination of the adequacy of on-site parking facilities, vehicular circulation patterns and pedestrian access and safety.

g. A drainage plan prepared by a qualified professional indicating the manner in which surface drainage will be controlled and managed, consistent with all Village and other governmental jurisdictions, regulations and requirements.

h. A utilities study prepared by a qualified professional indicating the adequacy of the utility systems serving the proposed planned unit development, including water distribution lines, sanitary sewers and stormwater drainage facilities.
i. A landscape plan prepared by a qualified landscape architect indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. Said landscape plan need not be the result of final architectural decisions.

j. A separate schedule setting forth any proposed exceptions to any Village regulations. This schedule shall cite by Section number each regulation from which an exception is sought.

k. An exterior lighting plan.

2. Preliminary Plan Procedure

The procedure for approval of the Preliminary Plan shall be:

a. Action by the Plan Commission/Zoning Board of Appeals

The Plan Commission/Zoning Board of Appeals shall review the Preliminary Plan and special use at a public hearing within sixty (60) days of receipt of a complete application in accordance with Section 3.4 (Public Hearing). Notice shall be in accordance with Section 3.3 (Notice). If, in the judgment of the Plan Commission/Zoning Board of Appeals, the application does not contain sufficient information to enable the Plan Commission/Zoning Board of Appeals to properly discharge its responsibilities, the Plan Commission/Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing continued. Within sixty (60) days of the close of the public hearing, the Plan Commission/Zoning Board of Appeals shall either:

i. Recommend approval, with or without conditions, or denial of the Preliminary Plan and special use, and submit its written recommendation to the Village Board. The Plan Commission/Zoning Board of Appeals may, upon the request of the applicant and recommendation of the Zoning Administrator, recommend approval of the preliminary plan as the final plan in appropriate cases.

ii. Advise the applicant in writing of any recommended changes, additions or corrections to the Preliminary Plan. The applicant may, within thirty (30) days, submit the revised Preliminary Plan for Plan Commission/Zoning Board of Appeals consideration at a continuation of, or at a new, public hearing. The Plan Commission/Zoning Board of Appeals shall then recommend approval or denial of the Preliminary Plan and special use and submit its written recommendation to the Village Board. In the event that the Plan Commission/Zoning Board of Appeals recommends changes, additions or corrections to the Preliminary Plan and the applicant declines to make such changes, then the Plan Commission/Zoning Board of Appeals shall issue a written recommendation on the plans per paragraph (i) above.

b. Approval Standards for Planned Unit Developments

The Plan Commission/Zoning Board of Appeals recommendation to the Village Board shall set forth in what respects the planned unit development is or is not in the public interest including, but not limited to, evaluation of the following standards for approval:
i. The establishment, maintenance and operation of the planned unit development in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or welfare.

ii. The proposed planned unit development is compatible with adjacent properties and other property within the immediate vicinity of the special use.

iii. The proposed planned unit development will not substantially diminish and impair property values within the immediate vicinity, and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities are compatible with the surrounding neighborhood and adjacent land uses.

iv. The establishment of the proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

v. There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access and all other necessary facilities within the planned unit development.

vi. The planned unit development in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan.

c. Action by the Village Board

The Village Board, after receipt of the recommendations from the Plan Commission/Zoning Board of Appeals, shall approve, approve with conditions or deny the Preliminary Plan and special use within sixty (60) days following the receipt of the recommendations of the Plan Commission/Zoning Board of Appeals.

i. If the Preliminary Plan is denied, the Village Board shall state in writing the reasons for the denial, and such writing shall be filed with the Zoning Administrator and a copy shall be sent to the applicant.

ii. If the Preliminary Plan and special use is approved, the applicant shall submit a Final Plan for the planned unit development.

iii. A Preliminary Plan and special use may not be approved by the Village Board except by a vote of three-fourths (3/4) of the members present when the Plan Commission/Zoning Board of Appeals recommends denial of the Preliminary Plan and special use.

iv. If the application is not acted upon by the Village Board within six (6) months of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals, the application shall be deemed to have been denied.

D. Final Plan

1. Final Plan Procedure

Within one (1) year following the approval of the Preliminary Plan the applicant shall file with the Zoning Administrator a Final Plan containing, in final form, the information required for the Preliminary Plan. If the planned unit development is to be developed in phases, the applicant need only file a Final Plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The Final Plan
for the remaining phases shall be filed in accordance with the development and construction schedule. Every Final Plan shall contain the following information and documentation:

**a.** A final site plan drawn to an appropriate scale on material suitable for recording with the Cook County Recorder of Deeds. The final site plan shall include the following information:

i. Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned unit development.

ii. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.

iii. The use or uses to be made of such existing and proposed buildings or structures.

iv. The dimensions of all setbacks and the distances between all buildings and structures.

v. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.

vi. The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi-public use.

**b.** An accurate legal description of the entire zoning lot upon which the planned unit development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses.

**c.** All covenants, easements, agreements and other provisions required to govern the use, maintenance and continued protection of the planned unit development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners association shall be responsible for all street, utility and common open space maintenance within said development and for snow plowing and refuse disposal.

**d.** All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan.

**e.** If subdivision of the development site is included in the planned unit development, a plat of subdivision shall be prepared suitable for recording with the Cook County Recorder of Deeds. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication shall be prepared.

**f.** A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development.
g. A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned unit development and the manner in which surface drainage will be controlled and managed consistent with all applicable Village regulations.

h. A development and construction schedule indicating the following:

i. The date when construction of the planned unit development will begin or, if developed in phases, the date when construction of the initial phase will begin.

ii. If the planned unit development is to be developed in phases, a map indicating the phases in which the planned unit development will be built, the dates when the Final Plans for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.

iii. The date when construction of the planned unit development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.

i. Building elevations and schematic design presentations indicating the architectural character of all proposed structures, including building materials, based on final architectural decisions and prepared in detail.

j. Detailed drawings and design presentations of all signs to be erected within the planned unit development.

k. A detailed exterior lighting plan showing the types and locations of all exterior lights within the planned unit development.

m. An updated survey or an affidavit of no changes for a previously submitted survey of the planned unit development.

2. Action

The Zoning Administrator shall review the Final Plan within sixty (60) days from the receipt of the complete Final Plan and shall take the following actions:

a. Conformance with Preliminary Plan

The Zoning Administrator shall recommend approval of the Final Plan to the Village Board if it is in substantial compliance with the Preliminary Plan as approved by the Village Board and all Village regulations. The Zoning Administrator shall certify to the Village Board that the Final Plan is in substantial conformance with the previously approved Preliminary Plan. Within sixty (60) days of receipt of the Zoning Administrator's recommendation, the Village Board shall review and act on the Final Plan.

b. Nonconformance with Preliminary Plan

i. If the Zoning Administrator finds that the Final Plan is substantially changed from the approved Preliminary Plan, or is otherwise not in accordance with Village regulations, then the Zoning Administrator shall recommend to the Village Board that the Final Plan be denied. If the Final Plan is held not to be in conformity with the Preliminary Plan or other Village regulations, the Zoning Administrator shall
inform the applicant with regard to specific areas found not to be in compliance, and the applicant may resubmit the Final Plan to the Zoning Administrator with changes to those areas found not to be in compliance.

ii. Once resubmitted and the Zoning Administrator has determined the Final Plan to be in substantial compliance with the Preliminary Plan, the Zoning Administrator shall certify to the Village Board that the Final Plan is in substantial conformance with the previously approved Preliminary Plan. Within sixty (60) days of receipt of the Zoning Administrator’s recommendation, the Village Board shall review and act on the Final Plan.

c. Approval

After the approval of the Final Plan, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved Final Plan and any conditions imposed by the special use/planned unit development ordinance rather than by other provisions of this Ordinance. The ordinance granting a special use for a planned unit development shall set forth all the requirements, special conditions and agreements made a part of the planned unit development as reflected in the Final Plan. The plans and other documents required as part of the Final Plan shall be attached to and made a part of the ordinance granting the permit for the planned unit development.

5.7. CHANGES TO APPROVED FINAL PLANS

No changes may be made in the approved Final Plan, except upon application to the Village and approval by the Village Board, according to the following provisions.

A. During Construction

During the construction of the planned unit development, the procedure shall be as follows:

1. Minor Changes

Minor changes, as required by engineering or other physical site circumstances not foreseen at that time that the Final Plan was approved, and verified by the Village Engineer, may be authorized by the Zoning Administrator, who shall reserve to the right to forward any requests for changes to the Village Board. Any item listed in Section 5.7.A.2.c is considered a major change and cannot be approved as a minor change. Any changes to the Final Plan must be filed as amendments to the planned unit development ordinance with the Village Clerk. If changes are allowed in a final site plan, then a new site plan reflecting such changes must be filed with the Village noting the date of the changes.

2. Major Changes

a. Major changes are those changes that substantially affect the basic design, density or bulk of the development. All changes in land use, building height or density, or in the design, density or bulk of the development shall be considered a major change, and must be approved by the Village Board as an amendment to the planned unit development ordinance. Any major changes to the Final Plan must be recorded with Cook County Recorder of Deeds as amendments to the planned unit development ordinance.
b. The Plan Commission/Zoning Board of Appeals shall review the request for a major change at a public hearing within sixty (60) days of receipt of a completed application request. If, in the Plan Commission/Zoning Board of Appeals judgment, the application does not contain sufficient information to enable the Plan Commission/Zoning Board of Appeals to properly discharge its responsibilities, the Plan Commission/Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing continued. Within sixty (60) days of the close of the public hearing, the Plan Commission/Zoning Board of Appeals shall recommend either approval or denial of the request for a major change, and submit its written recommendation to the Village Board. The Village Board, after receipt of a recommendation from the Plan Commission/Zoning Board of Appeals, shall approve, approve with modifications or deny the request for a major change within sixty (60) days following the receipt of the recommendation of the Plan Commission/Zoning Board of Appeals. The Village Board may also decide that the request for a major change is so significant that it must be considered a new planned unit development application and should be resubmitted as such. *(Amended 01/18/2011: CO-2011-01)*

c. Major changes shall include, but are not limited to, the following:

i. A change in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use.

ii. A change in building height.

iii. An increase in building coverage.

iv. A decrease in open space.

v. A change in the location of any open space in any manner that detracts from its intended function in the previously approved plan.

vi. A change in excess of five (5) feet in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls.

vii. A change in the location and arrangement of land uses within the development as shown on the previously approved final plan.

viii. A change or relocation of rights of way shown on the approved final plan in any manner or to any extent that decreases their functionality, adversely affects their relation to surrounding land use and rights-of-way elements, or reduces their effectiveness as buffers or amenities.

ix. An alteration, whether an increase or decrease, in the amount of any land use in any stage of the development by more than ten percent (10%) or a change in the overall final approved and use mix.

x. A reduction in the number of parking spaces or an increase of more than five (5) parking spaces. An increase of up to five (5) spaces shall be considered a minor change. Any change related to the use of parking lifts shall be considered a major change.

xi. A change to the landscape plan that results in a reduction in the net amount of plant material. Changes to the landscape plan, which do not result in a reduction in the net amount of plant material, a change in species or does not violate the
landscaping requirements of this Zoning Ordinance shall be considered a minor change.

**B. After Construction**

After the completion of construction of the planned unit development, all changes to the Final Plan must be approved by the Village Board as an amendment to an approved special use ordinance. No changes may be made in the Final Plan unless they are required for the continued successful functioning of the planned unit development, or unless they are required by changes in conditions that have occurred since the Final Plan was approved or by changes in the development policy of the Village.

**5.8. AS-BUILT DRAWINGS**

Upon completion of construction of the planned unit development, two (2) complete sets of “as-built” plans shall be submitted to the Zoning Administrator for retention in the Village files.

**5.9. REVOCATIONS AND EXTENSIONS**

If construction work on the proposed planned unit development has not begun within twelve (12) months from the date of authorization by the Village Board, the authorization shall become null and void and all rights shall lapse. However, the applicant can request an extension, upon his/her written application, filed prior to the termination of the twelve (12) month time limit. The Village Board may authorize a single extension of not more than six (6) months without a public notice. Also, as part of the approval of a Planned Unit Development, the Village Board may permit a longer time limit than twelve (12) months.

**5.10. CONDITIONS AND GUARANTEES**

Prior to granting any special uses, the Plan Commission/Zoning Board of Appeals may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary to guarantee performance of all conditions.

**5.11. ISSUANCE OF BUILDING PERMIT**

Building permits may only be issued if the construction work in question is in conformity with the approved Final Plan and with all other applicable ordinances and regulations.

**5.12. ENFORCEMENT OF PLANNED UNIT DEVELOPMENT**

**A.** The Zoning Administrator shall periodically review all permits issued for the planned unit development in conjunction with the construction that has taken place on the planned unit development site, and compare actual development with the approved development and construction schedule.

**B.** If the Zoning Administrator shall find that the applicant has failed to meet the approved development and construction schedule, the Zoning Administrator shall notify the Village Board in writing. Within thirty (30) days of such notice, the Village Board shall either revoke the special use and the land shall revert to the requirements of the existing zoning classification or, for good cause shown by the applicant, the development and construction schedule may be extended for one hundred and eighty (180) days.
SECTION 6. ZONING DISTRICTS

6.1 PURPOSE
The purpose of this Section is to outline the different zoning districts within this Zoning Ordinance and introduce the Official Zoning Map.

6.2 DISTRICTS
In order to carry out the purpose and intent of this Ordinance, the Village of Maywood shall be divided into the following zoning districts:

A. Residential Districts
   R-1  Single-Family Residential Zoning District
   R-2  Single-Family Residential Zoning District
   R-3  Two-Family Residential Zoning District
   R-4  Multi-Family Residential Zoning District
   R-5  Multi-Family Residential Zoning District

B. Commercial Districts
   C-1  Local Commercial Zoning District
   C-2  Pedestrian-Oriented Commercial Zoning District
   C-3  General Commercial Zoning District
   C-4  Town Center Zoning District

C. Office Park and Manufacturing Districts
   BIP  Business Industrial Park Zoning District
   M-1  General Manufacturing Zoning District

D. Special Purpose Districts
   OS  Open Space Special Purpose Zoning District
   I   Institutional Special Purpose Zoning District
   GL  Governmental Lands Special Purpose Zoning District

6.3 ZONING MAP

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

1. Right-of-Way Lines

Where zoning district boundary lines coincide with streets, alleys, highways, easements, or right-of-way lines of railroads, toll roads or expressways, the boundary line shall be construed to be the centerline of the right-of-way, unless the boundary line for the Village extends to the far side of the right-of-way.

2. Property Lines

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

3. Scaled Lines

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

4. Clarification of Boundary Lines

The Plan Commission/Zoning Board of Appeals shall decide all interpretations of zoning district boundary lines, where the application of Paragraphs 1 through 3 above leaves doubt as to the boundary between two (2) zoning districts.

6.4 ANNEXED LAND

Any territory annexed into the Village shall automatically, upon annexation, be classified as R-1 Single-Family Residential District. That land shall be subject to the requirements of the R-1 Single-Family Residential District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.

6.5 EXEMPTIONS FOR PUBLIC UTILITIES AND CERTAIN VILLAGE FACILITIES

The following essential services are permitted to be erected, constructed, altered, or maintained in any zoning district, provided they are located in easement areas or rights-of-ways on private or public land:

A. Traffic signals, fire hydrants, and similar equipment and accessories.

B. Gas, electric, communication, water supply, and transmission/distribution systems.

C. Elevated or underground water storage tanks.

D. Storm and sanitary sewer collection and disposal systems.

E. Utility poles, wires, mains, drains, pipes, conduits and cables reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety, convenience, comfort and general welfare.

F. Village-owned parking facilities for general public use, subject to the requirements of this Ordinance.
SECTION 7. RESIDENTIAL ZONING DISTRICTS

7.1 RESIDENTIAL ZONING DISTRICTS PURPOSE STATEMENTS

A. Purpose of R-1 Single-Family Residential Zoning District

The R-1 Single-Family Residential Zoning District is intended for those areas of single-family homes located upon slightly larger zoning lots than those typical to the Village. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted, as provided herein.

B. Purpose of R-2 Single-Family Residential Zoning District

The R-2 Single-Family Residential Zoning District is intended for those areas of single-family homes located upon zoning lots typical to single-family housing within the Village. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted, as provided herein.

C. Purpose of R-3 Two-Family Residential Zoning District

The R-3 Two-Family Residential Zoning District is intended for areas of moderate density where single-family and two-family dwellings are located, similar in dimension to the typical lot size for single-family housing within the community. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted, as provided herein.

D. Purpose of R-4 Multi-Family Residential Zoning District

The R-4 Multi-Family Residential Zoning District is intended to create a moderate density environment of single-family, two-family, townhouse and multi-family dwellings of up to six dwelling units. This district may function as a transition zone between single-family neighborhoods and adjacent higher intensity land uses. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted, as provided herein.

E. Purpose of R-5 Multi-Family Residential Zoning District

The R-5 Multi-Family Residential Zoning District is intended to create a higher density environment of multi-family dwellings and townhomes. Such areas may function as a transition zone between residential neighborhoods and adjacent higher intensity and non-residential land uses. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted, as provided herein.

7.2 PERMITTED AND SPECIAL USES

Table 7-1: Residential Zoning Districts Permitted and Special Uses lists permitted and special uses for the residential districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must obtain a special use permit as required in Section 4.4 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.
## TABLE 7-1: RESIDENTIAL ZONING DISTRICTS PERMITTED AND SPECIAL USES

*P = Permitted Use  S = Special Use*

<table>
<thead>
<tr>
<th>USE</th>
<th>DISTRICT</th>
<th>SPECIFIC USE STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Community Residence, Large (More than 8 persons)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Residence, Small (8 or less persons)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, Multi-Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Single-Family</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, Townhouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Two-Family</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Independent Living Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>COMMERCIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Home, Adult or Child</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
| Day Care Center, Adult or Child 7.1  
 (Amended 01/18/2011: CO-2011-01) | S | S | S | S | S Section 11.3.D |
| **CULTURAL USES** | | | | | |
| Group Assembly Uses | P | P | P | P | P Section 11.3.K |
| **OPEN SPACE USES** | | | | | |
| Parks and Playgrounds | P | P | P | P | P Section 11.3.E |
| **OTHER** | | | | | |
| Planned Unit Development | S | S | S | S | S Section 5 |
| Utilities, Private | | | S | S | S Section 11.3.R |

### TABLE 7-1: FOOTNOTES

1. The terms in this column (“Use”) are defined in Section 17 (Definitions).

2. In the R-4 Districts, multi-family dwellings are permitted only up to six dwelling units.

### 7.3 BULK AND YARD REGULATIONS

Table 7-2: Residential Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the residential zoning districts.
# TABLE 7-2: RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS

(Amended 01/18/2011: CO-2011-01)

<table>
<thead>
<tr>
<th>BULK REGULATION</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINIMUM LOT AREA</td>
<td>5,000sf</td>
<td>4,500sf</td>
<td></td>
<td>SF: 3.125sf</td>
<td>SF: 2F: 4,500sf</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SF &amp; 2F: 4,500sf</td>
<td>Townhouse: 1,500sf/du</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Multi-Family: 1,500sf/du</td>
</tr>
<tr>
<td>MINIMUM LOT WIDTH</td>
<td>50 ft</td>
<td>35 ft</td>
<td></td>
<td>SF: 25 ft</td>
<td>SF &amp; 2F: 35 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SF: 2F: 35 ft</td>
<td>Townhouse: 15 ft/du</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Multi-Family: 35 ft/du</td>
</tr>
<tr>
<td>MINIMUM LOT DEPTH</td>
<td>90 ft</td>
<td>90 ft</td>
<td>90 ft</td>
<td>90 ft</td>
<td>90 ft</td>
</tr>
<tr>
<td>MAXIMUM PRINCIPAL BUILDING HEIGHT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SF, 2F &amp; Townhouse: 35 ft but no more than 2½ stories</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MF: 45 ft but no more than 4 stories</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SF, 2F &amp; Townhouse: 35 ft but no more than 2½ stories</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MF: 65 ft but no more than 6 stories</td>
</tr>
<tr>
<td>MAXIMUM BUILDING COVERAGE</td>
<td>Interior Lot: 30%</td>
<td>Interior Lot: 30%</td>
<td>Interior Lot: 30%</td>
<td>SF &amp; 2F: Interior Lot: 30%</td>
<td>SF &amp; 2F: Interior Lot: 30%</td>
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<tr>
<td></td>
<td>Corner Lot: 35%</td>
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<td>Townhouse: 40%</td>
<td>MF: 60%</td>
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<td>Townhouse: 40%</td>
<td>MF: 65%</td>
</tr>
<tr>
<td>MAXIMUM IMPERVIOUS SURFACE COVERAGE</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>SF &amp; 2F: 50%</td>
<td>SF &amp; 2F: 50%</td>
</tr>
<tr>
<td>YARD REQUIREMENTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MF: 70%</td>
</tr>
<tr>
<td>MINIMUM FRONT YARD</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>MINIMUM INTERIOR SIDE YARD</td>
<td>10% of lot width, but a minimum of 3 ft</td>
<td>10% of lot width, but a minimum of 3 ft</td>
<td>10% of lot width, but a minimum of 3 ft</td>
<td>SF &amp; 2F: 10% of lot width, but a minimum of 3 ft</td>
<td>SF &amp; 2F: 10% of lot width, but a minimum of 3 ft</td>
</tr>
<tr>
<td></td>
<td>Townhouse &amp; MF: 10% of lot width or 10 ft, whichever is less; but a minimum of 5 ft</td>
<td>Townhouse &amp; MF: 10% of lot width or 10 ft, whichever is less; but a minimum of 5 ft</td>
<td>Townhouse &amp; MF: 10% of lot width or 10 ft, whichever is less; but a minimum of 5 ft</td>
<td>Townhouse &amp; MF: 10% of lot width or 10 ft, whichever is less; but a minimum of 5 ft</td>
<td>Townhouse &amp; MF: 10% of lot width or 10 ft, whichever is less; but a minimum of 5 ft</td>
</tr>
<tr>
<td>MINIMUM CORNER SIDE YARD</td>
<td>10 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>SF &amp; 2F: 5 ft</td>
<td>SF &amp; 2F: 5 ft</td>
</tr>
<tr>
<td></td>
<td>Townhouse &amp; MF: 10 ft</td>
<td>Townhouse &amp; MF: 10 ft</td>
<td>Townhouse &amp; MF: 10 ft</td>
<td>Townhouse &amp; MF: 10 ft</td>
<td>Townhouse &amp; MF: 10 ft</td>
</tr>
<tr>
<td>MINIMUM REAR YARD</td>
<td>30 ft</td>
<td>30 ft</td>
<td>30 ft</td>
<td>30 ft</td>
<td>30 ft</td>
</tr>
</tbody>
</table>
7.4 GENERAL STANDARDS OF APPLICABILITY

A. Temporary Uses

See Section 12.6 (Temporary Uses and Structures) for standards governing temporary uses.

B. Accessory Structures and Uses

See Section 12.4 (Accessory Structures and Uses) for standards covering accessory structures and uses. Attached garages are not considered an accessory structure but are subject to the requirements of Section 12.4.E-1 (Attached Garages).

C. Permitted Encroachments

See Section 12.5 (Permitted Encroachments) for standards governing encroachments.

D. Environmental Performance Standards

See Section 12.7 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Off-Street Parking and Loading

See Section 13 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. Landscaping and Screening

See Section 14 (Landscaping and Screening) for standards governing landscaping and screening.

G. Signs

See Section 15 (Signs) for standards governing signs.
SECTION 8. COMMERCIAL ZONING DISTRICTS
(Amended 01/18/2011: CO-2011-01)

8.1 COMMERCIAL ZONING DISTRICTS PURPOSE STATEMENTS

8.2 PERMITTED AND SPECIAL USES

8.3 BULK AND YARD REGULATIONS

8.4 COMMERCIAL DISTRICT DESIGN STANDARDS

8.5 GENERAL STANDARDS OF APPLICABILITY

8.1 COMMERCIAL ZONING DISTRICTS PURPOSE STATEMENTS

A. Purpose of C-1 Local Commercial Zoning District

The C-1 Local Commercial District is intended to provide primarily for retail uses, personal service uses, and professional offices. The district is intended for application where there exists a grouping of commercial uses that are neighborhood-serving, pedestrian-oriented and where residential areas are in close proximity. The district regulations are designed to encourage compatibility with adjacent or nearby land uses.

B. Purpose of C-2 Pedestrian-Oriented Commercial District

The C-2 Pedestrian-Oriented Commercial District is intended to provide for transit-oriented development at areas near public transit and pedestrian-oriented commercial corridor areas, such as that within the Village’s Downtown. Standards for the C-2 District are designed to maintain and enhance the appearance of these areas, maintain a pedestrian-oriented environment, encourage a range of uses both commercial and residential, and provide adequate buffering for residential neighborhoods adjacent to the district.

C. Purpose of C-3 General Commercial Zoning District

The C-3 General Commercial District is intended to provide sufficient space in appropriate locations for a variety of retail uses, personal service uses, and professional offices, generally serving a wider area. While pedestrian-friendly environments are encouraged, the C-3 District is designed to accommodate auto-oriented commercial uses, including hotels and retail, which may require significant parking.

D. Purpose of C-4 Town Center Zoning District

The purpose of the C-4 Town Center District is to facilitate the development of a regional mixed-use center adjacent to and directly accessible from the Eisenhower Expressway. The C-4 District provides for development of a variety of commercial, office, hotel, entertainment and recreation, industrial and residential uses on larger development sites that generate a sizeable amount of traffic and a significant demand for off-street parking.

8.2 PERMITTED AND SPECIAL USES

Table 8-1: Commercial Zoning Districts Permitted and Special Uses lists permitted and special uses for the commercial districts. A “P” indicates that a use is considered permitted within that district. An “S” indicates that a use is considered a special use in that district and must obtain a special use permit as required in Section 4.4 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.
### TABLE 8-1: COMMERCIAL DISTRICTS PERMITTED & SPECIAL USES


<table>
<thead>
<tr>
<th>Use†</th>
<th>Zoning District</th>
<th>Specific Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
<td>C-2</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Dwelling, Above the Ground Floor</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, Multi-Family</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Dwelling, Townhouse</td>
<td>S</td>
<td>S</td>
</tr>
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<td>Independent Living Facility</td>
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<td>Drive-Through Facility</td>
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<td>Financial Institution</td>
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<td>Funeral Home</td>
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<td>Greenhouse/Nursery</td>
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<td>Heavy Retail, Rental and Service</td>
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<td>Live Entertainment</td>
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<td>Medical Cannabis Dispensing Organization</td>
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<td>Medical/Dental Clinic</td>
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<td>Motor Vehicle Dealership</td>
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<td>Motor Vehicle Rental Establishment</td>
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<td>Motor Vehicle Service and Repair</td>
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<td>Office Business</td>
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<td>Restaurant</td>
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<td>P</td>
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<tr>
<td>Retail Goods Establishment</td>
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<td>P</td>
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<td>Tattoo Parlor</td>
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<td><strong>TRANSPORTATION USES</strong></td>
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<tr>
<td>Off-Street Parking Lot</td>
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</tr>
<tr>
<td>Parking Structure</td>
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</table>

(continued next page)

### GOVERNMENT AND EDUCATIONAL USES

(Amended 11/20/2014: CO-2014-41)

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
<th>Specific Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Facilities, Vocational School</td>
<td>S</td>
<td>(continued next page)</td>
</tr>
</tbody>
</table>

† S = Special Use  P = Permitted Use

Updated 2018
## TABLE 8-1: COMMERCIAL DISTRICTS PERMITTED & SPECIAL USES


<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
<th>Specific Use Standards</th>
</tr>
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<tbody>
<tr>
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<td>C-1</td>
<td>C-2</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Utilities, Private</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

**TABLE 8-1: FOOTNOTES**

1 The terms in this column ("Use") are defined in Section 17 (Definitions).
### 8.3 BULK AND YARD REGULATIONS

Table 8-2: Commercial Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

<table>
<thead>
<tr>
<th>VILLAGE OF MAYWOOD, ILLINOIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE 8-2: COMMERCIAL DISTRICT BULK AND YARD REGULATIONS</td>
</tr>
<tr>
<td>(Amended 1/18/2011: CO-2011-01)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BULK REGULATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT AREA</td>
<td>Residential: 1,000sf/du Non-Residential: None</td>
<td>Residential: 1,000sf/du Non-Residential: None</td>
<td>Residential: 1,000sf/du Non-Residential: None</td>
<td>Residential: 800sf/du Non-Residential: None</td>
</tr>
<tr>
<td>MINIMUM LOT WIDTH</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>MAXIMUM BUILDING HEIGHT</td>
<td>35 ft but no more than 3 stories</td>
<td>40 ft but no more than 3 stories</td>
<td>40 ft but no more than 3 stories</td>
<td>65 ft but no more than 6 stories</td>
</tr>
<tr>
<td>DESIGN STANDARDS</td>
<td>See Section 8.4</td>
<td>See Section 8.4</td>
<td>See Section 8.4</td>
<td>See Section 8.4</td>
</tr>
<tr>
<td><strong>YARD REGULATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRONT YARD</td>
<td>Maximum of 10 ft</td>
<td>Maximum of 10 ft</td>
<td>Maximum of 10 ft</td>
<td>Minimum of 25 ft</td>
</tr>
<tr>
<td>MINIMUM INTERIOR SIDE YARD</td>
<td>None Required</td>
<td>None Required</td>
<td>10 ft</td>
<td>Non-Residential: 20 ft Residential: 10% of lot width or 10 ft, whichever is less; but a minimum of 5 ft</td>
</tr>
<tr>
<td>MINIMUM CORNER SIDE YARD</td>
<td>Maximum of 10 ft</td>
<td>Maximum of 10 ft</td>
<td>Maximum of 10 ft</td>
<td>Non-Residential: 20 ft Residential: 10 ft</td>
</tr>
<tr>
<td>MINIMUM REAR YARD</td>
<td>None required unless: 1) Buildings over 2 stories require a 20 ft rear yard; or 2) A non-residential rear lot line is shared by a rear or side lot line of a residential district, then 20 ft</td>
<td>None required unless: 1) Buildings over 2 stories require a 20 ft rear yard; or 2) A non-residential rear lot line is shared by a rear or side lot line of a residential district, then 20 ft</td>
<td></td>
<td>20 ft</td>
</tr>
</tbody>
</table>
8.4 COMMERCIAL DISTRICT DESIGN STANDARDS

Development within the commercial districts shall comply with the design standards of this section.

