

**SECTION 1  
TITLE**

- 1.0 This Ordinance shall be known, and referred to as the: VILLAGE OF HOMER GLEN ZONING ORDINANCE.

**SECTION 2  
PURPOSE AND INTENT**

- 2.0 This Zoning Ordinance is adopted for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the Village of Homer Glen, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, the Village Board shall have the power to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses which may be specified by the Board, to regulate and restrict the intensity of such uses, to establish building or setback lines on or along any street, traffic way, drive, parkway or storm or floodwater runoff channel or basin within the limits of the Village; to divide the Village into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the intensity of such use (including height of buildings and structures and surrounding open space) and other classification, as may be deemed best suited to carry out the purposes of this Zoning Ordinance to prohibit uses, buildings or structures incompatible with the character of such districts respectively; and to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder.
- 2.1 The purpose and intent of this Zoning Ordinance shall be fulfilled by or through implementation of the following:
- a. Division of the Village into districts of such number, shape, area and such different classes, according to the use of land, buildings, the height and bulk of buildings, the intensity of use and the area of open spaces and recreational spaces, as may be deemed best suited to carry out the purposes of this ordinance;
  - b. Prevention of the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them, thereby ensuring proper living and working conditions and preventing the development of blight and slums;
  - c. Implementation of reasonable standards to which buildings and structures shall conform;
  - d. Implementation of standards to insure the development of land use patterns that emphasize the desirability of single-family residential land uses that will strengthen and enhance the Village's low-density community character;
  - e. Protection of the aesthetic appearance of the Village as well as the "quality of life" and unique identity of the Village;
  - f. Encourage innovative development techniques by providing for use of planned developments in areas suitable for this development method;

- g. Protection of ground water supplies by controlling inappropriate land uses where soils and geological characteristics present the possibility of diminishing supplies or contamination by pollutants;
- h. Implementation of adequate open space requirements for sunlight, clean air, privacy, noise abatement, recreation, pedestrian circulation, and safe sight distances for operation of motor vehicles;
- i. Allow for the maintenance of a viable agricultural base, including supporting businesses and services;
- j. Provide for the opportunity to create a variety of housing opportunities and life styles, employment, industrial, and commercial enterprises;
- k. Prohibit the intrusion of incompatible uses into residential, commercial, industrial, agricultural, recreational, and other necessary natural and man-made areas;
- l. Facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewage, schools and parks through the implementation of standards to insure the development of appropriate land uses;
- m. Preservation of the values of the property throughout the Village and to protect the character and stability of residential, business and industrial areas;
- n. Provide for adequate drainage, erosion control and reduction of flood damage in connection with the development of lands;
- o. Insure a balance of green space and development, and to preserve and insure the preservation of nature resources and other significant environmental features in the Village;
- p. Provide a well-defined system of streets and pedestrian/bike trails which allow access to all local and regional points of origin and destination;
- q. Preserve and insure the preservation of areas of historical, architectural, and environmental significance;
- r. Foster compatible relationships between residential, commercial, industrial, agricultural and historical uses for the mutual benefit of all; and
- s. To implement the objectives of the Comprehensive Plan of the Village.

**SECTION 3  
RULES AND DEFINITIONS**

**3.0 RULES AND DEFINITIONS**

In the construction of this Ordinance and any subsequent amendment, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

**3.1 Rules**

The following shall be the rules that are to be used in interpreting and reading the text of this Ordinance:

- a. Words used in the present tense shall include the future;
- b. Words used in the singular number shall include the plural number, and the plural singular;
- c. The word "shall" is mandatory and not discretionary;
- d. The word "may" is permissive;
- e. The word "lot" shall include the words "plot", and "parcel"; the word "building", includes all other structures or improvements of every kind, regardless of similarity to buildings.
- f. The word "building" shall include the word "structure" and shall include all other improvements of every kind, regardless of similarity to a building;
- g. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for";
- h. The word "person" shall include a "firm, association, organization, partnership, trust, company or corporation, as well as an individual";
- i. The masculine gender includes the feminine and neuter;
- j. All measured distances and values shall be to the nearest integral number. If a fraction is one-half (1/2) or more, the integral number next above shall be taken; and
- k. All distances, unless otherwise stated, shall be measured horizontally.

**3.2 Definitions**

The following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

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

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

- a. Is subordinate to and serves a principal structure or principal use;

- b. Is subordinate in area, extent, or purpose to the principal structure or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
- d. Is on the same zoning lot as the principal structure or principal use served, except that off-street parking facilities may be permitted to locate elsewhere other than on the same zoning lot.

**ADJACENT:** The terms adjacent and contiguous are used as synonymous terms, and mean lots located with the same street frontage in contact with or touching another parcel of land, in contradistinction to lying across a street or alley there from.

**ADULT USE:** Any establishment, including but not limited to arcades, bookstores, cabaret, hotel/motel, motion picture theatre, massage parlor, modeling studio, sexual encounter establishment, or store, charging any form of consideration; or a point of transmission or broadcast of video, internet content or other electronic media; at which a substantial portion of the stock-in-trade or business activities are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT USE, SPECIFIED ANATOMICAL AREAS:** As used herein, includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**ADULT USE, SPECIFIED SEXUAL ACTIVITIES:** As used herein, includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities (1) through (3).

**AGRIBUSINESS:** A commercial enterprise which engages in the purchase, sale, barter, or exchange of goods, wares, or services traditionally related to agricultural production, or limited processing of agricultural produce.

**AGRICULTURAL BUILDING OR STRUCTURE:** Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

**AGRICULTURE:** Land, including necessary buildings and structures thereto, shall be considered used for agricultural purposes if: (1) the zoning lot contains not less than five (5) acres of land area and (2) if the principal use involves the production, cultivation, or growing of crops (including but not limited to seed crops, trees, ornamental plants, sod, etc.) pasturage, apiculture, horticulture, floriculture, animal husbandry, and the raising of livestock (including horses, bees, fish, etc.), or any by-product thereof, for sale, lease or personal use, and all necessary and related activities thereof. Lands devoted to soil conservation or forestry management programs shall also be deemed used for an agricultural purpose.

**AIRPORT/HELI-PORT:** An area of land or water that is used or designed for the landing and take-off of aircraft of any type and which may include buildings for the shelter of such aircraft.

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

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

**AMUSEMENT ARCADE (GAME ROOM):** Any establishment containing mechanical, electronic and/or coin operated amusement devices and/or games operated on the premises for the amusement of the general public as the principal use and/or any business which operates more than twenty (20) amusement devices which are accessory to the principal use.

**AMUSEMENT DEVICE:** Any machine, game, table or other such device which is designed, intended or used as entertainment and may be operated by the public upon the insertion of a coin or token, or the use of which is made available for any valuable consideration, including, but not limited to devices such as pinball machines, pool tables, video games, electronic games, kiddie rides, mini-theater projection devices, video screens, and all games and operations similar thereto. An amusement device shall not include food, soft drink and cigarette vending machines.

**ANIMAL HOSPITAL:** A structure, or portion thereof, designed or used for the care, observation or treatment of animals by a veterinarian.

**ANTENNA:** An antenna device by which radio or electromagnetic waves are transmitted, received, or both.

**APARTMENT:** One (1) or more rooms, each dwelling containing a private bathroom and kitchen, in an apartment building, or combination apartment and commercial building, arranged, intended, designed or occupied as a dwelling unit of a single-family, an individual, or a group of individuals.

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

**APPLICANT:** Any person, firm, corporation or agency which submits an application.

**APPROPRIATE USE:** Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 10.8-2 of this Ordinance.

**ASSISTED LIVING FACILITY:** A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services may include meals, housekeeping, transportation to shopping and medical appointments, social activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a manner that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.

**AREA, GROSS:** The gross area of a parcel or development site is the area in square feet/acres, in fee ownership, excluding all peripheral rights-of-way.

**AUTOMOBILE:** A self-propelled, free moving vehicle, with four wheels, usually used to transport not more than eight (8) passengers and licensed by the governmental licensing authority as a passenger vehicle of the first division.

**AUTOMOBILE RENTAL AGENCY:** Rental of automobiles, light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

**AUTOMOBILE REPAIR:** An establishment which is primarily engaged in the business of providing maintenance, servicing, repair or painting of automobiles.

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

**AUTOMOBILE SERVICE STATION (GAS STATION):** Any building or premises used for dispensing or offering for sale of automotive fluids or oils having pumps and underground storage tanks; also, where battery, tire and other similar services are rendered, but only if rendered wholly within a building. Automobile service stations shall not include the sales or storage (new or used) of automobiles, trailers, or other vehicles. Automobile service stations may include mini-marts as a Special Use.

**AUTOMOBILE, BOAT, CAMPER, EQUIPMENT, MANUFACTURED HOME, OR MOTORCYCLE SALES AND SERVICE:** The sale of new and used automobiles, trucks, tractors, construction equipment, agricultural equipment, and similar industrial equipment, and other vehicles in operating condition; the storage of such vehicles in operating condition, but not including storage of trucks of more than five tons in weight or buses; and the repair and servicing of such vehicles, including body work, painting and motor rebuilding, when conducted within a completely enclosed building.

**AWNING:** A roof like cover, temporary in nature, which projects from the wall of a building.

**BALCONY:** A level plane or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure.

**BANKS AND FINANCIAL INSTITUTIONS:** Commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawn shops.

**BAR :** see Tavern (Am. Ord. 08-048, passed 09/09/08)

**BASEMENT:** A space having more than one-half (1/2) of its height below average grade.

**BAY:** A principal compartment of the walls, roof or other main structural component of a building or of the whole building.

**BAY WINDOW:** A window, or series of windows, projecting outward from the wall of a building used to enhance the beauty, not size, of the building.

**BED AND BREAKFAST ESTABLISHMENT:** An owner occupied residence providing overnight accommodations available to the general public for compensation. Bed and breakfast establishments shall not include hotels, motels, boarding houses, lodging rooms, or food service establishments.

**BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BILLBOARD:** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

**BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, bulkhead lines, shore lines of waterways or corporate lines of the Village.

**BOARDING STABLE:** An area of land and buildings used to house and care for horses, which horses are not owned by the owner of the land, for which compensation is received by the owner of the land and such boarding stable is limited for that purpose.

**BODY PIERCING ESTABLISHMENT:** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of piercing patrons' bodies with sharp

instruments in order to allow insertion of rings, pieces of jewelry, or other ornamental devices through the orifices thus created. (Am. Ord. 08-048, passed 09/09/08)

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

**BUFFER:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, for the purpose of which is to separate and screen incompatible land uses from each other.

**BUILDABLE AREA:** The space remaining on a zoning lot after all yard and open space requirements of this Ordinance have been complied with.

**BUILDING:** Any structure constructed partially or wholly above ground with a permanent roof separated on all sides from adjacent open space by walls, built for the shelter or enclosure of persons, animals, chattels, or property of any kind. The term includes both the above-ground and below-ground portion of the structure.

**BUILDING, ATTACHED:** A building is considered attached to another building only when the attachment satisfies the following minimum criteria:

- a. Is constructed on a forty-two (42) inch deep foundation, and
- b. Is enclosed by a roof and permanent walls, and
- c. Is at least six (6) feet wide.

**BUILDING DETACHED:** A building surrounded by an open area on the same lot as a principle building.

**BUILDING HEIGHT:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. (Am. Ord. 08-048, passed 09/09/08)

**BUILDING LINE:** The line nearest the front of, and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

**BUILDING PERMIT:** Permit issued by the Village for the construction, erection, or alteration of a structure or building.

**BUILDING, PRINCIPAL:** A non-accessory building which the primary use of the lot on which it is located is conducted.

**BUILDING, STRUCTURE OR USE, NON-CONFORMING:** Any lawfully constructed building or structure which, on the effective date of this Ordinance, does not comply with all of the applicable regulations of the Zoning District in which such building or structure shall be located.

**BUILDING, STRUCTURE OR USE, NONCONFORMING (SPECIAL FLOOD HAZARD AREA AND/OR WETLAND AREA):** Any lawfully established building, structure or use which, on the effective date of this Ordinance, does not comply with all of the applicable storm water, floodplain and/or wetland management regulations of the Special Flood Hazard Areas (SFHA) and/or Wetland Areas in which such building, structure or use is located.

**BULK:** The term used to indicate the size and setbacks of buildings or structures and location of

same with respect to one another and includes the following:

- a. Size and height of buildings.
- b. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings.
- c. Gross floor area of buildings in relation to lot area (floor area ratio).
- d. All open spaces allocated to buildings.
- e. Amount of lot area per dwelling unit.
- f. Lot width and area.

**BUSINESS:** The word “business” or the word “commerce” when used in this Ordinance means the engaging in the purchase, sale, barter, or exchange of goods, wares, or merchandise, the provision of services for compensation, or the maintenance or operation of offices, or recreational or amusement enterprises.

**CANNABIS:** Includes marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinal derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. (Am. Ord. 14-001, passed 01/14/14)

**CAPACITY (IN PERSON):** The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort and safety.

**CAR WASH:** A building, or portion thereof, containing facilities for washing vehicles; using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water and equipment for the hand washing of automobiles, whether by the customer or the operator.

**CARGO CONTAINER:** A standardized, reusable vessel, designed without an axle or wheels, which was originally specifically or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities, and or designed for or capable of being mounted or moved on a rail car, and/or designed for or capable of being mounted on a chassis for movement by a truck trailer or loaded on a ship. (Am. Ord. 08-048, passed 09/09/08)

**CARTAGE ESTABLISHMENT:** A business in which any person, firm, corporation or other entity engages in the hauling and moving goods. (Am. Ord. 08-048, passed 09/09/08)

**CELLULAR SERVICE:** A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

**CELLULAR TELECOMMUNICATIONS:** A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to

geographic cells within a service area and which are capable of being reused in different cells within the service area.

**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**CENTRAL WATER:** All mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks, and appurtenances, collectively or severally, actually used or intended for use of the purpose of furnishing water for drinking or general domestic use.

**CLEARING:** Any activity which removes vegetative ground cover, shrubs or trees.

**CLINIC:** A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists or similar professional health care practitioners including assistants and staff. The clinic may include apothecary, dental and medical laboratories, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

**CLUB, PRIVATE:** A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires or leases land or a building(s) or any portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club" are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be subject to compliance with the Village, State and Federal ordinances.

**CLUSTER DEVELOPMENT:** An alternative development technique for single family homes where individual lot size and other bulk requirements are reduced in direct ratio to areas set aside within the development for the preservation of water, environmentally sensitive areas, other natural features and common open space.

**COMPREHENSIVE PLAN:** The adopted land use plan and all parts thereof adopted by the Village Board.

**CONFORMING BUILDING OR STRUCTURE:** Any building or structure which complies with all regulations of this comprehensive amendment or of any amendment hereto governing bulk for zoning district in which such building or structure is located.

**CONVENIENCE STORE:** A small retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

**COUNTY:** The County of Will, Illinois.

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

**CULTIVATION CENTER:** A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. (Am. Ord. 14-001, passed 01/14/14)

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

**DAM:** All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

**DANGEROUS ANIMALS:** Animals including, but not limited to, the following: lion, tiger, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, leopard, bear, hyena, wolf, coyote, wolf-dog or coyote-dog hybrid, alligator, crocodile, caiman, and poisonous or other life-threatening reptiles.

**DAY CARE CENTER (CHILD OR ADULT):** State licensed facility where a person, other than a relative or guardian, provides care and supervision for seven (7) or more children under seven (7) years of age or seven (7) or more adults requiring care, for less than 24 hours a day for compensation. The term does not include facilities which receive only children from a single household. (Am. Ord. 08-048, passed 09/09/08)

**DAY CARE HOME:** A family home which receives up to six (6) children or six (6) adults requiring care for less than twenty-four (24) hours per day. (Am. Ord. 08-048, passed 09/09/08)

**DECIBEL:** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

**DECK:** A structure attached to or closely adjacent to any dwelling unit that is:

- a. Designed and intended for the support of people;
- b. Open to the sky and has no permanent roof; and
- c. Is greater than fifty (50) square feet in area.

**DENSITY, GROSS:** The total number of dwelling units per gross acre of land determined by dividing the total gross acreage of a site by the minimum lot or dwelling unit size of the appropriate residential district.

**DENSITY, NET:** The numerical value used as a measurement for the specific intensity of that portion of a development upon which buildings are placed, Net density is obtained by dividing the total number of dwelling units in a development by the Net Acreage within the development, the result of which is the number of dwelling units per net acre of land.

**DEVELOPMENT:** Any human change to real estate, including excavation, clearing, construction, reconstruction, enlargement, repair, or placement of a building or any addition to a building, but does not include maintenance of existing buildings or structures.

**DIRECTIONAL ANTENNA:** An antenna or array of antennas designed to concentrate a radio signal in a particular area.

**DISPENSARY ORGANIZATION:** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. (Am. Ord. 14-001, passed 01/14/14)

**DISTRICT:** A portion of the Village within which certain uniform regulations and requirements apply under provisions of this Ordinance.

**DOMESTIC ANIMAL:** Any breed of animals (including, but not limited to, horses or sheep) domesticated by man so as to live and breed in a tame condition.

**DONATION DROP OFF FACILITY.** A facility, box or similar device where material donations for nonprofit agencies are solicited or collected. Am. Ord. 14-056, passed 09/24/14)

**DRIP LINE:** The outer perimeter of the largest branches or limbs of a tree or brush as measured on the ground around the base of the tree or brush.

**DRIVE-IN or DRIVE-THROUGH ESTABLISHMENT:** Any Commercial retail, personal service, or service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person located within the principal structure, including an establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while staying within a motor vehicle. Such establishments include but are not limited to financial institutions, restaurants, and dry cleaning stores. (Am. Ord. 08-048, passed 09/09/08)

**DRIVEWAY:** That portion of a lot used to provide access from the street to a place of residence or business and which has been graded and graveled or surfaced with concrete, asphalt, crushed stone, or other hard surface and dustless materials.

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

**DWELLING, CONVERTED:** Any building which was originally designed and constructed as a single-family dwelling, but has not been changed or altered by the construction of an additional accessory dwelling unit.

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

**DWELLING, ATTACHED:** A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

**DWELLING, DETACHED:** A residential building which is entirely surrounded by open space on the same lot.

**DWELLING, GROUP QUARTERS:** Group quarters, not a "family" as defined herein, are living arrangements for groups of people containing more than five (5) persons not related by blood, marriage, adoption, or guardianship. Group quarters shall not include group homes for the handicapped or persons fifty-five (55) years of age or older which have eight (8) persons or less plus their resident staff. Group quarters are most frequently contained within the following terms and phrases:

Church Oriented Schools (Boarding); Colleges, Universities (Dormitories); Convents; Drug Abuse Centers (Boarding); Emergency Shelter (Family); Fraternity Houses; Monasteries; Orphanages; Primary/Secondary Schools (Boarding); Rehabilitation Centers (Boarding); Religious Retreats; Seminaries; Sorority Houses; YMCA – Residence Rooms; or YWCA – Residence Rooms.

**DWELLING, MULTIPLE FAMILY:** A residential building containing three (3) or more dwelling units.

**DWELLING, SINGLE FAMILY:** A residential building containing one (1) dwelling unit only.

**DWELLING, TWO-FAMILY:** A residential building containing two (2) dwelling units only.

**DWELLING UNIT:** One or more rooms in a residential building, or residential portion of a building, which are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful, sanitary facilities reserved for the occupants thereof.