A. Façade Articulation

1. Multi-story structures shall be designed with a definable base, middle and top. Rooflines, cornice treatments and window designs should divide larger structures.

2. When visible from the public right-of-way (excluding alleys), façades must include architectural features to avoid the appearance of blank walls facing the street. These include, but are not limited to, changes in the wall plane of at least two (2) feet, changes in wall texture or masonry patterns, colonnade, columns or pilasters.

3. Façades in excess of one-hundred (100) feet must include a repeating pattern with no less than two (2) of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two (2) feet such as an offset, reveal, pilaster or projecting rib. All elements must repeat at intervals of no more than twenty-five (25) feet. (See Figure 8-1: Façade Articulation)

4. Predominant façade colors must be subtle, neutral or earth-tone colors. "Earth tone colors" is generally defined by reference to the Pantone earth tone color palette chart, copies of which shall be made available in the Community Development Department. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Trim and accent areas may be brighter and include primary colors. Variations from the requirements of this subsection may be granted by the Village President and Board of Trustees pursuant to a request from an applicant, where the President and Board, in its discretion, and by a vote of no less than four members, finds unique circumstances support such variation and that a variation is in the best interests of the public. (Amended 03/13/2013: CO-2013-17)

B. Fenestration

1. Windows shall be set back into or projected out from the façade to provide depth and shadow. Windows shall include visually prominent sills or other appropriate forms of
framing. Awnings or shutters should be used to accentuate window openings and add interest to the design of the structure.

2. When the ground floor of a structure is designed for non-residential use, the ground floor shall maintain a transparency of sixty percent (60%). Windows shall be constructed of clear or lightly tinted glass. Tinting above twenty percent (20%) or reflective glass is prohibited.

3. For all commercial uses situated on the first or ground floor, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or doors facing the street or inside the premises that prevents a clear view into the interior of the premises from the public right-of-way at all times. No booth, screen, partition or other obstruction, or any arrangement of lights or lighting, shall be permitted in or about the interior of such premises that prevents a full view of the entire interior of such premises from the public right-of-way. This prohibition does not apply to temporary backdrops in buildings owned by the Village, rolling security shutters approved in compliance with subsection 4 below, or to structures that are under construction or are being rehabilitated so long as a valid building permit has been obtained and is displayed. (Amended 03/13/2013: CO-2013-16)

4. Rolling Security Shutters are permitted on the ground floor of building elevations fronting a public street in the Village's non-residential zoning district facades only when such shutters comply with all of the following: (Amended 03/13/2013: CO-2013-16)
   a. Rolling security shutters may not display any signage or artwork:
   b. Rolling security shutters must be concealed from view to the greatest extent possible when not in use by an awning, architectural features or other method;
   c. Buildings where rolling security shutters are installed must maintain an active fire alarm system and be an active participant at all times in the Village's wireless fire alarm program:
   d. Rolling security shutters cannot be of a bright metal construction, and must be complimentary or similar (but not identical) in color to the facade of the building on which they are installed; and
   e. No part of the rolling security shutters shall be mounted or installed in a manner that damages or obscures architectural, historic or decorative materials on existing buildings.

C. Rooflines

1. Roofs shall be designed as an integral part of the façade design.

2. Roof lines must either be varied with a change in height or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, every one-hundred (100) linear feet in length.

3. Mansard roofs are prohibited.

4. Parapet walls shall feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.

5. “Green roof” designs are encouraged.
D. Entrances

1. All structures shall have a public entrance from the sidewalk along the primary street frontage. Public entrances should be articulated from the structure mass.

2. Façades that abut parking areas and contain a public entrance shall make provision for pedestrian walkways and landscape areas.

E. Building Materials

1. The following materials are permitted for use on exterior elevations:
   a. Clay brick
   b. Natural or cast stone
   c. Stucco
   d. Wood
   e. Architectural precast concrete
   f. Hardie board
   g. Decorative concrete block

2. The following building materials are prohibited. However, such materials may be used as part of decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.
   a. Plain concrete block
   b. Utility brick
   c. Aluminum, steel or other metal sidings
   d. Metal wall panels
   e. Exposed aggregate (rough finish) concrete wall panels
   f. Exterior insulating finish systems (EIFS)
   g. Plastic

F. Shopping Center Design

In addition to the above design standards, multi-tenant shopping centers are subject to the following:

1. Siting
   a. When a shopping center is situated behind a large parking lot, a street presence for the shopping center shall be created by locating part of the center or an outlot building, near the lot line, at the primary street corner or the shopping center entrance. When the center’s frontage on the primary street exceeds two-hundred fifty
(250) feet in width, outlot buildings should hold at least twenty-five percent (25%) of the front lot line. (See Figure 8-2: Building Siting)

**FIGURE 8-2: BUILDING SITING**

- **b.** If outlot buildings are part of a large shopping center development, outlot buildings must define the street frontage by placement near the street with showcase windows and entrances oriented toward the street, as well as to the interior parking lot.

- **c.** The primary facade of the structure shall be oriented toward the street with entrances facing or clearly visible from the primary street. Main entrances to the structure must be well defined.

- **d.** The site shall be designed so that there is safe pedestrian access to the center and safe pedestrian circulation within the development.

- **e.** A cohesive shopping center character shall be required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture), coordinated signs and landscaping.

**2. Façade Articulation and Design**

- **a.** Facades visible from the public right-of-way (excluding alleys) shall have with unique design elements that break down their scale. Blank walls are only acceptable on rear or side elevations not visible from the public right-of-way (excluding alleys). Structural bays should be twenty (20) feet in width, and articulated by columns or pilasters that project at least three (3) inches from the wall face.

- **b.** Outlot buildings designed to reflect the architectural style of the main structure are encouraged where appropriate.
3. Roof Design

a. The roofline at the top of the structure must not run in a continuous plane for more than seventy-five (75) feet without offset of the roof plane. Rooflines must be “broken up” by providing articulations in the facade of structures, change in the height of portions of roofs, or change in color, material, forms, etc.

b. Structures must use decorative roof elements, such as projecting cornices, to enhance roof edges and define public entrances, main pedestrian routes or activity areas.

8.5 GENERAL STANDARDS OF APPLICABILITY

A. Temporary Uses

See Section 12.6 (Temporary Uses and Structures) for standards governing temporary uses.

B. Accessory Structures and Uses

See Section 12.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

C. Permitted Encroachments

See Section 12.5 (Permitted Encroachments) for standards governing encroachments.

D. Environmental Performance Standards

See Section 12.7 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Environmental Performance Standards

See Section 12.7 (Environmental Performance Standards) for standards governing environmental performance standards.

F. Off-Street Parking and Loading

See Section 13 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

G. Landscaping and Screening

See Section 14 (Landscaping and Screening) for standards governing landscaping and screening.

H. Signs

See Section 15 (Signs) for standards governing signs.
SECTION 9. OFFICE PARK & MANUFACTURING ZONING DISTRICTS

9.1 OFFICE PARK AND MANUFACTURING ZONING DISTRICTS PURPOSE STATEMENTS

9.2 PERMITTED AND SPECIAL USES

9.3 BULK AND YARD REGULATIONS

9.4 OFFICE PARK AND MANUFACTURING DISTRICT DESIGN STANDARDS

9.5 GENERAL STANDARDS OF APPLICABILITY

9.1 OFFICE PARK AND MANUFACTURING ZONING DISTRICTS PURPOSE STATEMENTS

A. Purpose of BIP Business Industrial Park / Flex Zoning District (Amended 12/21/2016: CO-2016-35)

The purpose of the BIP Business Industrial Park / Flex Zoning District is to accommodate developments of office structures, light manufacturing, warehousing/distribution, contractor/landscaping yards, and auto-oriented uses. This District is intended to accommodate office and industrial structures, yards and auto uses which may be located in close proximity to residential neighborhoods. This District may also include uses such as restaurants, retail goods establishments, outdoor dining, financial institutions and personal services establishments that complement the daily function of the surrounding heavier M-1 industrial uses in addition to buffering nearby residential uses.

B. Purpose of M-1 General Manufacturing Zoning District

The purpose of the M-1 General Manufacturing Zoning District is to provide for fabrication and assembly-type manufacturing and general industrial uses, as well as warehousing, storage, office, and research and development facilities. Development standards are intended to buffer surrounding non-industrial uses from the impact of the industrial uses within the district.

9.2 PERMITTED AND SPECIAL USES

Table 9-1: Office Park and Manufacturing Zoning Districts Permitted and Special Uses lists permitted and special uses for the office park and manufacturing districts. A “P” indicates that a use is considered permitted within that district. An “S” indicates that a use is considered a special use in that district and must obtain a special use permit as required in Section 4.4 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

<table>
<thead>
<tr>
<th>USE1</th>
<th>DISTRICT</th>
<th>SPECIFIC USE STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BIP</td>
<td>M-1</td>
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<tr>
<td>COMMERCIAL USES</td>
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<td></td>
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<tr>
<td>Body Art Establishment</td>
<td>S</td>
<td>Section 11.3.D</td>
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<tr>
<td>Day Care Center, Adult or Child</td>
<td>S</td>
<td>Section 11.3.D</td>
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<tr>
<td>Drive-Through Facility</td>
<td>S</td>
<td>Section 11.3.F</td>
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<tr>
<td>Financial Institution</td>
<td>P</td>
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<td>Gas Station</td>
<td>S</td>
<td>Section 11.3.J</td>
</tr>
<tr>
<td>Greenhouse/Nursery</td>
<td>P</td>
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</tbody>
</table>
## TABLE 9-1: OFFICE PARK AND MANUFACTURING ZONING DISTRICTS PERMITTED & SPECIAL USES


**S** = Special Use     **P** = Permitted Use

<table>
<thead>
<tr>
<th>USE1</th>
<th>DISTRICT</th>
<th>SPECIFIC USE STANDARDS</th>
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</thead>
<tbody>
<tr>
<td><strong>BIP</strong></td>
<td><strong>M-1</strong></td>
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</tr>
<tr>
<td>Medical Cannabis Cultivation Center</td>
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<td>S</td>
</tr>
<tr>
<td>Medical Cannabis Dispensing Organization</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Heavy Retail, Rental and Service</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Kennel/Pet “Day Care” Service</td>
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<td>P</td>
</tr>
<tr>
<td>Motor Vehicle Dealership</td>
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<td></td>
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<tr>
<td>Motor Vehicle Rental Establishment</td>
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<td></td>
</tr>
<tr>
<td>Motor Vehicle Service and Repair</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Dining</td>
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<td>Personal Services Establishment</td>
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<td>Restaurant</td>
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<td>Retail Goods Establishment</td>
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**TRANSPORTATION USES**

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<th>SPECIFIC USE STANDARDS</th>
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<td><strong>BIP</strong></td>
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</tr>
<tr>
<td>Off-Street Parking Lot (Principal Use)</td>
<td>S</td>
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</tr>
<tr>
<td>Parking Structure (Principal Use)</td>
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**MANUFACTURING, STORAGE AND RESEARCH USES**

<table>
<thead>
<tr>
<th>USE1</th>
<th>DISTRICT</th>
<th>SPECIFIC USE STANDARDS</th>
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</thead>
<tbody>
<tr>
<td><strong>BIP</strong></td>
<td><strong>M-1</strong></td>
<td></td>
</tr>
<tr>
<td>Contractor Storage Yard</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing, General</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Storage Yard</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Recycling Center</td>
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<tr>
<td>Research and Development Facility</td>
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<td>Self Storage Facility</td>
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</tr>
<tr>
<td>Solid Waste Transfer Facility</td>
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<tr>
<td>Warehouse/Distribution</td>
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**OTHER**

<table>
<thead>
<tr>
<th>USE1</th>
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<th>SPECIFIC USE STANDARDS</th>
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<tbody>
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<td><strong>BIP</strong></td>
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<tr>
<td>Planned Unit Development</td>
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<td>S</td>
</tr>
<tr>
<td>Utilities, Private</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

### TABLE 9-1: FOOTNOTES

1 The terms in this column (“Use”) are defined in Section 17 (Definitions).

2 Allowed only when accessory to developments of large office structures, research and development facilities, and/or light manufacturing uses, and integrated into the larger development to serve the employees.
9.3 BULK AND YARD REGULATIONS *(Amended 01/18/2011: CO-2011-01)*

Table 9-2: Office Park and Manufacturing Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the manufacturing districts.

<table>
<thead>
<tr>
<th>VILLAGE OF MAYWOOD, ILLINOIS</th>
<th>TABLE 9-2: OFFICE PARK AND MANUFACTURING ZONING DISTRICTS</th>
<th>BULK AND YARD REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>DISTRICT</td>
<td>BIP</td>
<td>M-1</td>
</tr>
<tr>
<td>BULK REGULATIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT AREA</td>
<td>5000sf</td>
<td>20,000sf</td>
</tr>
<tr>
<td>MINIMUM LOT WIDTH</td>
<td>50 ft</td>
<td>100 ft</td>
</tr>
<tr>
<td>MAXIMUM BUILDING HEIGHT</td>
<td>45 ft but no more than 4 stories</td>
<td>45 ft but no more than 4 stories</td>
</tr>
<tr>
<td>YARD REGULATIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM FRONT YARD</td>
<td>15 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>MINIMUM INTERIOR SIDE YARD – NON-RESIDENTIAL USE ABUTTING NON-RESIDENTIAL USE OR DISTRICT</td>
<td>10 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>MINIMUM INTERIOR SIDE YARD – ABUTTING RESIDENTIAL USE OR DISTRICT</td>
<td>25 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td>MINIMUM CORNER SIDE YARD</td>
<td>15 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>MINIMUM REAR YARD– NON-RESIDENTIAL USE ABUTTING NON-RESIDENTIAL USE OR DISTRICT</td>
<td>20 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>MINIMUM INTERIOR SIDE YARD – ABUTTING RESIDENTIAL USE OR DISTRICT</td>
<td>30 ft</td>
<td>30 ft</td>
</tr>
</tbody>
</table>

9.4 OFFICE PARK AND MANUFACTURING DISTRICT DESIGN STANDARDS

A. Façade Articulation and Reduction of Mass and Scale

The following standards for façade articulation and reduction of mass and scale apply to all façades that face a public street and the façade where the public entrance is located.

1. All façades shall have at least two (2) of the following architectural features to avoid the appearance of blank walls: change in plane of at least one (1) foot, reveals, windows and openings, and changes in color, texture and/or material to add interest to the building elevation.

2. Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited to prevent heat and glare impacts on the adjacent public streets and properties.

3. Façades over one-hundred (100) feet in length shall incorporate wall projections or recesses, or changes in wall plane a minimum of two (2) feet in depth every fifty (50) feet.

4. In multi-structure complexes, a comprehensive architectural concept shall be developed and maintained, as well as a campus-like design. Various site components must be unified through the use of similar design features, construction, material and colors.
Structures within such complexes must be compatible in height and scale. If different scale is required for functional reasons, adequate transition shall be provided between structures.

5. The design of accessory structures, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, shall be incorporated into, and compatible in design concept with, the overall design of the project and the main structures on the site.

6. Predominant façade colors must be subtle, neutral or earth-tone colors. "Earth tone colors" is generally defined by reference to the Pantone earth tone color palette chart, copies of which shall be made available in the Community Development Department. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Trim and accent areas may be brighter and include primary colors. Variations from the requirements of this subsection may be granted by the Village President and Board of Trustees pursuant to a request from an applicant, where the President and Board, in its discretion, and by a vote of no less than four members, finds unique circumstances support such variation and that a variation is in the best interests of the public. *(Amended 03/13/2013: CO-2013-17)*

B. Roof Design

1. The roofline at the top of the structure shall not run in a continuous plane for more than seventy-five (75) feet without offset of the roof plane. Rooflines must be “broken up” by providing articulations in the facade of structures, change in the height of portions of roofs, or change in color, material, forms, etc.

2. Structures shall use decorative roof elements, such as projecting cornices, to enhance roof edges and define public entrances, waiting areas, main pedestrian routes or activity areas.

3. The following roof materials are prohibited:
   a. Corrugated metal (standing seam metal roofs permitted)
   b. Reflective surfaces that produce glare

4. “Green roof” designs are encouraged.

C. Site Layout

1. Public entrances and primary elevations shall face public streets. Main entrances shall be well defined. Service doors shall be recessed and integrated into the overall design of the structure.

2. The entry to office or guest facilities shall address the street, with direct access to office or guest facilities from street frontages and parking areas. In the BIP District, manufacturing and warehouse structures shall be set back towards the center of the site to minimize impact on adjacent parcels.

3. In multi-structure complexes, a distinct visual link shall be established among various structures by using architectural or site design elements such as courtyards, plazas, landscaping, and walkways to unify the project.

4. The parking lot shall not be the dominant visual element of the site along the primary roadway. Large expansive paved areas located between the street and the structure are
prohibited. Smaller multiple lots separated by landscaping and structures, or placement behind structures, is required.

D. Building Materials

1. Permitted Materials

Permitted building materials for exterior use in the construction of new office park and industrial uses are as follows:

a. Brick
b. Wood
c. Natural or cast stone
d. Tinted and/or textured concrete masonry units
e. Stucco
f. For manufacturing buildings, high quality metal may be used as exterior siding or in large expanses only if approved during site plan review (metal may be used for minor architectural features and trims)
g. Architectural precast concrete
h. Pre-fabricated steel panels may be used for accent features only, not as the primary façade material
i. Decorative concrete block

2. Prohibited Materials

Prohibited materials for a predominant surface finish material in the construction of new office park and industrial uses are as follows:

a. Plain concrete block
b. EIFS panels on the ground floor; EIFS panels discouraged on upper floors
c. Vinyl

9.5 GENERAL STANDARDS OF APPLICABILITY

A. Temporary Uses

See Section 12.6 (Temporary Uses and Structures) for standards governing temporary uses.

B. Accessory Structures and Uses

See Section 12.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

C. Permitted Encroachments
See Section 12.5 (Permitted Encroachments) for standards governing encroachments.

D. **Environmental Performance Standards**

See Section 12.7 (Environmental Performance Standards) for standards governing environmental performance standards.

E. **Off-Street Parking and Loading**

See Section 13 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. **Landscaping and Screening**

See Section 14 (Landscaping and Screening) for standards governing landscaping and screening.

G. **Signs**

See Section 15 (Signs) for standards governing signs.
SECTION 10. SPECIAL PURPOSE ZONING DISTRICTS

10.1 SPECIAL PURPOSE ZONING DISTRICTS PURPOSE STATEMENTS

A. Purpose of OS Open Space Zoning District

The purpose of the OS Open Space Zoning District is to provide and protect public and private open space, natural areas, and passive and active outdoor recreation facilities located within the Village.

B. Purpose of I Institutional Zoning District

The purpose of the I Institutional Zoning District is to accommodate group assembly, educational and cultural facilities located within the Village.

C. Purpose of GL Governmental Lands Zoning District

The purpose of the GL Governmental Lands Zoning District is to accommodate Village-owned land and facilities, group assembly and other unique uses within the Village.

10.2 PERMITTED AND SPECIAL USES

Table 10-1: Special Purpose Zoning Districts Permitted and Special Uses lists permitted and special uses for the special purpose districts. A “P” indicates that a use is considered permitted within that district. An “S” indicates that a use is considered a special use in that district and must obtain a special use permit as required in Section 4.4 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>USE</th>
<th>OS</th>
<th>I</th>
<th>GL</th>
<th>SPECIFIC USE STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCIAL USES</td>
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<tr>
<td>Adult Uses</td>
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<td>See Village Code for licensing requirements</td>
</tr>
<tr>
<td>Day Care Center, Adult or Child (Amended 01/18/2011: CO-2011-01)</td>
<td>S</td>
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<td>Section 11.3.D</td>
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<td>GOVERNMENTAL AND INSTITUTIONAL USES</td>
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<tr>
<td>Educational Facilities, College/University</td>
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<td>Section 11.3.H</td>
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<td>Section 11.3.H</td>
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<td>Government Facilities</td>
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<td>Methadone Clinic</td>
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TABLE 10-1: SPECIAL PURPOSE ZONING DISTRICTS PERMITTED & SPECIAL USES

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>USE¹</th>
<th>OS</th>
<th>I</th>
<th>GL</th>
<th>SPECIFIC USE STANDARDS</th>
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<td>Group Assembly</td>
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<td>Section 11.3.K</td>
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<td>OPEN SPACE USES</td>
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<td>Cemetery</td>
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<td>Driving Range</td>
<td>P</td>
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<tr>
<td>Forest Preserve</td>
<td>P</td>
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<tr>
<td>Golf Course</td>
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<td>Outdoor Entertainment</td>
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<td>Section 11.3.I</td>
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<td></td>
<td></td>
<td>Section 11.3.I</td>
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<tr>
<td>Park/Playground</td>
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<td>S</td>
<td>S</td>
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<td>Section 5</td>
</tr>
</tbody>
</table>

TABLE 10-1: FOOTNOTES

¹ The terms in this column ("Use") are defined in Section 17 (Definitions).

10.3 BULK AND YARD REGULATIONS

Table 10-2: Special Purpose Zoning Districts Bulk and Setback Regulations establishes bulk and setback regulations for the special purpose districts.

TABLE 10-2: SPECIAL PURPOSE ZONING DISTRICTS YARD & BULK REGULATIONS

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>BULK &amp; YARD REGULATIONS</th>
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<th>I</th>
<th>GL</th>
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<td>BULK REGULATIONS</td>
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<tr>
<td>MINIMUM LOT WIDTH</td>
<td>none</td>
<td>100 ft</td>
<td>75 ft</td>
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</tr>
<tr>
<td>MAXIMUM BUILDING HEIGHT</td>
<td>35 ft</td>
<td>45 ft</td>
<td>45 ft</td>
<td></td>
</tr>
<tr>
<td>YARD REGULATIONS¹</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM FRONT SETBACK</td>
<td>20 ft</td>
<td>10 ft</td>
<td>10 ft</td>
<td></td>
</tr>
<tr>
<td>MINIMUM REAR SETBACK</td>
<td>25 ft</td>
<td>10 ft, unless abutting a residential use, then 25 ft</td>
<td>10 ft, unless abutting a residential use, then 25 ft</td>
<td></td>
</tr>
<tr>
<td>MINIMUM INTERIOR SIDE SETBACK</td>
<td>10 ft</td>
<td>10 ft, unless abutting a residential use, then 20 ft</td>
<td>10 ft, unless abutting a residential use, then 20 ft</td>
<td></td>
</tr>
<tr>
<td>MINIMUM CORNER SIDE SETBACK</td>
<td>10 ft</td>
<td>10 ft</td>
<td>10 ft</td>
<td></td>
</tr>
</tbody>
</table>

TABLE 10-2: FOOTNOTES

¹ For the OS District, setback regulations apply only to those uses with structures.
10.4 GENERAL STANDARDS OF APPLICABILITY

A. Temporary Uses

See Section 12.6 (Temporary Uses and Structures) for standards governing temporary uses.

B. Accessory Structures and Uses

See Section 12.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

C. Permitted Encroachments

See Section 12.5 (Permitted Encroachments) for standards governing encroachments.

D. Environmental Performance Standards

See Section 12.7 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Off-Street Parking and Loading

See Section 13 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. Landscaping and Screening

See Section 14 (Landscaping and Screening) for standards governing landscaping and screening.

G. Signs

See Section 15 (Signs) for standards governing signs.
SECTION 11. USE STANDARDS

11.1 PURPOSE

The purpose of this Section is to set forth additional requirements for certain uses of land. These standards are intended to ensure that the use is compatible with the surrounding area.

11.2 USE OF LAND AND BUILDINGS

No structure or premises shall be used or occupied except in conformity with the regulations for the zoning district in which it is located. No structure shall be erected, reconstructed, extended, enlarged, altered or moved except in conformity with the regulations of the zoning district in which it is located. The only exception to this subsection is where zoning relief is granted by the Village President and Board of Trustees.

11.3 GENERIC USE STANDARDS

In addition to the use standards below, all uses are required to comply with all provisions of this Ordinance including, but not limited to, Section 12 (Site Development Standards), Section 13 (Off-Street Parking and Loading), Section 14 (Landscaping and Screening), and Section 15 (Signs), and all other Village regulations.

A. Assisted Living Facility, Independent Living Facility and Nursing Home

Assisted living facilities, independent living facilities and nursing homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

1. The location, design and operation of the facility shall be compatible with, and shall not adversely affect, adjacent properties and the surrounding area.

2. The facility shall be harmonious with surrounding buildings, in respect to scale, architectural design and building placement. If located within a residential district, the facility shall not alter the residential character of the neighborhood.

3. The surrounding street network shall be capable of accommodating the traffic generated by the facility.

B. Community Residence

Community residences shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required.

1. The location, design and operation of the facility will not alter the residential character of the neighborhood.

2. The facility shall retain a residential character, which shall be compatible with the surrounding neighborhood.
3. The operation of the facility shall not adversely impact surrounding properties.

4. The facility shall be located at least twelve hundred (1,200) feet from any existing facility, as measured from lot line to lot line.

C. Cultural Facility

Cultural facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

D. Day Care Center, Child or Adult

Day care centers shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

1. Adequate on-site drop-off zones, sidewalks and exterior lighting shall be provided.

2. The amount of traffic or noise to be generated shall not be excessive.

3. Adequate open space and recreational areas shall be provided.

E. Day Care Home, Child or Adult

Day care homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

1. Adequate on-site drop-off zones, sidewalks and exterior lighting shall be provided.

2. The amount of traffic or noise to be generated shall not be excessive.

3. Adequate open space and recreational areas for child day care homes shall be provided.

4. The day care home shall retain a residential character and the affect of the day care home shall not alter the residential character of the neighborhood.

5. The operation of the day care home shall not adversely impact surrounding properties.

F. Drive-Through Facility

A drive-through facility is considered a separate use, rather than accessory to the principal use, and shall be subject to the following standards:

1. All drive-through facilities shall provide adequate stacking spaces, in accordance with Section 13 (Off-Street Parking and Loading).

2. All drive-through lanes must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

3. No exterior lighting shall produce a glare into, or upon, the surrounding area or any residential premises. All drive-through facilities shall be properly screened or fenced, in accordance with Section 14.13.D (Drive-Through Facilities), to prevent glare from vehicles passing through service lanes.
4. Drive aisles shall be separated from landscaped areas by a six (6) inch curb.

5. The volume on all intercom menu displays shall be maintained at a level so as not to be audible in adjoining residential districts. The volume on all intercom menu displays shall comply with all local noise regulations.

6. The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up of the facility and along the rights-of-way abutting the property.

G. Dwelling, Multi-Family and Dwelling, Townhouse

1. Façades must be designed to be viewed from multiple directions and, therefore, they must be designed with consistent materials and treatment that wraps around all façades. There must be a unifying architectural theme for an entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials and colors in the entire structure.

2. Windows and doors must have raised elements to create shadow and articulation. In addition, three-dimensional elements, such as balconies and bay windows, should be incorporated to provide dimensional elements on a façade. Windows must be set back ("punched") into or projected out from the façade to provide façade depth and shadow, vertical in orientation and of a consistent style.

3. Roof forms must be articulated so that varied planes and massing within the overall roof are provided. Large, monotonous, simple pitched roofs, without breaks in the expanse of the roof, are prohibited. Dormers and gables can be used to break up large expanses of roof area. For flat roofs, cornices and parapets should be used to add variety and break up the roofline. Rooflines must be modulated at minimum every seventy-five (75) feet through the use of varied roof heights. (See Figure 11-1: Roof Design)

4. There shall be a minimum separation of ten (10) feet between sidewalls among rows of townhouse developments and multi-family dwellings. Where the front or rear wall of a row of townhouse or multi-family dwellings faces the front or rear wall of another row of townhouse or multi-family dwellings, the minimum required separation between such buildings shall be a minimum of thirty (30) feet. Driveways and parking areas may be located within this minimum separation area.

FIGURE 11-1: ROOF DESIGN
5. Large, flat facades must be avoided, which can be accomplished by articulating the building mass to create substantial shadows and visual interest. Windows, projected entrances and overhangs must be included on the street facing façade to add variety and maintain a pedestrian-scale. When the sidewalls of multi-family or townhouse development face a street, building facades must be designed with elements of a front façade, including doors and/or windows.

6. All townhouses must be designed with the front or side façade of the units facing the street with either detached garages located in the rear yard or attached garages oriented to the rear of the units.

H. Educational Facilities, Primary, Secondary, College/University

1. Educational facilities shall be designed so that the location of entrances and exits, exterior lighting, outdoor recreation areas, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties.

2. Changes to outdoor recreation facilities that are part of an educational institution’s campus require site plan review approval for the construction of any buildings, accessory structures and exterior lighting.

I. Entertainment and Recreation Facilities, Indoor or Outdoor

Entertainment and recreation facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties.

J. Gas Station

1. Gas station canopies shall be designed with luminaires recessed under the canopy to minimize light pollution. Light intensity directly under the canopy shall not exceed ten (10) footcandles at any location. All lighting mounted under the canopy, including auxiliary lighting within signage and panels over the pumps, shall be included in the ten (10) footcandle limit.

2. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

3. Gas stations may offer convenience items for sale as a secondary activity.

4. Gas stations may also include an automatic car wash with one (1) bay. Stacking spaces shall be in accordance with Section 13 (Off-Street Parking and Loading).

5. In addition, gas stations may be included accessory to a “Motor Vehicle Repair and Service Shop.” However, they shall be subject to the provisions of this section and the standards of Paragraph N (Motor Vehicle Repair and Service) below.

6. Gas stations shall not be subject to the maximum front yard requirements, when applicable. However, a minimum five (5) foot landscaped setback shall be provided.

7. The volume on all gas station monitors and speaker systems shall conform to all local noise regulations.
K. Group Assembly

Group assembly facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties.

L. Kennel/Pet “Day Care” Service

1. Exterior enclosures and runs shall provide protection against weather extremes. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.

2. All animal quarters and runs are to be kept in a clean, dry and sanitary condition.

3. Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.

4. Noise shall be mitigated so as not to create a public nuisance for adjoining properties and shall comply with all local noise regulations. This shall exclude noise from exercise or training while outdoors during the daytime.

M. Motor Vehicle Dealership or Motor Vehicle Rental Establishment (Amended 03/13/2013: CO-2013-15)

Motor vehicle dealerships or rental establishments shall have a minimum lot size of five thousand (5000) square feet. Any service and repair facilities must also comply with the standards of Paragraph N (Motor Vehicle Service and Repair) below.

N. Motor Vehicle Service and Repair (Amended 03/13/2013: CO-2013-15)

1. Motor vehicle service and repair establishments shall have a minimum lot size of five thousand (5000) square feet.

2. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

3. All repair operations shall be fully enclosed. Motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than fifteen (15) days. Wrecked or junked vehicles shall not be stored for longer time periods than those specified in this section and shall be screened from the public right-of-way and any adjacent residential districts.

4. Motor vehicle service and repair shops may also include gas stations as an accessory use. All gas stations which are part of such an establishment must comply with the regulations of Paragraph J (Gas Station) above.

O. Off-Street Parking and Loading, Structure or Lot

Off-street parking may be open to the sky or enclosed in a building. Required parking shall be provided on the zoning lot to which such parking is accessory, unless otherwise authorized by this Ordinance.
1. Parking Structure
   
a. Parking structures located in the C-1 or C-2 Districts shall include commercial uses along at least fifty percent (50%) of the length of a façade adjacent to a public right-of-way, excluding alleys. Those areas of the façade adjacent to a public right-of-way, excluding alleys, that do not contain commercial uses must maintain a ten (10) foot landscaped yard.

b. Where no commercial frontage is required, a landscaped yard a minimum of ten (10) feet in width shall be provided adjacent to a public right-of-way, excluding alleys.

2. Off-Street Parking Lot
   
a. The off-street parking lot shall be solely for the parking of passenger vehicles for periods of less than one (1) day and shall not be used as an off-street loading area.

b. No sales display, repair or service of any kind shall be conducted in any off-street parking lot.

c. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on any off-street parking lot.

d. No buildings other than those for shelter of attendants shall be erected upon any off-street parking lots. The allowable shelters shall not exceed ten (10) feet in height and fifty (50) square feet in area.

e. The off-street parking lot shall be screened and landscaped in accordance with Section 14 (Landscaping and Screening).

f. The off-street parking lot shall be kept free from refuse and debris. All landscaping shall be maintained in a healthy growing condition, and be neat and orderly in appearance.

P. Outdoor Dining

Outdoor dining is considered a separate use, subject to annual licensing requirements, rather than accessory to the principal use, and shall be subject to the following standards:

1. Outdoor dining shall be located adjacent to the building that contains the operating restaurant.

2. All outdoor dining permits shall be subject to review and approval by the Village Board, including hours of operation and other requirements deemed appropriate.

3. If utilizing the public-right-of-way, the applicant must enter into a license agreement with the Village or another type of agreement for use of the right-of-way if another public entity owns the right-of-way.

4. In no case shall the operation of an outdoor dining facility reduce the open portion of a public sidewalk to less than five (5) feet clear of all obstructions. The applicant may apply to the Village to use the entire width of a private sidewalk to locate the outdoor dining facility, but in such case an adequate, alternate means of access will have to be demonstrated and dedicated for use in the event a private sidewalk is required for access purposes to a building or structure.
5. All maintenance and upkeep of the public right-of-way and any private property associated with the operation of the outdoor dining facility shall be the responsibility of the owner or operator, including cleanup of tables, trash, litter and washing of sidewalks and the replacement of damaged public property. The owner or operator shall provide and maintain in a clean and neat manner at least one (1) covered trash receptacle within or adjacent to the outdoor dining facility. The covered trash receptacle(s) shall be emptied once full and also each day upon closing of the outdoor dining.

6. The service or consumption of alcoholic beverages is prohibited, unless the Village Board has created a liquor license for such activity and a liquor license has been issued to the outdoor dining operator by the Local Liquor Control Commissioner.

7. Outdoor dining shall not interfere with the pedestrian access or parking spaces and aisles. Unless otherwise permitted by the Village, outdoor dining areas shall be located only on private property.

8. Outdoor dining shall not be located in any required yard that abuts a residential use or district, unless an alley is located between the use and a residential use or district.

9. All tables, chairs and other appurtenances shall be removed during the months of December through March or if required by the Village at any other time. During cold or inclement weather, outdoor dining may be fully or partially enclosed by temporary wind blocks, provided that the temporary structure is approved by the Village Board and once it is constructed, the Zoning Administrator confirms that it conforms to the applicable provisions of this Ordinance.

10. The operation of the outdoor dining facility shall comply with state and local fire and health code regulations, accessibility laws and regulations and all other applicable provisions of federal, state, county or local law and this Ordinance.

11. The outdoor dining shall not be detrimental to the health, safety or general welfare of persons residing or working near the outdoor dining. In approving the layout of a proposed outdoor dining facility that is adjacent to residential property, the Village Board will give consideration to requiring architectural elements, such as fencing, screening, vegetation or other appropriate structures that can serve as a buffer to minimize the impact of noise on the adjacent residential property.

12. Outdoor dining permits may be revoked by action of the Village Board at any time within thirty (30) days’ notice or immediately by the Village Board or the Director of Community Development in the event of a public health or safety issue.

Q. Outdoor Storage Yard and Contractor Storage Yard

1. All outdoor storage must comply with the screening requirements of Section 14.13 (Screening Requirements).

2. The storage area shall be located to the rear of the lot.

3. Outdoor storage areas shall be surfaced, and graded and drain all surface water. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage and erosion and dust control are provided.

4. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to not illuminate any adjacent residential areas.
R. Utilities, Private

Private utilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties. Additional landscaping and screening may be required. Any aboveground private utility structures, such as pedestals for cable wire access or other access points for underground infrastructure (communications wiring, fiber optic, etc.) may not encroach into the required front yard and shall be screened from view of any public right-of-way.

S. Medical Cannabis Cultivation Centers and Dispensing Organizations.
(Amended 07/26/2014: CO-2014-26)

In zoning districts in which a Medical Cannabis Cultivation Center or Medical Cannabis Dispensing Organization may be located as a special use, the proposed facility must comply with the following regulations:

a. A Medical Cannabis Cultivation Center or Dispensing Organization is subject to all regulations, requirements, and restrictions set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, et seq.) and the rules formulated thereunder, including without limitation, geographic location restrictions, and shall at all times comply with the terms and conditions of any special use permit that may be granted. It is specifically noted that at the time of enactment of this subsection, under the geographic location restrictions set forth in the Pilot Program Act for Cultivation Centers, there is no place within the Village in which such a Center could locate. Allowing Cultivation Center uses as a special use in the BIP and M-1 Districts is simply an acknowledgment that the geographic location restrictions or the location of the facilities which trigger those restrictions within the Village, may change over time.

b. A site plan, security plan, and signage plan relative to a Medical Cannabis Cultivation Center or Dispensing Organization must be submitted for review by the Zoning Administrator for compliance with State and Village requirements. No business license, building permit or other Village approval related to the siting of such a Center or Dispensing Organization other than a special use shall be authorized until such approvals have been given. The Village may impose reasonable requirements relative to security and security cameras as necessary to ensure the safety of employees and customers and in excess of the requirements imposed by the Act.

c. Any Special Use granted for a Medical Cannabis Cultivation Center or Dispensing Organization shall not run with the land, but shall instead terminate upon any change in ownership or upon abandonment of the use by the owner who received the special use for a period in excess of one hundred and eighty (180) days.

d. A Medical Cannabis Dispensing Organization shall not be located in a multitenant building.
SECTION 12. ON-SITE DEVELOPMENT STANDARDS

12.1 PURPOSE

The purpose of this Section is to address the regulation of those other site improvements on a lot other than the regulations for the principal building. This includes site design standards, accessory structures and uses, and permitted encroachments.

12.2 USE OF LAND AND BUILDINGS

A. Number of Buildings on a Lot

Except in the case of a planned unit development, there shall be no more than one (1) principal detached residential building per lot in any residential district, except the R-5 District. In all other districts and the R-5 District, more than one (1) building may be erected on a single lot, provided that each building shall comply with all yard and bulk requirements of a district as though it were a principal building on an individual lot.

B. All Activities within an Enclosed Structure

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

1. Off-street parking and loading, in accordance with Section 13 (Off-Street Parking and Loading).

2. Outdoor businesses, and those businesses with a required outdoor component, including, but not limited to, outdoor entertainment, outdoor recreation, restaurants with outdoor dining, car washes, kennels/dog “day care” services and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use where applicable.

3. Outdoor storage, and outdoor sales and display areas, in accordance with Section 12.4.I Outdoor Sales and Display and Outdoor Storage).

4. Temporary uses, in accordance with Section 12.6 (Temporary Uses and Structures).

C. Frontage on a Public or Private Street

All lots shall front on a public or private street, unless a permanent easement of access to a public street was of record prior to the adoption of this Ordinance.

D. Required Yards

1. No lot shall be reduced in area so that the yards are less than required by this Ordinance. Required yards for existing buildings that are below minimum standards shall not be
2. The required yards for a zoning lot shall not be considered a yard for any other zoning lot.

3. All yards allocated to a building shall be located on the same zoning lot as such building.

4. With respect to the resubdivision of improved zoning lots in the R-3, R-4 and R-5 Districts, side yard requirements shall not apply between attached townhouse units.

E. Applicability of Bulk Requirements

All structures erected after the effective date of this Ordinance shall meet the requirements for the zoning district in which the structure is located. No existing structure shall be enlarged, altered, reconstructed or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure shall be located.

F. Applicability of Use Restrictions

No structure or land shall be used for any use other than one allowed as either a permitted or special use in the zoning district in which such structure or land is located. Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of Section 12.6 (Temporary Uses and Structures) and Section 12.4 (Accessory Structures and Uses).

G. View Obstruction

The site clearance area at the intersection of two (2) streets shall be defined as a triangular area of a corner lot measured twelve (12) feet from the point of intersection of the two (2) streets along each street, shall not be obstructed by any sign, wall, fence, hedge, shrub or other object which exceeds three (3) feet above street grade in height. Trees may be maintained within this area as long as there is no foliage within thirty-six (36) inches as measured from the ground to the lowest foliage. In the event that the grade of a lot is higher than the street grade, the height of the wall, fence, hedge, or shrub shall be reduced so that the site clearance is not obstructed twenty-four (24) inches over the grade of the street.

12.3 EXTERIOR LIGHTING

A. Light Trespass and Distraction

1. No exterior lighting shall glare into, or upon, the surrounding area or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets. The light level shall be no greater than one-half (0.5) footcandle at a residential property line and one (1) footcandle at any non-residential property line or public right-of-way line.

2. Specifically, the following types of light trespass are prohibited:

   a. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.

   b. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal or local government.
c. In addition, gas station lighting shall comply with the requirements of Section 11.3.J and screening lighting for drive-through facilities shall comply with Section 11.3.F.

B. Unshielded Lighting

The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved carnivals, fairs or other similar activities are held and only when such activities are taking place.

C. Light Pole and Building-Mounted Lighting Heights

The maximum height of light poles on private property, as measured from grade at the base to the bottom of the luminaire, shall be as specified below. These standards do not apply to public right-of-way lighting. Permitted light pole heights shall be as follows:

1. Non-Residential Districts

   a. Light poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles or mounts shall not exceed sixteen (16) feet in height.

   b. Light poles for educational facilities or that light public outdoor recreational facilities shall not exceed sixty (60) feet in height. Exterior lighting for all outdoor recreation areas is subject to site plan review.

2. Residential Districts

   Light poles for single- and two-family dwellings shall not exceed eight (8) feet in height. Light poles for non-residential uses, multi-family and townhouse uses shall not exceed twelve (12) feet in height. Lighting, including under-soffit lighting mounted upon a single-family, two-family or townhouse residential dwelling shall not be mounted higher than fifteen (15) feet above grade.

D. Automatic Teller Machine Lighting

All exterior lighting for automatic teller machines (ATMs) shall comply with the Automated Teller Machine Security Act (205 ILCS 695/1 et seq). All exterior lighting for ATMs in drive-through facilities shall be designed with luminaires recessed under the canopy to minimize light pollution.

12.4 ACCESSORY STRUCTURES AND USES

All accessory structures and uses shall be subject to the requirements of this Section and the requirements of Section 12.5 (Permitted Encroachments) below. Additional accessory structures not regulated in this section may be regulated in Section 12.5 (Permitted Encroachments) below.

A. Accessory Structures - General Regulations

All accessory structures shall be subject to the following regulations, in addition to any other regulations within this Section and this Ordinance.

1. No accessory structure shall be constructed prior to construction of the principal building to which it is accessory.
2. Only those accessory structures permitted by this Section or Section 12.5 (Permitted Encroachments) are permitted in a required yard. Certain accessory structures may also be prohibited in certain yards.

3. The maximum height of any detached accessory structure shall be measured from the floor of the structure to the peak of the roof. No detached accessory structure shall exceed thirteen (13) feet, unless otherwise permitted or limited by this Ordinance.

4. All accessory structures must be located a minimum of three (3) feet from any side lot line.

5. When a rear yard is required, all parts of an accessory structure must be located a minimum of three (3) feet of the rear lot line, unless otherwise authorized in this Ordinance.

6. In a residential district, no accessory building shall be within five (5) feet of a side lot line or within ten (10) feet of any principal building, unless attached.

7. The combined square footage of all detached accessory buildings located in the rear yard shall not occupy more than forty percent (40%) of the required rear yard.

8. On a reversed corner lot in a residential district and within fifteen (15) feet of an adjacent property to the rear in a residential district:
   
   a. No accessory structure located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty percent (60%) of the minimum front yard required for the adjacent property to the rear.
   
   b. No accessory structure shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line of property in a residential district.

B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 12.7 (Environmental Performance Standards) shall be permitted only in the rear yard. Such towers shall be located ten (10) feet from any lot line. Towers shall not exceed the maximum building height of the applicable district by more than ten (10) feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications in accordance with Paragraph 3 below.

2. Antennas may be ground-, building- or roof-mounted, provided they do not exceed the maximum building height by more than ten (10) feet unless a taller antenna is technically necessary to engage successfully in amateur radio communications in accordance with Paragraph 3 below. Every effort shall be made to install radio antennas in locations that are not readily visible from neighboring properties or from the public right-of-way, excluding alleys.

3. An antenna or tower that is proposed to exceed the height limitations shall be considered a special use. The operator must provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna shall not prove a hazard to birds (i.e., minimal chance of bird strikes) or aircraft. Such tower and/or antenna must conform to all applicable performance criteria as set forth in Section 12.7 (Environmental Performance Standards). As part of the application, the applicant must submit a site plan...
showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.

4. Antennas and/or towers owned and operated by the Village are exempt from these requirements. This section does not apply to wireless communication towers and antennas, which are regulated by Chapter 120 of the Village Code.

C. Fences

1. General Requirements

   a. No fence shall be erected or replaced within the Village without first obtaining a permit from the Zoning Administrator. The permit fee shall be as set forth in the Village Code.

   b. All fences shall be measured from existing grade, unless otherwise specified.

   c. Fences for utility uses in any district shall be subject to the regulations of Paragraph 4 below.

2. Fences in Residential Districts

   a. Fences are permitted within the interior side, corner side and rear yards. Fences are prohibited between the front lot line and the front of the principal building. All interior side yard fences must be located behind the front of the principal building (See Figure 12-1: Fence Location)

   b. Fences may be erected to a maximum height of six (6) feet. Where fencing is required for an animal enclosure, as required by Chapter 93 of the Village Code, such fencing requirements shall control.

   ![FIGURE 12-1: FENCE LOCATION](image-url)
3. **Fences in Non-Residential Districts**
   
a. Fences are permitted within the interior side and rear yards. Fences are prohibited between the front lot line and the front of the principal building, and between the corner side lot line and the side of the principal building.

b. Fences may be erected to a height of six (6) feet.

4. **Fences for Utility Uses**
   
a. Whenever the lot line of a utility or public recreational use abuts a residential district, or whenever a utility use fronts on a public right-of-way, the use shall be fenced. In addition to the fencing, shrubs a minimum of five (5) feet in height shall be planted along the fence.

b. Utility uses shall be fenced. Barbed wire, razor wire or fences of similar material shall be permitted only on a lot used for a utility facility. All barbed wire, razor wire or similar material shall be placed no less than seven (7) feet above finished grade and shall extend inward toward the interior of the lot. Such fences shall be a maximum height of eight (8) feet. Such fences may be located in any yard.

c. Public recreation areas may be enclosed along their boundaries (i.e., all yards) with an open type fence to a height not to exceed eight (8) feet. Tennis courts and other similar uses may be fenced in accordance with national standards for such uses.

5. **Fence Construction and Design Requirements**
   
a. The finished side of all fences shall face away from the lot on which it located. Both sides of all fences shall be similar in design, construction and appearance.

b. Every fence shall be constructed with supporting posts or structural parts located on the interior side of the fence.

c. A fence, including all posts, bases, and other structural parts shall be located completely within the boundaries of the lot on which it is located.

d. Fences shall only be constructed of the following materials:
   
   i. Treated wood, cedar or redwood

   ii. Simulated wood

   iii. Wrought-iron or simulated wrought-iron

   iv. Coated chain link, brown, black or green in color (permitted in rear and interior side yard only). No inset or filler slats are allowed in residential districts. Insert or filler slats are only allowed in non-residential districts to screen storage and parking areas in rear yards.

e. Fences where required by Section 14.13 for screening purposes may consist of an opaque masonry wall (stone, stucco or brick). *(Amended 01/18/2011: CO-2011-01)*
D. Garages, Attached and Detached

The following design standards apply to all residential garages. Attached garages shall not be considered an accessory structure but shall be subject to the regulations of this section for attached garages.

1. Attached Garages

   a. Front-loaded attached garages shall not occupy more than fifty percent (50%) of the width of the front façade of the house, as measured along the building line that faces the street.

   b. Attached front-loaded garages shall be located a minimum of five (5) feet behind the main front façade of the house. This measurement will be taken from the part of the front façade that is immediately adjacent to the garage, except that the measurement may be taken from the part of the house closest to the street if all of the following conditions are met:

      i. The front façade of the house is irregular, i.e., the front foundation is not a straight line.

      ii. The portion closest to the street is actual living space.

      iii. No such measurement may be taken from a porch, bay window, turret or similar architectural feature that protrudes from the façade.

   c. Windows, doors and roof treatments of that part of the garage facing the street shall incorporate architectural detail similar or complimentary to the residence.

   d. Upper level dormers and pitched roof elements shall be used to de-emphasize the garage. Garage openings, windows, columns, trims, decorative paneling and color shall de-emphasize the visual impact of the garage in relation to the building as a whole.

2. Detached Garages

   a. A detached garage shall not exceed a maximum of sixteen (16) feet in height as measured from the garage floor to the peak of a pitched roof. (Amended 09/16/2015: CO-2015-24)

   b. The area above the vehicle parking spaces in a detached garage may be utilized for storage, but not living space and may not contain a kitchen, bathroom or sleeping area.

   c. Detached garages shall not exceed six hundred sixty (660) square feet.

   d. Detached garages are permitted in the rear and interior side yards. Detached garages shall be located a minimum of five (5) feet from any rear lot line and three (3) feet from an interior side lot line. Detached garages are permitted a maximum eave encroachment of one (1) foot into a required interior side yard.

   e. Detached garages located on a lot that has been expanded due to an alley vacation must leave the area occupied by the vacated alley free from structures. A detached garage may be located up to the original property line as it existed prior to the alley vacation but must still meet all required yard setbacks of the expanded lot. (Amended 01/18/2011: CO-2011-01)
f. Detached garages shall be located a minimum of ten (10) feet from the principal structure on a lot. The distance shall be measured from the foundation or walls of the structure. *(Amended 01/18/2011: CO-2011-01)*

g. Administrative Approval of Minor Variances: If a detached residential garage is being removed and replaced due to damage or deterioration, and rebuilding a new garage exceeds the building coverage and/or the impervious surfacing requirements, said replacement can be accomplished in accordance with the following. It is generally expected that the replacement will be the same size (square feet) as the existing garage, Recognizing industry standards on dimensions, the Zoning Administrator (Director of Community Development) has the authority to grant a minor variance on building footprint square footage, total building coverage and impervious surface requirements to accommodate the replacement of an existing garage through an administrative approval process. Administrative approval may be granted, upon a written request submitted by the petitioner (the property owner or his/her/its authorized agent), provided the proposed garage does not exceed 5% of the existing square footage of the existing detached residential garage, irrespective of maximum building coverage and impervious surface requirements for the lot, and further provided that all other setback and bulk requirements are met. The petitioner shall submit to the Zoning Administrator a written explanation of the relief requested and a detailed site plan showing all proposed and existing lot improvements and the proposed and required set back and bulk regulations with all relevant distances and building dimensions identified in feet and inches and such other reasonable information that is necessary to decide the petition. The decision of the Zoning Administrator may be appealed in writing within 30 days of the date of the decision to the Village Board, who shall have final decision-making jurisdiction in regard to the requested relief. The Village Board may uphold or overturn the decision of the Zoning Administrator (Director of Community Development) or may grant other relief but only in accordance with the limitations set forth in this subsection. *(Amended 8/21/2012: CO-2012-32)*

E. Gazebo, Detached

Detached gazebos are permitted in the rear yard, provided they comply with the following requirements.

1. Each surface of the gazebo shall be at least twenty-five percent (25%) open.

2. Gazebos shall be limited to twelve (12) feet in height as measured from grade to the peak of the roof. The gazebo platform shall be no higher than four (4) feet above grade. Gazebos shall be limited to one-hundred twenty (120) square feet in area.

3. The gazebo shall be set back a minimum of five (5) feet from any lot line and ten (10) feet from any principal structure.

F. Home Occupations

Home occupations are required to register with the Village. The following standards are intended to ensure that home occupations, conducted in a dwelling, are compatible with the neighborhoods in which they are located and do not interfere with the rights of the surrounding property owners to enjoy the established character of the neighborhood.

1. The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
2. The home occupation shall be licensed or registered in accordance with applicable state and local requirements.

3. No more than two (2) persons other than members of the occupant’s immediate family shall be employed as part of a home occupation.

4. No article shall be sold or offered for sale on the premises, except items produced by the occupation on the premises. The home occupation shall not maintain or operate a retail showroom open to the public. Internet sales are exempt from this regulation.

5. The number of clients or visitors for personal service home occupations who may be present at any given time shall be limited to the current and next appointment.

6. No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use.

7. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in a residential use.

8. No outside storage or display of materials, merchandise, inventory or heavy equipment shall be permitted.

9. No exterior alteration that changes the residential character of the principal building shall be permitted.

10. No exterior building signs are permitted.

11. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.

12. Vehicular traffic and on-street parking shall not be increased by the home occupation.

13. The receipt, sale or shipment of deliveries shall not be permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods.

14. Any type of motor vehicle service and repair is a prohibited home occupation. Day care homes are not considered a home occupation.

G. Mechanical Equipment

Mechanical equipment shall include heating, ventilation, air conditioning, swimming pool equipment, and electrical generator sets, and is subject to the following:

1. After the effective date hereof, no new heating and ventilation equipment, swimming pool pumping and filtering equipment and air conditioning equipment, other than an individual window unit, shall be located in a required front, interior side or corner side yard. Existing condenser units currently located in required yards may be replaced in the same location. At the time of replacement, such replacement units located in required yards must comply with the screening requirements of this section.

2. On residential lots, electrical generators, if not located within the principal structure, shall be located in the rear yard only. Said generators sets shall also be anchored to a concrete pad located within five (5) feet of the principal structure and at least ten (10) feet from any side yard property line.
3. Electrical generators shall be equipped with critical grade silencers (exhaust systems) and enclosed in a sound attenuating enclosure. Additional sound attenuation devices may be appropriate in order to comply with IEPA noise pollution requirements.

4. All approved ground-based mechanical equipment shall be completely screened if visible from the adjoining lot or public right-of-way, excluding alleys. Screening materials may be masonry, wood, hedges or other opaque material, and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot. Color and texture of a masonry screen wall shall be compatible with the color and texture of the principal building on the site.

5. Roof-mounted mechanical equipment in any zoning district shall be screened either by an architectural element of the roof and at least six (6) feet from any supporting wall of the building to permit safe access to the roof.

H. Outdoor Sales and Display, and Outdoor Storage

1. Outdoor Sales and Display

   Retail goods establishments are permitted outdoor sales and display of merchandise, by either a storeowner or occupant, outside the store and within the same zoning lot. Any lawfully existing retail goods establishment shall be permitted to display and sell its merchandise outdoors under the following conditions:

   a. No sales and display area shall be permitted in any public right-of-way or obstruct pedestrian or vehicular traffic. No sales and display area is permitted in any required yard.

   b. Outdoor storage is prohibited for retail goods establishments.

   c. A portion of the parking area may be used for outdoor sales and display on a temporary basis only, in terms of both display structure and goods displayed or sold (no permanent display structures permitted in parking areas). No more than ten percent (10%) of the required parking area for the existing commercial use may be used for the temporary outdoor sales and display, unless a special sales event permit or authorization is obtained from the Zoning Administrator.

   d. All outdoor sales and display areas must comply with any screening requirements of Section 14.13 (Screening Requirements).