**EASEMENT:** An authorization or grant by a property owner for the use by another, and for one (1) or more specific purposes, of any designated part of the owner property.

**ESSENTIAL SERVICES:** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, but not including buildings that do not need to be in the immediate area of the uses they service.

**EXCAVATING/FILLING:** Except as hereinafter provided, excavation and/or filling shall mean any changing of the grade or subgrade of a tract of land by cutting, scraping, grading, trenching, digging, filling-in, or otherwise reshaping the natural contour of the ground. The following shall not be construed as excavating/filling:

- a. Any cutting, grading, trenching, digging, or backfilling of any foundation of a building or structure approved for construction.
- b. Top dressing in an area of existing homes, which top dressing does not change the drainage patterns, does not disturb an area greater than five (5) percent of the lot area or 2,000 square feet, whichever is smaller, and does not exceed five (5) cubic yards of fill.

Cutting, grading, trenching, digging or backfilling of any septic site as part of new construction shall be reviewed for drainage as part of the building permit application, but shall not require drainage review by the Village Development Department when the area of ground disturbed is 2,000 square feet or less. Repairs to existing septic sites in which the area of ground disturbed is greater than 2,000 square feet shall require the issuance of a stormwater management permit.

**EXISTING GRADE:** The vertical location of the existing ground surface prior to excavation or filling.

**EXOTIC ANIMAL:** Any animal which is not usually or customarily found for sale in the majority of pet shops in the region and includes, but is not limited to, wild, dangerous, endangered and other non-domestic animals.

**FACILITY:** That part of the signal distribution system used or operated by a telecommunications carrier under a license from the Federal Communication Commission (FCC) consisting of a combination of improvements and equipment including (i) one or more antennas; (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware.

**FACILITY LOT:** The zoning lot on which a facility is or will be located.

**FAMILY:** An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons (excluding servants) not related by blood, marriage, or adoption, living together as a single, house-keeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.

**FARM:** Land being used for agricultural purposes with ten (10) acres or more.

**FARM HOMESTEAD:** The building located on a farm that is the residence of the farm owner or tenant operator.

**FARM, RESEARCH OR EXPERIMENTAL:** An agricultural use, including buildings, and land, for the purpose of obtaining new knowledge in agricultural processes and procedures.

**FCC:** Federal Communications Commission.

**FENCE:** A structure used as a boundary, screen, separation, means of privacy, protection or confinement.

**FENCE, OPEN:** An open fence is one where visibility at right angles to any surface thereof is not reduced by more than fifty (50) percent.

**FENCE, SOLID:** A fence including gates which conceals from view of adjoining properties, open storage of materials, and/or operations conducted behind the fenced area.

**FILL:** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

**FLAG LOT (RESERVE LOT):** A buildable lot where access is obtained by way of a narrow strip of land (reserve strip) from a dedicated street only where each lot shall contain a minimum of 40,000 square feet, exclusive of the portion of the lot used as the reserve strip, except where a specific zoning district requires more than 40,000 square feet as its minimum lot area.

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

For determining Off-Street Parking and Loading Requirements, the sum of the following areas:

- a. Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets;
- b. Any basement floor area devoted to retailing activities; and
- c. Floor area devoted to the production or processing of goods, or to business or professional offices.

For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities (including aisles, ramps and maneuvering space) or basement floor area other than area devoted to retailing activities, the production or processing of goods, business or professional offices.

**FLOOR AREA RATIO (FAR):** The ratio determined by dividing the floor area of a building or structure by the area of the lot on which the building or structure is located. When one or more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned development, by the net acreage. The floor area ratio requirements, as set forth under each zoning district, shall determine the

maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

**FOOT-CANDLE:** A unit of illumination. Technically, the illumination at all points one foot distance from a uniform point source of one candle power.

**FRONTAGE:** The length of a front lot line or lines.

**FOUNDATION, PERMANENT:** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.

**GARAGE, BUS OR TRUCK:** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding 12,000 pounds gross vehicle weight.

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

**GARAGE, PUBLIC:** A building other than a private garage, used primarily for parking or storage of motor vehicles for remuneration and available to the public at large.

**GOLF COURSE:** A public, semi-public, or private tract of land where the game of golf is played, including accessory buildings and land uses incidental there to, and consisting of at least sixty (60) acres for each standard nine (9) hole course; and thirty (30) acres for each standard nine (9) hole par-3 course. A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

**GRADE, Average:** The average elevation of the land surrounding a building or other structure as measured on the finished surface of the ground six (6) feet from the exterior wall of the building or structure.

**GRADE, FINAL:** The final elevation of ground level after the completion of all construction and development,

**GRADING:** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**GROSS ACREAGE:** The total acreage of a site less land within the platted rights-of-way of existing roads, utilities, and easements of access.

**GROUP HOME:** A dwelling used to provide a socially dependent family environment for developmentally or mentally disabled patients, as specified in the 1988 Fair Housing Act Amendments of the Civil Rights Act of 1968. For purposes of this Ordinance, this definition shall not include "halfway houses," uses for the recovering chemically dependent, prison work release programs or any use that does not house solely the developmentally or mentally disabled. (Am. Ord. 08-048, passed 09/09/08)

**GROUP HOME, LARGE:** A group home of seven (7) to twelve (12) residents, not including non-residential staff. (Am. Ord. 08-048, passed 09/09/08)

**GROUP HOME, SMALL:** A group home of six (6) or fewer residents, not including non-resident staff. (Am. Ord. 08-048, passed 09/09/08)

**HANDICAPPED:** Having a physical, mental or emotional impairment which substantially limits one or more of such person's major life activities; a record of having such impairment; or being regarded

as having such impairment. The term shall include, but not be limited to; persons who are developmentally or physically disabled, the mentally ill, recovering alcoholics, and those who are suffering from AIDS and other diseases. Such term shall not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Action (21 U.S.C. 802)) nor shall it include any person whose residency in the home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

**HEALTH CLINIC:** An establishment, other than a hospital as defined herein, where human patients who are not lodged overnight are admitted for examination and treatment by one or more physicians, dentists, other health care professionals, or similar professions. (Am. Ord. 08-048, passed 09/09/08)

**HEDGE:** A landscaped barrier consisting of a continuous, dense planting of shrubs.

**HEIGHT, MAXIMUM:** A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. The height of a structure, also known as "Building Height" above, may not project through said plane.

**HELIPORT** The Federal Aviation Administration's (FAA) definition of a heliport is any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities. (Am. Ord 09-029, passed 04/28/09)

**HELIPAD:** A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters. (Am. Ord 09-029, passed 04/28/09)

**HOME OCCUPATION:** A gainful occupation or profession engaged in by an occupant of a dwelling unit as a use that is clearly incidental to the use of the dwelling unit for residential purposes.

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

**HOTEL:** An establishment which is open to transient guests, in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provided customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

**IMPERVIOUS SURFACE COVERAGE:** The percentage of a lot, which when viewed directly from above, is covered by all impervious surfaces, or any part thereof. For the purpose of calculating maximum impervious surface coverage, primary structures, accessory structures, sidewalks, driveways, patios, decks, swimming pools, open porches, outdoor tennis or basketball courts or other similar such accessory uses shall be included. For swimming pools, fifty (50%) percent of the total area (exclusive of patio, deck, pavement or any impervious surface shall be included in this calculation toward lot coverage). (Am. Ord 09-065, passed 10/13/09).

**INOPERABLE VEHICLE:** Any motor vehicle from which, for a period of seven (7) days, the engine, wheels, or other parts have been removed, or in which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

**INDEPENDENT LIVING FACILITY:** Specially planned, designed, and managed multi-unit housing for the elderly with self-contained dwelling units. These communities are typically designed to provide supportive environments for older adults and to accommodate a relatively independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities may be provided. This definition shall not include group homes, health clinics, hospitals, or treatment facilities, as defined by this ordinance. (Am. Ord. 08-048, passed 09/09/08)

**INDOOR CIVIC, CULTURAL, RELIGIOUS, OR INSTITUTIONAL USE:** Civic, cultural, religious, or institutional uses which occur within an enclosed building. Examples may include: government offices, libraries, museums, community centers, post office, fire/police/rescue station, hospitals, convention center, service/fraternal club or lodge, civic/social organization, labor union/organization, political organization, charitable organization, church, synagogue, temple, mosque, non-profit organization, educational institution (including schools, preschools, colleges and universities), and similar land uses. (Am. Ord. 08-048, passed 09/09/08)

**INDOOR BUSINESS SALES AND SERVICE:** Uses which display or conduct, entirely within an enclosed building, the sale or rental of business-oriented products, equipment, merchandise, or services that are non-personal and non-professional in nature. Examples may include: duplicating or photocopying sales and service; addressing, mailing, or stenographic sales and services; locksmith shops; computer sales and service; employment agencies; and similar land uses. (Am. Ord. 08-048, passed 09/09/08)

**INDOOR RECREATIONAL AND ENTERTAINMENT:** The indoor recreation and entertainment use classification applies to all use which provides recreation or entertainment services entirely within an enclosed building. Examples may include: skating rink, gymnastic facility, sports training facility, health/fitness club, country club indoor facilities, and similar land uses. (Am. Ord. 08-048, passed 09/09/08)

**INDOOR RETAIL SALES OF GOODS:** The indoor retail sales of goods use classification applies to retail uses which display or conduct the sale or rental of merchandise entirely within an enclosed building. Examples may include: antique shop, furniture stores, hardware stores, grocery or food stores, department stores, clothing/wearing apparel stores, book stores, sporting good stores, drug stores, pharmacies, florist shops and similar land use. (Am. Ord. 08-048, passed 09/09/08)

**INDOOR RIDING AREA:** An enclosed structure for the private use of the owners or occupants of the premises within which equestrian activities involving horses or training occur. (Am. Ord. 08-048, passed 09/09/08)

**JUNK YARD:** An open area where junk, scrap, discarded or salvaged material are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A junk yard includes automobile wrecking or salvage yards, used lumber yards, and places for the storage of salvaged steel materials, equipment and machinery.

**KENNEL:** Any premise or portion thereof on which more than five (5) dogs, cats, or other domestic over four (4) months in age are kept, groomed, boarded, bred, trained, cared for, or sold in return for remuneration, or are kept for personal use.

**LANDSCAPED FRONT YARD:** That portion of the front yard of zoning lots of non-residential uses designated to grass, trees and low living landscape material. (Am. Ord. 08-048, passed 09/09/08)

**LANDSCAPING:** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

**LAUNDROMAT/LAUNDERETTE:** Any place, building, structure, room, establishment, or portion thereof having within such premises one or more self-service washing machines, which are rented, leased, or hired out to the general public for use upon such premise. (Am. Ord. 08-048, passed 09/09/08)

**LIMITED RETAIL SALES IN ASSOCIATION WITH A WAREHOUSE USE:** Wholesale and warehouse establishments where products are stored and distributed, and contain a limited retail sales component where products can be sold "over the counter" to the general public. Said uses must possess a State of Illinois Department of Revenue Sales Tax Identification Number. (Am. Ord. 08-048, passed 09/09/08)

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

**LODGE:** See Club.

**LONG-TERM CARE FACILITY:** A building or premises which must be licensed pursuant to the Illinois Nursing Home Care Act (210 ILCS 45/1-101 et seq.). This definition shall not include group homes, health clinics, hospitals, or treatment facilities as defined by this Ordinance. (Am. Ord. 08-048, passed 09/09/08)

**LOT:** A platted parcel of land intended to be separately owned, developed and otherwise used as a unit.

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

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

**LOT COVERAGE:** The percentage of a lot which, when viewed directly from above, is covered by primary and accessory structures, driveways, or any part thereof, excluding projecting roof sections. For the purpose of calculating maximum lot coverage, sidewalks, patios, decks, swimming pools, open porches, outdoor tennis or basketball courts, or other similar accessory uses shall not be included. (Am. Ord. 09-065, passed 10/13/09).

**LOT DEPTH:** The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

**LOT FRONTAGE, MINIMUM:** The boundary of a lot along a public or private street.

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

**LOT LINE:** A property boundary line of a lot.

**LOT LINE, FRONT:** The boundary between a lot and the street right-of-way on which it fronts. On a corner lot, the shortest line adjacent to a street right-of-way shall be the front lot line.

**LOT LINE, REAR:** The boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line or front lot lines.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

LOT LINE, SIDE (CORNER LOT): Any side lot line on a corner lot which is adjacent to a street right-of-way.

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

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been legally recorded or a parcel of land with a legally recorded deed in accordance with the Illinois Plat Act, as amended.

LOT, ZONING: A parcel of land, composed of one (1) or more recorded lots or a parcel of land described by metes and bounds, that is of sufficient size to meet the minimum district requirements of this Ordinance and having frontage on an improved public street, and which is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under a single ownership or control. A "zoning lot" may or may not coincide with the definition of a "lot of record".

MANUFACTURED HOME: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, 41 United States Code Sec. 5401 et seq., and the regulations promulgated thereunder. No manufactured home shall be constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and no manufactured home shall have any wheels or axles permanently attached to its body or frame. For purposes of this Ordinance, regulations related to manufactured housing shall also be applied to mobile homes.

MANUFACTURED HOME DEVELOPMENT: A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

MANUFACTURING: Of, or relating to, concerning, or arising from the assembling, fabrication, finishing, packaging, processing, repairing, storing, cleaning, servicing, or testing of materials good, or products. (Am. Ord. 08-048, passed 09/09/08)

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

MASSAGE: A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities. These techniques may be applied with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. "Massage" does not include actions taken by licensed acupuncturists, chiropractors, cosmetologists, estheticians, nail technicians, naprapaths, nurses, occupational therapists, physical therapists, physicians, or podiatrists in a manner consistent with applicable State licensing requirements, their training and the code of ethics or their respective professions. (Am. Ord. 08-048, passed 09/09/08)

MASSAGE ESTABLISHMENT: An establishment having a fixed place of business where any person, firm, association, or corporation receives compensation for engaging in or carrying on or permitting to be engaged in or carried on any of the activities constituting massage. (Am. Ord. 08-048, passed 09/09/08)

MEDICAL USE: The acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition as defined in Section 10 of Illinois Public Act 98-0122. (Am. Ord. 14-001, passed 01/14/14)

**MICROWAVE ANTENNA:** A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

**MINI-MART:** A convenience shopping establishment selling a limited stock of food and related items to the general public. A mini-mart may be located in an automobile service station as a Special Use or may be free standing (such as 7-11, White Hen Pantry, etc.).

**MINING:** The development or extraction of a mineral from its natural occurrences on affected land. (Am. Ord. 08-048, passed 09/09/08)

**MOBILE HOME:** A factory-built structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on the site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, being built prior to enactment of the National Manufactured Home Construction and Safety Standards Act of 1974 as amended, 41 United States Code Sec. 5401 et seq. No mobile home shall be constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site.

**MOBILE HOME PARK:** A parcel or tract of land developed with facilities for locating two (2) or more "mobile homes" provided each mobile home contains a kitchen, flush toilet, and shower or bath and that such mobile home park shall be for the use only by non-transient dwellers remaining continuously for more than one month, whether or not a change is made. It shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

**MOTEL:** A building, or portion thereof, or a group of buildings which provides sleeping accommodations without cooking facilities for transients on a daily or weekly basis, not more than ten percent (10%) of which shall be occupied by other than persons staying for less than one (1) week, whether such establishments are designed as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist court or otherwise.

**MOTOR FREIGHT TERMINAL:** A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored.

**NIGHT CLUB:** An establishment which dispenses liquor and serves food for on-site consumption and provides dancing, live music or other entertainment.

**NET ACREAGE:** The gross acreage minus the acreage devoted to existing street rights-of-way, storm water retention and detention basins, bodies of water, public parks, school sites, municipal sites, wetlands, floodplains, and areas with slopes greater than twelve percent (12%).

**NON-CONFORMING BUILDING:** A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Ordinance which was designed, erected, or structurally altered after the effective date of this Ordinance for a use that does not conform to the use regulations of the district in which it is located.

**NON-CONFORMING LOT:** A lot that lawfully existed prior to the enactment of the requirements of this Ordinance, but which does not meet the minimum lot size or lot width requirements of the zoning district in which it is located.

**NON-CONFORMING USE:** Any building, structure, or land lawfully occupied by a use which was lawfully established at the time of the adoption of this Ordinance, or amendments thereto, and which does not conform after the effective date of this Ordinance, or amendments thereto, with the use regulations of

this Ordinance and shall be deemed a legal non-conforming or grandfathered use. Said use shall be an active and actual use of the land and/or buildings which existed prior to the effective date of this Ordinance.

**OMNIDIRECTIONAL ANTENNA:** An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.

**OFF STREET LOADING SPACE or BERTH:** An open or enclosed area other than a street, used for the loading and unloading of goods or materials from motor vehicles and trailers.

**OFF STREET PARKING SPACE:** A space within a public or private parking area designed in accordance with the requirements of this Ordinance.

**OPEN SALES LOT:** A lot or parcel of land used or occupied for the purpose of buying, selling, renting, or trading of goods and commodities, including the storage of same prior to rental, sale or exchange.

**OPEN SPACE:** All land or water areas not occupied by buildings, roads, parking, or private open areas. It includes parkland and play areas, community garden plots, and service areas dedicated to the public or designated or reserved for the sole use and enjoyment of the people having a common proprietary interest in the development. Land required by this Ordinance to remain as open space may be used for recreation, resource protection, underground utility, and amenity and buffer area purposes. Where open space is part of a park and/or school dedication, the entire parcel so dedicated shall be considered as open space.

**OPEN SPACE, ACTIVE:** An appropriately sized and usable open space area capable of comfortably supporting one or more active recreational activities, such as playground, ball fields, tennis courts, swimming pools, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use and other miscellaneous activities.

**OPEN SPACE, COMMON:** Land that is devoid of structures, other than recreational and pedestrian facilities and uses accessory thereto, and which is suitable for active and passive recreational activities. Common open space specifically excludes parking lots; street rights-of-way; front, rear and side yard setbacks if buildings and lots are subdivided and individually owned; private yard use areas; school sites; and retention ponds unless they are capable of sustaining water-based recreation.

**OPEN SPACE, PUBLIC:** Any publicly owned open area, including, but not limited to the following: playgrounds, forest preserves, beaches, waterways, parkways, and streets.

**OUTDOOR RECREATION AND ENTERTAINMENT:** Uses which involve recreational activities or provide entertainment services partially or wholly outside of an enclosed building, on public or private property. Examples may include: arboretums, natural areas, open grassed areas, picnic areas, picnic shelters, gardens, fishing areas, country clubs, play courts (tennis, basketball, etc.), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, driving ranges, hiking/biking/cross country ski trails, horse trails, pet walking areas, miniature golf facilities, amusement parks, go-kart tracks, racetracks, and similar land uses. (Am. Ord. 08-048, passed 09/09/08)

**OUTDOOR SEATING:** An area of designated size used as a seating area with tables and chairs, associated with a contiguous restaurant and including the sale of food to patrons. (Am. Ord. 08-048, passed 09/09/08)

**OUTDOOR STORAGE:** The keeping, in an unenclosed area, of any goods, equipment, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**PACKAGED LIQUOR STORE:** Any establishment selling beer, wine or alcoholic liquor at retail to

the general public in sealed bottles, or other sealed containers, for consumption or use away from the premises from which it is sold. (Am. Ord. 08-048, passed 09/09/08)

**PARKING, RESERVOIR:** An area allocated to motor vehicles awaiting entrance to a drive-in establishment.

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

**PERSON:** Any individual, firm, or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

**PERSONAL SERVICES:** Personal service uses are exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include: barber shops, beauty shops, shoe repair/shoe shine shops, tailor/garment repair shops, small household appliance repair shops, travel office, and similar land uses. (Am. Ord. 08-048, passed 09/09/08)

**PLANNED DEVELOPMENT:** A parcel of land or contiguous parcels of land totally under the ownership of one (1) landowner or a group of landowners in common agreement with respect to development as a single entity compatible with the development of adjacent parcels. Notwithstanding ownership, any property developed under a planned development ordinance shall remain in conformance with the approved planned development concept except as may be modified by ordinance of the Village Board.

**POND:** A body of water with a depth that exceeds two and one-half (2.5) feet.

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

**PRINCIPAL STRUCTURE:** A structure in which a principal use of the lot on which the structure is located is conducted.

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

**PUBLIC BODIES OF WATER:** All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

**PUBLIC UTILITY:** Any person, firm, or corporation duly authorized to furnish under regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water, sewer systems excluding Wireless Telecommunication Facilities.

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

**QUALIFYING PATIENT:** A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Section 10 of Illinois Public Act 98-0122. (Am. Ord. 14-001, passed 01/14/14)

**QUALIFYING STRUCTURE:** A supporting structure that is (i) an existing structure, if the height

of the facility, including the structure, is not more than fifteen (15) feet higher than the structure just before the facility is installed; or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than fifteen (15) feet higher than the height of the existing structure just before the facility is installed.

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

**RECREATIONAL CENTER:** A building or use of land operated with or without membership requirements, for entertainment or sport, delivered directly to the consumer; including but not limited to, skating rink, bowling alley, pool hall, racquet club, swim club, indoor or outdoor golf center, miniature golf course, amusement arcade, or indoor archery.

**RECREATIONAL VEHICLE:** Any vehicle, used or so constructed as to permit it being used as a conveyance upon the public streets and highways, and licensable as such, which is constructed in such a manner that will permit occupancy as a dwelling or sleeping place for one or more persons, including also a self-propelled vehicle having body designed as living quarters.

**REGISTERED LAND SURVEYOR:** A land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act. (225 ILCS 330/1, et seq.)

**REGISTERED PROFESSIONAL ENGINEERING:** An engineer registered in the State of Illinois, under The Illinois Professional Engineering Practice Act. (225 ILCS 325/1 et seq.)

**REMODELING:** Any change in a structure, including a structural alteration (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders, or foundation; or the construction of any addition to, or enlargement of, a structure; or the removal of a structure.

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

**RESERVOIR PARKING:** Off-street parking space or lot areas allocated to temporary standing motor vehicles awaiting entrance to a particular establishment.

**RESIDENTIAL CARE:** shall mean Day Care Center, Day Care Home or Group Care Home.

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

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

**RESTAURANT, DRIVE-IN or CARRY-OUT:** A restaurant, whose principal business operation is the dispensing of edible foodstuff and/or beverages, without full table services. Food sold may be eaten at indoor seating (without table service) in automobiles, at outdoor tables, or at stand-up counters, or to be carried off the premises. One or both of the following conditions shall prevail.

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

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

(Am. Ord. 08-048, passed 09/09/08)

**RESTAURANT, FULL SERVICE:** A public eating house where full table service is the primary business.

**RETAIL SALES (OUTDOOR):** The display and sale of products and services primarily outside of a building or structure.

**RETAIL or SERVICE STORE:** Sale of goods or services to the ultimate consumer for direct consumption and not sold at wholesale or for resale.

**RETENTION/DETENTION FACILITY:** A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

**ROADSIDE STAND:** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

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

**SCREENING:** Decorative fencing or vegetation maintained for the purpose of concealing from view the area behind such fencing or vegetation.

**SHOPPING CENTER:** A group of commercial establishments located on the same parcel of land, not having interior access to each individual establishment.

**SHOPPING MALL:** A group of commercial establishments located under one roof and having interior access to each individual establishment.

**SIGN:** Any writing (including letters, words or numerals), pictorial representation (including devices, symbols or trademarks), flag, banner, streamer, pennant, string of lights, or display calculated to attract the attention of the public for purposes of advertising services, displays, products, image or corporate identity, or any other figure of similar character which:

- a. Is a structure or any part thereof, or a portable display, or is attached to, painted on or in any other manner represented on a building or other structure or on the ground.
- b. Is used to announce, direct attention to or advertise.

**SITE:** A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**SITE DEVELOPMENT:** Altering terrain and/or vegetation and construction improvements.

**SPECIAL EVENT:** Any temporary occurrence conducted or sponsored by an organization, entity, association or group, involving a display, demonstration, performance, exhibition, or amusement which includes, but is not limited to festivals, concerts, carnivals, arts and craft shows, fireworks displays, sporting events, socials, parties, parades, rallies, and the like, excluding regularly scheduled sporting events conducted on property where such events are normally held.

**SPORTSCRAFT:** Any type of equipment used to transport people in the performance of recreational activities, including but not limited to snowmobiles, all-terrain vehicles, jet-skis, personal watercraft, canoes, boats, go-karts, dirt bikes, motorcycles, or aircraft.

**STABLE, PRIVATE:** An accessory building designed or arranged for the sheltering of horses, mules, donkeys, ponies, llamas for the private use of the owners or occupants of the premises. A private stable may include the boarding of up to three (3) horses for remuneration. (Am. Ord. 08-048, passed 09/09/08)

**STABLE, COMMERCIAL:** A structure or place where horses, mules, donkeys, or ponies are kept for riding, feeding, training, driving, boarding, housing or stabling for compensation or as an incidental part of any club, association, ranch or similar establishment, or any other stable which does not meet the definition of private stable as set forth herein. A commercial stable may include the provision of riding facilities and academies.

**STREAM:** Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainage way which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

**STREET:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See also Major Highway; Major Industrial Roadway; Road, Private; Road, Public; Street, Arterial; Street, Major Collector; Street, Minor; and Street, Neighborhood Collector.

**STREET, ARTERIAL:** A federal, state, or county marked route normally having four (4) lanes for traffic and some form of median marker or may be a Village-designated "arterial street" in the adopted Comprehensive Plan. Parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of ten thousand (10,000) and greater.

**STREET, MAJOR COLLECTOR:** A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between five thousand (5,000) and ten thousand (10,000).

**STREET, MINOR:** A street used, or intended to be used, primarily to access abutting properties. Residential minor streets designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) in excess of five hundred (500). Residential minor land access streets designed as permanent cul-de-sacs shall be designed so that no section conveys an average daily traffic (ADT) greater than two hundred-fifty (250).

**STRIPPING:** Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

**STRUCTURE:** Anything constructed or erected on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building.

**STRUCTURE, ENCLOSED:** A building enclosed by a permanent roof and solid exterior walls with preplanned constructed windows, doors and other appropriate openings.

**STRUCTURE, DETACHED:** Any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purposes of this Ordinance, be considered to constitute a party wall or a

common wall.

**STRUCTURE, TEMPORARY:** Except as hereinafter provided, a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot.

**SUBSTANTIAL DAMAGE:** A building is considered substantially damaged when it sustains damage from any cause (fire, flood, earthquake, etc.), whereby the cost of fully restoring the structure would equal or exceed fifty percent (50%) of the pre-damage market value of the structure, regardless of the actual repair work performed.

**SUBSTANTIAL IMPROVEMENT:**

- a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.
- b. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alterations of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

**SUPPORTING STRUCTURE:** A structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility.

**SWIMMING POOL:** Any structure, basin, chamber, or tank containing an artificial body of water for swimming or wading, having a depth of two (2) feet or more at any point, including but not limited to inflatable pools.

**SWIMMING POOL, PRIVATE:** Any swimming pool, located on private residential property, the use of which is intended for the owner and guests.

**SWIMMING POOL, PUBLIC:** An artificial basin of water which has been modified, improved, constructed, or installed for the purpose of public swimming and includes pools for community use, pools at apartments having five (5) or more living units, clubs, camps, schools, institutions, park and recreation areas, motels, hotels, and other commercial establishments.

**TATTOOING ESTABLISHMENT:** An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of placing 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 or puncture the skin. (Am. Ord. 08-048, passed 09/09/08)

**TAVERN:** An establishment used primarily for the serving of liquor by the drink to the general public for on-site consumption and where food or packaged liquor may be served or sold only as accessory to the primary use.

**TELECOMMUNICATIONS CARRIER:** A telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.

**TELECOMMUNICATIONS ANTENNA:** A specific device, the surface of which is used to transmit and/or receive electromagnetic waves or other signals transmitted to or from other antennas for commercial purposes. (Am. Ord. 08-048, passed 09/09/08)

**TEMPORARY MOBILE SIGN:** An advertising device of a non-permanent type, used principally for commercial purposes.

**TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**TEMPORARY USE:** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**TENANT OPERATOR:** The person, including the family thereof, that is hired to operate a farm. Normally not the owner of the farm.

**TERRACE, OPEN AND PATIO:** A level plane or platform which, for the purpose of this Ordinance, is located adjacent to one (1) or more faces of the principal structure and which is constructed not more than four (4) feet in height above the average level of the adjoining ground.

**TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

**TRAILER:** A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo, or property.

**TRANSIT AND TRANSPORTATION FACILITIES:** Improvements and facilities associated with bus, rail, or other modes used primarily to move passengers, including bus stations, railroad stations, rail yards, and areas for passenger parking, pickup, drop off, and waiting. (Am. Ord. 08-048, passed 09/09/08)

**TRANSITION YARD:** Area that separates two incompatible uses designated to grass, trees and landscape material. (Am. Ord. 08-048, passed 09/09/08)

**TREATMENT FACILITY** A building or premises used for the provision of any service licensable under the Illinois Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/1-1 et seq), including but not limited to emergency, outpatient, intermediate and residential service or care. (Am. Ord. 08-048, passed 09/09/08)

**TRUCK TERMINAL:** The principal land use for trucking operations where there are dock facilities, either partially enclosed or enclosed for the purpose of transferring goods or breaking-down and assembling tractor trailer transport. (Am. Ord. 08-048, passed 09/09/08)

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

**USE:** The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

**USE, NON-CONFORMING:** Any lawfully established use of a building or premises which, on the effective date of this Ordinance, does not comply with all of the applicable use regulations of the zoning

district in which such building or premises shall be located.

**USE, PRINCIPAL:** The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a Permitted, or a Special Use.

**USE, SPECIAL:** A use either public or private having some special impact that requires a careful review of the location, design, configuration, and the desirability of permitting its establishment on any given site. Its use may or may not be appropriate in a particular location depending on a weighing, in each case, of the local impact and effect.

**USE, TEMPORARY:** Any activity or use designed, built, conducted, erected or occupied for short and/or intermittent periods of time and shall include but not be limited to garage sales, tents, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports used for business, storage, industrial, institutional, assembly, educational or recreational purposes.

**VEHICLE SALES LOT:** A zoning lot on which two (2) or more used or new cars, trailers, or trucks are displayed for sale or trade outside of buildings.

**VACANT:** Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

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

**WAREHOUSE:** A building or structure or part thereof, used principally for the storage of goods and merchandise.

**WAREHOUSE, MINI:** A structure or structures designed and used exclusively for the storage of personal property, including a caretaker's residence and office.

**WETLANDS:** Areas that (i) are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and are subject to the regulations of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or (ii) are otherwise defined as Wetlands under the ordinances of the Village.

**WHOLESALE:** Sale to retailers or jobbers for resale and not for direct consumption.

**WIRELESS COMMUNICATION FACILITY (WCF):** An unstaffed facility used for transmitting or receiving waves or signals for radio, television, cellular, paging, personal wireless, personal telecommunications or other communications services, including antennae, towers, support structures other than towers, and ancillary buildings.

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

**YARD, FRONT:** A yard along the front lot line of a lot where the depth is equal to the length of the line establishing the building setback line.

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

YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard.

ZONING CERTIFICATE: A certificate issued by the Zoning Officer certifying that any proposed use, building, or structure to be located on a lot is in accordance with all of the regulations of this Ordinance.

ZONING OFFICER: The individual appointed by the Village President, by and with the consent of the Village Board, to administer and enforce the Zoning Ordinance of the Village.

ZONING MAP: The map or maps incorporated into this Ordinance as part hereof, designated zoning districts.

**SECTION 4  
ZONING DISTRICTS AND ZONING MAP**

**4.0 ESTABLISHMENT OF DISTRICTS**

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

- A-1 Agricultural District
- A-2 Rural Residence District
- E-1 Single Family Estate Residence District
- E-2 Single Family Rural Residence District
- R-1 Single Family Residence District
- R-2 Single Family Residence District
- R-2A Single Family Residence District
- R-3 Single Family Residence District
- R-3A Single Family Residence District
- R-4 Single Family Residence District
- R-5 Single Family Residence District
- R-6 Multi-Family Residence District
- R-6A Multi-Family Residence District
- C-1 Neighborhood Business District
- C-2 Local Business District
- C-3 General Business District
- C-4 Highway Commercial District
- C-5 Office and Research Park District
- C-6 Commercial Recreation District
- I-1 Limited Industrial District

**4.0-1 Zoning Districts Not Available for Development**

There are numerous subdivisions within the Village which were platted and developed in accordance with the provisions of the Will County Zoning Ordinance which was adopted by the Village when it became a municipality. In recognition of the extent of such development, the following zoning districts will continue to be recognized as valid zoning districts for those parcels located in such districts which are currently zoned and are subject to preliminary or final plat approval or which are otherwise developed in such districts as of the date of the adoption of this Ordinance, provided, however, that in order to effectuate the purpose and intent of this Ordinance and the goals and objectives of the Village's Comprehensive Plan, such zoning districts are not available for development after the date of the adoption of this Ordinance under the terms of said zoning districts on properties which are not subject to preliminary or final plat approval as of the date of the adoption of this Ordinance, or which are not subject to an existing court decree, or are not otherwise developed:

- A-2 Rural Residence District
- R-4 Single Family Residence District
- R-5 Single Family Residence District
- R-6 Multi-Family Residence District
- C-4 Highway Commercial District

**4.1 ZONING MAP**

4.1-1 The location and boundaries of the zoning districts established by this Ordinance are as shown on the Official Zoning Map, which together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Ordinance. The zoning maps, together with everything shown thereon and all amendment thereto, shall be a part of this Ordinance as if fully set forth herein.

#### 4.1-2 Inclusion

It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, rivers, streets, alleys, railroads and other rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the said Official Zoning Map as being included in any district shall be deemed to be in the E-1 Single Family Estate Residence District.

#### 4.1-3 Boundaries of Districts

When uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:

- a. The district boundaries are the center-lines of streets or alleys, unless otherwise indicated. Where designation of a boundary line on the Official Zoning Map coincides with the location of a street or alley, easements, railroads, and right of ways, the centerline of such street or alley shall be construed to be the boundary of such district.
- b. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such districts.
- c. Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundary shall be determined by the use of the scale shown on the Official Zoning Map.
- d. When a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be deemed to be located within the more restrictive district.
- e. District boundary lines that follow or approximately follow platted lot lines or other property lines as identified by the "Tax Index Number" of the parcel assigned by the Will County Supervisor of Assessments, shall be construed as following such lines.
- f. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- g. District boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines.
- h. Streets or alleys that are shown on the map and which have heretofore been vacated, or which are vacated hereafter, shall be in the same district as the land abutting both sides of the street or alley. If the land abutting each side of the street or alley was located in different districts before the street or alley was vacated, the centerline of the vacated street or alley should be the district boundary.

#### 4.1-4 Streets and other Right-of-Way

All streets, public ways, waterways and railroad rights-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, public ways, waterways and railroad rights-of-ways. Where the center line of the street, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

4.2 ANNEXED LAND

Unless otherwise provided for in an Annexation Agreement, all land which may hereafter be annexed to the Village shall automatically be classified in the E-1 Single Family Rural Estate Residence District.

## SECTION 5 AGRICULTURAL DISTRICTS

### 5.0 AGRICULTURAL DISTRICTS

#### 5.0-1 Purpose and General Conditions

The Agriculture District is provided to support and complement the Village's Comprehensive Plan. Agriculture District requirements are further established to govern location, intensity and development of agricultural areas in the Village. The long-range goal for agricultural land use in the Village is to preserve and protect the most fertile land for agricultural pursuits and to prevent premature development of nonagricultural activities. The A-1 Agricultural District is designed to encourage farming practices and related agricultural uses on those lands which are uniquely situated for farming uses due to type of soils, location and/or topography.

### 5.1 A-1 AGRICULTURAL DISTRICT

#### 5.1-1 Permitted Uses:

No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used except as otherwise provided in this Ordinance, for other than one (1) of the following specified uses:

##### a. Agricultural Uses:

- (1) The growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nursery, tree farm, sod farm, pasturage, viticulture, and a wholesale greenhouse when such agricultural purposes constitute the principal activity on the land together with the operation of any machinery, or vehicles incidental to the above uses.
- (2) Research and/or experimental farm.
- (3) Sale of agricultural products produced on premises.
- (4) Boarding stable.
- (5) Kennel and veterinary establishment provided such use shall not be conducted nearer than five hundred (500) feet to any residential zoning district or five hundred (500) feet to any existing dwelling other than the dwelling of the owner or lessee of the property on which the use is located.

##### b. Residential Uses:

- (1) A single-family detached dwelling on a parcel which was legally created on a lot of ten (10) acres or more in size.
- (2) A day care home with no more than six (6) children or adults not including non-resident support staff.
- (3) A group care home with no more than six (6) residents not including non-resident support staff.

##### c. Park, Open Space and Forest Preserve

## 5.1-2 Special Uses Permitted

The following uses may be permitted only if specifically authorized by the Village Board in accordance with Section 12.9:

- a. Airport/Heliport.
- b. Quartering and raising exotic animals, provided such use shall be on a parcel of not less than 40 acres in size.
- c. Commercial stable, provided that no structure used in connection with the commercial stable shall be located nearer than three hundred fifty (350) feet to any zoned residential district, three hundred fifty (350) feet from an existing dwelling other than the dwelling of the owner or lessee of the site, and not less than one hundred (100) feet from any property line of the owner or lessee of the site.
- d. Landscaping/lawn maintenance operation.
- e. Extraction of minerals, sand, gravel, topsoil, or other aggregates without blasting, including equipment, buildings, or structures for screening, crushing, mixing, washing, or storage.
- f. Floodplain development.
- g. Bed and breakfast establishment.
- h. Separate living quarters for domestic servants employed on the premises and not rented or otherwise used as a separate living quarters.
- i. Accessory housing.
- j. Single family home, on a lot of less than five (5) acres of land area but at least one (1) acre in size when topographic or other geographic considerations make the active farm use of the property impractical.
- k. Recreational and social facilities, including:
  - (1) Community center buildings, community theaters (amateur), day camps (boarding or non-boarding), clubhouses, recreation buildings, swim clubs, indoor pools, tennis, racquetball and handball facilities on not less than two (2) acres of land area.
  - (2) Golf courses (par 3) on not less than thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses provided:
    - (i) All buildings or structures shall be located not less than one hundred fifty (150) feet from any residential property line.
    - (ii) Lighting for night operation of recreational uses shall be directed away from surrounding properties.
  - (3) Private clubs, lodges and fraternal organizations.
  - (4) Public and private libraries, museums, and art galleries.