2. Outdoor Storage

   The following uses are permitted outdoor storage: greenhouse/nursery, including the growing of plants in the open; motor vehicle dealership and rental establishment; motor vehicle service and repair; general manufacturing; and contractor storage yards. Additional outdoor storage may be approved as a special use. These uses are permitted outdoor storage in accordance with the following provisions:

   a. All manufacturing, assembly, repair or work activity shall take place inside an enclosed building. No work shall take place outdoors.

   b. No required parking area shall be used as an outdoor storage.

   c. All outdoor storage must meet yard requirements.
d. No materials stored or displayed outdoors shall be of a greater height than that of the required screening.

e. All outdoor storage must comply with the screening requirements of Section 14.13 (Screening Requirements).

f. All materials stored must be related to the business conducted on the property.

I. Porches

1. Unenclosed porches may encroach five (5) feet into any required yard.

2. Enclosed porches must meet all yard requirements.

3. Stoops are not considered porches.

J. Satellite Dish Antennas

1. General Requirements

a. Satellite dish antennas shall be permanently installed on a building, in the ground or on a foundation, and shall not be mounted on a portable or movable structure.

b. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey, and shall blend with the surroundings as best as possible. No additional signs or advertising shall be permitted on satellite dish itself, aside from the logos of the satellite dish service provider or dish manufacturer.

c. Cables and lines serving ground-mounted satellite dish antennas shall be located underground.

d. Compliance with all federal, state and local regulations shall be required in the construction, installation and operation of satellite dish antennas.

e. All exposed surfaces of the antenna shall be kept clean and all supports shall be painted to maintain a well-kept appearance. Antennas no longer in use must be removed.

f. This section does not apply to wireless communication towers and antennas, which are regulated by Chapter 120 of the Village Code.

2. Small Satellite Dish Antennas (One Meter or Less in Diameter)

Small satellite dish antennas, which are one (1) meter or less in diameter, shall be subject to the general requirements of Paragraph 1 above. Every effort shall be made to install small satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

3. Large Satellite Dish Antennas (One Meter or More in Diameter)

a. Residential Districts

i. Large satellite dish antennas are permitted only in the rear yard, and shall be located a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five (5) feet from any lot line.
ii. The overall height of a large satellite dish antenna shall not exceed twelve (12) feet.

iii. A large satellite dish antenna shall be located and screened so that it cannot be readily seen from public streets or adjacent properties. Screening shall include fences, plant materials and/or earth berms located to conceal the sides and rear of the antenna and its support structure. Plants shall be, at minimum, five (5) feet tall at the time of installation.

b. Non-Residential Districts

i. A large satellite dish antenna are permitted only in the rear or interior side yard, and shall be located a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five (5) feet from any lot line.

ii. Roof-mounting shall be permitted only if the satellite dish antenna is in scale with the overall building mass and location, and shall be screened by an architectural feature. The visible portion of the dish should not comprise more than twenty-five percent (25%) of the corresponding height or width of the screen.

iii. Ground-mounted satellite dish antenna shall provide screening, which includes fencing, berming or landscaping to accomplish the following:

(a) All ground-mounted accessory equipment and the lower part of the support structure shall be completely screened.

(b) Where feasible, trees shall be installed to the side and rear of the antenna and at a height/elevation equal to the tallest portion of the dish.

K. Sheds and Private Greenhouses

1. Sheds and private greenhouses are permitted only in the rear yard. Sheds and private greenhouses shall be located a minimum of five (5) feet from any rear lot line and three (3) feet from a side lot line.

a. The maximum height of any shed or private greenhouse shall be ten (10) feet.

b. No shed or private greenhouse shall exceed one hundred twenty (120) square feet.

c. Sheds and private greenhouses shall be located a minimum of ten (10) feet from the principal structure on a lot. The distance shall be measured from the walls of the structure.

2. Sheds and private greenhouses located on a lot that has been expanded due to an alley vacation must leave the area occupied by the vacated alley free from structures. A shed or private greenhouse may be located up to the original property line as it existed prior to the alley vacation but must meet all required yard setbacks of the expanded lot.

(Amended 01/18/2011: CO-2011-01)

L. Solar Panels

(Amended 11/16/2010: CO-2010-20)

1. Roof mounted solar panels are permitted in all zoning districts. All roof mounted solar panels shall be positioned within the field of the roof plane, and shall not protrude over any edges or overhang of the roof.
2. Roof mounted solar panels installed on a sloped roof shall only be allowed to be visible from the public right of way other than a public alley under the following conditions:
   a. The panels are mounted at the same pitch/angle as the roof on which the installation is mounted;
   b. The area of the solar panel installation is not greater than the roof section where the installation shall be mounted;
   c. Solar panels shall not be installed more than twelve inches (12”) above the roof plane; and
   d. Solar panels shall not extend vertically above the ridge of any sloped roof where installed.

3. Where any solar panel installation on a sloped roof exceeds twelve inches (12”) above the roof surface but no more than five feet (5’) above the roof surface, or varies from the pitch/angle of the roof on which the installation is mounted, the installation shall not be visible from the public right of way, excluding public alleys.

4. Solar panels may be installed on a flat roof provided they do not project more than five feet (5’) above the flat roof on which they are installed. Solar panels on a flat roof shall not project higher than the permitted building height without a zoning variance.

5. Freestanding solar panels shall be permitted in all zoning districts subject to the following:
   a. Freestanding solar panels are permitted only in the rear and interior side yards;
   b. Freestanding solar panels shall be fully enclosed and screened by a surrounding yard fence in order to provide for the security and safety of the solar energy system and the public;
   c. Freestanding solar panels shall not exceed a height of six feet (6’) above the ground; and
   d. Freestanding solar panels related to governmental, traffic and service uses, such as solar-powered traffic speed display devices or solar-powered parking meters, are exempt from the requirements of this subsection.

6. The following design requirements are applicable to both rooftop solar panels and freestanding solar panels:
   a. Any glare from a solar panel shall be minimized and directed away from an adjoining property or by the use of non-glare glazing.
   b. Solar panels and their related systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.
   c. The design of solar panels and their related systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the system into the natural setting and existing environment.
   d. Dismantling of a solar energy system is required if it has not been in operation for a year.

7. Permit fees shall be waived for all solar panel installations that are not visible from the public right of way.
M. Swimming Pools

1. Public swimming pools shall comply with the applicable state regulations for public swimming pools, including those set forth in the Illinois Swimming Facilities Act, as amended (210 ILCS 125/1 et seq. and 77 Ill Adm Code 820.200). All public pools shall be completely enclosed by a fence or other security structure that shall not be less than six (6) nor more than eight (8) feet in height.

2. All private swimming pools shall comply with these standards and the requirements of Chapter 96 of the Village Code.

   a. Location
      i. Private residential swimming pools shall be permitted in any residential district.
      
      ii. No portion of a permanent, private residential swimming pool shall be located less than eight (8) feet from any side or rear lot line or building line.
      
      iii. No portion of a temporary pool shall be located less than three (3) feet from any side or rear lot line or building line.
      
      iv. Pumps, filters and pool water disinfection equipment installations shall be located not less than eight (8) feet from any side lot line.
      
      v. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.

   b. Walkways
      Unobstructed walk areas not less than thirty-six (36) inches wide shall be provided to extend entirely around the pool.

   c. Fences
      i. All private residential swimming pools shall be completely enclosed by a fence or other structure on the same zoning lot on which the pool is located. Such fence or other structure shall not be less than four (4) feet nor more than six (6) feet in height.
      
      ii. Above ground type pools, whether temporary or permanent, which have an above ground fence designed and constructed as an integral part of the pool, that encloses the periphery of the pool to a height of four (4) to five (5) feet above the top edge of the pool shall be deemed to meet the enclosure requirements of Paragraph a above.

N. Wind Turbines

Wind turbines are subject to the following requirements.

1. Wind turbines are subject to the following height restrictions:
   
   a. The maximum height of any ground-mounted wind turbine (a tower) is the height limit of the applicable zoning district.
   
   b. The maximum height of any wind turbine mounted upon a detached accessory
structure is fifteen (15) feet above the maximum permitted height for such structure. The maximum height of any wind turbine mounted upon a principal structure is the height limit of the applicable zoning district.

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

d. No portion of the turbine blades of a horizontal-axis wind turbine may be within ten (10) feet of the ground.

2. Ground-mounted wind turbines may be located in the rear yard only. A ground-mounted tower must be setback from all lot lines equal to the height of the tower. Additional parts of the wind turbine structure outside of the tower, including guy wire anchors, must be ten (10) feet to any lot line.

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

4. Wind turbines may not exceed sixty (60) dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

5. Wind turbines must be approved by a small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified residential wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.

6. Wind turbines must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

7. Building permit applications for wind turbines must be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to all electrical codes.

8. Wind turbines are limited to one (1) per property. (Amended 01/18/2011: CO-2011-01)

O. Window Wells

1. The maximum amount of all window wells located along any wall may not exceed forty percent (40%) of the length of that wall.

2. Window wells may encroach up to three (3) feet into the required rear yard and may encroach up to a maximum of two (2) feet into a required interior or corner side yard. Window wells are prohibited in the front yard.

3. When more than one (1) window well is installed along a wall, each shall be separated at least three (3) feet from one another.

4. Window wells used for egress shall comply with the provisions of the building code for an emergency escape window.
12.5 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of any structure or building, or component of such, into a required yard. Additional restrictions on permitted encroachments, including additional yard requirements and bulk regulations, can be found in Section 12.4 (Accessory Structures and Uses) above and are referenced within the following table. Permitted encroachments are found in Table 12-1: Permitted Encroachments.

<table>
<thead>
<tr>
<th>Type of Encroachment</th>
<th>Yard Where Permitted</th>
<th>Front Yard, Corner Side Yard</th>
<th>Interior Side Yard</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility Ramp</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 10’ into required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Conditioner Window Unit</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 18” into any required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amateur (HAM) Radio Equipment</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.B</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arbor or Trellis</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Awning &amp; Canopy (Residential Use)</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Minimum clearance of 7’6”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No more than 2’ into required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balcony</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Bay Window</td>
<td></td>
<td>Y</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- One-story</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No more than 3’ into required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breezeway</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Chimney</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 18” into a required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compost Pile</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y, but 5’ from any lot line</td>
</tr>
<tr>
<td>- Shall be located only in rear yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deck or Open Terrace</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Not more than 4’ above the average level of the adjoining ground</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dog House</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y, but 5’ from any lot line</td>
</tr>
<tr>
<td>- Subject to general requirements of Section 12.4.A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Shall be located only in rear yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveway</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Eaves and Gutters (Principal Structure)</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 3’ into a required front or rear yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Not more than 40% of the required side yard width, not to exceed 30”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eaves (Accessory Structure)</td>
<td></td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 1’ into a required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exterior Stairwells</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 4’ into a required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- In the R-1, R-2 and R-3 Districts, exterior stairwells shall be located in the rear yard only</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence</td>
<td></td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Encroachment</td>
<td>Yard Where Permitted</td>
<td>Front Yard, Corner Side Yard</td>
<td>Interior Side Yard</td>
<td>Rear Yard</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Fire Escape</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Flagpole</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Garages, Detached</td>
<td></td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gazebo</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.E</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hedges</td>
<td></td>
<td>Y, but to a maximum height of 3'</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Mechanical Equipment, Ground-Mounted (Central air conditioning, heating, ventilating, compressors, etc.)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.G</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ornamental Lighting, Lamp Posts, &amp; Lawn Decorations (Benches, statues, birdbaths, sculptures, etc.)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to view obstruction and exterior lighting regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Fireplaces</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y, but 10’ from any lot line</td>
</tr>
<tr>
<td>- Shall be located in the rear yard only</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Pad</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 13.7.B.4.v</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patio</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>- No more than 5’ into any required yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porch, Unenclosed</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.I</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porch, Enclosed</td>
<td></td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Recreational and Laundry-Drying Equipment (Does not include equipment located on park/playground, school or day care center site)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Satellite Dish Antenna (1 meter or less in diameter)</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>- Subject to Section 12.4.J</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite Dish Antenna (More than 1 meter in diameter)</td>
<td></td>
<td>N</td>
<td>N – Residential Districts</td>
<td>Y – Non-Residential Districts</td>
</tr>
<tr>
<td>- Subject to Section 12.4.J</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalk &amp; Private Walkway</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Sills, belt course, cornices &amp; ornamental features of the principal structure (No more than 1’ into a required yard)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Sheds &amp; Private Greenhouses (Subject to Section 12.4.K)</td>
<td></td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Steps and stoops (4 feet or less above grade, 10 feet or less into required yard for access to an unenclosed porch; otherwise 5 feet or less)</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Swimming Pool (Subject to Section 12.4.M)</td>
<td></td>
<td>N</td>
<td>Y, but 8’ from any lot line</td>
<td>Y, but 8’ from any lot line</td>
</tr>
</tbody>
</table>
### TABLE 12-1: PERMITTED ENCROACHMENTS

<table>
<thead>
<tr>
<th>Type of Encroachment</th>
<th>Yard Where Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front Yard, Corner Side Yard</td>
</tr>
<tr>
<td>Tennis Court</td>
<td>N</td>
</tr>
<tr>
<td>- Shall be located in the rear yard only</td>
<td></td>
</tr>
<tr>
<td>Wind Turbines (Ground-Mounted)</td>
<td>N</td>
</tr>
<tr>
<td>- Subject to Section 12.4.N</td>
<td></td>
</tr>
<tr>
<td>Window Well</td>
<td>N – Front yard</td>
</tr>
<tr>
<td>- Subject to Section 12.4.O</td>
<td>Y – Corner side yard</td>
</tr>
</tbody>
</table>

#### 12.6 TEMPORARY USES AND STRUCTURES

**A. Temporary Use Permit Application**

1. Any person, firm or corporation desiring to obtain a temporary use permit, as required by this Ordinance, shall file a written application with the Zoning Administrator on a form provided by the Village.

2. The Zoning Administrator shall grant, when required, temporary use permits for those uses listed below so long as he/she determines that the proposed use, complies with the requirements of this Section and this Ordinance. Unless expressly provided in this Section, every temporary use or structure shall comply with the bulk requirements applicable in the district in which it is located.

3. Temporary uses not specifically listed here shall require the specific approval of the Village Board. Unless otherwise limited, temporary uses may be allowed in any zoning district, provided that it is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located.

4. Every temporary use shall comply with this Ordinance and all local regulations. The Zoning Administrator or Village Board may impose other conditions, as part of the temporary use permit approval, as necessary to achieve the purposes of this Ordinance, and to protect the public health, safety, comfort, convenience and general welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the area as a whole.

**B. General Provisions**

Every temporary use shall comply with all the requirements listed below.

1. No temporary use shall be permitted that causes, or threatens to cause, an on-site or off-site threat to the public health, safety, comfort, convenience and general welfare.

2. Every temporary use shall be operated in accordance with such restrictions and conditions as the Fire Department may require. If required by the Village, the operator of the temporary use shall employ appropriate security personnel.

3. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses. No temporary use shall block handicapped or fire lanes.
4. No temporary use shall be authorized that would reduce the number of required parking spaces available for use in connection with permanent uses located on the lot in question below the number adequate to meet parking needs under normal business or usage conditions. The Zoning Administrator may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Zoning Administrator shall approve the temporary use only if such parking spaces are provided.

5. No temporary use shall be permitted if it conflicts with another previously authorized temporary use.

6. Signs shall be permitted only in accordance with the Section 15 (Signs).

C. Permitted Temporary Uses

The following uses require a temporary use permit unless specifically exempted by other provisions of this Ordinance or Village Code.

1. Carnival/Circus

Carnivals/circuses shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. These uses need not comply with the yard requirements and the maximum height requirements of this Ordinance. The concessionaire responsible for the operation of any such use shall:

a. Submit, in advance of the event, a site layout displaying adequate ingress and egress routes for emergency vehicles with no dead-end aisles.

b. Comply with all local regulations and the State Carnival Regulation Act (225 ILCS 205/0.01 et seq.), as amended.

c. Provide refuse containers in the number and locations required by the Village. All containers shall be properly serviced.

d. Provide for thorough clean-up of the site at the completion of the event.

e. Provide proof that all amusement devices have been State inspected.

f. Upon written notice from the Village, immediately stop the use of any amusement device or structure found by the Village to pose a threat to the public safety.

2. Christmas Tree, Pumpkin and Other Seasonal Holiday Sales Lots

Seasonal or holiday sales lots such as Christmas tree sales and pumpkin sales patches shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. These uses shall be limited to a period not to exceed forty-five (45) days prior to the holiday or event date.

3. Farmers Markets

No product may be exhibited or offered for sale by any person except after securing a Village business license (transient merchant regulations) to sell the following: fresh dairy goods, fruits, vegetables, juices, flowers, plants, herbs, spices produced or grown by the
vendor, baked goods made by the vendor(s), jarred or canned goods and arts and crafts made by the vendor.

4. **House, Apartment, Garage and Yard Sales**

House, apartment, garage and yard sales are allowed in any district, in accordance with the regulations contained in Chapter 121 of the Village Code.

5. **Arts and Crafts Shows, and Plant Shows (Indoor or Outdoor)**

Arts and crafts shows, and plant shows shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and adverse impact on other properties. In residential districts, these uses shall be limited to a period not to exceed three (3) days and no more than three (3) sales shall be permitted in any twelve (12) month period.

6. **Sidewalk Sales**

Sidewalk sales are permitted in the commercial districts only. They shall be in conjunction with, and clearly incidental to, an existing permanent on-site use. Sidewalk sales are permitted to display and sell only merchandise that is found in stores participating in the sidewalk sale. No sidewalk sale shall be permitted for a period of more than five (5) successive days and no more than two (2) sales shall be permitted in any twelve (12) month period.

7. **Temporary Contractor Trailers and Real Estate Model Units**

Contractor trailers and real estate model units, including temporary real estate offices accessory to a new development, are allowed in any zoning district when accessory to a construction project or a new development. Contractor trailers shall be limited to a period not to exceed the duration of the active construction phase of such project. Real estate model units, including temporary real estate offices, shall be limited to the active selling and leasing of space in such development or six (6) months after issuance of the final occupancy permit, whichever is less. These structures shall not contain any sleeping or cooking accommodations, except those located in a model unit used for demonstration purposes only. No trailer, unit or office shall be used as the general office or headquarters of any firm.

8. **Community Garden**

Community gardens are permitted in the residential districts and in the OS and I Districts, subject to the following regulations.

a. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.

b. Prior to the establishment of the community garden, soil testing is required to measure nutrients, heavy metals and any other harmful contaminants that may be present. The applicant must present, as part of the temporary use application, the soil testing results and proposed remediation methodology, if needed. Alternatively, the applicant may use raised planter boxes for all plants, in which case soil testing is not required.

c. Keeping of livestock and apiaries are prohibited.
d. Permanent structures are prohibited. However, temporary greenhouses, including high tunnels/hoop-houses, cold-frames and similar structures, are permitted.

e. Seasonal farmstands are permitted and are limited to sales of items grown at the site. Seasonal farmstands must be removed from the premises during that time of the year when the garden is not open for public use.

f. The applicant for the temporary use permit must submit a notarized letter to the Zoning Administrator that states the Village is not liable or responsible for the community garden, including maintenance of the garden, any activities on site, or the health of plants grown on site including consumption of such plants.

9. Tents

a. Non-Residential Districts

Tents within non-residential districts shall be permitted for no longer than fourteen (14) days and must be in conjunction with a special event of a use located on the same lot. Tents must be removed within two (2) days of the end of the event for which it was erected, but in no case may a tent be in place for longer than fourteen (14) days. Unless waived in writing by the Zoning Administrator, every tent shall comply with the bulk requirements applicable to accessory structures. Additionally, the size and location of tents may be restricted where it is determined that it creates parking and/or access problems on the site.

b. Residential Districts

Tents within residential districts shall be limited to no more than five (5) days in one (1) calendar year no more than two (2) consecutive days and must be located within the rear yard. These structures shall include tents used for entertainment or assembly purposes that are not intended for living purposes, such as camping and sleeping. Such uses do not require a temporary use permit.

10. Temporary Storage Containers

a. Temporary storage containers (also known as “PODS”) are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed seventy-two (72) hours. Such uses do not require a temporary use permit.

b. Temporary storage containers shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located. Containers shall not be permanently attached to the ground, serviced with permanent utilities or stacked on the site.

12.7 ENVIRONMENTAL PERFORMANCE STANDARDS

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

A. Noise

No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state and local
regulations, as amended from time to time, including regulations set forth in Chapters 92.30 and 130.21 of the Village Code. These limits shall not apply to construction noises (other than applicable time and day restrictions), noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

B. Glare and Heat

Any activity or the operation of any use that produces glare or heat shall be conducted so that no glare or heat from the activity or operation shall be detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

C. Vibration

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

D. Dust and Air Pollution

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

E. Hazardous, Radioactive and Toxic Materials

No operation that produces radioactive, toxic or hazardous waste material shall commence without prior notice to the Village. Notice shall be given at least three (3) weeks before the operation is commenced. The transport, handling, or storage of all radioactive, toxic or hazardous materials, including waste, shall comply with applicable federal, state, county and local regulations. The discharge, clean-up and disposal of fluid or solid radioactive, toxic or hazardous waste shall comply with applicable federal, state, county and local laws and regulations governing such materials or waste.

F. Electromagnetic Interference

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

G. Odors

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

H. Water Pollution

All uses shall comply with federal, state, county and local regulations.
I. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards shall be transported, stored and used only in conformance with all applicable federal, state, county and local regulations.
### SECTION 13. OFF-STREET PARKING & LOADING

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#### 13.1 PURPOSE

The off-street parking and loading regulations of this Section are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of the proposed use, increase public safety by reducing congestion of public streets, and encourage the use of alternative modes of transportation where appropriate.

#### 13.2 GENERAL PROVISIONS

The provisions of this Section shall apply as follows:

**A. Existing Facilities**

1. The existing number of off-street parking and loading spaces shall not be reduced below the requirements of this Section. If the number of such existing spaces is already less than the requirements of this Section, it shall not be further reduced.

2. Existing off-street parking and loading areas which do not conform to the requirements of this Section, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a legal nonconforming structure.

3. If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within one (1) year of the issuance of a permit, the number of off-street parking and loading spaces shall be provided in the amount required for the issuance of said building permit, regardless of what may be required by this Section.

**B. Damage or Destruction**

When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that at the time of such damage or destruction, unless additional property has been acquired by the owner or occupant that allows for the installation of additional parking. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Section.
C. Change in Land Use

When the existing use of a structure or land is changed to a new use, parking and loading spaces shall be provided as required for the new use. Additional parking or loading spaces shall be required in the amount by which the requirements for the new use exceed the requirements for the existing use.

D. Change in Intensity of Use

1. When the intensity of use of any structure or land is permanently increased, additional parking and loading spaces shall be provided. The number of additional parking and loading spaces shall be based on the increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement used to calculate the number of required number of parking or loading spaces.

2. When the intensity of use of any structure or land is decreased, the number of parking and loading spaces may be reduced so long as the parking requirements of this Section are met for the entire structure or land as modified.

E. Provision of Additional Spaces

Nothing in this Section shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design and control of such facilities are in accordance with this Section.

F. Relation of Required Parking and Loading

Space allocated to any required off-street loading shall not be used to satisfy off-street parking requirements and vice versa.

13.3 COMPUTATION

The total number of required parking and loading spaces shall be based upon the requirements for the principal use of the lot. However, when more than one (1) use occupies the same lot, the number of required spaces shall be the sum of the separate requirements for each use. In computing the number of off-street parking or loading spaces required by this Section, the following standards for computation shall apply:

A. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space shall not be used to satisfy the replacement for any off-street loading space or portion thereof.

B. A fraction of less than one-half (½) may be disregarded, and a fraction of one-half (½) or more shall be counted as one (1) parking or loading space.

C. In places of assembly in which patrons or spectators occupy benches, pews, temporary seating such as folding chairs, or similar seating facilities, each twenty-four (24) inches of such seating facility shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities.

D. Except as otherwise specified, parking or loading spaces required on an employee basis shall be based on the maximum number of employees normally present on the premises at any one time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or manager shall be counted as an employee(s).
E. When two or more uses are located on the same zoning lot, only one exemption in terms of floor area may be taken as provided in Paragraph B of Section 13.12 (Required Off-Street Parking Spaces).

13.4 CONSTRUCTION OF PARKING AND LOADING FACILITIES

A. Site Plan Review Required

Site plan review, in accordance with Section 4.6 (Site Plan Review), is required prior to any construction, alteration or addition of any parking facility and for the construction of any new loading berth. For purposes of this Section, construction, alteration or addition shall include all paving of previously unpaved surfaces, replacement of pavement with new binder and surface courses, construction of curbing, installation of new parking lot landscaping, and similar activities. Construction, alteration or addition shall not include maintenance activities such as replacement of existing landscaping, repair of existing curbing, repairs, sealing, re-striping, or placement of surface course pavement over previously paved areas. No permit shall be required for maintenance activities.

B. Time of Completion

Off-street parking and loading facilities required by this Section shall be completed prior to the issuance of the occupancy permit for the use they serve.

13.5 COLLECTIVE PROVISIONS

A. Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required for each use separately. No parking or loading space, or portion thereof, shall serve as the required space for more than one (1) use with the exception of the following shared parking arrangement described in Paragraph B below.

B. An off-street parking facility may be shared between two (2) or more uses, provided that use of such facility by each user does not occur at the same time and there is evidence that the parking capacity is adequate to meet the parking needs of both owners under normal business or usage conditions. No shared use of parking spaces shall be permitted unless:

1. Approval is obtained from the Zoning Administrator that confirms that the use of such facility by each user does not take place at the same hours during the same days of the week.

2. The users of the shared parking facility shall record an agreement to share parking facilities, subject to approval by the Village Attorney. A copy of the recorded agreement shall be given to the Village.

3. The location and design requirements of this Section are met.

4. Any subsequent change in ownership or use, or termination of the shared parking agreement, shall require proof that the minimum parking requirements, per this Section, have been met for each use. The owner of an existing building or use shall have one-hundred eighty (180) days within which to accommodate all required off-street parking or to apply for a variation. If the owner is unable to accommodate the parking or fails to apply for a variation, then the occupancy permit shall be revoked with respect to the use for which the separate parking was required. The occupancy permit shall be reinstated when all applicable provisions of this Section are complied with. As an alternative to a variation, a new shared parking agreement may be arranged in accordance with this Section.
13.6 LOCATION OF OFF-STREET PARKING SPACES

A. Residential Uses

1. Required parking spaces for residential uses shall be located on the same lot as the building or use served. A special use permit may be applied for to permit required parking for residential uses within three hundred (300) feet of the residential use, as measured from the nearest property line of the residential use.

2. For single-family, two-family and townhouse dwellings, parking shall be permitted in private driveways, but no such parking may encroach onto the public right-of-way. However, such driveway parking shall not be considered as satisfying the off-street parking requirements for such single-family, two-family and townhouse dwellings.

3. Parking shall not be located in the front yard of a residential district. However, if there is no rear access to the lot, a special use permit may be applied for to construct a parking pad within the front yard. Lots with rear access are prohibited from constructing front yard parking pads.

4. Tandem parking is permitted for townhouse or multi-family dwellings but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.

B. Non-Residential Uses

1. All required off-street parking areas for non-residential uses located within residential districts shall be located on the same lot as, or within three hundred (300) feet of, the building or use served, as measured from the nearest property line of the building or use served.

2. All required off-street parking areas for non-residential uses located within non-residential zoning districts shall be located on the same lot as or within one thousand (1,000) feet of the building or use served, as measured from the nearest property line of the building or use served.

3. Off-street parking spaces are permitted within any yard, subject to buffer yard standards of Section 14.11 (Buffer Yards) in all non-residential districts.

13.7 DESIGN STANDARDS (Amended 01/18/2011: CO-2011-01)

All off-street parking facilities shall comply with the following standards:

A. Dimensions

1. Off-street parking spaces shall be designed in accordance with Figure 13-1: Off-Street Parking Dimensions.

2. All parking spaces shall have a minimum vertical clearance of seven (7) feet.

B. Access

1. Each off-street space shall open directly upon an aisle or driveway of such width as will provide adequate means of vehicular access to such parking space. All off-street parking facilities shall be provided with appropriate means of vehicular access in a manner that least interferes with traffic movement and allows the driver of the vehicle to proceed forward into traffic rather than back out.
2. All required off-street parking facilities shall have vehicular access from a street, alley, driveway or cross-access connection.