- (5) Public and private parks, playgrounds, picnic groves, play fields and other open spaces.
- l. Religious Institutions: chapels, churches, synagogues, temples and other religious institutions including parsonages and rectories.
- m. Residential care other than those listed as permitted uses:
  - (1) Day care centers (adult/children).
  - (2) Day care homes (adult/children).
  - (3) Group care come.
- n. Group homes.
- o. Group quarters.
- p. Public, quasi-public, governmental buildings and facilities, including but not limited to a(n):
  - (1) Public park, public playground, public golf course and public community center building.
  - (2) School.
  - (3) Public library.
  - (4) Essential service, police and fire station, cable television antenna excluding Wireless Telecommunication Facility, and a public utility, gas regulator station, telephone exchange, electrical substation.
- q. Cemeteries, provided all buildings shall be located not less than fifty (50) feet from any line.
- r. Detached accessory buildings or structures having a gross floor area larger than the maximum accessory building floor area permitted in the A-1 Agricultural District.
- s. Greenhouses & nurseries (on lots containing less than five (5) acres of land area) including wholesale sales of plant materials and crops, all of which are grown on the zoning lot.
- t. Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the A-1 Agricultural District.
- u. Planned Development.

5.1-3 Temporary Permit Uses Permitted

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

- a. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation. Each

such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.

- b. Any legally existing residential structure, trailer, or mobile home may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a Certificate of Occupancy or completion of construction, whichever occurs first. In no case shall the temporary residential structure, trailer, or mobile home be permitted to remain on the premises for no more than one (1) year, provided that the Zoning Officer shall have the right to grant an extension for one (1) additional year.
- c. Seasonal sales.

#### 5.1-4 Accessory Uses Permitted

Accessory uses may be permitted as provided in Section 8.10, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use. In addition, the following accessory uses may be permitted:

- a. Home occupation.
- b. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten (10) feet, exclusive of any and all easements, and not located in the front yard.
- c. A roadside stand for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stand shall contain not more than six hundred (600) square feet of floor area. Such stands or produce offered for sale shall be located not less than fifty (50) feet from the center line of the highway, except a temporary roadside stand may be located not less than twenty (20) feet from the nearest edge of pavement provided they shall be placed at such location only during the harvest season of produce offered for sale and shall contain not more than two hundred (200) square feet of floor area. Each roadside stand shall have facilities, approved by the Zoning Officer, for vehicular ingress and egress, and adequate off-street parking.
- d. Private stable for up to 1 horse per acre not closer than fifty (50) feet to any side lot line and one-hundred (100) feet to any rear lot line. See Section 8.41 for additional regulations. (Am. Ord. 08-048, passed 09/09/08)
- e. Private Indoor Riding Arena not closer than fifty (50) feet to any side lot line and one-hundred (100) feet to any rear lot line. See Section 8.41 for additional regulations. (Am. Ord. 08-048, passed 09/09/08)

#### 5.1-5 Prohibited Uses

All uses not expressly authorized in this zoning district.

5.1-6 Site and Structure Requirements

- a. Minimum Lot Area- Ten (10) acres.
- b. Minimum Lot Width/Lot Frontage- Three hundred Thirty (330) feet.
- c. Minimum Front Yard Setback- One hundred (100) feet from the centerline on non-dedicated roads and seventy-seven (77) feet from the front lot line on dedicated roads.
- d. Minimum Side Yard Setback- Fifty (50) feet on each side for a residential structure and one hundred (100) feet for an agricultural structure.
- e. Minimum Rear Yard Setback- Fifty (50) feet, exclusive of any easements, from the rear lot line for residential structures and one hundred (100) feet, exclusive of any easements, from the rear lot line. Free standing accessory structures shall be set in a distance not less than ten (10) feet from the rear lot line.
- f. Maximum Height- No principal structure or accessory structure shall exceed a height of thirty-five (35) feet.
- g. Maximum lot coverage- Twenty percent (20%).

5.1-7 Special Provisions

- a. Except as hereinafter provided, farm building and structures which are used for agricultural purposes, except for residences and garages, shall be exempt from the provisions of this Ordinance, however, all setback and yard requirements shall apply to farm structures.
- b. Commercial Motor Vehicles- One (1) motor vehicle for commercial purposes having an eight thousand (8,000) pound "GVW" rating or less may be parked on a constructed driveway located within the zoning lot. Two (2) additional commercial motor vehicles are allowed but must be kept in a garage or a fully enclosed structure. Any farm implements, machinery, or vehicles used primarily in farming of a zoning lot in the A-1 Agricultural District are excluded from this requirement.
- c. Recreational Vehicles- Two (2) recreational vehicles, including sportscraft, may be parked on a constructed driveway and must be owned or legally controlled by the residents or occupants of the principal structure and located within the buildable area. Small pick-up trucks and/or vans used principally as passenger cars are excluded from this requirement. For purposes of this section, a trailer on which sportscraft are stored shall be deemed to be two (2) recreational vehicles.

5.2 **A-2 RURAL RESIDENCE DISTRICT**

5.2-1 Permitted Uses:

No land shall be used or occupied, and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this Ordinance, for other than one (1) of the following, specified uses:

a. Residential Uses:

- (1) A single-family detached dwelling on a parcel legally recorded and zoned A-2 Rural Residence District on or before the date of the adoption of this Ordinance.
- (2) A day care home with no more than six (6) children or adults not including non-resident support staff.
- (3) A group care home with no more than six (6) residents not including non-resident support staff.

b. Agricultural Uses:

- (1) The growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nursery, tree farm, sod farm, pasturage, viticulture, and a wholesale greenhouse when such agricultural purposes constitute the principal activity on the land together with the operation of any machinery, or vehicles incidental to the above use.
- (2) Research and/or experimental farm.
- (3) Sale of agricultural products produced on premises.

c. Forest Preserve.

5.2-2 Special Uses Permitted

The following uses may be permitted only if specifically authorized by the Village Board in accordance with Section 12.9:

- a. Accessory housing.
- b. A church or other place of worship.
- c. Planned unit development.
- d. Floodplain development.
- e. Public, quasi-public, governmental buildings and facilities, including but not limited to a(n):
  - (1) Public park, public playground, public golf course and public community center building.
  - (2) School.
  - (3) Public library.

- (4) Essential service, police and fire station, cable television antenna excluding Wireless Telecommunication Facility, and a public utility, gas regulator station, telephone exchange, electrical substation.

f. Commercial Uses:

- (1) Commercial stable, not nearer than five hundred (500) feet to any zoned residential district or five hundred (500) feet from any existing dwelling, other than the dwelling of the owner or lessee of the site, but not less than one hundred (100) feet from any property line of the owner or lessee of the site.
- (2) Dog kennel and veterinary establishment, not nearer than five hundred (500) feet to any zoned residential district or five hundred (500) feet from any existing dwelling, other than the dwelling of the owner or lessee of the site, but not less than one hundred (100) feet from any property line of the owner or lessee of the site.
- (3) Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises.

- g. A single-family detached dwelling built or under construction on or before November 20, 1986 with less than two and one-half (2 ½) acres of ground area, that otherwise meets the requirements of Section \_\_\_\_\_.

h. Residential care other than those listed as permitted uses:

- (1) Day care centers (adult/children).
- (2) Day care homes (adult/children).
- (3) Group care home.

i. Group homes.

j. Group quarters.

k. Bed and breakfast establishment.

l. Firearms dealer.

5.2-3 Temporary Permit Uses Permitted

Upon application to and issuance by the Zoning Officer of a permit therefore, the following uses may be operated as temporary uses:

- a. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months, and shall not be renewed for more than four (4) successive periods.
- b. Any legally existing residential structure, trailer, or mobile home may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a Certificate of Occupancy or completion of construction, whichever occurs first. In no case shall the temporary residential structure,

trailer, or mobile home be permitted to remain on the premises for no more than one (1) year, provided that the Zoning Officer shall have the right to grant an extension for one additional year.

#### 5.2-4 Accessory Uses Permitted

Accessory uses may be permitted as provided in Section 8.10, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted uses or special uses. In addition, the following accessory uses may be permitted:

- a. Home occupation.
- b. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten (10) feet, exclusive of any and all easements, and not located in the front yard.
- c. Private stable for up to 1 horse per acre, no closer than fifty (50) feet to any side lot line and eighty (80) feet to any rear lot line. See Section 8.41 for additional regulations. (Am. Ord. 08-048, passed 09/09/08)
- d. Private Indoor Riding Arena not closer than fifty (50) feet to any side lot line and eighty (80) feet to any rear lot line. See Section 8.41 for additional regulations. (Am. Ord. 08-048, passed 09/09/08)

#### 5.2-5 Prohibited Uses

All uses not expressly authorized in this zoning district.

#### 5.2-6 Site and Structure Requirements

- a. Minimum Lot Area- Two and one-half (2 ½) acres. (A separate ground area, of not less than two and one-half (2 ½) acres shall be designated, provided and continuously maintained for each principal structure).
- b. Minimum Lot Width/Lot Frontage- Three hundred (300) feet.
- c. Minimum Front Yard Setback- One hundred (100) feet from the centerline on non-dedicated roads and seventy-seven (77) feet from the front lot line on dedicated roads.
- d. Minimum Side Yard Setback- Twenty (20) feet on each side.
- e. Minimum Rear Yard Setback- Eighty (80) feet, exclusive of any and all easements, from the rear lot line.
- f. Maximum accessory structure square footage: The area of accessory structures may total at least 650 square feet, regardless of the size of the lot. In no event shall the total square footage of accessory structures exceed the lesser of 10,000 square feet or 3.5% of the lot size. (Am. Ord 09-036, passed 06/10/09)
- g. Maximum Height- No principal structure or accessory structure shall exceed a height of thirty-five (35) feet.
- h. Maximum lot coverage- Twenty percent (20%).

5.2-7 Special Provisions

- a. Except as hereinafter provided, one (1) motor vehicle for commercial purposes having an eight thousand (8,000) pound "GVW" rating or less may be parked on a constructed driveway within the zoning lot. Two (2) additional commercial motor vehicles are allowed, but must be kept in a garage or a fully enclosed structure. Any farm implements, machinery, or vehicles used primarily in farming of a zoning lot in the A-2 Agricultural District are excluded from this requirement.
- b. Recreational Vehicles- Two (2) recreational vehicles, including sportscraft, may be parked on a constructed driveway and must be owned or legally controlled by the residents or occupants of the principal structure and located within the buildable area. Small pick-up trucks and/or vans used principally as passenger cars are excluded from this requirement. For purposes of this section, a trailer on which sportscraft are stored shall be deemed to be two (2) recreational vehicles.
- c. **There shall be no application for any map amendment to the A-2 Rural Residence District accepted after the adoption of this Ordinance. After the date of the adoption of this Ordinance, any new development, which requires a division or subdivision of the existing zoning lot or parcel and for which a preliminary plat has not then been approved, shall comply with the "Site and Structure Requirements" and the "Special Provisions of the E-2 Single Family Rural Residence District" in lieu of the Site and Structure Requirements and Special Provisions of the A-2 Rural Residence District.**

## **SECTION 6 RESIDENCE DISTRICTS**

### **6.0 RESIDENCE DISTRICTS**

#### **6.0-1 Purpose and General Conditions**

The Residence Districts are provided to support and complement the Village Comprehensive Plan. Residence District requirements are further established to govern location, intensity and method of development of residential areas in the Village and to provide for and encourage construction of a full range of residential developments on land topographically and locationally suited for residential purposes. The regulations for each district are designed to provide protection to existing developments while allowing new construction in accordance with current design standards and density objectives.

### **6.1 E-1 SINGLE FAMILY ESTATE RESIDENCE DISTRICT**

#### **6.1-1 Purpose**

The E-1 Single Family Residence District is established to preserve and maintain existing large acreage rural estate residential areas of the Village and permit the continued development of residential uses primarily in areas where public utilities are not readily available. This district functions as a transition from rural areas with agricultural designations to areas more residential in character.

### **6.2 E-2 SINGLE-FAMILY RURAL RESIDENCE DISTRICT**

#### **6.2-1 Purpose**

The E-2 Single Family Rural Residence District is established to preserve and maintain large lot rural estate residential areas to enhance and perpetuate the “countryside” character of the community and to preserve environmental features located in many of the areas within such district.

### **6.3 R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

#### **6.3-1 Purpose**

The R-1 Single-Family Residence District is established to provide an environment of predominantly large lot single-family dwellings in more developed settings than the E-1 or E-2 Zoning Districts and it is intended to maximize separation of structures and minimize lot coverage.

### **6.4 R-2 SINGLE-FAMILY RESIDENCE DISTRICT**

#### **6.4-1 Purpose**

The R-2 Single-Family Residence District is hereby established to provide for an environment of predominantly large lot single-family dwellings where provisions for compatible community facilities and service are available or can be made available in the near future or where the location or physical characteristics of the property are uniquely suited to residential lots of one acre.

6.5 **R-2A SINGLE-FAMILY RESIDENCE DISTRICT**

6.5-1 Purpose

The R-2A Single-Family Residence zoning district is hereby established to provide for an environment of predominantly large lot single-family dwellings where the location or physical characteristics of the property are uniquely suited to residential lots of thirty thousand (30,000) square feet.

6.6 **R-3 SINGLE-FAMILY RESIDENCE DISTRICT**

6.6-1 Purpose

The R-3 Single-Family Residence District is hereby established to provide for an environment of predominantly single-family dwellings where provisions for compatible community facilities and services are available or can be made available in the near future.

6.7 **R-3A SINGLE-FAMILY RESIDENCE DISTRICT**

6.7-1 Purpose

The R-3A Single Family Residence Zoning District is hereby established to provide for a development of single family dwellings with smaller lots characterized by significant amounts of open space and the preservation of environmentally sensitive areas through appropriate subdivision design.

6.8 **R-3B SINGLE-FAMILY RESIDENCE DISTRICT**

6.8-1 Purpose

The R-3B Single-Family Residence Zoning District is hereby established for the subdivision commonly referred to as Woodbine West Estates Subdivision to provide for a development of single-family dwellings on lots located within the subdivision with lot sizes ranging from the maximum of 18,677 square feet to the minimum of 9,607 square feet with a median average lot size of 11,308 square feet. The R-3B Zoning District is an overlay district in an E-1 Single-Family Estates Residential District and is being established to create a zoning district which more accurately reflects the characteristics and uses of the properties in the subdivision.

(Am. Ord 11-033, passed 09/13/11)

6.9 **R-4 SINGLE-FAMILY RESIDENCE DISTRICT**

6.9-1 Purpose

The R-4 Single-Family Residence District is hereby established to provide for an environment of predominantly single-family dwellings on smaller lots where provisions for compatible community facilities and services are available or can be made available in the near future.

**There shall be no application for any map amendment to the R-4 Single-Family Residence District accepted after the adoption of this Ordinance. After the date of the adoption of this Ordinance, any new development, which requires a division or subdivision of the existing zoning lot or parcel and for which a preliminary plat has not then been approved, shall comply with the “Site and Structure Requirements” and the “Special Provisions of**

**the R-3A Single Family Residence District” in lieu of the Site and Structure Requirements and Special Provisions of the R-4 Single Family Residence District.**

**6.10 R-5 SINGLE-FAMILY RESIDENCE DISTRICT**

6.10-1 Purpose

The R-5 Single-Family Residence District is hereby established to provide for an environment of predominantly single-family dwellings with certain additional compatible uses which serve the residents living in the districts where provisions for compatible community facilities and services are available or can be made available in the near future.

**There shall be no application for any map amendment to the R-5 Single-Family Residence District accepted after the adoption of this Ordinance. After the date of the adoption of this Ordinance, any new development, which requires a division or subdivision of the existing zoning lot or parcel and for which a preliminary plat has not then been approved, shall comply with the “Site and Structure Requirements” and the “Special Provisions of the R-3A Single Family Residence District” in lieu of the Site and Structure Requirements and Special Provisions of the R-5 Single Family Residence District.**

**6.11 R-6 MULTI-FAMILY RESIDENTIAL DISTRICT**

6.11-1 Purpose

The R-6 Multi-Family Residence District is hereby established to provide for an environment of predominantly multi-family dwellings with certain additional compatible uses that serve the residents living in the district.

**There shall be no application for any map amendment to the R-6 Multi-Family Residence District accepted after the adoption of this Ordinance. After the date of the adoption of this Ordinance, any new development, which requires a division or subdivision of the existing zoning lot or parcel and for which a preliminary plat has not then been approved, shall comply with the “Site and Structure Requirements” and the “Special Provisions of the R-6A General Residence District” in lieu of the Site and Structure Requirements and Special Provisions of the R-6 Multi-Family Residence District.**

**6.12 R-6A ATTACHED SINGLE FAMILY RESIDENTIAL**

6.12-1 Purpose

The R-6A Attached Single Family Residential District is hereby established to provide for a diversity of housing. While allowing for attached dwelling, developments within this district should also retain a single-family characteristic whenever possible. The maximum allowable density within the R6-A district shall not exceed a net density of six (6) units per acre. (Am. Ord. 08-048, passed 09/09/08)

## 6.13 OTHER RESIDENTIAL STANDARDS

6.13.1 All uses in the residence district shall conform to the following:

A. Permitted Uses

No land shall be used or occupied, and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this Ordinance, for other than one (1) of the uses identified on the Table of Permitted and Special Uses, Table 1A. A "P" on the table indicates that a use is allowed by right in the respective Zoning District. Permitted Uses are subject to all other applicable regulations of this Ordinance.

B. Special Uses Permitted

Those uses identified on the Table of Permitted and Special Uses, Table 1A, as an "S" are uses permitted only if specifically authorized by the Village Board in accordance with Section 12.9.

C. Prohibited Uses

All uses not expressly authorized in this zoning district.

D. Site Structure and Bulk Regulations

The table entitled Site Structure and Bulk Regulations, Table 1B, lists standards which apply to all structures in the Residence Districts.