3. Within off-street parking facilities one-way traffic aisles shall be at least twelve (12) feet in width and two-way traffic aisles shall be at least twenty-four (24) feet in width. Furthermore, all aisles shall be designed in accordance with Figure 13-1: Off-Street Parking Dimensions.

**FIGURE 13-1: OFF-STREET PARKING DIMENSIONS**

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width (W)</th>
<th>Stall Length (L)</th>
<th>Aisle Width (A)</th>
<th>Single Loaded Module Width (SL)</th>
<th>Double Loaded Module Width (DL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8.5’</td>
<td>21’</td>
<td>12’ / 24’</td>
<td>20.5’/32.5’</td>
<td>29’/41’</td>
</tr>
<tr>
<td>45°</td>
<td>8.5’</td>
<td>18’</td>
<td>13’</td>
<td>32’</td>
<td>51’</td>
</tr>
<tr>
<td>60°</td>
<td>8.5’</td>
<td>18’</td>
<td>18’</td>
<td>32’</td>
<td>58’</td>
</tr>
<tr>
<td>75°</td>
<td>8.5’</td>
<td>19’</td>
<td>20’</td>
<td>40.8’</td>
<td>61.6’</td>
</tr>
<tr>
<td>90°</td>
<td>8.5’</td>
<td>18’</td>
<td>24’</td>
<td>42’</td>
<td>60’</td>
</tr>
</tbody>
</table>

1. Two-way traffic permitted
2. A module is defined as a drive aisle with automobiles parked on each side of the drive aisle.
C. Driveways

1. Residential Driveways, Excluding Multi-Family and Townhouse Dwellings

   a. A residential driveway that provides access to a detached garage shall be no more than twelve (12) feet in width. A driveway apron, the width of the garage as measured from the garage walls, is permitted to extend for a distance (depth) of twenty (20) feet from the garage doors before tapering back to the required driveway width to allow access to the additional spaces. (See Figure 13-2: Residential Driveway Width)

   b. A lot abutting an alley may have a vehicular entrance from the alley only if the vehicular entrance does not connect to a driveway accessed from the public street right-of-way/frontage. Where a detached garage is located no more than ten (10) feet from public alley lot line, the driveway shall not exceed the width of the detached garage. The width of the driveway approach measured at the curb shall in no case be greater than five (5) feet more than the width measured at the property line.

   c. A residential driveway that provides access to an attached garage shall be no wider than the width of the garage. (See Figure 13-2)

   d. Driveways shall be located a minimum of one (1) foot from the side lot line. However, a residential driveway may be located on the lot line if it physically abuts a driveway on the adjacent lot. This location shall only be allowed if agreed to by the owners of each lot, and such approval is recorded as a shared driveway easement on each plat of survey.

   e. Where no rear access to the lot exists, single-family and two-family dwellings are permitted an additional paved parking pad by special use permit. Such parking pads shall not be located in the required front, corner side or interior side yard. Any driveways must comply with the requirements of Paragraph i above. The minimum impervious surface requirement for the lot may not be exceeded to accommodate a parking pad. Figure 13-3: Parking Pad Location illustrates where a parking pad may be located. (Amended 01/18/2011: CO-2011-01)

   f. An existing residential driveway with no alley that provides access to a detached garage shall be allowed to replace the existing driveway even if over the impervious surface requirement for the lot. If an additional parking area exists and is over the allowable impervious surface requirement it shall not be allowed to be replaced (See Figure 13-4). (Amended 01/18/2011: CO-2011-01)

   g. Existing residential interior lot sidewalks shall be allowed to be replaced even if over the impervious surface requirement for the lot. (Amended 01/18/2011: CO-2011-01)

2. Multi-Family and Townhouse Dwellings, and Non-Residential Driveways

   a. Except for access to loading berths, no driveway shall have a width exceeding twenty four (24) feet. Driveways shall be a minimum of twelve (12) feet for one-way drives, and a minimum of twenty-four (24) feet for two-way drives.

   b. Driveways, off-street parking areas and access aisles for multi-family residential and non-residential parking lots shall be designed in accordance with Figure 13-1.
FIGURE 13-2: RESIDENTIAL DRIVEWAY WIDTH

DETACHED GARAGE DRIVEWAY WIDTH

ATTACHED GARAGE DRIVEWAY WIDTH

FIGURE 13-3: PARKING PAD LOCATION

FIGURE 13-4: DRIVEWAY REPLACEMENT

(Amended 01/18/2011: CO-2011-01)
3. Single-Family and Two-Family Dwelling Driveway Curb Cuts
   (Amended 01/18/2011: CO-2011-01)
   
a. Only one (1) driveway curb cut shall be permitted on a zoning lot for a new single-
      family or two-family dwelling.
   
b. Existing lots with more than one (1) curb cut and/or a circular driveway that exists at
      the time of adoption of this Ordinance may replace and repair the existing driveway,
      provided that the driveway is not enlarged and that the minimum impervious surface
      requirement for the lot is not exceeded at the time of replacement or repair.

D. Surfacing
   
1. All open off-street parking areas shall be improved with a hard surfaced, all-weather
   dustless material as approved by the Village. Semi-pervious materials such as grass-
   crete and pervious pavers may also be used, subject to the approval of the Village.
   
2. All persons owning or operating open off-street non-residential use parking areas shall
   take the necessary steps to bring said parking areas into compliance with all surfacing
   requirements by April 15, 2016. (Amended 01/18/2011: CO-2011-01)
   
3. All persons owning or operating open off-street parking areas for residential uses shall
   take the necessary steps to bring said parking areas into compliance with all surfacing
   requirements by April 15, 2021. (Amended 01/18/2011: CO-2011-01)

E. Striping
   
Off-street parking areas of four (4) or more spaces shall delineate parking spaces with paint
or other permanent materials, which shall be maintained in clearly visible condition. Parking
spaces for handicapped persons shall be identified with the appropriate sign and shall be
visible at all times of the year, regardless of snow cover, plant growth or similar conditions.

F. Curbing and Bumper Stops
   
Bumper stops, wheel stops or curbing shall be provided to prevent vehicles from damaging or
encroaching upon any adjacent parking or loading space, sidewalk, landscaped area or
parking lot island, fence, wall or building. Curbing shall be at least six (6) inches in height.
The length of the parking stall shall be as indicated in Figure 13-1: Off-Street Parking
Dimensions.

G. Drainage and Grading
   
1. The pavement on open off-street parking areas, except driveways, shall be graded to
   prevent surface stormwater from running off onto adjacent property. Said stormwater
   shall be removed from the lots by surface or sheet drainage unless otherwise specified
   by the Village.
   
2. In the instance of surfaced open off-street parking areas, other than driveways, with an
   area of twelve thousand (12,000) square feet, said areas shall be properly drained using
   storm sewer connections, retention ponds or any alternate method approved by the
   Village Engineer.
H. Lighting

Parking lot lighting shall be in accordance with Section 12.3 (Exterior Lighting). Illumination of an off-street parking area shall be arranged so as to deflect light away from adjacent properties and streets.

I. Landscaping and Screening

All parking lots shall be landscaped in accordance with Section 14 (Landscaping and Screening).

J. Signs

Accessory signs are permitted in accordance with Section 15 (Signs).

13.8 ACCESSIBLE PARKING

A. Required Spaces

With the exception of single-family, two-family and townhouse dwellings, in all off-street parking facilities where parking is provided for residents, employees and/or visitors, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code (71 Ill. Adm. Code 400), as amended, and all additional governing codes and applicable laws.

B. Dimensions and Design

Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code (71 Ill. Adm. Code 400), as amended, provided that in no instance shall the width of any one (1) space be less than sixteen (16) feet. Such spaces shall be identified by a sign and pavement markings indicating parking for the disabled only. Such spaces shall be the spaces closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access.

13.9 STACKING SPACES FOR DRIVE-THROUGH FACILITIES

A. Design

Every drive-through facility shall provide a minimum of two (2) stacking spaces per drive-through lane, unless otherwise required by Table 13-1: Required Off-Street Parking or this Ordinance. Stacking spaces provided for drive-through uses shall be:

1. A minimum of nine (9) feet in width, as measured from the outermost point of any service window to the edge of the driveway, and eighteen (18) feet in length. (See Figure 13-5: Measurement of Drive-Through and Figure 13-6: Stacking Spaces)

2. Placed in a line within the drive-through lane.

3. Located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.

4. Stacking spaces shall begin behind the vehicle parked at a last point of service, such as a window or car wash bay.
13.10 COMMERCIAL VEHICLES

The following restrictions shall apply to the parking or storage of commercial vehicles.

A. No commercial vehicle shall be parked on any public right-of-way, except for vehicles engaged in loading or unloading, or vehicles in connection with current work being done to the adjacent premises.

B. No stored or parked commercial vehicle shall be occupied or used for human habitation.
C. Only standard-sized, passenger commercial vehicles including, but not limited to, automobiles, vans without ladder racks, sports utility vehicles (SUWs), pick-up trucks and trucks required to register for a “B-plate” are permitted to be stored or parked outdoors overnight on private property. This shall include regular passenger-sized vehicles that are required to register for a livery plate.

D. Permitted commercial vehicles, as described in Paragraph C above, shall include such vehicles that are owned and used for commercial purposes by the occupant of a dwelling or guest of residentially-zoned property. Such permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

E. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, vans with ladder racks, commercial trailers, buses, limousines, trucks, tow trucks, construction vehicles or other large commercial or non-standard passenger size livery vehicles are not permitted to be stored or parked outside overnight except where permitted as part of the function of the principal use, such as contractor storage yards and outdoor storage yards.

13.11 RECREATIONAL VEHICLES AND EQUIPMENT IN RESIDENTIAL DISTRICTS

For the purposes of this Section, recreational vehicles shall include all trailers, campers, motor homes, boats, pop-up campers, and trailers that transport snowmobiles, wave-runners, ATVs, etc. The following provisions are applicable to all residential districts.

A. State license plates and Village vehicle sticker, where required, shall be current and properly displayed.

B. Storage of a recreational vehicle or a boat trailer shall not constitute or be a part of any business.

C. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district and shall not be connected to sewer, water or electrical service.

D. No recreational vehicle or boat trailer shall be parked or stored with flammable liquids aboard the trailer or boat in portable containers. Exterior propane gas bottles or tanks on recreational vehicles or boat trailers shall have the valve handles or controls locked or removed during storage periods.

E. No recreational vehicle or boat trailer shall be parked or stored in an unsanitary, unsafe or dangerous condition.

F. Recreational vehicles and boat trailers shall be locked and secured from entry while parked or stored.

G. All recreational vehicles shall be maintained in mobile condition. No recreational vehicle shall be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where parked or stored. Parking or storage in such fashion that the recreational vehicle, whether loaded or not, may tip or roll shall be considered a dangerous and unsafe condition.

H. Camping trailers and other foldable or collapsible recreational vehicles shall be parked or stored in the same condition as when towed.

I. No recreational vehicle or boat trailer shall be stored in or block access to any off-street parking space required by this Ordinance.
J. Recreational vehicles and boat trailers parked or stored on corner lots shall be screened from public view.

K. No more than one (1) recreational vehicle or boat trailer shall be parked or stored on premises used as a single-family residence or used for residential purposes.

L. No recreational vehicle or boat trailer parked or stored at a single-family residence shall exceed:
   1. Eleven (11) feet in height, as parked, including trailer cradle or mount, but excluding mast.
   2. Thirty-two (32) feet in length, including trailer hitch, tongue and bumpers.

M. No recreational vehicle or boat trailer parked or stored at a single-family residence shall be located:
   1. Less than three (3) feet from any structure.
   2. Less than three (3) feet from any lot line.
   3. Within any required front yard.

N. No recreational vehicle or boat trailer that is in an inoperable condition, or that is not licensed, shall be permitted on any residential property for more than forty-eight (48) hours, unless it is an enclosed garage.

O. Notwithstanding other provisions of this Ordinance, recreational vehicles and boat trailers may be parked in side yards or driveways for loading and unloading purposes for a period of not more than twenty-four (24) hours.

13.12 REQUIRED OFF-STREET PARKING SPACES

A. Required Off-Street Parking Spaces

The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 13-1: Off-Street Parking Requirements. Table 13-1 lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this Section and do not indicate whether such uses are permitted or special uses within any district. Certain generic uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 13-1.

B. Parking Requirement Exemptions in the C-1 and C-2 Districts

This exemption is intended to minimize the impact of parking lots in neighborhood and pedestrian-oriented business districts and the number of existing buildings that are nonconforming with respect to parking.

1. In the C-1 District, all commercial uses are exempt from the parking requirements of Table 13-1.
2. In the C-2 District, the first two-thousand (2,000) square feet in gross floor area for non-residential uses are exempt from the parking requirements of Table 13-1. This shall not apply to a multi-tenant structure.

3. In the C-2 District, on-right-of-way parking spaces that are located along the front or side property line may be counted toward required off-street parking spaces. New on-right-of-way parking spaces may be created to count toward required off-street parking but must be located along the side or front property line, and must be accessible twenty-four (24) hours a day subject to any Village overnight or other parking restrictions. At least fifty percent (50%) of the width of an on-right-of-way space must be located along the property line of the property under consideration in order to count toward off-street parking requirements. (See Figures 13-7: On-Right-of-Way Parking and 13-8: On-Right-of-Way Parking Consideration Standard) These spaces are not reserved for the establishments that utilize this exemption.
4. A reduction in the required number of off-street parking spaces for non-residential uses in the C-2 District may be granted by the Village Board upon the recommendation of the Plan Commission/Zoning Board of Appeals. The Village Board may authorize the requested parking reduction conditioned upon payment, by the owner, of a fee-in-lieu of providing the required parking spaces, such fee established from time to time by resolution of the Village Board. Such payment shall be placed into a Village fund to be used by the Village for the acquisition, construction and maintenance of public off-street parking facilities to serve the district. Upon payment, the property granted the modification in the number of required off-street spaces shall be credited permanently by ordinance with the number of spaces for which payment was received by the Village. The parking fee-in-lieu of provision shall only be applicable for new construction or where additional floor area in excess of four-hundred (400) square feet is added to an existing building. Changes in use within existing buildings shall not require payment of a fee-in-lieu.

<table>
<thead>
<tr>
<th>VILLAGE OF MAYWOOD, ILLINOIS TABLE 13-1: OFF-STREET PARKING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USE</strong></td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
</tr>
<tr>
<td>Community Residence</td>
</tr>
</tbody>
</table>
| Dwelling, Above the Ground Floor | 1-bedroom unit: 1 per dwelling unit  
2-bedroom or more unit: 1.5 per dwelling unit |
| Dwelling, Multi-Family | 1 per dwelling unit |
| Dwelling, Single-Family | 2 per dwelling unit |
| Dwelling, Townhouse | 2 per dwelling unit |
| Dwelling, Two-Family | 2 per dwelling unit |
| Independent Living Facility | 1 per dwelling unit + 1 per 2 employees |
| Nursing Home | 1 for each 4 beds + 1 per 2 employees (excluding staff doctors) + 1 per staff doctor |
| **GOVERNMENT AND EDUCATIONAL USES** | |
| Educational Facility, College/University | 1 per 3 employees + 1 per 4 students based on maximum number of students attending classes on premises at any one time |
| Educational Facility, Primary | 2 per classroom |
| Educational Facility, Secondary | 1 per 10 students (based on maximum enrollment) + 2 per classroom |
| Educational Facility, Vocational School or Training Academy (Amended 11/20/2014: CO-2014-41) | 1 per 3 employees + 1 per 4 students based on maximum number of students attending classes on premises at any one time |
| Government Facility | 3 per 1,000sf GFA |
| **CULTURAL USES** | |
| Cultural Facility | 2 per 1,000sf GFA |
| Group Assembly | 1 per 4 seats + 1 per 1,000sf of residential living area if convent or rectory attached + additional spaces as required for accessory uses (day care center, auditorium, etc.) + adequate provision for buses and on-site passenger loading and unloading |
| **COMMERCIAL USES** | |
| Animal Hospital | 1 per full-time employee + 1 per 30sf of waiting room area |
| Art Gallery | 1 per 800sf GFA |
| Banquet Hall | 1 per 4 seats (based on maximum capacity) + 1 per 2 employees (based on largest shift) |
## TABLE 13-1: OFF-STREET PARKING REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>PROPOSED PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Wash</td>
<td>1 per bay</td>
</tr>
<tr>
<td>Day Care Center, Adult or Child</td>
<td>1 per 2 employees + 2 passenger loading space</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>12 spaces per chapel + 1 per business vehicle</td>
</tr>
<tr>
<td>Gas Station</td>
<td>2 per 1,000sf GFA of any accessory convenience retail and/or food service</td>
</tr>
<tr>
<td>Greenhouse/Nursery</td>
<td>1 per 1,000sf GFA + 2 per 1,000sf of outdoor sales &amp; display area</td>
</tr>
<tr>
<td>Heavy Retail, Rental and Service</td>
<td>4 per 1,000sf GFA, including outdoor sales &amp; display area</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per 2 hospital beds + 1 per 2 employees (other than staff doctors) + 1 for each staff doctor</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>1 per room + required parking for restaurants, meeting rooms and retail shops</td>
</tr>
<tr>
<td>Indoor Entertainment</td>
<td>4 per 1,000sf of public use area</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>1 per 4 seats for first 400 seats + 1 per 6 additional seats after first 400</td>
</tr>
<tr>
<td>Indoor Recreation</td>
<td>4 per 1,000sf of public use area</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>2 per lane + additional spaces as required for accessory uses (bars, restaurants, etc.)</td>
</tr>
<tr>
<td>Kennel/Pet &quot;Day Care&quot; Service</td>
<td>1 per 1,000sf of GFA + 1 per 4 pet owners if animal training classes are taught on-site (based on maximum class size)</td>
</tr>
<tr>
<td>Live Entertainment</td>
<td>4 per 1,000sf of public use area</td>
</tr>
<tr>
<td>Medical/Dental Clinic</td>
<td>1.5 per exam room</td>
</tr>
<tr>
<td>Methadone Clinic</td>
<td>3 per 1,000sf of public use area</td>
</tr>
<tr>
<td>Motor Vehicle Dealership</td>
<td>1 per 1,000sf of public sales &amp; display area (indoor + outdoor)</td>
</tr>
<tr>
<td>Motor Vehicle Rental Establishment</td>
<td>1 per 1,500sf of public sales &amp; display area (indoor + outdoor)</td>
</tr>
<tr>
<td>Motor Vehicle Service and Repair</td>
<td>2 per service bay + 1 per 500sf of office &amp; public waiting area</td>
</tr>
<tr>
<td>Office Business</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Outdoor Entertainment</td>
<td>2 per 1,000sf of public use area</td>
</tr>
<tr>
<td>Outdoor Recreation</td>
<td>2 per 1,000sf of public use area</td>
</tr>
<tr>
<td>Payday or Title Loan Agency</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Personal Services Establishment</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 per 60sf of public seating area (excluding any outdoor dining area)</td>
</tr>
<tr>
<td>Restaurant, Carry-Out</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Bakery</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Retail Goods Establishment</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Tattoo Parlor</td>
<td>3 per 1,000sf GFA</td>
</tr>
</tbody>
</table>

### MANUFACTURING, STORAGE AND RESEARCH USES

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor Storage Yard</td>
<td>2 per 1,000sf of GFA</td>
</tr>
<tr>
<td>Manufacturing, General</td>
<td>3 per 1,000sf of GFA</td>
</tr>
<tr>
<td>Outdoor Storage Yard</td>
<td>2 per 1,000sf of GFA</td>
</tr>
<tr>
<td>Recycling Center</td>
<td>2 per 1,000sf of GFA</td>
</tr>
<tr>
<td>Self-Storage Facility</td>
<td>1 per 50 storage units</td>
</tr>
<tr>
<td>Solid Waste Transfer Facility</td>
<td>2 per 1,000sf of GFA</td>
</tr>
<tr>
<td>Motor Vehicle Operations Facility</td>
<td>1 per 1,000sf GFA</td>
</tr>
<tr>
<td>Research and Development Facility</td>
<td>3 per 1,000sf GFA</td>
</tr>
<tr>
<td>Warehouse/Distribution</td>
<td>1 per 20,000sf GFA of warehouse space + 1 per 1,000sf of office space</td>
</tr>
</tbody>
</table>
13.13 REQUIRED OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided for a building, structure or use which requires the receipt or distribution of materials or merchandise by trucks or other vehicles in accordance with Table 13-2: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces shall be calculated on the basis of each individual tenant (for example, if only one (1) commercial tenant of a multi-tenant building is over ten-thousand (10,000) square feet, only one (1) loading space is required; if all tenants are under ten-thousand (10,000) square feet, no loading is required).

13.14 DESIGN OF OFF-STREET LOADING SPACES

A. Location

1. All off-street loading spaces shall be located on the same lot as the building or use served. No off-street loading spaces shall project into a public right-of-way.

2. Off-street loading spaces shall be located at least twenty-five (25) feet from the intersection of any two (2) streets.

3. No off-street loading space shall be located in a front yard or setback.

4. All off-street loading spaces shall be located a minimum of fifty (50) feet from the lot line of any lot in a residential district, unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height.
B. Dimensions

All required off-street loading spaces shall be at least ten (10) feet in width and at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least fourteen (14) feet.

C. Surfacing

All off-street loading spaces shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all weather dustless material or in accordance with the requirements of the Village.

D. Access Control and Signage

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

E. Lighting

Loading facility lighting shall be in accordance with Section 12.3 (Exterior Lighting). Illumination of an off-street loading facility shall be arranged so as to deflect the direct rays of light away from adjacent properties and streets.

F. Landscaping and Screening

All loading facilities shall be landscaped and screened in accordance with Section 14 (Landscaping and Screening).
SECTION 14. LANDSCAPING & SCREENING

14.1 PURPOSE

The landscaping and screening requirements established by this Section are intended to preserve and enhance the appearance, public health, safety, convenience, comfort and general welfare of the Village by fostering an aesthetically pleasing development. Proper landscaping contributes to the Village in many ways: enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. These regulations are also intended to increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on, or created by, adjoining or neighboring uses.

14.2 ENFORCEMENT OF LANDSCAPE PROVISIONS

No building permit or occupancy permit shall be issued for any lot or use subject to the requirements of this Section unless all the requirements of this Section have been fulfilled. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the occupancy permit and/or the application of fines and penalties, as established in this Ordinance. In addition, all landscaping is subject to periodic inspection.

14.3 LANDSCAPE PLAN

A. Landscape Plan Required

A detailed landscape plan shall be submitted to the Village as part of any new development, and must be approved prior to the issuance of a building permit. Existing single-family and two-family dwellings are exempt from landscape plan requirements.

B. Content of Landscape Plan

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Zoning Administrator.

2. The location, quantity, size, name and condition, both botanical and common, of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
3. The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials and turf.

4. The existing and proposed grading of the site indicating contours at one (1) foot intervals. Proposed berming shall be indicated using one (1) foot contour intervals.

5. Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any natural rock outcroppings on the site.

6. Elevations, cross-sections, and other details as determined necessary by the Zoning Administrator.

C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Zoning Administrator. Changes to the size and amount of plant materials of an approved landscape plan shall not be considered a minor change. Major changes shall be approved by the body granting approval of the landscape plan initially.

14.4 SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS

A. Selection

All planting materials used shall be of good quality and meet American Association of Nurserymen (AANS) standards for minimum acceptable form, quality and size for species selected, and capable of withstand the seasonal temperature variations of Northeastern Illinois, as well as the individual site microclimates. The use of species native to Northeastern Illinois shall be encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred.

B. Installation

All landscaping materials shall be installed in accordance with the current planting procedures established by the AANS. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.

C. Required Element

Landscape materials depicted on landscape plans approved by the Village shall be considered to be required site plan elements in the same manner as buildings, parking and other improvements. As such, the owner of record, or in some instances the homeowner’s association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscaping elements over the entire life of the development.
D. **Maintenance**

All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy or missing plants shall be replaced within six (6) months of notification by the Village or the next reasonable available growing/planting season. All fences, steps, retaining walls and similar landscaping elements required within the landscaping plan shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

### 14.5 LANDSCAPE DESIGN STANDARDS

Landscape plans, as described above, shall be prepared by a licensed landscape architect, registered in the State of Illinois, and evaluated and approved based on the following design criteria.

A. **Scale and Nature of Landscape Material**

The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.

B. **Selection of Plant Material**

Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions.

C. **Shade Trees**

All deciduous shade trees shall have a minimum trunk size of two and one-half (2-1/2) inches in caliper at planting, unless otherwise specified.

D. **Evergreen Trees**

Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

E. **Ornamental Trees**

Single stem ornamental trees shall have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight (8) feet at planting, unless otherwise specified.

F. **Shrubs**

Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.

Large shrubs shall be considered to be those shrubs that reach five (5) or more feet in height at maturity. Small shrubs shall be considered to be those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.
G. Softening of Walls and Fences

Plant material shall be placed against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

H. Planting Beds

Planting beds may be mulched with shredded hardwood, granite mulch, river rock, feather rocks or similar materials. Lava rock is not permitted.

I. Irrigation

Landscape design pursuant to the requirements of this Section shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize the use of water.

J. Energy Conservation

Plant material placement should be designed to reduce the energy consumption needs of the development. In addition, landscaping designs shall take into account and make an effort to implement LEED policy and design standards, where appropriate.

K. Species Diversity

Diversity among required plant material is required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table 14-1: Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. For instance, if a development requires forty-five (45) shade trees, no more than eighteen (18) trees nor less than five (5) trees can be of one (1) species, and there must be a minimum of five (5) different species within the forty-five (45) trees.

<table>
<thead>
<tr>
<th>TOTAL NUMBER OF PLANTS PER PLANT TYPE</th>
<th>DIVERSITY REQUIREMENTS</th>
<th>MINIMUM NUMBER OF SPECIES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MAXIMUM OF ANY SPECIES</td>
<td>MINIMUM OF ANY SPECIES</td>
</tr>
<tr>
<td>1-4</td>
<td>100%</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5-10</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>11-15</td>
<td>45%</td>
<td>20%</td>
</tr>
<tr>
<td>16-75</td>
<td>40%</td>
<td>10%</td>
</tr>
<tr>
<td>76-500</td>
<td>25%</td>
<td>5%</td>
</tr>
<tr>
<td>500-1,000</td>
<td>30%</td>
<td>5%</td>
</tr>
<tr>
<td>1,000+</td>
<td>15%</td>
<td>4%</td>
</tr>
</tbody>
</table>

L. Berming

Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.
14.6 ON-LOT LANDSCAPING

A. Turf Required

All areas within yards that are unpaved shall be landscaped primarily with turf or live groundcover.

B. Required Trees

Shade trees shall be provided on all zoning lots at a minimum of:

1. One (1) shade tree per new single-family residential lot.
2. Two (2) shade trees per multi-family development.
3. Four (4) shade trees per non-residential development.
4. Existing trees shall be counted toward this required minimum number.

14.7 BUILDING FOUNDATION LANDSCAPING

A. If a multi-family residential, mixed-use or non-residential development maintains a front and corner side setback of ten (10) feet or more, building foundation landscaping is required. (See Figure 14-1: Building Foundation Landscaping)

![Figure 14-1: Building Foundation Landscaping]

B. Foundation plantings shall work in concert with buffer yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings shall respond to the materials and the form of a building.

C. Foundation plantings shall be installed across sixty percent (60%) of the length of the façade of the building, except where walkways and driveways are located.

D. Foundation plantings may consist of a mix of trees, shrubs and perennials.
14.8 PARKING LOT LANDSCAPING

A. Parking Lot Landscaping Design Guidelines

All parking lots of ten (10) or more spaces are subject to site plan review and a landscape plan as a condition of obtaining a building permit. Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot. Interior parking lot landscaping is required for those lots of ten (10) or more spaces. Nothing in this section shall be deemed to prevent the applicant's voluntary installation of additional interior parking lot landscaping, so long as parking space requirements and parking lot design requirements are complied with.

B. Existing Parking Lots

1. For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:

   a. A new principal building or building addition is constructed, or exterior remodeling of the principal building occurs.

   b. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. Resealing or re-stripping of an existing parking lot, which does not entail paving or resurfacing by replacement of the asphalt or concrete, shall not be subject to this requirement.

   c. When an existing parking lot under ten thousand (10,000) square feet in area is expanded by fifty percent (50%) or more in total surface area.

   d. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.