E. Building Materials:

- i. Refer to Ordinance 01-077 (as amended) "Exterior Construction Standards" for additional regulations regarding building materials, including but not limited to variations for building materials for primary and accessory structures.
- ii. Residential buildings or structures located in any residential zoning district and which are primary buildings or structures on a given lot shall be constructed with exterior finishes consisting of either stone material or brick material covering one hundred percent (100%) of the aggregate total area of all first floor or story exterior walls, exclusive of doors, windows, and associated trim.
- iii. All chimneys constructed on any such building or structure shall have exterior finishes consisting exclusively of stone material or brick material from grade level to the caps thereof, where such chimneys are located on an exterior wall of any such building or structure from grade level to the top of such chimney, but any such chimney located within the interior of such building or structure and having exposed exterior surfaces located only above the lowest part of the roof of such building or structure shall not be required to be constructed exclusively of stone or brick material as aforesaid, but shall instead be required to be surfaced with materials that are architecturally compatible and harmonious with the overall design of such building or structure.
- iv. No plywood, vinyl, or aluminum siding shall be used on any new structure in the residential districts. (Am. Ord. 08-048, passed 09/09/08)

- v. Only vinyl siding conforming to ASTM D3679 may be permitted as a replacement material on existing structures, however at no such time shall vinyl be used to cover or replace existing brick. (Am. Ord. 08-048, passed 09/09/08)
  - vi. Any alteration, addition, repair or replacement of any residential building or structure in existence as of November 20, 2001 shall be exempt from provisions set forth in Section 6.12.1E i-iv if such alterations, additions, repairs, or replacements are constructed with exterior finishes that are architecturally consistent with the exterior finishes of said residential structures as they existed as of November 20, 2001.
  - vii. Residential buildings or structures which demonstrate exceptional architectural merit and an intention to reflect the rural character of the Village of Homer Glen may, upon application made to the Village Board of Trustees, be granted a variance from the provisions of this Section of the Ordinance requiring the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of such a structure, but no such variance shall be available or granted to allow the use of aluminum siding, vinyl or plastic siding, or imitation brick or stone sheeting.
  - viii. Any permitted accessory building or structure with a total interior floor space exceeding two hundred and twenty five square feet located within any residential zoning district shall be constructed with exterior finishes consisting of either stone material or brick material covering one hundred percent (100%) of the aggregate total area of all first floor or story exterior walls, exclusive of doors, windows, and associated trim. Those accessory buildings or structures equal or less than two hundred and twenty five square feet shall be exempt from the provisions of this Ordinance.
- F. Garages: No more than three (3) car bays in width may face a public right-of-way. All garages which have more than three (3) contiguous car bays in width shall be side-loaded in orientation. Side-loaded garages shall have a minimum turning radius of twenty-six (26') feet. In any R6 and R6A development, at least 30% of all garages shall be side-loaded. (Am. Ord. 08-048, passed 09/09/08)
  - G. Driveways: All driveways must maintain a minimum setback of 5' from the property line. Only a means of ingress and egress perpendicular, or near perpendicular to the public right-of-way may encroach this required setback. At the property line, a driveway shall have a maximum width of 28', except for circular driveways with two curb cuts, in which case the maximum width shall be 14'. (Am. Ord. 08-048, passed 09/09/08)
  - H. Off-street Parking. Off-street parking and loading facilities shall be provided as required in Section 10.3 of this Ordinance.
  - I. Minimum Landscape front yard (non-residential uses): Only a means of ingress and egress perpendicular, or near perpendicular to the public right-of-way may encroach this required yard. (Am. Ord. 08-048, passed 09/09/08)
  - J. Signs: Signs shall be subject to the regulations contained in Section 10.6 of this Ordinance.
  - K. Utilities: All permitted or special uses within the R-3, R-3A, R-4, R-5, R-6, and R-6A shall be on central water and sanitary sewer.
  - L. Notwithstanding any other provision of this Ordinance to the contrary, all land contained within the R-3A and R6A Zoning District as defined in this Ordinance shall be developed (or, if developed as of the date of the adoption of the Ordinance, shall only be redeveloped) in

accordance with the regulations for such zoning district as well as the standards and procedures for Planned Unit Development set forth in Section 9 of this Ordinance.

#### 6.13.2 Special Regulations for R-6 and R6A District

##### A. R6 Multi-Family District Site and Structure Requirements

- i. Minimum Lot Area (Residential)- A separate ground area of ten thousand (10,000) square feet for the first dwelling unit, a separate ground area of 8,560 square feet for the second dwelling unit, a separate ground area of 2,500 feet for each additional dwelling unit for multi-family uses shall be designated, provided and continuously maintained. An additional ground area of ten thousand (10,000) square feet for each other permitted or special use shall be designated, provided, and continuously maintained.
- ii. Minimum Building Separation - Thirty (30) feet side to side; forty (40) feet side to rear; and forty (40) feet rear to rear.

##### B. R6-A Attached Single Family Residential

- i. Minimum Lot Area – All lots shall be of sufficient area to conform to all applicable requirements of this Section, and specifically shall be sized so as to ensure that the density of dwelling units constructed in any R6A Zoning District does not exceed a net density of six (6) units per acre. (Am. Ord. 08-048, passed 09/09/08)
- ii. Structure Restrictions - Except as otherwise permitted pursuant to the terms of the special use permit, each residential structure or building shall be limited to no more than four (4) dwelling units per residential structure or building. (Am. Ord. 08-048, passed 09/09/08)
- iii. Maximum Height -No principal residential shall exceed two (2) stories or thirty (35) feet in height other than pursuant to a special use permit for planned development that specifically authorizes such structures to have heights in excess of two (2) stories, provided no principal structure shall exceed three (3) stories or thirty-five (35) feet in height
- iv. Minimum Building Separation- Thirty (30) feet side to side; forty (40) feet side to rear; and forty (40) feet rear to rear.

#### 6.13.2 Temporary and Accessory Uses

##### A Temporary Permit Uses Permitted Residence District

Upon application to and issuance by the Zoning Officer of a permit therefore, the following uses may be operated as temporary uses within all residence zoning districts

- i. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months. The Zoning Office shall have the right to renew such permit, however the permit shall not be renewed for more than four (4) successive periods.
- ii. Any legally existing residential structure, trailer, or mobile home may be used for

residential purposes only during the construction of a residence and must be within thirty (30) days of obtaining a Certificate of Occupancy or completion of construction, whichever occurs first. In no case shall the temporary residential structure, trailer, or mobile home be permitted to remain on the premises for no more than one (1) year, provided that the Zoning Officer shall have the right to grant an extension for one (1) additional year.

**B Temporary Permit Uses Permitted in R-1, R-2, R-2A, R-3, R-3A, and R-6A**

Upon application to and issuance by the Zoning Officer of a permit therefore, the following uses may be operated as temporary uses within R-1, R-2, R-2A, R-3, R-3A, and R-6A.

- i. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than five (5) successive periods.

**C Accessory Uses Permitted**

The following accessory uses may be permitted as provided in Section 8.10 shall be permitted in all residence districts, except as provided in here, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use. In addition, the following accessory uses may be permitted:

- i. Swimming pool, in accordance with Section 8.15. Swimming pools are not permitted in the R-6A District
- ii. Home occupation.
- iii. The keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes. Keepings of household pets as outlined in Section 6.12.2 (C) (ii) are prohibited in the R6A District.

**D Accessory Uses Permitted in E-1 and E-2 District**

In addition to the accessory uses outlined in Section 6.12.2B, the following accessory uses may be permitted within the E-1 and E-2 Districts only, provided in Section 8.10 shall be permitted in all residence districts, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use. In addition, the following accessory uses may be permitted:

- i. Nursery, greenhouse
- ii. Horse Boarding: Excluding horses owned by the property owner or occupant, up to three (3) horses may be boarded for remuneration provided that the total number of horses on the zoning lot shall not exceed 1 horse per acre. See Section 8.41 for additional regulations. (Am. Ord. 08-048, passed 09/09/08)

**E Accessory Uses Permitted in R-6 and R-6A District**

In addition to the accessory uses outlined in Section 6.12.2B, the following accessory uses may be permitted within the R-6 and R-6A only, provided in Section 8.10 shall be

permitted in all residence zoning districts, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use. In addition, the following accessory uses may be permitted:

- i. One (1) or more of the following accessory uses provided the conditions set forth in Section 6.12.2 (E) (ii) are satisfied: These uses are may only be considered in conjunction with a long term care facility, senior housing, assisted living facility, or an independent living facility.
  - a. Barber Shop;
  - b. Beauty Shop/hair salon;
  - c. Eating Place;
  - d. Delicatessen;
  - e. Laundry and dry-cleaning collection station;
  - f. News, cigar, and/or candy shop;
  - g. Gift shop;
  - h. Adult/child care facility.
- ii. Each such accessory use must meet the following conditions:
  - a. The use is provided for the convenience of the owner and/or tenants only;
  - b. It does not have exterior signs except for one (1) non-illuminated, non-flashing sign not exceeding three (3) square feet in area attached to the building; not projecting more than six (6) inches;
  - c. Each use shares common exterior main entrances.

**SECTION 7  
NON-RESIDENTIAL DISTRICTS**

**7.0 NON-RESIDENTIAL ZONING DISTRICTS**

Purpose The purposes of these regulations concerning non-residential zoning districts include the following:

To provide lands to be used for the full range of the business, commercial and industrial establishments needed to serve the citizens of the Village.

To provide regulations intended to govern the locations, intensity, and methods of development of the business and commercial uses needed to serve the citizens of the Village.

To establish non-residential zoning districts and groupings of business, commercial and industrial establishments that are compatible in scope of services and methods of operation.

To promote the establishment of off-street parking facilities and limited access to roads so as to alleviate traffic problems and engender public safety and convenience.

To provide commercial areas of such size, shape, and accessibility that development of land for these purposes will minimize traffic congestion generated by "strip-commercial" development.

To regulate the performance of such uses by establishing standards for the external impacts created in such uses.

7.0-1 Planned Development Required Notwithstanding any other provision of this Ordinance to the contrary, all land contained within any zoning district established by Section 7 of this Ordinance shall be developed (or, if developed as of the date of the adoption of the Ordinance, shall only be redeveloped) in accordance with the regulations for such zoning district as well as the standards and procedures for Planned Development set forth in this Ordinance.

**7.1 C-1 NEIGHBORHOOD BUSINESS DISTRICT (Previously known as "Local Shopping District")**

7.1-1 Purpose

To provide areas to be used by retail or service establishments to supply convenience goods or personal services for the daily needs of the residents living in the immediate area and to insure the development of such areas in a way as to protect the rural character of the area zoned in the C-1 Neighborhood Business District as well as the residential areas in the immediate vicinity by encouraging complimentary design and construction of structures, including but not limited to the use of pitched roofs, limited signage and enhanced buffering and landscaping.

**7.2 C-2 LOCAL BUSINESS DISTRICT (Previously known as "Community Shopping District")**

7.2-1 Purpose

To provide areas to be used as the primary shopping area for communities which meet their needs for goods and services that may arise on a weekly basis in an area or areas which are centrally located to provide for groupings of business and commercial establishments which tend to draw trade that is mutually interchangeable and which areas are of sufficient size which will promote the convenience of the public and enhance vehicular and pedestrian traffic, thereby, lessening or avoiding congestion in public streets through the use of limited points of access, internal streets, and cross-easements for ingress and egress.

7.3 **C-3 GENERAL BUSINESS DISTRICT**

7.3-1 Purpose

To provide areas to be used for large space uses for retailing service activities that are normally associated with commercial uses where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress. (Am. Ord. 08-048, passed 09/09/08)

7.4 **C-4 HIGHWAY COMMERCIAL DISTRICT**

7.4-1 Purpose

To provide areas which primarily serve the needs of motorists in a manner not conducive to generating strip-commercial development or unsightly, dangerous intersections and to provide regulations for highway-associated uses through adequately sized parcels of land allowing for large set backs, clear vision, and safe ingress and egress. To promote the grouping of C-4 uses and oppose and discourage the hazards to safety and nuisance of traffic congestion generated by “strip-commercial development” and to require adequate off-street parking and limited access to roads through the use of frontage roads.

**There shall be no application for any map amendment to the C-4 Highway Commercial District accepted after the adoption of this Ordinance. After the date of the adoption of this Ordinance, any new development, which requires a division or subdivision of the existing zoning lot or parcel and for which a preliminary plat has not then been approved, shall comply with the “Site and Structure Requirements” and the “Special Provisions of the C-3 General Business District” in lieu of the Site and Structure Requirements and Special Provisions of the C-4 Highway Commercial District.**

7.5 **C-5 OFFICE AND RESEARCH PARK DISTRICT**

7.5-1 Purpose

To provide lands for large, attractively landscaped sites for office buildings, research activities, or specialized compatible industrial activities.

7.6 **C-6 COMMERCIAL RECREATION DISTRICT**

7.6-1 Purpose

To provide lands and structures for establishments that provide amusement, recreation or entertainment for the general public.

7.7 **I-1 INDUSTRIAL DISTRICT**

7.7-1 Purpose

The Industrial Districts are provided to support and complement the Village’s Comprehensive Plan. The Industrial District requirements are further intended to govern the location, intensity and methods of development of industrial areas in the Village. The regulations are designed to provide protection for existing developments while allowing development by industrial firms that have high standards of performance that can locate in close proximity to residential and business uses.

The regulations further provide for groupings of industrial buildings, which are compatible with each other in scope of services and methods of operation. The districts are designed to create

yards and open space to create a transition between Residence and Industrial Districts and to provide reasonable compatibility between uses. Potential impacts are controlled by performance standards.

## **7.8 P-1 GOVERNMENTAL BUILDINGS AND PUBLIC SCHOOLS DISTRICT**

### **7.8-1 Purpose**

The governmental buildings and public schools district is provided to serve the special needs for governmental buildings and public schools. The term governmental building is defined as a structure owned, leased and/or operated by a municipality, township, county, state, the federal government or any duly constituted agency or department thereof and utilized for a public service or purpose of the governmental entity. A public school is a school created or operating under the authority of the school code of the State of Illinois and providing education for children of a school district whose geographic boundaries include all or portions of Homer Glen. (Am. Ord. 12-026, passed 05/22/12)

## **7.9 OTHER NON-RESIDENTIAL STANDARDS**

7.9-1 All uses in the Non-Residential Districts shall conform to the following:

### **A. Permitted Uses**

No land shall be used or occupied, and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this Ordinance, for other than one (1) of the uses identified on the Table of Permitted and Special Uses, Table 2A. A "P" on the table indicates that a use is allowed by right in the respective Zoning District. Permitted Uses are subject to all other applicable regulations of this Ordinance.

### **B. Special Uses Permitted**

Those uses identified on the Table of Permitted and Special Uses, Table 2A, as an "S" are uses permitted only if specifically authorized by the Village Board in accordance with Section 12.9.

### **C. Prohibited Uses**

All uses not expressly authorized in this zoning district.

### **D. Site Structure and Bulk Regulations**

The table entitled Site Structure and Bulk Regulations, Table 2B, lists standards which apply to all structures in the Non-Residential Districts.

E. All business shall be conducted within completely enclosed buildings except:

- i. Off-street parking or loading.
- ii. Accessory uses when allowed by the Zoning Officer.
- iii. As may be otherwise approved as a special use

F. Parking requirements- In addition to the requirements set forth in Section 10.3, the parking of trucks when accessory to the conduct of a permitted use, shall be limited to vehicles having not over one and one-half (1 ½) tons capacity, except for pick-up and delivery service.

Property within the I-1 District shall be not be subject to the regulations established in Section 7.9-1 (F).

- G. Scope of operations- All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced. Property within the I-1 District shall not be subject to the regulations established in Section 7.9-1 (G).
- H. In addition to the requirements set forth in Section 10.4, loading or unloading of trucks shall only be conducted within designated areas in the rear or side of a building.
- I. Screening and Landscaping- Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided in accordance with Village Ordinance.
- J. Outdoor Storage- No outdoor storage shall be permitted except where a permitted with a special use.
- K. Hours of Operation: Non-residential uses may be open for business between the hours of 6am and 11pm. Establishments with operating hours outside of these normal operating hours must be approved as a special use in accordance with Section 12.9. (Am. Ord. 08-048, passed 09/09/08)
- L. The following Special Provisions shall apply to the I-1 District.
  - i. Any parcel or lot previously zoned I-2 or I-3 under the Village's Zoning Ordinance adopted June 12, 2001 shall be governed and regulated by the provisions set forth in this Section 7.7.
  - ii. The following standards, specifications, and regulations of the Illinois Environmental Protection Agency are hereby incorporated into this Ordinance and made a part thereof by this reference. Such standards, specifications, and regulations shall include those as required by the following:
    - a. Illinois Pollution Control Board Rules and Regulations; Air Pollution Regulations.
    - b. Illinois Pollution Control Board Rules and Regulations; Noise Pollution Control Regulations.
    - c. Illinois Pollution Control Board Rules and Regulations; Water Pollution.
    - d. State of Illinois- The Environmental Protection Act.
  - iii. Glare and Heat- Any operation or activity-producing glare shall be performed within a completely enclosed building and be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half (½) foot candle when measured at the lot line for those lots adjacent to commercial or industrial property and one-tenth (0.1) foot candle for those lots adjacent to residential property.

7.9-2 Temporary and Accessory Uses

A. Temporary Permit Uses in All Non-Residential Zoning Districts

Upon application to and issuance by the Zoning Officer of a permit, thereof, the following uses may be operated as temporary uses within all Non-Residential Zoning Districts.

- i. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.
- ii. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one (1) year. The Zoning Officer shall have the right to renew such permit, however the permit, shall not be renewed for more than three (3) successive periods.

B. Temporary Permit Uses in C-1, C-2, C3, C4 and C-6 Districts Only

Upon application to and issuance by the Zoning Officer of a permit, thereof, the following uses may be operated as temporary uses within the C-1, C-2, C3, C4 and C-6 Districts Only.

- i. Parking lot designated for a special event, including carnivals, bazaars, swap meets and similar functions, provided, however, that each permit shall be valid only for the duration of the designated special event, in accordance with Section 8.14.

C. Temporary Permit Uses in C-1, C-2, C3 and C4 Districts Only

Upon application to and issuance by the Zoning Officer of a permit, thereof, the following uses may be operated as temporary uses within the C-1, C-2, C3 and C4 Districts Only.

- i. Seasonal sales conducted outdoors in accordance with Section 8.31-3.

D. Temporary Permit Uses in C-6 District Only

Upon application to and issuance by the Zoning Officer of a permit, thereof, the following uses may be operated as temporary uses within the C-6 District only.

- i. Outdoor concerts upon satisfaction of the standards required in Section 8.14 and approved by the Village Board.

E. Accessory Uses Permitted

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

## SECTION 8 GENERAL PROVISIONS

### 8.1 INTERPRETATION

- 8.1-1 Minimum Requirements The provisions of this Ordinance shall be held to be and interpreted as the minimum requirements for the promotion and protection of the public health, safety, morals, comfort, and general welfare.
- 8.1-2 Conflicting Provisions Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by other provisions of this Ordinance, or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- 8.1-3 Existing Agreements This Ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.
- 8.1-4 Existing Violations No building, structure, or use not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance and to the extent that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use shall remain unlawful hereunder.
- 8.1-5 Permits Required Nothing contained in this Ordinance shall be deemed to consent to, license, or permit to use any property or to locate, construct, or maintain any building, structure, site, facility, or operation, or to carry on any trade, industry, occupation, or activity without first obtaining an appropriate building permit, stormwater management permit and/or zoning certificate.
- 8.1-6 Provisions Are Cumulative The provisions of this Ordinance shall be interpreted to be cumulative of, and to impose limitations in addition to, all other ordinances, laws, codes, and regulations in existence or which may be passed governing any subject matter of this Ordinance. To the greatest extent possible, the provisions of this Ordinance shall be construed to be consistent with, and not in conflict with, the provisions of such other ordinances, laws, codes, and regulations, and with each other, to the end that all such provisions may be given their fullest application.

### 8.2 SEVERABILITY

It is hereby declared to be the intention of the Village Board that the provisions of this Ordinance are severable, in accordance with the following:

- 8.2-1 Ordinance Provisions If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically determined to be invalid.
- 8.2-2 Property Application If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

### 8.3 SCOPE OF REGULATIONS

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

- 8.3-1 New Uses No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered, and no building, structure, or land shall hereafter be used, occupied, or arranged or designed for use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations herein which are applicable to the zoning district which such building, structure, or land is located. No use of a structure or parcel of land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use, in such district, unless a special use permit has been secured in accordance with the provisions of Section 12.9 of this Ordinance. Except as otherwise specifically provided in the zoning district regulations, drive-in or drive through establishments are prohibited.
- 8.3-2 Existing Uses Except as may otherwise be provided, all structural alterations or relocations of existing buildings occurring after the effective date of this Ordinance, and all enlargement of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses, or land shall be located.
- 8.3-3 Existing Special Uses Where a structure and use thereof of land lawfully exists on the effective date of this Ordinance, and is classified by this Ordinance as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth is required only for any expansion or major alteration of such existing legal special use. If the special use ceases for a period of more than one (1) year, the special use permit shall be void and the special use cannot again be started. No Lawful Special Use shall be changed to any other use unless such new use is a Permitted Use in the district in which the property is located; nor shall such Lawful Special Use be altered or expanded in any manner, except in compliance with the following:
- a. Application amending the legal Special Use filed in accordance with Section 12.9.
  - b. The use shall comply with all other requirements of the district in which the property is located.
  - c. The use shall comply with all requirements established under this Section 8.
- 8.3-4 Non-conforming Uses Any lawful building, structure, or use existing at the time of the enactment of this Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the zoning district in which it is located, and whenever a district shall be changed hereafter, then existing lawful use may be continued, subject to the provisions in Section 11.
- 8.3-5 Uses Not Specifically Permitted in District are Prohibited Except as hereinafter provided when a use is not specifically listed as a Permitted or Special Use in any specific zoning district such use shall be expressly prohibited.
- 8.3-6 Interpretation of Use Lists
- a. When a particular use or uses, or classes of uses, is not specifically identified in this Ordinance but which is of the same general character as those listed as permitted principal or accessory uses, or permissible by Special Use, the Zoning Officer shall make a determination as to whether such use is permitted. The Zoning Officer shall give due

consideration to the intent of this Ordinance concerning the zoning district involved, the character of uses specifically identified, and the character of the use or uses in question.

b. New or unlisted uses shall be similar in impact, function and characteristics to uses listed in the zoning district. In determining such similarity, the Zoning Officer may consider the following:

- (1) Volume and type of sales, retail or wholesale, size and type of items sold, and the nature of the inventory on the premises.
- (2) The type of processing done on the premises; assembly, manufacturing, smelting, warehousing, shipping and distribution; and any dangerous, hazardous, toxic or explosive materials used in processing.
- (3) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of stored, i.e., business vehicles, work-in-progress, inventory and merchandise, construction materials, scrap and junk, and bulk ores, powders and liquids.
- (4) The type, size and nature of buildings and structures supporting the use.
- (5) The number and density of employees and customers; and the per unit area of site and buildings in relation to business hours and employment shifts.
- (6) The business hours the use is in operation or open for business.
- (7) Transportation requirements, including mode of transportation, by volume, type and characteristics of traffic generated to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.
- (8) Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.
- (9) Predilection for attracting or repelling criminal activities to, from, or on the premises.
- (10) Amount and nature of nuisances generated on the premises-noise, smoke, odor, glare, vibration, radiation, and fumes.
- (11) Any special public utility requirements for serving the use, including water supply, wastewater output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities required.

8.3-7 Compliance with Regulations No structure, or part thereof, shall hereafter be built, moved or remodeled in such a way that creates or increases the degree of non-conformance, and no structure or lot shall hereafter be used, occupied, arranged or designed for use or occupancy on a zoning lot which is not in conformance with the site and structure requirements of the zoning district or as otherwise permitted pursuant to a special use permit issued in accordance with Section 12.9.

8.3-8 Building Permits Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the Ordinance and provided that construction is begun within six (6) months of such effective date and diligently pursued to completion within eighteen (18) months, said building or structure may be completed in accordance with the

approved plans on the basis of which the building permit was issued, and further may upon completion be occupied upon issuance of a certificate of occupancy.

- 8.3-9 Special Use Permits Where the Zoning Officer has issued a special use permit, a temporary use permit, or a permit for a variance pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially under way within one (1) year of the date of the issuance of such permit by the Zoning Officer.

#### 8.4 **LOT REQUIREMENTS**

- 8.4-1 Lot of Record A "lot of record", as herein defined by the provisions of this Ordinance, which is unable to meet the requirements of this Ordinance as to lot area, lot width, and yard requirements can be used only after a variance is granted by the Plan Commission.

- 8.4-2 Number of Buildings on Lot Not more than one principal building may be located on a single lot of record or a single zoning lot unless otherwise authorized within each zoning district.

- 8.4-3 Division of Lots No lot shall hereafter be divided into two (2) or more lots for the purpose of transfer of ownership, unless the division shall conform with all the applicable regulations of the Village's Subdivision Ordinance and this Ordinance.

- 8.4-4 Through Lots On vacant through lots, the front lot lines shall be along the street right-of-way designated by the Zoning Officer except that when a front lot line has been established on one (1) or more lots in the same block and all have front lot lines established along the same street right-of-way line, the street right-of-way line designated as the front lot line for such lot or lots shall be the front line on all vacant through lots in such block. Only such obstructions as herein permitted in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except for lots backing to thoroughfares in subdivisions where no-access strips have been provided on the recorded plats.

- 8.4-5 Corner Lots All principal and accessory structures on corner lots must meet front and side yard setback requirements of each zoning district. The required front yard setback on corner lots shall apply to each side of the lot fronting a street.

- 8.4-6 Two Uses on a Lot Where two (2) or more permitted or special uses, each requiring a minimum area and width, are provided in the same building or on the same lot, the required area and width shall be the sum of the areas and width required for each use individually.

- 8.4-7 Street Frontage and Access Every lot created after the effective date of this Ordinance must have frontage on a public street and must be provided with facilities for ingress and/or egress to and from such public street.

- 8.4-8 Access Across Property No lot shall be used for motor vehicle access to any other lot or land unless such access has been approved by the Village Board.

- 8.4-9 Contiguous Parcels When two or more parcels of land, each of which lack adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in common ownership, at the time of or subsequent to the effective date of this Ordinance, they shall be used as one zoning lot for such use.

#### 8.5 **USE AND BULK REQUIREMENTS**

- 8.5-1 Use No building, structure or land shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or

altered except in conformity with the regulations herein specified for the zoning district in which it is located.

8.5-2 Continued Conformity with Bulk Regulations The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the property owner as long as the building is in existence. Further, no legally required yards, open space, or minimum lot area allocated to any building shall, by virtue of a change in ownership or for any other reason be used to satisfy yard, open space, or minimum lot area requirements for any other building.

8.5-3 Bulk All new buildings shall conform to the site and structure regulations established herein for the zoning district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this ordinance for the zoning district in which such buildings shall be located.

## 8.6 LOT COVERAGE REQUIREMENTS

8.6-1 Location of Required Yards All required yards allocated to a building, structure or use shall be located on the same zoning lot as such building, structure or use being served.

### 8.6-2 Yard Requirements

#### a. Use of Required Yards

- (1) Yards Facing Existing or Proposed Streets: Yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.
- (2) Yards Adjacent to Interior Side/Rear Property Lines: Yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
- (3) Yards Facing Interior Private Circulation Streets: Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping.
- (4) Yards Adjacent to Tollway, Freeway and Limited Access Highways: All yards required along tollways, freeways and limited access highway shall be maintained for landscaping.

#### b. Interpretation of Lot Line

- (1) Where a lot has frontage abutting two roadways, the side facing the roadway with the higher level of traffic shall be the front lot line.
- (2) Where a lot has frontage abutting two streets having identical levels of traffic, the Zoning Officer shall determine the location of the front lot line.

c. No yards allocated to a building, structure or use existing on the effective date of this Ordinance shall be subsequently reduced, or be further reduced below the yard requirements of this Ordinance except a yard adjoining a street may be reduced in depth or width in the event and to the extent, that the right-of-way width of such street adjoining such yard is subsequently increased.



**Permitted Obstructions In Required Yards**

Projection, Obstruction, Or Accessory Use	Yard Type			
	Front	Rear	Side	Corner Side
Driveway for single family home	P	P	P	P
Fences	P	P	P	P
Flagpoles	P	P	P	P
Laundry drying equipment (not less than ten feet from a property line)	N	P	P	N
Light standards for parking lots	P	P	P	P
Light standards (ornamental) (not less than five feet from the property line)	P	P	P	P
Ramps for use by persons with disabilities	P	P	P	P
Sheds, and storage buildings	N	P	P	N
Steps, open without roof	P	P	P	P
Swimming pools, private (as permitted by Section 8.15)	N	P	N	N
Television or radio towers or antennas	N	P	N	N
Tennis courts, private (as [permitted by Section 8.10-4)	N	P	N	N
Trash dumpsters and/or garbage receptacles	N	P	P	N
Volleyball, basketball, shuffleboard and other courts, private (as permitted by Section 8.10-4)	N	P	N	N
Other accessory uses (as may be permitted elsewhere in this Ordinance)	N	P	N	N

**8.8 VISION CLEARANCE**

At the intersection of all streets and points of ingress or egress onto any street, no obstructions exceeding three (3) feet in height shall be permitted within the triangular area formed by the intersection of any two (2) street rights-of-way lines and/or the intersection of any street right-of-way line with any edge of any service or other access drive determined by a line drawn connecting two (2) points located twenty-five (25) feet equidistant along said right-of-way lines or service or access drive edges from the point of intersection thereof.

**8.9 STRUCTURE HEIGHT**

The height requirements for the zoning district regulations are subject to the following provisions:

8.9-1 Public, semi-public hospitals, institutions, schools, or public utility and service buildings, when permitted in a zoning district, may be erected to a height not exceeding sixty (60) feet, provided said specified buildings shall be set back from the front, rear, and side lot lines a distance based on the ratio of two (2) feet for every one (1) foot of building height greater than forty (40) feet, provided however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Ordinance.

8.9-2 Chimneys, skylights, steeples, flag poles, cooling towers, elevator bulkheads, monuments, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers, and spire, wireless towers, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances, may be erected above the height limits upon approval of the Zoning Officer. Wireless Telecommunication Facilities must not exceed the height restrictions in Section 8.32.

## 8.10 **ACCESSORY BUILDINGS, STRUCTURES AND USES**

### 8.10-1. Time of Construction

Accessory buildings and structures shall be compatible with and subordinate to the principal building and use and shall not be established prior to the completion of the construction of a principal building.

### 8.10-2. Location

a. Accessory structures located within residential districts shall meet all setback requirements as outlined in Table 1B (Am. Ord 09-036, passed 06/10/09). Accessory structures in all other zoning districts shall maintain the same required rear and side yard setback as is required for the principal structure. No accessory structure or use shall be permitted in any front yard. Each accessory structure shall comply with the bulk regulations applicable in the zoning district. No detached accessory building located within a residence district shall be erected, altered, or moved within ten (10) feet of the nearest wall of the principal building, nor within the front or side yard requirements of the zoning district.

b. Buildings with a gross floor area of less than 100 square feet and less than ten (10) feet in height, which are accessory to dwelling units, may be located less than ten (10) feet away from the principal building only if they observe the following standards:

(1) The accessory building must conform to all applicable fire and building codes.

(2) The accessory building may not be located in any required yard and must be located behind the front wall of the principal building in the buildable area of the lot.

c. Notwithstanding the above provisions no accessory building or structure shall encroach on a utility easement without waivers from the local public or quasi-public entities or utility companies to which such easement was dedicated. No accessory building or structure shall be located in a drainage easement so as to impede or obstruct the flow of surface water.

Section Revised (Am. Ord 09-036, passed 06/10/09)

8.10-3 Height: No accessory building or portion thereof located on any residential zoning lot shall exceed the maximum height for accessory structures identified on the Site and Structure Bulk Requirements for Residential Districts, except for flag poles which shall comply with the height requirement established in Section 10.6-3i. (Am. Ord. 08-048, passed 09/09/08)

8.10-4 Permitted Accessory Structures and Uses

Accessory uses must exist or be proposed to exist in connection with a principal use which is permitted within such district. Each accessory use shall comply with the use limitations applicable in the zoning district in which it is located. See Table 1B for site and structure bulk requirements. Accessory structures and uses include, but are not limited to, the following list of examples, provided that in each case, such structure or use must meet the general definitions of "accessory use" and are subject to the regulation of the zoning district in which such accessory structure or use is located:

- a. One private, detached garage per zoning lot.
- b. One storage shed. (Am. Ord. 08-048, passed 09/09/08)
- c. One child's playhouse. (Am. Ord. 08-048, passed 09/09/08)
- d. One Private swimming pool. (Am. Ord. 08-048, passed 09/09/08)
- e. Statuary, arbors, gazebos, trellises, barbecue stoves, flag poles, fences, walls & hedges, gas lights and lanterns.
- f. Off-street parking and loading spaces.
- g. Outdoor parking of recreational equipment/vehicle and/or construction/commercial related vehicles, provided that:
  - (1) If the owner is actively involved in maintenance, loading or unloading the equipment, it may be parked on a residential driveway, however the duration does not exceed forty-eight (48) hours;
  - (2) Equipment/vehicle is parked on an approved paved surface;
  - (3) No part of the storage area for vehicles is located in any required front, side, or rear setback, as defined by the provisions of this Ordinance;
  - (4) Construction or commercial vehicles or equipment are not loaded or containing product or material, unless wholly enclosed or actively involved in a project within the lot;
  - (5) No equipment or vehicle(s) shall exceed an empty weight of four (4) tons or height in excess of ninety (90) inches;
  - (6) The equipment and vehicle(s) are screened from view from the public street and adjacent properties by a fence or landscaping. (Am. Ord. 08-048, passed 09/09/08)
  - (7) The Zoning Official may issue a Special Permit for parking of recreational vehicles in the event that the primary structure on a zoning lot is uninhabitable due to fire, natural disaster, or a catastrophic event. In no case shall the recreational vehicles be permitted to remain on the premises for no more than

one (1) year, provided that the Zoning Officer shall have the right to grant an extension for one (1) additional year. (Am. Ord. 08-048, passed 09/09/08)

h. Outdoor recreational area or equipment (including tennis courts, basketball courts, playhouses, batting cages, etc.) provided they meet the following requirements outlined below:

- (1) Total impervious coverage of the lot, including the accessory structure or playing area, shall not exceed the limitations of the zoning district.
- (2) The recreational facility or equipment does not exceed the maximum height of accessory structures established for each zoning district.
- (3) The square footage of the recreation facilities shall be included in the total allowable square footage for detached accessory structures as established for each zoning district. (Am. Ord 09-007, passed 03/24/09).
- (4) All outdoor recreational facilities shall meet minimum side yard requirement, exclusive of any and all easements, and not located in the front yard. Outdoor recreational facilities are to maintain a rear yard setback not less than fifty (50) percent of the required rear yard setback of the primary structure as established for each zoning district. (Am. Ord 09-007, passed 03/27/09)
- (5) The recreational facility or equipment is adequately screened and that all lighting conforms to the Village Outdoor Lighting Regulations.

(Am. Ord. 08-048, passed 09/09/08)

i. Except where otherwise permitted in this Ordinance, noncommercial radio and television towers and antennas, including the supporting structure thereto, shall be permitted subject to the following conditions:

- (1) Shall comply with applicable Federal Communications Commission (F.C.C.) height restrictions, if any.
- (2) No portion of any tower, antenna or support wires may be located within any required yard or closer than ten (10) feet to any lot line, whichever is greater.
- (3) All yards shall be increased by one (1) foot for each additional two (2) feet by which the tower or antenna height exceeds thirty (30) feet in height.
- (4) In no event shall the tower or antenna exceed thirty-six (36) feet in height except by special use permit.

j. Garage/yard sales in residential zoning districts provided that no more than four (4) garage/yard sales are permitted in one (1) year on each zoning lot and each garage/yard sale shall last no longer than three (3) consecutive days. All sale items must be removed from public view during inactive periods. See Section 8.14 for additional regulations.

#### 8.10-5 Prohibited Accessory Uses

None of the following uses shall be permitted accessory uses:

- a. Outdoor storage or overnight parking of trucks with an empty weight in excess of four (4) tons, or height in excess of ninety (90) inches in a residential district; construction or commercial vehicles or equipment, loaded or containing product or material, unless wholly enclosed, unless actively involved in a project within the lot; or buses designed for more than eleven (11) passengers during normal school year vacation periods in a residence district.
- b. Any other outdoor storage, except as specifically permitted elsewhere in this Ordinance.
- c. Cargo Containers, as defined in this ordinance, shall be considered a form of outdoor storage that is strictly prohibited in all zones, except where:
  1. Existing cargo containers located on properties with an approved special use for outdoor storage are a legal non-conforming use during an amortization period of one (1) year, after which the containers are considered illegal non-conforming and must be removed. No additional containers shall be added to the property during the amortization period, or;
  2. A temporary permit is issued by the Village for the purpose of moving or relocating, either permanently or temporarily, personal or business property, subject to the following conditions:
    - a. In the Residence Districts, a permit is only required if the container is to remain for a period greater than 72 hours. If the container is to remain on the property greater than 72 hours, there shall be a fifteen dollar (\$15) temporary permit fee. No more than one (1) temporary cargo containers shall be permitted, and said container must be removed from the premises within thirty (30) days;
    - b. In the Non-Residence District, there shall be a ninety dollar (\$90) temporary permit fee. No more than three (3) temporary cargo containers shall be permitted, and said containers(s) must be removed from the premises within ninety (90) days;
    - d) One (1) extension period equal to the corresponding time restriction in 2.a) or 2.b) may be permitted if extenuating circumstances are determined by the Zoning Official.
    - e) No more than two (2) temporary permits may be granted for the same property during a calendar year. If an extension is granted during a calendar year, the extension period shall constitute a second temporary permit. or;
    - f) The cargo container is used for the purpose of a construction project duly proceeding toward completion. Upon completion of the construction activity that the container supports, the container must be promptly removed from the site. and;
    - g) At all times, any and all cargo containers must be maintained in a like-new condition.

(Am. Ord. 08-048, passed 09/09/08)

## 8.11 SEWAGE DISPOSAL AND WATER SUPPLY

Regardless of other provisions of this Ordinance, in all classifications and in all zoning districts there shall always be sufficient ground area left unoccupied by a structure or paved area for, a proper system of sewage disposal and water supply conforming with the standards and requirements of the Will County Health Department and the Health Department of the State of Illinois. Site plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well location, if any.

## 8.12 FENCES, WALLS AND SWIMMING POOL STANDARDS

No fence, wall or swimming pool shall be erected or substantially altered without a building permit issued by the Building Official and payment of applicable fees. No fence, wall or swimming pool shall be constructed, erected, substantially altered or maintained in a manner that is not in compliance with the applicable specifications established within this Section.

8.12.1 Residential Districts: In addition to the general requirements listed in Section 8.12.4 the following requirements shall apply in residence districts:

- a. Front Yards: An open fence or wall is permitted along any lot line forming a part of the front yard to a height not to exceed four (4) feet above grade and shall remain 50% open in design.
- b. Front Yards (Through Lots): An open fence or wall is permitted along any lot line forming a part of the front yard abutting an arterial street to which the property owner is not entitled to access, provided the height of the fence or wall shall not exceed four (4) feet above grade and shall remain 50% open in design.
- c. Side/Rear Yards: An open or solid fence or wall is permitted to a height not to exceed six (6) feet above grade. Where a side or rear lot line abuts a Commercial or Industrial District, fences may be erected to a height not to exceed eight (8) feet above grade provided that the plan to erect the fence is reviewed and approved by the Plan Commission without a public hearing prior to erection.
- d. Corner Side Yards: An open fence or wall along any lot line forming a part of the corner side yard may be erected to a height not to exceed four (4) feet above grade and shall not exceed 50% open in design.
- e. Subdivisions: Any subdivisions that are platted after the adoption of this ordinance are required to include a fence masterplan with the plan submittal if any fencing is planned to be located within the subdivision. The fence masterplan shall illustrate the locations, height and style of the proposed fencing to be located on any lots and community areas and is subject to review and approval by the Plan Commission.