2. When an existing parking lot is required by Paragraph 1 above to provide landscaping, which would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance such existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Zoning Administrator shall make the determination that all or a portion of required landscaping does not have to be installed.

14.9 PARKING LOT PERIMETER LANDSCAPE YARD (Amended 01/18/2011: CO-2011-01)

Perimeter parking lot landscaping provides for the enhancement and screening of parking lots by requiring a scheme of pedestrian walls and/or landscaping along public streets. (See Figure 14-2: Parking Lot Perimeter Landscape Yard) Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot. The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas shall be protected with raised concrete curbs. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover. The landscaped area shall be improved as follows:

1. One (1) shrub, measuring a minimum of eighteen (18) inches at planting and not to exceed three and one-half (3½) feet at maturity, shall be planted for every three (3) feet of landscaped area length, spaced linearly to adequately screen vehicle bumpers. Alternatively, a low pedestrian wall the height of which provides effective screening to a maximum height of three (3) feet may be used instead of shrubs. Where feasible, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.
2. The perimeter parking lot landscaping area shall be at least three (3) feet in width, as measured from the back of curb, in order to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

**FIGURE 14-2: PARKING LOT PERIMETER LANDSCAPE YARD**

14.10 INTERIOR PARKING LOT LANDSCAPING

For parking lots consisting of thirty (30) or more spaces, interior parking lot landscaping shall be required. (See Figure 14-3: Interior Parking Lot Landscaping)

A. **Amount**

One (1) parking lot island shall be provided between every fifteen (15) contiguous parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required one (1) island for every fifteen (15) spaces. However, all rows of parking spaces shall be terminated by a parking lot island or landscaped area.

B. **Size of Parking Lot Islands**

Parking lot islands shall be the same dimension as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.

C. **Design of Planting Areas**

Parking lot islands or landscaped areas shall be at least one-hundred forty-four (144) square feet in area and at least six (6) inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.
D. Type of Landscape Material

Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but shall not create visibility concerns for automobiles and pedestrians.

E. Quantity of Landscape Material

A minimum of one (1) shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees shall be provided.

F. Groundcover

A minimum of seventy-five percent (75%) of every parking lot island shall be planted in turf or other live groundcover, perennials or ornamental grasses.

FIGURE 14-3: INTERIOR PARKING LOT LANDSCAPING

14.11 BUFFER YARDS

A. This section establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section shall be deemed to prevent the applicant’s voluntary installation of buffer yards to these design specifications where they are not required.

B. Buffer yards are required in the following situations:

1. Where a multi-family or townhouse development in the R-4 or R-5 District abuts a R-1, R-2 or R-3 District.

2. Where a commercial, manufacturing or institutional district abuts a residential district.

3. Where a non-residential use is located within a residential district.
However, a buffer yard is not required where the rear wall of a commercial building is located on the rear property line or where an alley is located between a commercial use and a residential use.

C. Buffer yards shall be provided in interior side and rear yards. Buffer yards may be located within required yards, and shall be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces are permitted within the buffer yard area.

D. All plantings in the buffer yard shall be in accordance with the design standards of this Section. The minimum size and improvement of buffer yards shall be as follows:

1. A buffer yard shall be a minimum of ten (10) feet in width.

2. Shade trees shall be planted on an average of one (1) tree for every twenty-five (25) linear feet of yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements or design scheme, but the total number of trees planted will be no less than the amount required by a linear planting spaced twenty-five (25) feet apart.

3. An opaque masonry wall (stone, stucco or brick), solid screen fence or dense evergreen hedge, at least six (6) feet in height, shall be erected along one hundred percent (100%) of the yard length.

4. Shrubs shall be planted on an average of one (1) shrub for every three (3) feet of yard length. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements or design scheme, but the total number of shrubs planted will be no less than the amount required by a linear planting spaced three (3) feet apart.

5. Areas not planted with trees or shrubs shall be maintained as turf or other live groundcover.

14.12 REQUIRED LANDSCAPING ILLUSTRATION

Figure 14-4: Landscaping Requirements illustrates the location of the landscaping requirements in Sections 14.7 (Building Foundation Landscaping), 14.9 (Parking Lot Perimeter Landscape Yard), 14.10 (Interior Parking Lot Landscaping) and 14.11 (Buffer Yards).
14.13 SCREENING REQUIREMENTS

A. Refuse Disposal Dumpsters and Refuse Storage Areas

All refuse containers shall be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall six (6) feet in height and the enclosure shall be gated. The materials used for screening, including the enclosure, shall complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six (6) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure. Best efforts shall be made to keep refuse container enclosures at least five (5) feet away from the property line in all zoning districts where the adjacent property is residential.

B. Loading Berths

Where feasible, loading berths shall be located and oriented so as not to be visible from the street and adjacent properties, while still allowing access to the use it is serving. In addition, loading berths in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six (6) feet in height.

C. Outdoor Storage and Display Areas

1. Outdoor Storage Areas

All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six (6) feet in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.

2. Outdoor Sales and Display Areas

a. When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height.

b. All outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.

c. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way meeting the requirements of Paragraph b above, but such plantings may be clustered. However, the screening may consist of small shrubs and/or a low pedestrian wall of no less than three (3) feet in height, rather than shade or evergreen trees, to optimize the view of motor vehicles for sale.
d. Growing areas for nursery stock located in the front or corner side yard shall be considered to meet screening requirements.

D. Drive-Through Facility (Amended 01/18/2011: CO-2011-01)

Drive aisles of drive-through facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge at least six (6) feet in height.
SECTION 15. SIGNS

15.1 PURPOSE

The purpose of this Section is to establish a framework for a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs that will:

A. To promote and protect the health, safety and welfare of the Village by ensuring the compatibility of signs with surrounding architecture and land uses.

B. To create a more attractive business and economic climate in the commercial and industrial areas of the Village by enhancing and protecting the orderly and effective display of signs.

C. To discourage an excessive number of signs and unsightly, dissimilar and inappropriate signs.

D. To protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs which obscure the vision of pedestrians or motorists, and signs which compete or conflict with necessary traffic signals and warning signs.

15.2 SIGN PERMIT REQUIRED

Unless specifically permitted as exempt from sign permit requirements by this Section, it shall be unlawful for any person to erect, relocate, or structurally alter any sign or other advertising structure without first obtaining a sign permit from the Village in accordance with Section 4.7 (Sign Permit). The Zoning Administrator may revoke any sign permit where there has been a violation of the provisions of this Ordinance or misrepresentation of fact on the sign permit application.

15.3 LOCATION

A. No signs, other than those placed by agencies of government or signs whose placement has been authorized by this Section or the Zoning Administrator shall be erected on any public property. Any sign placed on public property without authorization may be removed without notice.

B. No signs shall be placed on any private property without prior consent of the owner thereof and, where applicable, issuance of a Village sign permit.

C. No sign mounted on the exterior of a building shall cover any windows, doors or any architectural features.
15.4 SIGN DIMENSION COMPUTATIONS

The following principles shall control the computation of sign dimensions.

A. Computation of Sign Area

Sign area is calculated as described in this Section.

1. For signs on a background, the entire area of the background shall be calculated for sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face. (See Figure 15-1: Sign Area Computation 1)

2. For signs consisting of freestanding letters or logos, the area of a sign face (“sign area”) is calculated by means of the smallest square, circle, rectangle or triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem or other display. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face. Window signs printed on a transparent film and affixed to a window pane shall be considered freestanding letters or logos, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message. (See Figure 15-1: Sign Area Computation 2)

3. The sign area of free-form or sculptural (non-planar) signs is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign. (See Figure 15-1: Sign Area Computation 3)
4. For a double-faced sign, if the interior angle between two (2) sign faces is forty-five degrees (45°) or less, the sign area is computed as the area of one (1) face only. If the angle between two (2) sign faces is greater than forty-five degrees (45°), the sign area is computed as the sum of the areas of the two (2) faces.

B. Measurement of Sign Height

Sign height is measured as described below. When measuring sign height, the height of the entire structure, including decorative elements, must be included.

1. For monument signs, height shall be calculated as the vertical distance measured from grade to the highest point of the sign.

2. For signs attached to buildings, height shall be calculated as the vertical distance from the base of the building to which a sign is attached to the highest point of the sign.

3. For pole signs, height shall be measured from the crown of the nearest roadway access to the property, other than an overpass or an approach to an overpass.

15.5 GENERAL CONSTRUCTION STANDARDS

A. Construction

All signs constructed, erected, modified or altered shall comply with the provisions of this Section and the requirements of the Village Code.

B. Sign Structure and Installation

Supports and braces shall be an integral part of the sign design. Supports or braces shall be hidden from public view to the extent technically feasible. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.
C. **Sign Face**

No sign or sign structure shall have any nails, tacks, wires, or sharp metal edges protruding from it. Exposed neon tubing shall be prohibited on all signs located on an exterior wall surface.

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

All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area, and shall be constructed to receive dead loads as required by the Village Code.

E. **Electrical Components**

All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign shall be installed and maintained as required in the Village Code.

F. **Illumination** *(Amended 01/18/2011: CO-2011-01)*

1. Goose-neck reflectors and lights shall be permitted for wall signs and projecting signs provided that the reflectors shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

2. Internal illumination of monument signs, pole signs, wall signs, marquee signs and projecting signs shall be permitted.

3. All sign illumination shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent publicly dedicated roadways and surrounding properties, or distract operators of vehicles or pedestrians in the public right-of-way. The light level shall be no greater than one (1) footcandle at any property line.

G. **Glass**

Glass forming any part of a sign must be safety glass and in compliance with all applicable Village ordinances, codes, rules and regulations.

H. **Lettering**

All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built or attached to the sign structure.

I. **Limitation on Items of Information**

1. All signs must limit the number of items of information on any single sign face to no more than six (6) items to prevent traffic hazards for passing motorists and to minimize the cluttered appearance of signs.

2. Each piece of information on a sign shall be defined as an item of information. For example, each of the following would be defined as one (1) item of information: a telephone number, the name of the business, even if multiple words, or the business logo. If the sign advertises products or services, each product or service would be one (1) item of information. The street number address of the business is not counted as an item of information. (See Figure 15-2: Items of Information)
3. The changeable message component of changeable message signs, where the items of information are changed manually, is counted as one (1) item of information. For a sign that contains a time and temperature component or electronic message display, the time and temperature or electronic message display component shall not be counted as an item of information.

4. All signs on a zoning lot must be related to goods and/or services sold or offered on the premises, with the exception of non-commercial, political, campaign or election signs.

5. Signs for multi-tenant commercial buildings used to advertise which tenants are located within the development, are limited to one (1) item of information per tenant within the development, which may exceed six (6) items, in addition to the name and address of the development.

6. Directory signs are exempt from the items of information limitation.

J. Data to be Posted

Every sign or other advertising structure shall have painted on or a metallic sticker applied, in a conspicuous place thereon, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith. Such information shall not count toward the limitation on the items of information described in Paragraph H above.

K. Sign and Premises Maintenance

1. All signs, and the premises surrounding the sign, shall be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.

2. If the Village shall find that any sign or other advertising structure, as defined herein, is unsafe or insecure, or is a menace to the public, has been abandoned, or has been constructed or erected or is being maintained in violation of the provisions of this Section, the Zoning Administrator shall immediately be advised of such condition and he/she shall give written notice to the sign permit holder thereof. If sign permit holder fails to remove or alter the structure so as to comply with the standards herein set forth such sign or other advertising structure, as defined in this Section, may be removed by Village at the expense of the sign permit holder or the owner of the property upon which it is located. The Village may cause any other sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.
L. **Abandoned Signs**  
Any sign which advertises a business, service or product which is no longer operated, provided or sold on the premises where the sign is located shall be considered an abandoned sign. Any sign which was erected or placed on the premises by a tenant or lessee whose lease on the premises has expired shall also constitute an abandoned sign. The occupant, owner or lessee of all premises where an abandoned sign is located shall remove the sign within fourteen (14) days after receiving notice from the Zoning Administrator to do so.

15.6 **MASTER SIGN PLAN REQUIRED**

A. When more than one (1) wall sign, projecting sign, window sign, or awning/canopy sign is proposed on any building with multiple tenants, the applicant shall submit a master sign plan by the Zoning Administrator.

B. A master sign plan shall provide for coordinated design for all building-mounted signage and shall include, at a minimum, criteria and specifications for general appearance, format of message, font size and style, lighting, location and construction materials.

C. Where signs are to be located on a wall of a multi-tenant shopping center, they shall be located at a generally uniform height on the building wall and shall not cover or overhang any architectural feature.

15.7 **PROHIBITED SIGNS**

It shall be unlawful to erect or maintain the following signs:

A. **Animated Signs**

   Animated signs are prohibited.

B. **Banner Signs (Permanent)**

   Permanent banner signs used to advertise a business, its products or its services are prohibited. Banners may be used as temporary signs in accordance with Section 15.8 (Temporary Signs).

C. **Flashing Signs**

   No sign shall have blinking or flashing lights, or other illuminating device that has a changing light intensity, brightness or color, traveling/chasing or blinking lights, or rotating beacons. Time and temperature and electronic message display components of signs are not considered flashing signs.

D. **Graffiti Signs**

   Graffiti signs are prohibited, in accordance with Section 130.02 of the Village Code.

E. **Moving Signs**

   No sign or other advertising structure shall have moving, revolving or rotating parts or visible mechanical movement of any kind. Street clocks with movable hands shall be permitted.
F. Obscene Signs

No sign or other advertising device shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

G. Off-Premise Temporary Signs

Off-premise temporary signs are prohibited.

H. Painted and Illegally Affixed Signs

1. Signs painted directly on an exterior wall, roof, fascia, parapet or chimney of a building or on a fence are prohibited.

2. Any sign painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street, bench or trash receptacle shall be prohibited. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, shall not be considered illegally affixed signs.

I. Portable Signs

Portable signs are prohibited, except for portable municipal signs and governmental traffic control signs.

J. Roof Signs

Roof signs are prohibited.

K. Signs on Vehicles

Signs placed or painted on parked vehicles where the primary purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises are prohibited. Signs displayed on trucks, buses or other vehicles, which are being operated and stored in the normal course of a business, such as signs indicating the owner or business that are located on delivery trucks, moving vans and rental trucks, are permitted, provided that the primary purpose of such vehicles is not the display of signs and that they are parked or stored in areas appropriate to their use as vehicles. Temporary or permanent signs resting on, or attached to, vehicles or trailers used as a means to circumvent the provisions of this Section are prohibited.

L. Signs that Interfere with Traffic

No sign or other advertising structure, as regulated in this Section, shall:

1. Obstruct free and clear vision at any street, intersection, parking lot entrance or exit, or driveway.

2. Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
3. Make use of the words STOP, LOOK, DETOUR, DANGER or any other word, phrase, symbol or character in a manner that misleads, interferes with, or confuses traffic.

4. No sign in direct line of vision of a traffic signal shall be illuminated in red, green or amber color, so as to resemble a traffic signal.

M. Strobe Lights, Spotlights and Floodlights

Strobe lights, spotlights and floodlights used to advertise a business or event are prohibited.

N. Unsafe Signs

No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.

15.8 TEMPORARY SIGNS

Temporary signs are permitted in accordance with the provisions of this Section except that, where other sections of this Ordinance regulate such signs, the more restrictive regulation shall apply.

A. General Regulations for all Temporary Signs

1. Any sign listed in Section 15.7 (Prohibited Signs) is prohibited.

2. Temporary signs must be related to goods and/or services sold on the premises, except for non-commercial or political messages. Temporary off-premises signs are prohibited.

3. No temporary sign may be illuminated.

4. All temporary signs must remain in good condition during the display period. Throughout the display period, corrective action must be taken immediately should there be any problems with the appearance, condition or maintenance of the sign and/or support hardware.

5. No temporary sign shall exceed thirty-two (32) square feet in sign area.

6. No more than one temporary sign shall be permitted on a zoning lot.

B. Temporary Signs Exempt from Sign Permit

The following temporary signs are exempt from sign permit requirements, however they must comply with all requirements of this Section and this Ordinance.

1. A-Frame Signs

A-frame signs are exempt from sign permit requirements subject to the following:

a. A-frame signs are permitted only within the C-1, C-2 and C-4 Districts.

b. A-frame signs are limited to six (6) square feet in area and four (4) feet in height.

c. The use of A-frame signs is limited to business hours only. Signs must be stored indoors at all other times. A-frame signs must not be used outdoors when high winds or heavy snow conditions exist.
d. Only one (1) A-frame sign is permitted per business. A minimum twenty (20) foot separation is required between all A-frame signs.

e. An A-frame sign must be placed within fifteen (15) feet of the primary entrance of the business, and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. A-frame signs may be placed in the public right-of-way but must maintain a five (5) foot sidewalk clearance at all times.

2. Banners (Temporary)

Temporary banners are exempt from sign permit requirements subject to the following:

a. Temporary banners are permitted for any non-residential use.

b. Temporary banners are limited to thirty-two (32) square feet in area.

c. Only one (1) banner is permitted per zoning lot.

d. No temporary banner may be located higher than the roofline of the building to which it is attached or, if attached to a permanent sign, higher than the sign. There must be no encroachment into the public right-of-way.

e. Temporary banners are limited to a display of fourteen (14) days when not related to a date specific or, if date specific, may be erected no earlier than five (5) days prior to the event plus the duration of the event and must be removed within two (2) days after the event. Temporary banners may be erected on a zoning lot no more than four (4) times in a year. (Amended 01/18/2011: CO-2011-01)

3. Construction Signs

Construction signs identifying the architect, engineer, developer and/or contractor when placed upon a construction site shall be exempt from sign permit requirements, subject to the following:

a. Such signs shall not exceed sixteen (16) square feet in area and eight (8) feet in height.

b. Such signs shall not be erected prior to approval of a site plan and shall be removed prior to the issuance of an occupancy permit.

c. Construction signs shall be limited to one (1) sign per premises.

4. Garage or Yard Sale Signs

Temporary residential garage or yard sale signs shall be exempt from sign permit requirements, but must conform to the requirements set forth in Section 121.07 of the Village Code.

5. Political, Campaign and Election Signs

Political, campaign and election signs shall be exempt from sign permit requirements subject to the following:

a. A maximum of two (2) campaign or election signs for each candidate or election issue may be placed on any zoning lot or lot of record.
b. The maximum permitted size of a political, campaign or election signs in residential zoning districts shall be four (4) feet by four (4) feet. The maximum permitted size of political, campaign and election signs in non-residential zoning districts shall be four (4) feet by eight (8) feet.

c. No political, campaign or election sign shall extend over or into any street, alley, sidewalk or other public right-of-way, or be located in or on any public property, or right-of-way, and shall not be placed or project over any wall opening.

d. Political, campaign or election signs are to be posted on private property only, and only with the permission of the property owner.

e. Even where the above number, size and location limitations are met, the number, size and/or location of political, campaign and election signs displayed may not create a safety hazard to traffic by distracting motorists, interfering with safe pedestrian flow, or obstructing the view of motorists or pedestrians. In such cases, the Chief of Police or Zoning Administrator is authorized to require that the number or size of signs be reasonably reduced or the signs relocated.

f. Political, campaign and election signs that become torn, tattered, faded, or otherwise unfit for public display due to weather or other wear and tear constitute a nuisance and must be removed or replaced by the person or organization responsible for the erection or distribution or any such signs, or the owner, or his agent, of the property upon which the signs may be located. Nuisance signs not removed or replaced within two (2) days of notification by the Village of such nuisance condition may result in a citation and/or abatement as any other nuisance under the Village Code. Signs that present a safety risk to the public due to their condition or location shall be immediately removed, repaired or relocated by the property owner or occupant upon notice from the Village or the signs may be removed by the Village after attempting to notify the property owner or occupant in person. (Amended 03/13/2013: CO-2013-14) (Amended 04/16/2013: CO-2013-27)

g. Each campaign, political organization or individual candidate desiring to erect campaign and election signs on property within the Village must post a refundable bond of two-hundred fifty dollars ($250.00) prior to such erection. The bond amount will cover costs incurred by Village staff in removing illegally erected signs during the pendency of the campaign and in removing signs following the election if such signs become nuisance signs and are not removed by the campaign or political organization itself as required herein upon notice. The Village may remove and destroy the signs of any candidate whose campaign has failed to post the required bond or signs that are placed in violation of this Ordinance. (Amended 03/13/2013: CO-2013-14) (Amended 04/16/2013: CO-2013-27)

6. Real Estate Signs

Real estate signs shall be exempt from sign permit requirements, subject to the following:

a. Real estate signs shall not exceed six (6) square feet in area and five (5) feet in height shall only advertise the sale, rental, lease or management of the premises upon which said signs are located. One (1) such sign is permitted per street frontage.

b. Real estate signs must be located ten (10) feet from any side lot line.

c. Real estate signs shall be removed within forty-eight (48) hours of sale or lease.
7. **Window Signs (Temporary)**

   a. Temporary signs affixed to the inside of a window advertising goods or services sold on the premises shall be exempt from sign permit requirements, provided that the total of all window signs, whether temporary or permanent, shall occupy no more than fifty percent (50%) of the total window area. Temporary window signs are permitted for all non-residential uses. See Section 15.4 for calculation of window sign area.

   b. No handwritten signs, unless professionally created, may be used as a temporary window sign.

C. **Temporary Signs Requiring Sign Permit**

The following temporary signs require a sign permit:

1. **Attention-Getting Devices**

   a. Attention-getting devices require a sign permit and a refundable bond of one-hundred dollars ($100.00) per attention-getting device prior to installation.

   b. Attention-getting devices are permitted for non-residential uses in a commercial district.

   c. No inflatable promotional device shall exceed fifteen (15) feet in height, or the height of the principal building to which it relates, whichever is lower. No inflatable promotional device shall be mounted on a roof of a structure.

   d. Attention-getting devices may not be erected or maintained more than thirty (30) days prior to the date on which the event or activity advertised is to occur or be conducted and shall be removed within three (3) days after the end of the event. Attention-getting devices may be erected on a zoning lot no more than four (4) times in a year.

   e. Attention-getting devices shall not be erected or maintained in such a location or manner as may endanger the public safety or interfere with or obstruct pedestrian or vehicular travel or create a traffic safety problem.

   f. Attention-getting devices shall not be erected or maintained within any public right-of-way except pursuant to a permit authorized by the Village Board.

   g. The Zoning Administrator may impose, as a condition of the issuance of a sign permit, such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the safety and convenience of the public.

2. **Temporary Pole Signs**

   a. Temporary pole signs are permitted for any non-residential use.

   b. Temporary pole signs are limited to thirty-two (32) square feet in area and six (6) feet in height.

   c. All temporary pole signs must be set back ten (10) feet from any property line.

   d. Temporary pole signs are limited to a display of thirty (30) days and must be removed within twenty-four (24) hours after the expiration of the permit. Temporary pole signs may be erected on a zoning lot no more than four (4) times in a year.
3. Temporary Wall Signs
   
a. Temporary wall signs are permitted for any non-residential use.
   
b. Temporary wall signs are limited to thirty-two (32) square feet in area.
   
c. Every temporary sign attached to a wall shall be attached with wire or steel cables or other approved supports as provided by Village Code.
   
d. No temporary wall sign may be located higher than roofline of the building to which it is attached. There must be no encroachment into the public right-of-way. No temporary wall sign may cover windows, doors or architectural features.
   
e. Temporary wall signs are limited to a display of thirty (30) days and must be removed within twenty-four (24) hours after the expiration of the permit. Temporary wall signs may be erected on a zoning lot no more than four (4) times in a year.

15.9 EXEMPT PERMANENT SIGNS

The following permanent signs, and sign alteration and maintenance activities are exempt from the sign permit requirements of this Section.

A. Alteration and Maintenance Operations

The following activities shall be exempt from sign permit requirements:

1. Changing of the advertising copy or message on an existing changeable copy sign or similar approved sign, whether illuminated or non-illuminated.

2. Painting, repainting, cleaning, changing permitted items of information, or other normal maintenance and repair of a sign, not involving structural changes or changes in the electrical components of the sign.

B. Flags

Flags of any government or governmental agency, or any patriotic, religious, charitable, civic, educational or fraternal organization shall be exempt from sign permit requirements. There shall be no more than three (3) flagpoles per zoning lot.

C. House Number Signs

House number signs shall be exempt from sign permit requirements. House number signs shall not exceed two (2) square feet.

D. Memorial Plaques

Memorial or commemorative plaques or tablets denoting a building name and/or date of erection, or a location of historic significance, and not exceeding four (4) square feet in area shall be exempt from sign permit requirements. Memorial signs shall be cut into any masonry surface or constructed of bronze or other incombustible materials.

E. Miscellaneous Information Matter

Matter appearing on gasoline pumps, newspaper vending boxes and other vending machines, automatic teller machines, or matter appearing on or adjacent to entry doors such as PUSH, PULL, OPEN and/or CLOSED, or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information shall be exempt from the sign permit requirements.
from sign permit requirements. Service station rate signs and the changing of copy of such signs, including the names of grades of fuel and prices and conditions relating to prices such as full or self-service shall be permitted without a permit.

F. Municipal Signs

Traffic or other municipal signs, legal notices, railroad crossing signs, signs regulating vehicular or pedestrian traffic, or designating or giving direction to streets, schools, historic sites or public buildings, and such temporary emergency or non-advertising signs shall be exempt from sign permit requirements, but are subject to approval by the Village Board.

G. Nameplate and Occupational Signs

Nameplate and occupational signs not exceeding two (2) square feet in area denoting only the name and profession of an occupant in any commercial building shall be exempt from sign permit requirements.

H. Neon Window Signs

Neon window signs shall be exempt from sign permit requirements subject to the following:

1. Neon window signs must be located entirely inside the window. No exterior neon signs are permitted.

2. Series lighting or neon tubing used to accentuate or trim windows, architectural features, or to outline borders of signs or buildings, is specifically prohibited.

3. Neon window signs shall be included in the calculation of total window sign area, which may not exceed fifty percent (50%) of total window area. See Section 15.4 for calculation of window sign area.

4. Neon window signs are permitted in the commercial and manufacturing districts only.

I. Parking Lot Signs

Parking lot signs, such as "No Parking" or "Unauthorized Users Shall Be Towed," are permitted but may not exceed six (6) square feet and must be oriented to the parking area.

J. Residential Development Signs

Residential development signs shall be exempt from sign permit requirements and shall not exceed thirty-two (32) square feet. No more than two (2) signs per development shall be erected.

K. Warning Signs

Warning signs, such as “Beware of Dog,” “No Trespassing” or “No Dumping,” not exceeding two (2) square feet per sign shall be exempt from sign permit requirements.

15.10 PERMANENT SIGN STANDARDS

A. Awnings and Canopies

Awnings and canopies that are considered an architectural feature of a structure and are not used for identifying the premises or the goods and/or services sold are not considered a sign. Awnings and canopies used as signs are subject to the following regulations:
1. The manner of construction and materials used for all awnings and canopies shall meet the requirements of this Section and other applicable Village Code requirements.

2. Awnings and canopy signs are permitted for multi-family residential and non-residential uses in any district.

3. All awning or canopy signs must maintain a minimum clearance of eight (8) feet. Awnings and canopies must not extend beyond a point two (2) feet from the curb line.

4. Only the name and nature of the business conducted on the premises shall be printed on any awning or canopy. Printing on any awning or canopy sign is limited to ten (10) inches in height.

5. Awnings and canopy signs shall be constructed out of canvas or canvas-like material. Back-lit and metal awnings and canopies are prohibited.

6. Awnings and canopy signs must be securely attached to and supported by a building. All frames and supports must be made of metal or similar rigid material. Frames and supports may not be made of wood or plastics.

7. All frames and supports for awnings and canopies shall be designed so as not to obstruct pedestrian traffic.

8. Under-awning signs are permitted in the C-1, C-2, C-3 and C-4 Districts subject to the following:
   a. Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning.
   b. Under-awning signs must maintain a minimum clearance of seven (7) feet.
   c. A maximum of one (1) under-awning sign per business establishment with frontage on the street where the awning is mounted is permitted.
   d. Under-awning signs may not exceed three (3) square feet.
   e. Under-awning signs must be securely fixed to the awning with metal supports.

9. All awnings or canopies shall comply with the following design standards:
   a. Awnings and canopies shall be compatible in material and construction to the style and character of the building. The color of the awning or canopy shall be compatible with the overall color scheme of the façade.
   b. When feasible, awnings shall be generally aligned with others nearby in order to maintain a sense of visual continuity.
   c. Awnings and canopies shall fit the opening of the building and positioned so that distinctive architectural features remain visible.