8.12.2 Commercial and Industrial Districts In addition to the general requirements listed in Section 8.12.4 the following requirements shall apply in business and industrial districts:

- a. Front Yards No fence or wall shall be permitted in any required front yard.
- b. Side/Rear Yards An open or solid fence or wall may be erected to a height not to exceed six (6) feet above grade. A fence that exceeds six (6) feet and is less than eight (8) feet in height above grade shall be reviewed and approved by the Plan Commission without a public hearing prior to erection.
- c. Corner Side Yards No fence or wall shall be permitted in any required corner side yard.

- d. New Development: Any new commercial or industrial developments that are developed after the adoption of this ordinance are required to include a fence masterplan with the plan submittal if any fencing is planned to be located within the development. The fence masterplan shall illustrate the locations, height and style of the proposed fencing to be located within the development and is subject to review and approval by the Plan Commission prior to erection.

8.12.3. Swimming Pools. In addition to the requirements within the Homer Glen Building Code and the general requirements listed in Section 8.12.4 the following requirements shall apply to the construction and operation of swimming pools:

- a. A private swimming pool for use exclusively by the residents of the property and their guests, shall meet the greater of the minimum side yard setback or easement requirements of the zoning district in which they are located, and shall not be located in any required front yard. Swimming pools are to maintain a rear yard setback of not less than fifty (50) percent of the required rear yard setback of the primary structure as established for each zoning district. (Am. Ord 09-007, passed 03/24/09).
- b. A temporary fence of a minimum height of five (5) feet high shall be erected during excavation and construction of the swimming pool.
- c. Fifty (50%) percent of the total area of a swimming pool (exclusive of patio, deck, pavement or any impervious surface) shall be calculated toward the allowable lot coverage as established for each zoning district. (Am. Ord 09-007, passed 03/24/09)

8.12.4 General Requirements – Fences, Walls and Swimming Pools

The following requirements shall apply in all zoning districts within the Village:

- a.. No fence, wall or swimming pool shall be constructed, erected, or substantially altered, without a building permit issued by the Building Official and payment of applicable fees. Any fence, wall or swimming pool which shall be constructed, erected, or is in the process of construction, erection, or which is maintained in a manner that is not in compliance with the provisions of this Ordinance, is deemed a nuisance and/or a violation.
- b. No private fences or walls shall be allowed or constructed on public street, highway or alley right-of-ways. Fences and walls may, by permit, be placed on public utility easements, so long as the structures do not interfere in any way with existing underground, ground or above ground utilities.
- c. Any fence built in or across a public utility or drainage easement shall be either open to allow the flow of surface water, or shall have the bottom of the fence above the ground level to allow the unobstructed flow of surface water.
- d. The finished side of a fence will face the neighboring properties. The unfinished side of the fence will face the property for which the fence is being installed. In addition, all structural portions of a fence will be placed on the interior side of the premises being fenced.
- e. Fences may be constructed out of wood, vinyl, aluminum, steel, chainlink or composit. Piers shall be constructed by the use of concrete, brick or stone.
- f. Walls may be constructed out of brick, stone or another approved masonry product.

- g. The entire length of a fence or wall shall be constructed of the same or substantially similar material.
- h. Where there is a change in grade between adjoining zoning lots, the maximum height of fences and walls shall not exceed the height of the average grade measured within six (6) feet on either side of the line where the fence or wall is to be erected. If the grade change is greater than one (1) foot, a cross section of the property along the two (2) lots where the fence is to be erected shall be prepared, reviewed and approved by the Building Official prior to the erection of a fence.
- i. The maximum space between the average grade and the base portion of the installed fence is not to exceed three (3) inches.
- j. All fences or walls located in the front yard and corner side yards shall not exceed a height of four (4) feet above grade and shall not exceed 50% opacity.
- k. Except in agricultural zoning districts, fences shall not have an electrical charge sufficient to cause a shock. A notice shall be posted, at intervals of one hundred (100) feet, on or adjacent to a fence having an electrical charge, advising that the fence has an electrical charge.
- l. All fences, walls and swimming pools will at all times be structurally sound and maintained in a neat, clean, presentable and safe condition.
- m. Fences and walls existing on the effective date of this Ordinance which are structurally sound and maintained in a neat, clean, presentable and safe condition may continue to be maintained and to exist. If an existing fence or wall is destroyed, materially damaged or removed any replacement fence or wall must be constructed or erected in accordance with the terms of this ordinance. Materially damaged means 50% or more of the existing fence must be replaced
- n. Upon approval by the Building Official, fences for industrial uses and public utility and service special uses may utilize barbed wire provided that the following conditions are satisfied:
  - (1) No more than three (3) strands of barbed wire shall be used.
  - (2) The lowest strand of barbed wire shall have a fence height of not less than six (6) feet.
  - (3) The vertical supports for the strands of barbed wire shall slant away from the property line at an angle from the vertical of not less than forty-five (45) degrees.
- o. No fence or wall can be located within the area of the sight vision triangle. The area of the sight vision triangle is a twenty (20) foot area located at the at-grade intersections of streets, driveways, access roads, railroads, or any combination thereof.

## 8.13 PERFORMANCE STANDARDS

### 8.13-1 Scope of Regulations

Any use established in any zoning district in the Village shall be so constructed and operated as to comply with the performance standards hereinafter set forth governing noise, vibrations, air pollution, toxic substances, water pollution, fire and explosive hazards, light emissions and glare. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards applicable to such uses.

### 8.13-2 Performance Standards

All permitted non-residential uses shall comply with the Performance Standards set forth herein.

8.13-3 a. Compliance Should the Zoning Officer determine that the proposed use may violate the performance standards set forth herein, the Zoning Officer shall require information from the owner or operator and initiate an investigation. Should such additional data be required, the Zoning Officer shall request information including, but not limited to, the following:

- (1) Plans of the existing or proposed construction and development.
- (2) A description of the existing or proposed machinery, processes and products.
- (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any dangerous and objectionable elements as set forth in this Section.
- (4) Measurements of the amount or rate of emission of said dangerous and objectionable elements.

Failure to submit data requested by the Zoning Officer shall constitute grounds for denying a permit of compliance.

b. Report By Expert Consultants The Zoning Officer may require any person to retain an expert consultant or consultants to study and report as to compliance or non-compliance with performance standards, and to advise how a proposed use can be brought into compliance with performance standards. The cost of the consultant's services shall be borne by the owner or operator of said use.

c. Action By the Code Zoning Officer Within ninety (90) days following the receipt of the acquired evidence, or receipt of the reports of appointed consultants, the Zoning Officer shall make a determination as to compliance or non-compliance with the performance standards. The Zoning Officer may require modification or alterations in the existing or proposed construction or the operational procedures to ensure that compliance with the performance standards will be maintained.

d. Cancellation of Permits If, after the conclusion of the time granted for compliance with the performance standards, the Zoning Officer finds the violation is still in existence, any compliance permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

8.13-4 Standards All permitted non-residential uses shall comply with the following standards:

a. Noise

- (1) No land use or other activity within the Village shall be conducted in such a manner that it generates a level of sound on another property greater than that allowed under the Noise Regulations of the State of Illinois, adopted by the State Pollution Control Board pursuant to the Environmental Protection Act, 415 ILCS 5/1 et seq., as amended, and appearing in Title 35, Subtitle H, of the Illinois Administrative Code, as amended.
- (2) Except as otherwise permitted herein, no land use or other activity within the Village shall be conducted in such a manner that it generates a level of sound on another property which is greater than the sound level set forth in the table of Weighted Sound Level Limits below.
- (3) Sound levels shall be measured with a sound level meter manufactured according to the standards prescribed by the American National Standards Institute or its successor body.
- (4) The limits set forth in the table of Weighted Sound Level Limits below shall not apply to the following: noises not directly under the control of the owner or occupant of the property; noises emanating from construction, repair, and maintenance activities conducted between the hours of 6:30 a.m. and 7:00 p.m. and such other times as may be specifically authorized by the Zoning Officer; noises emanating from safety signals, warning devices, and emergency pressure relief valves; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes, and railroads.

<u>District Classification of "Receiving" Property</u>	<u>Weighted Sound Level Limits</u>	
	<u>Time of Day</u>	<u>Maximum "Weighted" Sound Level</u>
Residential Districts	6:30 a.m. to 7:00 p.m.	50 dB(A)
	7:00 p.m. to 6:30 a.m.	45 dB(A)
All Others	6:30 a.m. to 7:00 p.m.	60 dB(A)
	7:00 p.m. to 6:30 a.m.	55 dB(A)

Impact noises shall not exceed the following peak intensities:

	<u>Along Residence</u>	<u>Along Adjacent Lot Boundaries</u>
Overall Peak (decibels)	80	86

b. Vibration

- (1) Any operation or activity which shall cause at any time, and at any point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in Column I below is prohibited. In addition, any industrial operation or activity which shall cause at any time, and at any point along a Residence District boundary line, earth borne vibrations in excess of the limits set forth in Column II below is prohibited. The limits set forth in the table of Vibration Displacements shall not apply to the following: vibrations not directly under the control of the property user; vibrations emanating from construction and maintenance activities between 6:30 a.m. and 7:00 p.m., which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted

infrequently; and transient vibrations of moving sources such as automobiles, trucks, airplanes and railroads.

Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Zoning Officer.

**Vibration Displacements**

<u>Frequency (Cycles Per Second)</u>	<u>Column I Displacement (Inches)</u>	<u>Column II Displacement (Inches)</u>
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

Steady-state vibrations, for purposes of this Ordinance, are vibrations which are continuous, or vibrations in discrete impulses more frequent than 100 per minute.

c. Air Pollution

- (1) Any land use or other activity which involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in State and Federal statutes and regulations regarding the emission of air pollutants. Any such land use or other activity shall also obtain and maintain all necessary licenses and permits from the appropriate State and Federal agencies, such as the United States Environmental Protection Agency and the Illinois Environmental Protection Agency.
- (2) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, parking areas and non-paved drives or roads within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.

d. Water Pollution The State of Illinois Environmental Protection Agency Water Pollution Regulations, as currently adopted by the Illinois Pollution Control Board and published by the Illinois Environmental Protection Agency, and all amendments thereto, are hereby adopted by reference and made a part of this Section.

e. Noxious Matter No activity or operation shall cause, at any time, the discharge of matter across lot lines in a noxious concentration.

f. Odorous Matter The emission of matter in such quantities which is readily detectable as an odor, based upon one (1) cubic foot of air at the odor threshold, at any point along lot lines is prohibited.

g. Fire and Explosive Hazards The storage, utilization or manufacture of materials characterized by fire and explosive hazards shall be governed by the fire codes and other related codes adopted by the Village, as amended from time to time.

## 8.14 SPECIAL EVENTS AND TENTS

Special events are temporary uses which may be allowed in any zoning district provided that they satisfy the following requirements and are authorized by the Village:

### 8.14-1 General Restrictions

Special events shall be subject to the following restrictions:

#### a. All Zoning Districts

- (1) All temporary uses, buildings and structures shall observe all yard setback requirements for the districts in which the special events are located.
- (2) Special events shall be limited to no more than two (2) occurrences per calendar year for each zoning lot.
- (3) An applicant for a special event, except garage sales, must apply for and obtain a special events permit from the Village. The Zoning Officer may take the application for a special event to the Village Board for review and comment. After the petitioner has complied with any additional conditions imposed by the Village Board and having paid all fees, a location permit may be issued by the Village. (Am. Ord. 08-048, passed 09/09/08)

#### b. Residence Districts.

- (1) All lots in a residence district with a non-residential use (e.g., churches, schools, etc.) shall comply with the restrictions set forth in Section 8.14-1(c). Subparagraphs b.ii and b.iii of this Section shall not apply.
- (2) Special events shall be limited to duration of one (1) day each (except that garage sales may last from Friday through Sunday) with no less than 120 days between special events.
- (3) No special events shall begin activities before 9:00 a.m. nor conduct activities after 10:00 p.m. In cases where the desired hours of such special event are outside those defined above, upon application, the Village President shall have the authority to vary the permitted hours to accommodate the activities of such event. Garage sales may conduct activities between the times of 8:00 am and 7pm. See Section 8.10-4j for additional regulations on Garage sales. (Am. Ord. 08-048, passed 09/09/08)

#### c. Nonresidential Districts.

- (1) All special events shall provide on-site parking for attendee vehicles in accordance with the Off Street Parking and Loading Requirements set forth in this Ordinance.
- (2) Special events shall be limited to duration of ten (10) days each with no less than sixty (60) days between special events. . In cases where the duration special event are outside those defined above, upon application, the Village President shall have the authority to vary the permitted duration to accommodate the activities of such event. (Am. Ord. 08-048, passed 09/09/08)

- (3) No special events shall begin activities earlier than 9:00 a.m. nor conduct activities after 10:00 p.m. In cases where the desired hours of such special event are outside those defined above, upon application, the Village President shall have the authority to vary the permitted hours to accommodate the activities of such event. (Am. Ord. 08-048, passed 09/09/08)

#### 8.14-2 Application Requirements and Procedure

All persons desiring to conduct a Special Event (except for residential garage sales) shall first submit an application to the Village no later than fifteen (15) days prior to the event. The Zoning Officer shall review all applications for compliance with the Ordinance. Such application shall contain the following:

- a. A Site Plan which must show all signage, including banners and all temporary signs.
- b. A Parking and Circulation Plan which must show stalls, circulation paths, access locations and traffic control devices, provided such Plan shall not be required for Special Events located in residential districts on lots without on-site parking.
- c. A Sanitary Facilities Report from Will County Health Department confirming compliance with all applicable Health and Sanitation Codes, provided such requirement may be waived by the Zoning Officer.
- d. A Certificate of Liability Insurance and Indemnification Agreement shall be required and shall name the Village of Homer Glen as a co-insured. An Indemnification Agreement shall be executed separately or be part of the insurance policy. (Am. Ord. 08-048, passed 09/09/08)
- e. A Traffic Control and Security Contract to provide for off-duty police officers or trained security personnel to provide traffic control and security, provided such requirement may be waived by the Zoning Officer.
- f. An Incident Action Plan which has been approved by the applicable Fire Protection District for the jurisdiction in which the event is to be located and the entity or department providing law enforcement service for the Village.
- g. When the applicant for a Special Event is not the owner of the lot on which the event will occur, the applicant shall submit proof of the owner's authorization which shall be in writing, dated, signed by owner and contain sufficient information so as to identify the property and the proposed Special Event.
- h. A Bond or Letter of Credit shall be placed with the Village to guarantee removal of all temporary structures, tents, junk, debris, and other personal property from the lot upon termination of the Special Event. The amount of the cash bond or irrevocable letter of credit shall be 100 percent of the estimated cost of removal of such items from the lot, provided such requirement may be waived by the Zoning Officer. In addition, such Applicant shall agree to reimburse the Village for any costs and expenses incurred by the Village in providing law enforcement and fire protection services as a result of the event.

#### 8.14-3 Use of Tents

Tents are temporary uses which shall not be erected, used or maintained on any zoning lot except for limited periods of time for such uses as carnivals, church socials, tent sales, weddings

and yard parties. Tents regulated in this Section shall not include tents designed for and used for personal recreation in residence districts.

a. General Restrictions Tents shall be subject to the following restrictions:

- (1) Tents shall not be used for the permanent storage of vehicles and other equipment or for the permanent covering of any recreational facilities.
- (2) Tents shall not be used as a place of permanent residence, but shall be limited to uses for recreational purposes or special events. If cooking or heating equipment is to be used inside of a tent, the applicable Fire Protection District for the jurisdiction in which the tent is to be located shall be notified.
- (3) Tents shall observe all yard setback requirements in the zoning districts where located and, if involving a commercial, office, or industrial use, shall provide on-site parking of customer vehicles in accordance with the Off Street Parking and Loading Requirements set forth in this Ordinance.
- (4) The use of a tent on a zoning lot shall be a use which is clearly accessory to the existing use of the property.
- (5) All uses of tents in non-residential zoning districts and all non-residential uses of tents in residential zoning districts shall be limited to no more than ten (10) days at a time and no more than two (2) times in any calendar year.
- (6) Before a zoning certificate and permit are issued for the erection, maintenance or use of a tent, a cash bond or irrevocable standby letter of credit shall be placed with the Village to guarantee removal of the tent. The amount of the cash bond or irrevocable letter of credit shall be 100 percent of the estimated reasonable cost of the removal of the tent from the lot.

#### 8.14-4 Approval

- a. Additional Events. The Village Manager may authorize additional occurrences per calendar year for each zoning lot based upon his/her determination that the application of the limitation set forth in Section 8.14-1a (2) creates specific and particular hardships or difficulties to the Applicant that are uniquely related to the applicant and/or zoning lot, provided any more than two (2) additional occurrences shall require approval of the Village Board.
- b. Additional Conditions. The Village may authorize such Special Events and may impose additional conditions upon the issuance of said permit to insure the protection of the health, safety and welfare of the residents and participants.

**8.16 PONDS**

Ponds must have safety ledges and the slopes of the pond shall be no greater than 4:1 above the water and no greater than 3:1 below the water.

**8.17 KENNEL RESTRICTIONS**

No person, group, or firm shall keep more than five (5) adult dogs, cats or other domestic animals, or combination thereof, unless they are kept on a property specifically zoned to allow a veterinary clinic, animal hospital, or kennel. For purposes of this Ordinance, when an animal reaches four (4) months, it shall be considered an adult animal.

**8.18 JUNK CARS**

Inoperable automobiles, trucks, or other vehicles shall not be stored for a period exceeding thirty (30) days unless stored in an enclosed structure.

**8.19 PUBLIC ADDRESS SYSTEMS**

Outside loudspeakers and public address systems shall not be permitted on any property unless specific application is made to the Zoning Officer. The application shall show the intended use of the system and the expected range of the sound emanating from the system.

**8.20 GROUP CARE HOME, LARGE AND SMALL**

8.20-1 Purpose The provisions of this Section establish minimum requirements for the location and operation of such homes.

8.20-2 Requirements for Group Homes Group homes shall comply with the following requirements:

- a. The group home shall not be located less than 600 feet, measured horizontally in any direction, from any other building used as a group home pursuant to this ordinance or defined as a group home pursuant to any adjacent jurisdiction's zoning ordinance.
- b. The operator of the group home shall have a license and/or certificate as required by appropriate federal, state, or local agencies, if any is required, demonstrating the operator's qualifications to operate the group home.
- c. The total occupancy of the small group home shall be limited to no more than six (6) persons not related by blood, marriage, adoption or guardianship, plus no more than two (2) resident staff. (Am. Ord. 08-048, passed 09/09/08)
- d. No services including, but not limited to, counseling and other treatment shall be permitted for persons other than the residents of the group home.
- e. Proposed facilities must be visually compatible with structures in the surrounding area. (Am. Ord. 08-048, passed 09/09/08)

**8.21 DAY CARE HOME, DAY CARE CENTER**

8.21-1 Day Care Homes for Adults and Children A Day Care Home and Day Care Centers shall comply with the following standards:

- a. Day care homes and Day Care Centers must be licensed and/or certified by the appropriate federal, state, or local agencies, if required. All facilities classified as a Day

Care Center must obtain a special use permit. All appropriate licensing must be obtained for the special use permit to be valid. (Am. Ord. 08-048, passed 09/09/08)

The following standards apply to Day Care Homes and Day Care Centers within Residential Districts:

- a. Day Care Homes located in residential districts may not have any outside employees. (Am. Ord. 08-048, passed 09/09/08)
- b. There shall be a minimum of seventy-five (75) square feet of outdoor space per individual for the total number of individuals using the area at any one time. At least twenty-five percent (25%) of the required space shall be on the premises of the day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1,000 feet) of the day care home.
- c. There shall be a minimum of thirty-five (35) square feet of indoor floor space per individual. There shall be an additional twenty-five (25) square feet of space for each individual who sleeps and plays in the same indoor area.
- d. Structures and sites must be visually and structurally compatible with other structures and sites in the surrounding area.
- e. Day care homes shall not be operated in an accessory building or detached garage.
- f. Day care homes shall contain a separate entrance from outside the building to serve the home day care use.
- g. No other retail business, manufacturing business or repair shop shall be conducted on any lot on which a day care home is operated.
- h. No signage or other display outside the building which evidences the home day care use shall be permitted except those signs which are allowed in residence districts in accordance with the provisions of this Ordinance.
- i. No other home occupation shall be permitted within the same dwelling unit.
- j. All vehicles owned by the residents of the home day care use shall be parked on the lot in areas as allowed for parking in residence districts. Adequate space shall be provided on the driveway of the home day care use for the temporary parking of client vehicles while the clients are being dropped off and picked up. (Am. Ord. 08-048, passed 09/09/08)
- k. Any outside play area utilized for the home day care use shall be separate from neighboring properties by a solid fence or wall.
- l. The day care home operator shall reside in the home as their principal residence.
- m. Where a day care home is served by a private sewage disposal system rather than by public sewers, the day care operator shall have the sewage disposal system inspected by the Will County Health Department to assure safe, sanitary operation thereof prior to establishing the use on the property.