B. Billboards

Billboards are regulated by Chapter 153 of the Village Code.
C. Directional Signs and Menu Board Signs

1. Directional Signs
   a. Such signs shall only identify the use and directional words such as ENTRANCE or EXIT. Directional signs shall be located entirely on the property to which they pertain and shall identify parking lot entrances, restrooms, walkways, exits and features of a similar nature.

   b. One (1) directional sign is permitted for each driveway access from a public street. One (1) additional directional sign is permitted for each intersection of driveways within a site, to identify traffic routing, entrances and services, such as drive-in lanes.

   c. Directional signs must be located at least three (3) feet from any lot line.

   d. Directional signs are limited to a maximum height of five (5) feet and a maximum surface area of six (6) square feet. Directional signs shall not project beyond the property line. Directional signs may be internally illuminated.

2. Menu Board Signs
   Drive-through establishments are permitted a menu board sign for each drive-through lane. Each menu board sign shall be constructed as monument sign, no more than forty (40) square feet in sign area, no more than six (6) feet in height and no less than fifteen (15) feet from any lot line. Menu boards may be internally illuminated.

D. Electronic Message Displays

1. Electronic message displays are permitted uses in the OS, I and GL Districts for governmental, educational and cultural uses and as a special use in the C-3 district for commercial users. (Amended 10/18/2011: CO-2011-17)

2. There shall be only one (1) electronic message display per zoning lot.

3. Each message displayed on an electronic message display must be static or depicted for a minimum of six (6) seconds. The continuous scrolling of messages is prohibited.

4. No illumination from an electronic message display shall glare into any residential premises. In addition, no illumination from such sign shall interfere with the safe movement of motor vehicles on public thoroughfares.

5. Electronic message displays shall be permitted as pole or monument signs or wall signs, and shall be subject to the requirements of this Section for those sign types.

6. No electronic message display sign shall exceed ten (10) square feet.

7. Electronic message displays must be integrated into a pole or monument sign or wall sign, but in no case shall the combined sign area of such pole or monument sign or wall sign and electronic message display exceed the permitted maximum sign area for such pole or monument sign or wall sign.

7. The addition of an electronic message display to any nonconforming sign is prohibited.

8. Electronic message displays shall not display any off-premises advertising.

9. Electronic display screens are prohibited.
E. Pole Signs

Pole signs are permitted in the C-3, C-4, M-1, BIP, OS and I Districts. It shall be unlawful to construct, erect, locate or maintain any pole sign for which a permit is required unless the following requirements are met.

1. The manner of construction and the materials used shall meet the requirements of this Section and other applicable Village Code requirements.

2. There shall be no more than one (1) pole sign in front of a building or buildings which share a common wall. Where a business has frontage on more than one (1) street, one (1) pole sign shall be permitted on each street frontage.

3. All pole signs shall be securely built, constructed and erected upon posts and standards which are sunk below the natural surface in a manner that will prevent the sign from overturning.

4. No pole sign shall exceed twenty (20) feet in height.

5. No pole sign shall be erected within a distance in all directions equal to ten (10) feet greater than the sign's height from any utility lines, conductors or service drops.

6. No part of a pole sign shall project into, over or otherwise encroach on a public right-of-way.

7. Pole signs shall be limited to forty (40) square feet in sign area.

F. Marquees

Marquees may be permitted in the C-4 District, if a special use permit is granted in accordance with the requirements of Section 4.4 (Special Use). It shall be unlawful to construct, erect or maintain any marquees unless the following requirements are met:

1. The manner of construction and materials used for all marquees shall meet the requirements of this Section and other applicable Village Code requirements.

   a. Marquees shall be supported solely by the building to which they are attached. No exterior columns or posts shall be permitted as supports.

   b. Every marquee, including the anchors, bolts, supports, rods and braces, shall be built securely, and shall be designed by a structural engineer or registered architect, and shall be approved by the Building Department as being in compliance with the Building Code and the Electrical Code of the Village.

   c. No marquee shall be erected on any building or other structure of wood frame construction.

2. The roof of a marquee shall not be used for any purpose other than to form and constitute a roof and shall be constructed of noncombustible material. The roof of any marquee shall be designed and constructed to support a live load of not less than one-hundred (100) pounds per square foot.

3. Water from the roofs of marquees shall not drain, drip or flow onto the surface of a public right-of-way. Sufficient downspouts, drains and gutters shall be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public right-of-way.
4. Marquees shall be the width of the building entrance with an additional five (5) feet on each side of the entrance permitted. No marquee shall extend beyond the curb line.

5. No portion of a marquee shall be less than eight (8) feet above the level of the sidewalk or other public thoroughfare.

6. No temporary sign shall be attached to or hung from a marquee. No advertising material shall be placed upon the roof of any marquee.

G. Monument Signs

1. Monument signs are permitted in the non-residential districts and for non-residential uses in residential districts.

2. One (1) monument sign is permitted per street frontage of a zoning lot.

3. Monument signs shall not exceed six (6) feet in height. Monument signs shall be limited to a maximum sign area of thirty-two (32) square feet.

4. No monument sign shall encroach into the public right-of-way.

5. The ground area directly surrounding the base of a monument sign must consist of five (5) square feet of landscaped area around the sign base, unless the monument sign has a decorative base.

6. The address of the property shall be clearly visible on the face of the monument sign.

H. Projecting Sign

1. The manner of construction and materials used for all projecting signs shall meet the requirements of this Section and other applicable Village Code requirements.

2. Projecting signs are permitted in C-2 District.

3. The maximum area of a projecting sign is twenty-four (24) square feet.

4. One (1) projecting sign per ground floor establishment with frontage on a public street is permitted.

5. Projecting signs shall not project more than three (3) feet from the face of the building to which they are attached, including the area between the sign and the face of the building.

6. The bottom of any projecting sign must be at least eight (8) feet above the sidewalk or thoroughfare. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.

7. Projecting signs, including frames, braces, and supports must be designed by a licensed structural engineer or manufacturer. No projecting sign may be secured with wire, chains, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any movable part of a projecting sign, such as the cover of a service opening, must be securely fastened by chains or hinges.
I. Wall Sign

1. Wall signs are permitted in any nonresidential district and for non-residential uses in the residential districts.

2. The permitted sign area for a wall sign shall be as follows:

   a. For an interior lot, the maximum size of a wall sign shall be established at one (1) square foot per linear foot of zoning lot frontage as measured along the front lot line, with a minimum of twenty-five (25) square feet permitted. No wall sign shall exceed one-hundred (100) square feet.

   b. For a corner lot, the maximum size of a wall sign located on each building wall shall be established at one (1) square foot per linear foot of zoning lot frontage as measured along the front or corner side lot line of that building wall, with a minimum of twenty-five (25) square feet permitted for each sign. The size of a wall sign on each side of the building shall be limited to the square footage calculated on that side only. In no case shall the square footage permitted for the building wall located along the front lot line and the square footage permitted for the building wall located along the corner side lot line be combined to create a larger sign on a wall other than that permitted on each individual wall. No wall sign shall exceed one-hundred (100) square feet.

   c. In a multi-tenant structure, each tenant shall be permitted a wall sign of one (1) square foot per linear foot of business frontage, with a minimum of twenty-five (25) square feet permitted for a wall sign for each tenant. In no case, shall the total amount of wall signs on the structure exceed one (1) square foot per linear foot of business frontage or the sum total of twenty-five (25) square feet per tenant, whichever is greater. If a multi-tenant structure is located on a corner lot, the maximum size of the wall sign located on the wall along the corner lot line shall be limited to one (1) square foot per linear foot of zoning lot frontage as measured along the front lot line, with a minimum of twenty-five (25) square feet permitted. No wall sign shall exceed one-hundred (100) square feet.

3. Wall signs must be safely and securely attached to the building wall at no less than eight (8) feet above the ground. Wall signs must be affixed flat against the building wall and must not project more than twelve (12) inches from the building wall.

4. No wall sign shall cover, wholly or partially, any wall opening.

5. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall to which it is attached. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is to be mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials. Wall signs may not be attached to un-reinforced masonry parapets. Wall signs shall not cover windows, doors or architectural features.

6. Wall signs shall be constructed of wood or metal. Wall signs shall not be painted on the exterior wall.
J. Window Sign (Permanent)

1. Window signs are permitted for all non-residential uses.

2. All window signs, whether temporary, permanent or neon window signs, shall occupy no more than fifty percent (50%) of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

3. No handwritten signs, unless professionally created, may be used as a permanent window sign.

15.11 NONCONFORMING SIGNS

See Section 16 (Nonconformities) for the provisions of Section 16.6 (Nonconforming Signs).
SECTION 16. NONCONFORMITIES

16.1 PURPOSE

The purpose of this Section is to provide for the regulation of nonconforming structures, lots and uses, and to specify those circumstances and conditions under which nonconforming structures and uses shall be eliminated.

16.2 GENERAL STANDARDS OF APPLICABILITY

A. Authority to Continue

Any structure, lot or use that existed as a lawful nonconformity at the time of the adoption of this Ordinance, and any building, structure, lot or use that has been made nonconforming because of the terms of this Ordinance or its subsequent amendments, may continue subject to the provisions of this Section so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Ordinance, remains illegal if it does not conform with each and every requirement of this Ordinance.

B. Burden on Property Owner to Establish Legality

In all cases, the burden of establishing the legality of a nonconformity under the provisions of this Ordinance shall be upon the property owner of the nonconforming structure, use or lot.

C. Safety Regulations

All police power regulations enacted to promote public health, safety, convenience, comfort and general welfare including, but not limited to, all building, fire and health codes shall apply to nonconforming structures.

16.3 NONCONFORMING USE

A. Definition of Nonconforming Use

A nonconforming use is the use of land or a structure that, as of the effective date of this Ordinance, are used for purposes that are not allowed in the zoning district in which they are located.

B. Ordinary Repairs and Maintenance

Normal maintenance and incidental repair may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided it will not create any new nonconformity, increase the degree of nonconformity or increase the bulk of the structure in any manner.
C. Structural Alterations

No structural alterations shall be performed on any structure devoted to a nonconforming use, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.

2. When the alteration is for the purpose of bringing about a conforming use.

3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity or increase the bulk of the structure in any manner.

4. When the alteration is for the purpose of improving livability of a residential dwelling unit, provided that there is no increase in the number of dwelling units or the bulk of the building.

D. Expansion of Use

A nonconforming use of land or a structure shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:

1. Expansion of any structure devoted entirely to a nonconforming use.

2. An expansion, extension or relocation of a use or its accessory uses to any land area or structure not currently occupied by such nonconforming use.

3. An expansion, extension or relocation of such use, including its accessory uses, within a structure, to any portion of the floor area that was not occupied by such nonconforming use.

4. An expansion or extension into any required yards or open space.

5. An increase in the number of dwelling units in a nonconforming residential use.

E. Relocation

A nonconforming use of land or a structure shall not be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another lot or parcel if the use conforms to all regulations of the zoning district in which it is relocated, including all use regulations.

F. Change of Use

A nonconforming use shall not be changed to any use other than one allowed within the zoning district in which it is located. When such a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part which has been made to conform may not be changed back to a use that is prohibited. A change of use shall be deemed to occur when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance shall be deemed an abandonment of the previously existing lawful nonconforming use.
G. Discontinuation or Abandonment *(Amended 01/21/2014: CO-2014-02)*

1. If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and/or remains unoccupied by the occupants who operated the nonconforming use for a continuous period of one-hundred eighty (180) days for nonconforming non-residential uses and three-hundred sixty-five (365) days for residential uses, such use at the location shall be deemed to be abandoned and except in cases where the application of this subsection is waived pursuant to subsection 2 below, shall not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which such land or structure is located. The period of such discontinuance caused by government action or acts of God shall not be included in calculating the length of discontinuance for this section.

2. A party with an interest in a property may request a waiver of the application of subsection (G)(1) above, by submitting a request for a nonconforming use reestablishment waiver to the Zoning Administrator on a form provided by the Village for such purpose.

A nonconforming use reestablishment waiver may be issued by the Zoning Administrator in circumstances where an applicant is able to establish, to the reasonable satisfaction of the Zoning Administrator, either of the following:

   a.  
      i. The property has been the subject of a foreclosure proceeding or other litigation or court action and such action directly or indirectly resulted in the discontinuation of the nonconforming use or vacancy and unoccupied status of the property; OR

      ii. Some other circumstance exists or existed that establishes to the reasonable satisfaction of the Zoning Administrator that the discontinuation of the nonconforming use or vacancy and unoccupied status of the property was caused by economic or other extenuating circumstances rather than an affirmative intent to discontinue or abandon the nonconforming use.

In addition, an applicant must also establish, to the reasonable satisfaction of the Zoning Administrator, all of the following:

   b. A new owner now desires to reestablish the same or a substantially similar nonconforming use; and

   c. The real estate property taxes on the property that is the subject of the request are not delinquent, and no water bills, liens, fees or penalties are owed to the Village or other taxing authority by the applicant or on the property; and

   d. The structure or portion of a structure on the property that is proposed to be used for the reestablished nonconforming use was the same structure or portion of a structure or property that was previously used for the nonconforming use; and

   e. The structure or portion of the structure on the property that is proposed to be used for the reestablished non-conforming use was designed for such nonconforming use (i.e. two-family residence in single-family zoning district, or first floor of a two-family residence in a commercial zoning district that does not allow residential uses on the first-floor); and
f. The use proposed to be reestablished is verified as a previous legal nonconforming use by a Zoning Certificate, past permits or other documentation either submitted by the applicant or on file with the Village. In all cases, the burden of establishing the legality of a nonconformity is on the applicant. A structure designed for a nonconforming use that was erected or altered for a use in violation of the provisions of the Zoning Ordinance or previous zoning ordinances (i.e. single-family residence illegally converted to multifamily) shall not be eligible for a reestablishment waiver, but must instead be de-converted and any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which such land or structure is located.

The Zoning Administrator shall review a written request for a nonconforming use reestablishment waiver and shall render a decision in writing within thirty (30) days. Documentation sufficient to establish the above must be provided by an applicant. The Zoning Administrator shall have the ability to request additional information prior to rendering a decision on a waiver request, and the time period of time between such a request and the submittal by an applicant of the requested documentation shall not count towards the thirty (30) days. An applicant may appeal the Zoning Administrator's decision to the Plan Commission/Zoning Board of Appeals pursuant to Section 4.10. (Amended 01/21/2014: CO-2014-02)

H. Damage or Destruction

1. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming non-residential use, is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, then the nonconforming non-residential use cannot be continued unless the structure conforms to all regulations of the zoning district in which it is located.

2. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming non-residential use is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement value at that time, the structure and/or property may be repaired, reconstructed or restored and the nonconforming non-residential use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction within one (1) year of the date of damage or destruction, and construction shall be completed within one (1) year of issuance of the building permit.

3. The replacement value of the structure and/or property, exclusive of foundation, which is devoted in whole or in part to a nonconforming non-residential use, shall be based on: 1) the sale of that structure and/or property within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which structure and/or property was insured prior to the date of damage or destruction or, if that is not available; 4) an alternative method determined acceptable by the Village.

4. In the event that the permit is not obtained within one (1) year from the date of damage or destruction, or that repairs or restoration are not completed within one (1) year of the issuance of the building permit, then the nonconforming non-residential use shall not be continued.
16.4 NONCONFORMING STRUCTURES

A. Definition of Nonconforming Structure

Structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conform to applicable setback, height, lot coverage or other dimensional or bulk provisions or do not meet other on-site development standards, such as an insufficient number of parking spaces, of this Ordinance, are considered nonconforming structures.

B. Ordinary Repairs and Maintenance

Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the structure in any manner.

C. Structural Alterations

No structural alterations shall be performed on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.

2. When the alteration will result in eliminating the nonconformity.

3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity.

D. Additions and Enlargements

A structure that is nonconforming with respect to its bulk shall not be added to or enlarged.

E. Relocation

A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel. A nonconforming structure may be relocated to another zoning lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.

F. Damage or Destruction

1. In the event that any nonconforming structure is structurally damaged or destroyed, the structure, as restored or repaired, shall comply with all requirements of this Ordinance.

2. In the event that any nonconforming non-residential structure is damaged or destroyed, by any means not within the control of the property owner or tenant, to the extent of fifty percent (50%) or more of its replacement value at that time, then the structure may not be restored or rebuilt unless the structure, including foundation, is made to conform to all regulations of the zoning district in which it is located. When any nonconforming residential structure is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of nonconformity is not increased.
3. When any structure is damaged or destroyed, by any means not within the control of the property owner or tenant, to the extent of less than fifty percent (50%) of the replacement value at that time, or when any residential nonconforming structure is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair or reconstruction within one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.

4. The replacement value of the structure shall be based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which the structure or property was insured prior to the date of the damage or destruction or, if that is not available; 4) an alternative method determined acceptable by the Village.

5. In the event that the building permit is not obtained within one (1) year, or that repairs are not completed within one (1) year of the issuance of the building permit, then the structure shall not be restored unless it conforms to all regulations of the district in which it is located.

16.5 NONCONFORMING LOTS OF RECORD

A. Individual Lots of Record

Any single nonconforming lot of record that does not meet the requirements for minimum lot width and area shall be used for a permitted use provided that yards are not less than seventy-five percent (75%) of the minimum required dimensions or areas.

B. Lots of Record in Residential Districts Owned by Related Parties

1. If two (2) or more contiguous lots of record are held in common ownership or owned or controlled by related parties and one (1) or more of the lots does not meet the requirements for lot area or lot width as established by this Ordinance, then the lots of record shall be considered to be a single undivided parcel for purposes of this Ordinance. Owners of such lots are encouraged to apply to the Village for a plat of consolidation which may be approved administratively under applicable provisions of the Village Code, provided the lot created by said plat of consolidation meets or exceeds the minimum lot area and width requirements for the applicable zoning district classification and is otherwise in full compliance with applicable provisions of this Ordinance.

2. No portion of the parcel shall be used, transferred or conveyed which does not meet the lot width and lot area requirements established by this Ordinance. No division of the parcel shall be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Ordinance. No building permit shall be issued for the use of any lot, or portion of a lot, transferred or conveyed in violation of this Section.

16.6 NONCONFORMING SIGNS

A. Signs and sign structures existing at the time of the enactment of this Ordinance which do not conform to the provisions of this ordinance, but that were constructed in compliance with previous regulations and ordinances are nonconforming signs.

B. A nonconforming sign shall not be:

1. Changed to another nonconforming sign.
2. Expanded.

3. Re-established after its discontinuance for a period of thirty (30) days.

4. Moved in whole or in part to another location unless said sign and the use thereof is made to conform to the regulations of this Ordinance.

5. Re-established after damage or destruction in an amount exceeding fifty percent (50%) of the estimated initial value of the sign as determined by the Zoning Administrator.

C. Nonconforming signs are subject to the following amortization provisions:

1. All nonconforming signs, including any and all billboards and outdoor advertising structures must cease to exist in accordance with the following:

   a. Where the cost of a sign on the effective date of this Ordinance is three thousand dollars ($3,000) or less, such sign shall cease to exist three (3) years from the effective date of this Ordinance.

   b. Where the cost of a sign at the time of the effective date of this Ordinance is five thousand dollars ($5,000) or less, such sign shall cease to exist five (5) years from the effective date of this Ordinance.

   c. Where the cost of a sign at the time of the effective date of this Ordinance is ten thousand dollars ($10,000) or less, such sign shall cease to exist seven (7) years from the effective date of this Ordinance.

   d. Where the cost of a sign at the time of the effective date of this Ordinance is ten thousand dollars ($10,000) or more, such sign shall cease to exist ten (10) years from the effective date of this Ordinance.

2. All references to cost in this subsection shall be to the actual installation cost of the sign pursuant to documentation provided by the owner or to current replacement cost of the sign, whichever is lower.

3. This subsection is not intended to preclude any right an owner of a lawfully erected billboard or other off-premises outdoor advertising sign may have to just compensation under Section 10-5-5 of the Eminent Domain Act (735 ILCS 30/10-5-5).
SECTION 17. DEFINITIONS

17.1 PURPOSE

This Section contains definitions for generic uses and general terms used throughout the Ordinance.

17.2 INTERPRETATION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and future tenses, and the future tense includes the present.

C. The word “shall” is mandatory, while the word “may” is permissive.

D. Both of the terms “shall not” and “may not” are prohibiting.

E. The masculine gender includes the feminine and neuter.

F. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage.

G. If a definition contains a regulation and the use is inconsistent with that regulation, the use is prohibited.

17.3 RULES OF GENERIC USE DEFINITIONS

A. Certain terms in this Section are defined to be inclusive of many uses in order to eliminate overly detailed lists of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as “Generic Use Definitions.”

B. A use that is not specifically listed in a zoning district or does not fall within a generic use definition as defined in this Section, or as interpreted pursuant to Section 4.10 (Zoning Interpretations), is prohibited.
17.4 GENERIC USE DEFINITIONS

Adult Use. “Adult Uses” shall include the following, as defined by this Section and this Ordinance: adult bookstores, adult entertainment cabarets, adult hotel/motel, adult motion picture theaters, adult novelty stores, massage parlors, and other similar uses.

A. Adult Bookstore. An establishment having at least twenty-five percent (25%) of its sales or display area devoted to books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin-operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Anatomical Activities” or “Specified Anatomical Areas,” or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.

B. Adult Entertainment Cabaret. A public or private establishment which features topless dancers, strippers, go-go dancers, male or female impersonators, lingerie or bathing suit fashion shows, not infrequently features entertainers who display “Specified Anatomical Areas” or features entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit simulation of “Specified Sexual Activities.”

C. Adult Health Spa/Sauna. A health spa, sauna or massage parlor that excludes minors by reason of age and/or provides steam baths, heat bathing, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, and is distinguished or characterized by an emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas,” as defined herein. This definition does not include health clubs, health spas, salons or similar establishments that offer massage therapy or other manipulation of the human body provided by a licensed massage therapist.

D. Adult Hotel/Motel. A hotel, motel or similar commercial establishment offering public accommodations for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video cassette recorders, DVDs or DVD players, slides, or other photographic reproductions for viewing or recording, characterized by an emphasis upon the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas” and/or rents, leases or lets any room for less than a six (6) hour period, or rents, leases or lets any single room more than twice in a twenty-four (24) hour period.

E. Adult Massage Parlor. An establishment providing massages, for hire, by persons other than a licensed health care professional, that rub, stroke, knead, or tap the body with the hand or an instrument, or both, for the purposes of or engaging in sexual gratification or as related to “Specified Sexual Activities.” This does not include any licensed or sanctioned athletic or medical rehabilitation activity that generally employs or use the services of a physical trainer. In addition, this does not include massage offered by a licensed massage therapist within a health club, day spa or beauty services establishment.

F. Adult Motion Picture Theater. A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons therein.
G. Adult Novelty Store. An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their emphasis on or use for “Specialized Sexual Activities” or “Specified Anatomical Areas,” or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.

H. Specified Sexual Activities. For the purpose of this Title, “Specified Sexual Activities” means: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; and 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

I. Specified Anatomical Areas. For the purposes of this Title, “Specified Anatomical Areas” means: 1) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola; and 2) human genitals in a discernable turgid state, even if completely and opaquely covered.

Animal Hospital. An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. An “Animal Hospital” shall not include “Kennel/Dog ‘Day Care’ Service.”

Art Gallery. A commercial establishment engaged in the sale, loan and/or display of paintings, sculpture, video art or other works. “Art Gallery” does not include “Cultural Facility,” such as a library, museum or non-commercial gallery that may also display paintings, sculpture, video art or other works.

Assisted Living Facility. A facility that provides daily assistance and long-term residence for disabled or elderly individuals, but not regular in-patient medical care. This includes a combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, bathing, etc. An “Assisted Living Facility” shall not include “Independent Living Facility,” “Community Residence” or “Nursing Home.”

Banquet Hall. An establishment which is rented by individuals or groups to accommodate private functions, such as banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include: kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public; and/or outdoor gardens or reception facilities.

Bed and Breakfast Establishment. Single-family dwellings, occupied by an owner or resident manager, which offer lodging on a temporary basis to paying guests in a room(s) without cooking facilities, and may offer breakfast or other meals to these guests. “Bed and Breakfast Establishment” is differentiated from hotel/motel in that they typically were designed originally as a single-family residence and are open to transient guests.

Body Art Establishment. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of: 1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact, scar or puncture the skin; and or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration (does not include establishments which offer ear piercing as an accessory use).
Cemetery. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery.

Car Wash. A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic or by hand, within an enclosed building.

Community Residence. A group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. “Community Residence” does not include a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, nor does it include a nursing or medical facility.

A. Community Residence - Small: A community residence providing living accommodations for no more than eight (8) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.

B. Community Residence - Large: A community residence providing living accommodations for more than eight (8) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.

Contractor Storage Yard. Any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft, or storage of equipment, vehicles and machinery used primarily by a business engaged in landscaping, garbage and waste collection and recycling, demolition and excavation, or construction activities.

Cultural Facility. A use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies and libraries operated by a public, private or non-profit organization.

Currency Exchange. A commercial use that exchanges common currencies, sells money orders, or cashier’s checks and cashes checks as its principal business activity. “Currency Exchange” shall not include a “Financial Institution.”

Day Care Center, Adult. A facility, other than within a residential dwelling unit, providing care for more than three (3) elderly and/or functionally-impaired adults in a protective setting for less than twenty-four (24) hours per day. An “Adult Day Care Center” does not include a program operated by a “Place of Worship,” that provides care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day.

Day Care Center, Child. A facility, other than within a residential dwelling unit, providing care for more than three (3) children in a protective setting for less than twenty-four (24) hours per day. A “Child Day Care Center” does not include a program operated by an “Educational Facility” (all types) or “Place of Worship,” that provides care for children three (3) years of age or older for less than twenty-four (24) hours per day.

Day Care Home, Adult. A dwelling in which a permanent occupant of the dwelling provides care in a protective setting for up to eight (8) elderly and/or functionally impaired adults who do not spend the night at the dwelling.
**Day Care Home, Child.** A dwelling in which a permanent occupant of the dwelling provides care for up to eight (8) children from outside households. The number counted includes the family’s natural or adopted children and all other persons under the age of twelve (12). “Child Day Care Home” does not include facilities that receive only children from a single household.

**Drive-Through Facility.** Premises used to provide or dispense products or services through an attendant, window or automated machine to persons remaining in motor vehicles in a designated stacking aisle. A “Drive-Through Facility” may be in combination with other uses, such as a “Financial Institution,” “Personal Services Establishment,” “Retail Goods Establishment” or “Restaurant.” A “Car Wash,” “Gas Station” or “Motor Vehicle Service and Repair (Major and Minor)” shall not be considered to maintain a “Drive-Through Facility.”

**Driving Range.** An area equipped with distance markers, clubs, balls and tees for practicing the striking of golf balls, which may include a snack-bar and pro-shop. Miniature golf courses are considered “Outdoor Recreation” and not a “Driving Range.”

**Dwelling, Above the Ground Floor.** Dwelling units within multi-story buildings located above non-residential uses on the ground floor or located behind non-residential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, non-residential uses must be located along the street frontage.

**Dwelling, Multi-Family.** A building containing three (3) or more individual dwelling units with varying arrangements of party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors. “Multi-Family Dwelling” shall not include “Townhouse Dwelling.”

**Dwelling, Single-Family.** A building containing one (1) individual dwelling unit, which is located on an individual lot and is not attached to any other dwelling unit.

**Dwelling, Townhouse.** A structure consisting of no less than three (3) dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening. “Townhouse Dwelling” shall not include “Multi-Family Dwelling.” “Townhouse Dwelling” refers to the design of a building and does not reflect the type of ownership of the individual units.

**Dwelling, Two-Family.** A building designed as a single structure, containing two (2) separate living units, each of which is designed to be occupied as a separate permanent residence for one (1) household. A “Two-Family Dwelling” may include a common interior stairwell to both dwelling units but each dwelling unit shall have an individual entrance.

**Educational Facility, College/University.** A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. “Educational Facilities, College/University” also includes post-secondary theological schools for training ministers, priests or rabbis. “Educational Facilities, College/University” shall not include “Educational Facilities, Vocational.”

**Educational Facility, Primary.** A public, private or parochial school offering instruction at the elementary and/or junior high school levels with a full range of curricular programs. Places of worship with primary educational facilities, as defined here, shall be classified as “Educational Facilities, Primary.”
Educational Facility, Secondary. A public, private or parochial school offering instruction at the senior high school level with a full range of curricular programs. “Educational Facilities, Primary/Secondary” also includes secondary theological schools for training ministers, priests or rabbis. Places of worship with secondary educational facilities, as defined here, shall be classified as “Educational Facilities, Secondary.”

Educational Facility, Vocational School or Training Academy (Amended 11/20/2014: CO-2014-41) A school established to provide for the training and instruction of industrial, clerical, managerial, artistic, or other occupational or job skills, and/or training academies focused primarily on the instruction in dance, music, drama, gymnastics, martial arts, or other similar pursuits. This definition applies to schools that are owned and operated privately for-profit or operated as a not-for-profit, and that do not offer a complete educational curriculum. “Educational Facilities, Vocational School or Training Academy” shall not include “Educational Facilities, College/University or Primary or Secondary Educational Facilities.

Entertainment, Indoor. Predominantly spectator uses conducted within an enclosed building including, but not limited to, movie theaters and sport or game matches or exhibitions, which are run for-profit and typically charge an entrance fee. An “Indoor Entertainment” includes accessory uses, such as snack bars or refreshment stands, which are designed and intended primarily for the use of patrons. “Indoor Entertainment” shall not include “Indoor Recreation” or “Live Entertainment.” “Indoor Entertainment” is distinguished from “Indoor Recreation” in that the predominant use is spectator-oriented and not participatory.

Entertainment, Outdoor. Predominantly spectator uses conducted outdoors in open or only partially enclosed facilities, which are run for-profit and typically charge an entrance fee. Typical uses include, but are not limited to, stadiums, outdoor theaters, raceways, theme parks and amusement parks. “Outdoor Entertainment” shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. “Outdoor Entertainment” shall not include “Outdoor Recreation.”

Financial Institution. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM).

Forest Preserve. Designated open space that preserves natural features and protects wildlife and critical environmental features. A “Forest Preserve” may include opportunities for passive recreation and environmental education.

Funeral Home. A building used for the preparation of the deceased for burial display of the deceased and rituals before burial or cremation. A “Funeral Home” includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or cremation.

Gas Station. A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles.

Golf Course. A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, pool and shelters as accessory uses. A “Driving Range” may be included as part of a “Golf Course.”

Government Facility. A building or structure owned, operated and/or occupied by a governmental agency to provide a governmental service to the public. “Government Facility” shall include public safety facilities and public works facilities, but shall not include park district field houses or recreation centers, which would be considered a “Park/Playground,” or school buildings, which would be considered “Educational Facilities.”
Greenhouse/Nursery. Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing or display.

Group Assembly. A building, together with its accessory buildings and uses, where persons regularly assemble for meetings or religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious institution or a private association that typically restricts access to the general public and owns, leases or holds the building in common for the benefit of its members.

Heavy Retail and Service Establishment. This use includes retail and/or service (including rental) establishments that have regular outdoor service or storage areas, or partially enclosed structures including, but not limited to, large-scale home improvement centers, lumberyards, heavy equipment rental and leasing, heavy equipment and truck repair and inspection, and playground equipment sales and rental.

Hospital. An institution providing health services primarily for inpatient, or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facility.

Hotel/Motel. An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, for transients on a short-term basis. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, pools, and exercise facilities.

Independent Living Facility. A residential complex containing dwellings where the occupancy is limited to persons who are fifty-five (55) years of age or older or, if two (2) persons occupy a unit, at least one (1) shall be fifty-five (55) years or older. Such facilities may include common areas for meals and socializing, offer minimal convenience services, but exclude institutional care such as medical or nursing care. An “Independent Living Facility” shall not include “Assisted Living Facility,” “Community Residence” or “Nursing Home.”

Kennel/Pet “Day Care” Service. An establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. “Kennel/Pet ‘Day Care’ Service” shall include those facilities where pet animals are boarded for the day. “Kennel” shall not apply to animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

Live Entertainment. A musical, theatrical, dance, cabaret or comedy act performed live by one (1) or more persons. “Restaurants” that regularly host such performances shall be considered “Live Entertainment” uses. Bars that include dancing by patrons and guests are considered “Live Entertainment” uses. A “Live Entertainment” establishment may provide food for consumption on the premises. “Live Entertainment” shall not include any adult uses as defined in Section 17.5 (General Terms Definition) for “Adult Uses.”

Manufacturing, General. The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a structure, and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within a structure. Such uses may have an outdoor storage component. “General Manufacturing” does not include junkyards and automobile wrecking establishments.
Medical Cannabis Cultivation Center. A facility authorized by Illinois law and operated by an organization or business registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. (Amended 07/26/2014: CO-2014-26)

Medical Cannabis Dispensing Organization. A facility authorized by Illinois law and operated by an organization or business registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation facility for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. (Amended 07/26/2014: CO-2014-26)

Medical/Dental Clinic. A facility operated by one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. “Medical Clinics” shall also include alternative medicine clinics, such as acupuncture, and physical therapy offices. “Medical Clinics” do not include “Methadone Clinics.”

Methadone Clinic. A medical clinic established for the distribution of methadone and/or similar or supplementary medications to patients addicted to heroin and/or other opiates to eliminate or reduce opiate usage by maintaining the patient on methadone. Some clinics may also offer drug counseling services. However, a methadone clinic shall not have a residential care component.

Motor Vehicle Dealership. Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles, or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Motor Vehicle Rental Establishment. Rental of automobiles and light trucks and vans, including incidental parking and servicing of rental vehicles.

Motor Vehicle Service and Repair. Establishments involved in engine rebuilding, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles, or minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. “Motor Vehicle Service and Repair” includes establishments where gasoline and/or fuel oil, and oil, grease, batteries, tires and automobile accessories are sold in addition to the repair facilities.

Nursing Home. A facility providing bed care and inpatient services on a twenty-four (24) hour per day basis for persons requiring regular medical attention. This definition excludes a facility providing surgical or emergency medical services, or a facility providing care for alcoholism, drug addiction, mental disease or communicable disease. A “Nursing Home” shall not include “Independent Living Facility,” “Assisted Living Facility” or “Community Residence.”

Off-Street Parking Lot (Principal Use). An open, hard-surftaced area, other than street or public way, available to the public, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an off-site accommodation to residents of a multi-family dwelling, or clients and customers of a business.

Office Business. A use that engages in the processing, manipulation or application of business information or professional expertise. Such an office may or may not offer services to the public.
A “Professional Office” is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of a “Professional Office” that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture, planning, engineering, legal services and real estate services. “Professional Office” does not include government offices, which are considered a “Government Facility.”

**Outdoor Dining.** A seating area located outdoors of a contiguous restaurant, usually in addition to an indoor seating area. Outdoor seating areas for tavern/bars, typically referred to as a beer garden, are considered “Outdoor Dining.”

**Outdoor Storage Yard.** The storage of any material, as a principal use of the zoning lot, for a period greater than twenty-four (24) hours, including items for sale, lease, processing and repair not in an enclosed building.

**Park/Playground.** A non-commercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. “Parks” include, but are not limited to, ballfields, football fields, soccer fields, basketball courts, playgrounds and park district field houses that may have indoor recreation facilities.

**Parking Structure (Principal Use).** A structure composed of one (1) or more levels or floors used for the parking or storage of motor vehicles.

**Payday or Title Loan Agency.** An establishment providing loans to individuals in exchange for receiving personal checks or titles to the borrowers’ motor vehicles as collateral. “Payday or Title Loan Agencies” include consumer installment lender establishments.

**Personal Services Establishment.** An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, animal grooming establishments, massage parlors, shoe repair, laundromats, dry cleaners and tailors. “Personal Services Establishment” shall not include any adult uses as defined in Section 17.5 (General Terms Definition) for “Adult Uses.”

**Planned Unit Development.** The development of a land area as a single unified development, where certain Zoning Ordinance regulations, such as bulk and use standards, may be modified to allow for more flexible planning in conformance with the planned unit development standards and approval processes.

**Recreation, Indoor.** Predominantly participant uses where recreational activities or games of skill are conducted within a wholly enclosed building including, but not limited to, a bowling alley, pool hall, indoor miniature golf course, indoor child’s play facility, arcade, private swim clubs and tennis courts, or similar uses, which are run for-profit and typically charge an entrance fee. An “Indoor Recreation Facility” shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. “Indoor Recreation” may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. “Indoor Recreation” shall not include “Indoor Entertainment.” Park district field houses with indoor recreation facilities are not considered “Indoor Recreation.”

**Recreation, Outdoor.** Predominantly participant uses that take place outside of a building including, but not limited to, miniature golf courses, private swim clubs and tennis courts, and other similar facilities, which are run for-profit and typically charge an entrance fee. “Outdoor
Recreation” shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. “Outdoor Recreation” may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. “Outdoor Recreation” shall not include “Outdoor Entertainment,” “Park/Playground,” “Golf Course” and “Driving Range.”

**Recycling Centers.** A facility designed to be a collection point where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are sorted and/or temporarily storied prior to delivery to a site where they shall be remanufactured into new products.

**Research and Development Facility.** An establishment where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. "Research and Development Facility" does not involve the manufacture, fabrication, processing or sale of products.

**Restaurant.** A structure in which the principal use is the preparation and sale of food and beverages for consumption on the premises or for carry-out. "Restaurant" shall not include accessory restaurants, snack bars or refreshment stands accessory to "Indoor or Outdoor Entertainment" and "Indoor or Outdoor Recreation." A "Restaurant" with regular live performances (music, theater, etc.) shall be considered “Live Entertainment.”

**Retail Goods Establishment.** A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Such establishments do not include ‘Convenience Stores’ or other retail uses separately defined herein. "Retail Goods Establishment" shall not include any adult uses. *(Amended 07/26/2014: CO-2014-23)*

**Rooming House.** A structure, other than a hotel/motel, in which sleeping accommodations not constituting a dwelling unit are furnished for a fee for four (4) or more persons ordinarily renting such accommodation at a specified rate for a specified time and occupying the premises as a permanent place of abode rather than on a transient basis.

**Self-Storage Facility.** A facility used only for the storage of personal property (no commercial storage) where individual renters control individual storage spaces and no commercial transactions are permitted other than the rental of the storage units.

**Solid Waste Transfer Station.** A site or facility that is licensed by the Village and the State of Illinois which accepts solid waste for temporary storage prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

**Utility, Private.** Utilities that are not subject to Village acceptance for operation or maintenance. For purposes of this Ordinance, private utilities include natural gas lines, power lines, telephone lines, cable television lines, fiber optic lines and other communication lines, their appurtenances and components and the utility companies’ operation, maintenance, repair and replacement of same. Aboveground private utility structures, such as pedestals for cable wire access or other access points for underground infrastructure (communications wiring, fiber optic, etc.) shall be considered a “Private Utility.”

**Warehouse/Distribution.** The storage, wholesale and distribution of manufactured products, supplies and equipment.
17.5 GENERAL TERMS DEFINITIONS

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

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

**Accessory Structure.** A structure located on the same lot with the principal building and is customarily incidental and subordinate to the use of the principal building.

**Accessory Use.** A use that is customarily incidental and subordinate to the principal use of a lot or the main building thereon and located on the same lot as the principal use or building.

**Addition or Enlargement.** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

**Alley.** A public way not exceeding thirty (30) feet in width at its intersection with a street, customarily used for ingress to and egress from service entrances of buildings.

**Alteration.** Any change in the size, shape, character, occupancy, or use of a building or structure.

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

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

**Arbor.** A freestanding structure used in a garden to support vines or climbing plants.

**Attention Getting Device.** Any pennants, flag, festoon, valance, propeller, pole covers, spinner, streamer, searchlights, balloons, flashing lights, changing colors, rotating or moving displays and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising.

**Awning.** A roof-like cover, often of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk or door. For “Awnings” used as a sign, see “Sign, Awning.”

**Bakery.** An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on- or off-site. Such use may include incidental food service.

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

**Banner.** See “Sign, Banner.”

**Basement.** That portion of a building located partly underground, but having one-half (½) or more of its clear floor-to-ceiling height above the average grade of the adjoining ground. The basement shall be counted as a story for the purposes of height measurement.
Bay Window. A window which projects outward from the building, beginning at least two (2) feet above ground, which does not rest on the building foundation or on the ground and has no additional structural support to the ground.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

Bowling Alley. Indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

Blockface. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, or between an intersecting street and railroad right-of-way or waterway.

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

Buildable Lot. A lot on which a building or other structure may be erected in conformity with zoning and building code requirements.

Building Height, Principal Building. The vertical distance measured from grade:

A. In the case of a flat roof, to the highest point.

B. In the case of a mansard roof, to the deck line.

C. In the case of a gable, hip or gambrel roof, to the mean point between the eaves and the ridge. Where there is more than one (1) peak, building height shall be measured as described between the highest peak and the highest eaves.

Chimneys, spires, steeples, towers, elevator penthouses, tanks, parapet walls, cooling towers, stacks, stair enclosures that do not contain occupied space, and necessary mechanical appurtenances and similar projections other than signs shall not be included in calculating the height.

Building Height, Accessory Structure. The vertical distance measured from the established average finished grade to the highest point of the roof or the highest point of the structure.

Building. Any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows or similar openings.

Building Coverage. The portion of a lot that is occupied by buildings or structures, including accessory structures, expressed as a percentage of total lot area.

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

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

Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.
**Canopy.** A structure, other than an awning, made of materials such as cloth or metal, or materials with a frame, either attached to a building or projecting from a building, and carried by a frame supported by the ground or sidewalk. For “Canopies” with advertising see “Sign, Canopy.”

**Carnival/Circus.** A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

**Cellar.** A story having more than one-half (½) 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 or height measurement.

**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

**Christmas Tree Sales Lot.** A retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis Christmas trees and related holiday items such as wreaths and Christmas tree stands.

**Commercial Vehicle.** Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

**Conforming Structure.** Any structure that complies with all the regulations of this Ordinance, or any amendment hereto, governing bulk for the zoning district in which such structure is located or is designed or intended for a conforming use.

**Contiguous.** Adjoining or abutting.

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

**District.** A portion of the Village within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Driveway.** A paved or unpaved access strip of land providing a vehicular connector between the street and a parking space or garage.

**Dwelling.** A structure or portion thereof designed for occupancy by one (1) family or household for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, tent, or portable building be considered a “Dwelling.”

**Dwelling, Attached.** A dwelling designed as a single structure, containing separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one (1) family or household. Each dwelling is separated from the other by a wall extending from the ground to the roof or a ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**Dwelling, Detached.** A dwelling which is entirely surrounded by open space on the same lot.

**Dwelling Unit.** A dwelling unit consists of a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family or household, which include permanently installed bathroom and kitchen facilities.
Easement. Land which has been designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

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

Electrical Generator. A device for generating electrical energy.

Encroachment. The extension or placement of any structure or building, or component of such, into a required yard.

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

Exterior Stairwell. One (1) or more flights of stairs and the necessary landings and platforms connecting them to form a continuous passage from the entryway of one floor or level to another in a building or structure located on the exterior of a principal building.

Farmer’s Market. The seasonal selling or offering for sale of home-grown vegetables or produce, occurring in a pre-designated area where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Family. One (1) or more persons related by blood, marriage or adoption or a group of not more than five (5) persons, who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials erected to enclose, screen or separate areas.

Fence, Solid Screen. A fence, including gates, which conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted beyond it.

Flags. Flags, symbols or crests of nations, of any organization or nations, states and cities, fraternal, religious and civic organizations.

Floor Area, Gross. The sum of the gross horizontal area of the plans of the several floors of a building, as measured from the outside face of the walls.

Footcandle. A unit of illumination. It is equivalent to the illumination at all points that are one (1) foot distant from uniform source of one (1) candlepower.

Garage. A building, either attached or detached, used or designed to be used for the parking and storage of vehicles by those resident upon the premises.

Gazebo. A freestanding outdoor structure that is open-sided in design for recreational use and not for habitation.

Grade. The established grade of a lot, whether vacant or improved, is the elevation of the sidewalk at the street line as fixed by the Village.

A. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of that wall adjoining the street.

B. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at centers and walls adjoining streets.

Any wall parallel to a street line is to be considered as adjoining the street.
**Greenhouse, Private.** A building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Hazardous, Radioactive or Toxic Material.** Material that exhibits certain hazardous properties (ignitability, corrosivity, reactivity or toxicity) or is included on a specific list of wastes identified by the United States Environmental Protection Agency or the Illinois Environmental Protection Agency as hazardous because it poses substantial present or potential hazards to human health or the environment. Toxic material is harmful or fatal when ingested or absorbed. Radioactive material contains or is contaminated with radionuclides at concentrations or radioactivity levels greater than those established as “exempt” by the United States Environmental Protection Agency or the Illinois Environmental Protection Agency.

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

**Home Occupation.** An occupation carried on in a dwelling unit by the resident, where the use of the dwelling unit for the occupation is secondary to the use of the dwelling unit for residential purposes.

**Household.** Any number of individuals living together on the premises as a single housekeeping unit.

**Impervious Surface.** Any portion of a site that is occupied by buildings, structures, pavement, and other impervious surfaces that do not allow for the absorption of water, including, but not limited to, swimming pools, decks, porches, patios, parking and driveway areas, gravel areas, sidewalks, and paved recreation areas.

**Impervious Surface Coverage.** A measurement of development intensity determined by dividing that area of a lot which is occupied by impervious surface by the gross area of the lot.

**Incompatible Use.** A use that is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

**Intensity of Use.** For the purposes of this Ordinance, “Intensity of Use” is defined as square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring parking or loading facilities.

**Lighting, Fully Shielded.** A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

**Lighting, Unshielded.** A fixture that allows light, either directly from the lamp or indirectly from the fixture or a reflector, to be emitted above the horizontal plane running through the lowest point on the fixture where light is emitted.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office, and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.

**Logo.** A business trademark or symbol.

**Lot.** A parcel or tract of land located within a single block, occupied, or intended for occupancy, by one (1) principal building or principal use, and having frontage upon a street.
Lot Area. The computed area of the zoning lot contained within the lot lines.

Lot, Corner. A lot situated at the junction of, and abutting on, two (2) or more intersecting streets. (See Figure 17-1: Corner and Interior Lots)

Lot Depth. The distance from the front lot line to the rear lot line a measured by averaging the length of the side lot lines.

Lot, Double Frontage. A lot having frontage on two (2) nonintersecting streets.

Lot, Flag. A lot that does not meet the minimum street frontage requirements, but is connected to the street by an access strip of less than the required minimum lot width. Such lots are generally configured in the shape of a flag, where the strip of land providing access forms the pole of the flag and the lot that is separated from the street forms the flag.

Lot, Interior. A lot other than a corner lot or a through lot. (See Figure 17-1)

Lot Line. A property boundary line of any lot. Where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.

Lot Line, Corner Side. The lot line that is perpendicular or approximately perpendicular to the front lot line, which separates the longest street frontage of a corner lot from the street.

Lot Line, Front. The lot line that abuts a street. For the purposes of this Ordinance, the “Front Lot Line” of a corner lot shall be the shortest street frontage of the lot. In the case of interior lots with irregularly shaped “Front Lot Lines,” the entire length of the lot line that abuts a street shall be considered the “Front Lot Line.” (See Figure 17-2: Irregular Front Lot Line)
Lot Line, Rear. The lot line that is most distant from and is, or is approximately, parallel to the front lot line.

Lot Line, Interior Side. The lot line that is not abutting a street and is not a rear lot line.

Lot Line, Side. A lot line that is not a front lot line or a rear lot line, which may be an “Interior Side Lot Line” or “Corner Side Lot Line.”

Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Cook County Recorder of Deeds, or a parcel of land separately described as a single tract of land in a recorded deed.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot Width. The horizontal distance between side lot lines measured along a line parallel to the front lot line along the minimum front setback.

Lot, Zoning. A tract of land located within a block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A “Zoning Lot” may or may not coincide with a “Lot of Record.”

Luminaire. A complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A “Luminaire” does not include a pole or other support.

Marquee. A permanent roof-like structure constructed of durable material extending from part of the wall of a building but not supported by the ground.

Memorial Plaque. A sign, tablet, or plaque memorializing a person, event, structure, or site.

Motor Vehicle. Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

Movie Theater. A theater designed for showing movies or motion pictures.
**Nameplate.** A sign indicating the name and address of the person or persons occupying the lot or a part of the building.

**Nonconforming Lot.** A lot of record that does not meet the lot area or lot width requirements of this Ordinance for the zoning district in which it is located.

**Nonconforming Use or Structure.** An existing use or structure, or part or appurtenance thereof, not in conformance with the requirements of this Ordinance.

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

**On-Right-of-Way Parking.** The storage space for an automobile that is located within the street right-of-way.

**Outdoor Display and Sales Area.** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outdoor Fireplace.** A self-contained, manufactured noncombustible cooking unit provided with a tight-fitting screen or lid and supported off the ground by non-combustible legs.

**Outdoor Storage.** The keeping of any goods, material, merchandise or equipment not within an enclosed building, including incidental maintenance and repair of the material that is being stored.

**Owner.** A titleholder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

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

**Porch.** A structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. An “Unenclosed Porch” is a porch that is open on two (2) or more sides. An “Enclosed Porch” is a porch that is enclosed by walls, screens, lattice or other material on two (2) or more sides. A screened-in porch shall be considered an “Enclosed Porch.”

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof, that separates one (1) building from another, but is in joint use by each building.

**Performance Standards.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire, and explosive hazards, or glare of heat generated by or inherent in use of land or buildings.

**Person.** For the purposes of this Ordinance, any individual, corporation, association, firm, partnership or joint venture.

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

**Principal Use.** The main use of land or structure as distinguished from an accessory use.
Property Line. The lines bounding a zoning lot.

Public Use Area (for Parking Standard Calculations). The area within a use where the public or a substantial number of the public has access to, including but not limited to, such areas as dining rooms, restrooms, bar seating, display areas, etc.

Pumpkin Patch. A retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis pumpkins and related holiday (Halloween) items.

Recreational Vehicle. A vehicular unit, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

Real Estate Model Unit. A residential unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development. Model units may also incorporate sales or rental offices for dwellings within the development.

Retaining Wall. A raised area of soil with the top leveled, supported around the edges by stone or timber, designed to resist lateral earth and/or fluid pressures, including any surcharge. This definition of "Retaining Wall" shall, for the purposes of this Ordinance, include terracing used in landscaping.

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

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

Setback. The minimum distance a building, structure or other improvement is located from a lot line.

Shed. A relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing and does not need to be placed on a permanent foundation. A “Shed” is typically intended to store lawn, garden, or pool care equipment.

Sheet Drainage. Overland run-off of water prior to reaching a drainage system.

Shopping Center. A group of retail and other commercial establishments that is planned, owned and managed as a single property, with shared access for ingress and egress. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two (2) main configurations of shopping centers are shopping malls and strip centers.

Sign. A name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment. “Sign” shall not include the flag of any nation, state or governmental entity.

Sign, A-Frame. An sign ordinarily in the shape of an “A,” or some variation thereof, located on the ground, not permanently attached and easily movable, and usually two-sided.
Sign, Animated. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

Sign, Awning. A sign that is printed or displayed upon an awning.

Sign, Banner. Any sign printed or displayed upon cloth or other flexible material with or without frames. A banner, in compliance with the regulations of this Ordinance, is not considered an “Attention-Getting Device.”

Sign, Campaign. A sign advocating a candidate for public office or public referendum.

Sign, Canopy. A sign that is printed or displayed upon a canopy.

Sign, Construction. A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.

Sign, Directory. A sign that serves as common or collective classification for a group of persons or businesses operating on the same zoning lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included, but carry no other advertising matter.

Sign, Election. A sign advocating a candidate for public office.

Sign, Electronic Display Screen. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays. “Electronic Display Screens” are prohibited.

Sign, Electronic Message Display. Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Flashing. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. “Flashing Signs” do not include “Electronic Message Signs.”

Sign, Monument. Any sign placed upon or supported by the ground independently of any other structure. “Monument signs” are typically mounted on a masonry base.

Sign, Pole. A sign erected and maintained on a freestanding mast(s) or pole(s) and not attached to any building, but not including “Monument Signs.”

Sign, Menu Board. A device which functions to list items for sale at an establishment with drive-through facilities.

Sign, Moving. Any sign which, in whole or in part, rotates, elevates or in any way alters position or geometry. “Moving Signs” do not include clocks.

Sign, Municipal. A sign erected and maintained pursuant to, and in discharge of, any municipal functions or as required by law, including but not limited to, speed limit signs, stop signs, Village limit signs, street name signs, historical or government sites, and directional signs.

Sign, Nonconforming. A sign lawfully erected and maintained prior to the adoption of this Ordinance that does not conform to the requirements of this Ordinance.

Sign, Occupational. A sign indicating the name and profession of an occupant of the lot or a part of the building.
Sign, Temporary Off-Premise. A temporary sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at any location other than upon the premises where such sign is located or to which it is affixed.

Sign, Political. A sign advocating action on a public issue.

Sign, Projecting. Any sign that is attached to a building or other structure, and extends beyond the surface of the building or structure to which it is attached.

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

Sign, Real Estate. A sign advertising the real estate upon which the sign is located as being for rent, lease or sale. A “Real Estate Sign” can also advertise an open house.

Sign, Residential Development. Signs identifying a subdivision, condominium complex, apartment complex or other residential development.

Sign, Roof. Any sign wholly erected, constructed, or maintained above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, Under-Awning. Any sign attached to and mounted under an awning.

Sign, Wall. A sign mounted flat against and projecting less than twelve (12) inches from the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. “Wall Sign” shall not include “Window Sign” as defined herein.

Sign, Window. A sign attached to, placed upon, or printed on the interior or exterior of a window or door of a building intended for viewing from the exterior of such a building. A “Window Sign” may be either permanent or temporary.

Solar Panel. A device that collects and converts direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity.

Stacking Space. A space specifically designated as a waiting area for vehicles patronizing a drive-through establishment.

Stoop. An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a building.

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

Story, Half. That portion of a building under the gable, hip or gambrel roof, the wall plates of which on at least two (2) sides (opposite exterior walls) are not more than four and one-half (4½) feet above the finished floor of such story. In the case of single-family, two-family and multi-family dwellings less than three (3) stories in height, a half-story in a sloping room shall not be counted as a story.
Street. An improved right-of-way that affords a primary means of access to abutting property.

Street Wall. The wall of a building nearest to and facing on a street.

Structural Alteration. Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

Structure. Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Temporary. Any structure not designed to be permanently located, placed or affixed in the place where it is or where it is intended to be placed.

Swimming Pool. A receptacle for water and/or an artificial pool of water over twenty-four (24) inches in depth, either at a private residence intended only for the use of the individual owner, his family and friends, or at a multiple-unit residence intended only for the use of the tenants of the building, their families and friends. Temporary swimming pools of plastic, rubberized cloth or similar material over twenty-four (24) inches in depth are subject to the same standards as permanent swimming pools.

Temporary Contractor Trailer. This use includes watchman’s trailers, construction equipment sheds, contractor trailers and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Temporary Storage Container. Temporary self-storage containers delivered to residential or commercial uses for the resident or business owner to store belongings, and then picked up and returned to a warehouse until called for. Also known as “PODS” (Portable On-Demand Storage containers).

Trellis. A frame made of bars of wood or metal crossed over each other, fixed to a wall, to support vines or climbing plants.

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

Use, Permitted. A use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

Use, Special. A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review, and is subject to approval by the Village Board.

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

Yard. The required minimum distance a building or structure, or other improvement on a lot, must be located from a lot line. A yard extends along a lot line for a depth specified by the zoning district in which such lot is located. (See Figure 17-3: Yard Definitions)
**Yard, Corner Side.** The required minimum distance a building or structure, or other improvement on a lot, must be located from a corner side lot line. The corner side yard extends along the corner side lot line between the front yard and the rear lot line, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the corner side lot line. (See Figure 17-3)

**Yard, Interior Side.** The required minimum distance a building or structure, or other improvement on a lot, must be located from an interior side lot line. The interior side yard extends along an interior side lot line between the front and rear yards, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the interior side lot line. (See Figure 17-3)

**Yard, Front.** The required minimum distance a building or structure, or other improvement on a lot, must be located from a front lot line. The front yard extends the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line. Front doors and addresses do not regulate what is the front yard as it relates to Zoning. (See Figure 17-3) (Amended 01/18/2011: CO-2011-01)

**Yard, Rear.** The required minimum distance a building or structure, or other improvement on a lot, must be located from a rear lot line. The rear yard extends between the side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. (See Figure 17-3)

**FIGURE 17-3: YARD DEFINITIONS**

![Yard Definitions Diagram](image-url)