## 8.22 ACCESSORY HOUSING

### 8.22-1 Declaration or Policy

The Village recognizes that the number of persons living in the Village who are sixty-two (62) years old or older is increasing and that many of these persons who would otherwise desire to maintain separate households are unable to do so because of insufficient incomes or need for services. The intent of providing for accessory housing is to alleviate this problem. By permitting an accessory unit to be maintained in single family dwellings in the single family residential districts of the Village persons over sixty-two (62) years old or older will be afforded a means of obtaining the additional income and security which will enable them to remain in homes owned and occupied by them. Also, other persons owning and occupying single family dwellings in these districts will be provided with a means of caring and providing companionship for relatives who are sixty-two (62) years or older.

### 8.22-2 Requirements for Accessory Housing Conditional Use

An accessory unit may be maintained in a single family dwelling as a special use in certain residential zoning districts as set forth in Section 6. Conversion of the dwelling and maintenance of the accessory unit and primary unit must conform to the following requirements:

- a. Only one (1) accessory unit may be maintained per zoning lot.
- b. The total floor area of the accessory unit shall not exceed 700 square feet.
- c. The accessory housing unit must be wholly enclosed within the primary structure. No accessory unit or portion thereof shall be maintained in an accessory building. (Am. Ord. 08-048, passed 09/09/08)
- d. The accessory unit must conform to all applicable yard and bulk requirements.
- e. The floor plans for the construction of the accessory unit and for reconversion of both the primary unit and the accessory unit to a single family dwelling after the expiration of the Special Use must be submitted with the application for Special Use. (Am. Ord. 08-048, passed 09/09/08)
- f. The exterior of any converted dwelling must retain the appearance of a single-family dwelling. The number of exterior entries on the front of the converted dwelling shall be the same number as prior to its conversion.
- g. No roomers or boarders who are not related by blood, adoption or marriage to the owner of the primary unit shall be permitted in the accessory unit. (Am. Ord. 08-048, passed 09/09/08)
- h. At least one (1) of the occupants of either the main dwelling unit or the accessory unit must be the legal or beneficial owner of the property. If none of the owners who occupy the converted dwelling are sixty-two (62) years old or older, then the accessory unit must be occupied by a person who is sixty-two (62) years old or older and who is related to one (1) of the owners by blood, marriage, adoption or guardianship.
- i. By January 31st of each year after the occupancy permit for the accessory unit is issued, all owners of the property shall file an affidavit with the Zoning Officer certifying that the property complies with the preceding subparagraphs a. through h. on the date of the filing.

8.22-3 Expiration of Special Use

Every Special Use for accessory housing shall expire by its own terms without action by the Village Board if the property fails to conform to any of the requirements of Section 8.22-2 (a) through (i), or if an affidavit is not filed in accordance with Sec. 8.22-2(i). The expiration date shall be thirty (30) days after the date on which the property first fails to conform to these requirements or thirty (30) days after the date on which the affidavit was to have been filed. The Special Use shall not expire, however, if the property is brought into conformity with the requirements of Section 8.22-2 (a) through (i), and if the affidavit is filed as required prior to the expiration date. Every Special Use for accessory housing shall also expire when any owner conveys any portion of his or her interest in the property, unless the conveyance is to a trust of which that owner is a beneficiary.

8.22-4. Reconversion to Single Family Dwelling

Reconversion of the property to a single-family dwelling shall be completed within ninety (90) days after the expiration of the Special Use. The Village may extend the period of conversion for cause shown. The property shall be reconverted according to the plans submitted at the time the Special Use was applied for.

8.23 **ELDER COTTAGE HOUSING OPPORTUNITIES (E.C.H.O)**

8.23-1 Conversion Any Special Use Permit for Elder Cottage Housing Opportunities legally issued and currently existing prior to the date of adoption of this Zoning Ordinance shall be deemed to be a Special Use Permit for accessory housing and shall remain in full force and effect.

8.24 **BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast operations shall be subject to the following regulations:

- a. Meals shall be served only to operators and guests of the bed and breakfast;
- b. The length of stay for a lodger shall not exceed ten (10) consecutive days;
- c. The number of guest rooms is limited to four (4) bedrooms in the dwelling unit, provided, the maximum occupancy is limited to two (2) adults per guest room;
- d. A single identification sign not to exceed two (2) square feet may be erected, provided, such sign shall be non-illuminated and shall be attached flat against the front wall of the building it identifies;
- e. Tandem off-street parking spaces may be provided, but not more than two (2) deep, provided, no parking spaces shall be provided in the front yard; and,
- f. The dwelling in which the bed and breakfast operates shall be the principal residence of the operator/owner and the operator/owner shall live in the residence.

8.25 **HOME OCCUPATION**

It is the intent of this Section to allow as home occupations only those uses that conform to the standards of this Section. In general, a home occupation is an incidental and secondary accessory use, so located and conducted as to not change the character thereof or adversely affect the uses permitted in the residential zoning district of which it is a part. The standards for home occupations are intended to ensure compatibility with other permitted uses and the

residential character of the neighborhood, and to maintain the subordinate and incidental status of the home occupation.

8.25-1 Permitted Home Occupations Any home occupation that is incidental and subordinate to the principal residential use of a building, shall be permitted in any dwelling unit, except those which are specifically prohibited under this Ordinance, and meet the regulations set forth in Section 8.25-2.

8.25-2 Limitations Home occupations shall be operated in conformance with the following:

- a. All employed persons must be related, provided no more than one (1) person other than a family member shall be engaged in the home occupation.
- b. The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes.
- c. No more than twenty (20) percent of the livable floor area of the dwelling unit or 400 square feet, whichever is smaller, shall be used in the conduct of the home occupation or home office and shall not permit instruction, teaching or counseling of more than three (3) persons at a time other than persons residing on the premises. Group counseling or encounter groups, teaching of musical instruments, voice, dance and other instruction including academic and religious instruction shall not exceed the three (3) person limitation.
- d. No outside display, storage, or use of land is permitted.
- e. No signage shall advertise the presence or operation of home occupation.
- f. No more than one (1) home occupation shall be permitted on any zoning lot.
- g. There shall be no manufacturing or processing of any sort.
- h. No wholesale, jobbing or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise or food products on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be sold from and stored upon the premises.
- i. There shall be no interior or exterior alteration of the principal residential building which changes the residential character thereof as a dwelling.
- j. The home occupation shall be conducted entirely within the principal residential building (excluding any attached garage or accessory structure) and shall not be visible from any existing dwelling on any adjacent lot.
- k. No equipment or process shall be used in such home occupation that creates noise, vibration, light, glare, fumes, odors or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- l. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and in no case shall traffic volume be created by the home occupation greater than ten (10) trips per day in any one day, including deliveries.

- m. Deliveries are limited to a maximum of two (2) per day, and are not to be conducted by a vehicle that exceeds a useful load of one ton. Deliveries shall only be conducted by private passenger vehicles, parcel service or letter carrier.
- n. Parking generated by the conduct of such home occupation shall be met by the off-street parking regulations, and be located in areas other than a required yard. No more than one (1) commercial vehicle shall be stored on the lot. All parking shall be on hard surfaced parking areas.
- o. No home occupation shall cause an increase of more than ten percent (10%) in the use of any one or more utilities (water, sewer, electrical, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

8.25-3 Particular Home Occupations Prohibited The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations, and thereby substantially impair the use and value of a residentially zoned property for residential purposes. Therefore, the uses specified below are prohibited in residential districts:

- a. Barber shops, beauty shops and nail salons or other similar uses providing any personal service related to the betterment of physical appearance with more than 2 service stations (including but not limited to chairs, sinks, dryers, etc), unless specifically permitted by the district regulations;
- b. Dance schools with more than five pupils in attendance at any given time;
- c. Funeral homes and mortuaries;
- d. Restaurants;
- e. Tourist homes and lodging houses, unless specifically permitted by the district regulations;
- f. Private clubs;
- g. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items;
- h. Photo developing;
- i. Renting of trailers;
- j. Medical or dental offices, clinics or hospitals;
- k. Animal kennels or hospitals;
- l. Auto repair and tune-up facilities;
- m. Catering or other food preparation businesses;
- n. Rooming houses;
- o. Dealer in firearms (except as a special use permit);

- p. Antique shops or sales;
- q. Home day care centers.

## 8.26 SELF-SERVICE STORAGE FACILITIES (SSSF)

8.26-1 Purpose SSSF shall be considered a special use.

8.26-2 Requirements for SSSF The following requirements shall apply to all SSSFs:

- a. Self-service storage facilities shall be limited to dead storage use only and shall not be used for the storage of perishable items, food products or living animals.
- b. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
- c. All storage on the property shall be kept within an enclosed building.
- d. A fence must be provided around the perimeter of the development. The fence shall be a minimum of six (6) feet in height and shall be constructed of opaque materials such as brick, stone, architectural tile, masonry units, wood, or similar materials that will prevent the passage of light and debris, but shall not be constructed of woven wire.
- e. No door openings for a self-service storage unit shall be constructed facing any residential zoned property.
- f. No self-service storage building shall exceed twelve (12) feet in height.
- g. No individual storage unit shall exceed six hundred (600) square feet in floor area.
- h. One (1) sign will be allowed on the premises in accordance with the sign ordinance.
- i. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one (1) side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

### 8.26-3 Use Restrictions

- a. No person on premises covered by a special use permit for SSSF shall conduct on such premises:
  - (1) Any business activity (other than rental of storage units), including but not limited to miscellaneous or garage sales, and transfer/storage businesses that utilize vehicles as part of said business.
  - (2) Servicing or repair of motor vehicles, boats, trailers, lawn movers, or any similar equipment.
- b. The following uses shall be prohibited in an SSSF:
  - (1) The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
  - (2) The use of the property for uses other than dead storage.

8.27 **MANUFACTURED HOMES**

- a. All developments proposing the construction of manufactured homes shall be developed as a Planned Development.
- b. Utilities All utilities, including but not limited to water, sewer, electric, gas, telephone, and cable TV, must be located in underground, unobstructable locations including individual connections to each dwelling unit pad. Each dwelling unit shall be individually metered for utility service provision.
- c. Development An underground storm sewer system shall be provided, in accordance with Village's Subdivision Ordinance to serve any manufactured home subdivision.
- d. Open Space All developments shall be required to provide at least fifty percent (50%) of the net buildable land area as open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the area.
- e. Clustering Lot layout shall provide for clustering or various angle arrangements of the lots as opposed to a grid pattern, in which the majority of blocks and streets are arranged in straight lines.
- f. Driveways There shall be no adjoining driveways serving abutting lots.
- g. Manufactured Home Design Standards
  - (1) Placements The Manufactured Home stand shall be so placed as to provide for the practical placement on the site of both the Manufactured Home and its appurtenant structures.
  - (2) Size The size of the Manufactured Home pad shall be suitable for the Manufactured Home to be served.
  - (3) Location The location of each Manufactured Home pad shall be at such elevation, distance and angle in relation to the access street and the Manufactured Home lot driveway that placement and removal of the Manufactured Home is practical.
  - (4) Construction Only concrete pads and concrete runways will be permitted.
  - (5) Gradient All lots shall be graded according to the requirements of the Subdivision Ordinance. There shall be a minimum of two percent (2%) longitudinal and adequate crown, or cross-gradient and surface drainage.
  - (6) Undercarriage Each manufactured home unit shall be skirted via a structural and architectural treatment similar to that of a residential dwelling, or a landscaping treatment so as not to permit the undercarriage of the unit to be visible. Each unit shall be securely anchored so as to reduce the potential for damage during periods of high winds.
- h. Construction of Manufactured Home Manufactured home construction must meet or exceed all applicable Village building permit requirements and other ordinance requirements.

- i. Additions to Manufactured Home No permanent or semi-permanent structure shall be affixed to a Manufactured Home. This does not apply to awnings or any expansion unit specifically manufactured for Manufactured Homes.
- j. Patios Each Manufactured Home site shall provide an appropriate outdoor living space of not less than 225 square feet to supplement the interior living space of a manufactured home.
- k. Storage
  - (1) Storage facilities shall be provided for the active storage of outdoor equipment, furniture or tools, which are used frequently, or and for the inactive storage for such materials which are used only seasonally or infrequently, and cannot be stored in the Manufactured Home.
  - (2) There shall be a minimum of 100 square feet provided for general storage for each Manufactured Home site exclusive of the manufactured home. This may be achieved by a garage or storage unit.
  - (3) Storage structures should be designed to enhance the appearance of the development, constructed out of materials similar to the manufactured home, coordinated with appropriate landscaping plan, designed to provide for hazardous weather protection and must be maintained in coordination with other features of the Manufactured Home.
  - (4) No individual storage facilities for gasoline, oil, gas, liquefied petroleum or other fuel storage tanks or cylinders shall be permitted unless a piping from such a facility were permanently installed with an earth cover of eighteen (18) inches.
- l. Garbage Garbage and Waste areas shall be fenced in and completely screened from public right-of-ways.
- m. Streets and Sidewalks
  - (1) All streets shall have curbs, gutters, street-lights, street trees, storm sewers and sidewalks accompanying same, in accordance with the Village Subdivision Ordinance.
  - (2) All residential parking will be off-street. No on-street parking is allowed.
  - (3) Off-street parking shall be provided in front and side yards only. Two (2) off-street parking spaces shall be provided per dwelling unit. The off-street parking surface shall be covered with a concrete surface. Each space shall be no less than ten (10) feet wide and twenty (20) feet deep. Enclosed garage space shall not count toward the required off-street parking requirements.

## 8.28 ADULT BUSINESS USES

### 8.28-1 Declaration of Policy

In the development and execution of these sections regulating the location of adult business uses, based upon experiences and studies prepared in various communities, it is recognized that adult business uses, by virtue of their nature, have serious objectionable operational characteristics which can have a deleterious effect upon areas adjacent to them. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the

blighting or downgrading of the surrounding neighborhood. The primary purpose of these regulations is to control the concentration or location of these uses to the fullest extent allowable by law, in order to eliminate such adverse effects. It is not the intent of these sections to deny adults access to sexually oriented materials and services or the providers of such materials and services their market in a manner that is inconsistent with the law.

#### 8.28-2 Restrictions on the Location of Adult Business Uses

No adult business use, either as a permitted use or as a Special use, shall be maintained: (1) within 1,000 feet of the property line of another adult business use; (2) within 1,000 feet of any of the residential or agricultural zoning districts as provided for under this Ordinance; (3) within 1,000 feet of a single family dwelling, church or other place of worship, child care center, nursing home, independent or assisted living care facility, school, library, park, forest preserve, open space, or other publicly operated recreational facility. The distances provided for in this section shall be measured by following a straight line, without regard to intervening structures, from a point on the property or the land use district boundary line from which the proposed use is to be separated.

#### 8.28-3 Restrictions on Operation

- a. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified anatomical area" or "specified sexual activities" from any public way. This shall apply to any display, decoration, sign, show window or other opening. No person shall operate or cause to be operated an adult use within any premises wherein alcoholic beverages are served, sold or consumed.
- b. No person under the age of twenty-one (21) shall be allowed on the premises.
- c. All "viewing areas", which shall be defined as the area where a patron or customer would ordinarily be positioned while watching a film or viewing device, shall be visible from a continuous main aisle or public room and shall not be obscured by any curtain, door, wall or other enclosure.
- d. There shall be no aperture whatsoever in any wall or partition between viewing areas.
- e. Each viewing area shall be lighted at a minimum level of ten (10) foot-candles in all parts thereof.
- f. Within an establishment selling or renting books, magazines, or films to the general public, a non-substantial section may display, rent or offer for sale items distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" with the following restrictions:
  - (1) The area shall be set aside, blocked off or of limited access to adults only, with clearly marked signs indicating that this area contains adult only items.
  - (2) The area shall be arranged in such manner that the display is not visible to the general public.
  - (3) There shall be suitable measures installed to ensure that adults only have access.

- g. Except in connection with the service of beverages or receiving payment for such beverages, no establishment shall allow an employee to have physical contact with a patron or allow an employee's person to be within ten (10) feet of any patron.

## 8.29 OUTDOOR STORAGE

8.29-1 Regulations Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all outdoor storage:

- a. Outdoor Storage is hereby defined as the keeping, in an unroofed area, of any goods, material, merchandise, or raw materials in the same place for more than forty-eight (48) hours. The area within any structure which does not include a roof and at least one (1) wall shall constitute an "unroofed area."
- b. No goods, material, merchandise or raw materials intended for sale at retail shall be stored or stacked so that the height of such stored goods, material, merchandise or raw materials exceeds forty-two inches (42"). Individual items whose height exceeds forty-two inches (42") may be stored but shall not be stacked so as to exceed the height of an individual item.
- c. No goods, material, merchandise or raw materials shall be stored in such a manner so as to restrict or otherwise affect the surface water drainage.
- d. All non-packaged goods, material, merchandise or raw materials shall be stored in such a manner so as to prevent the dispersal of such goods, material, merchandise or raw materials by the elements, such as wind and rain.
- e. All goods, material, merchandise or raw materials shall be stored on a permanent durable surface.
- f. Except for raw materials intended to be sold in bulk or merchandise which is not customarily offered for sale in containers or packages, all goods, materials, merchandise or raw material intended for retail sale shall be stored in containers or packages.
- g. No goods, material, merchandise or raw materials shall be stored on a public sidewalk so as to impede the orderly flow of pedestrian movement or create an unsafe condition for pedestrians.
- h. No goods, material, merchandise or raw materials shall be stored on any zoning lot (i) within fifteen (15) feet of the ingress or egress entrance or exit for that zoning lot to any public street or any ingress or egress entrance or exit to any adjacent zoning lot , (ii) within any side yard or rear yard set back or within fifteen (15) feet of any side or rear lot line, whichever is greater, provided, however, if said zoning lot has a zero side yard or rear yard set back and screening is installed along said set back, then such storage may occur adjacent to said screening, and (iii) in the front yard within fifteen (15) feet of the lot line on dedicated roads or within sixty-five (65) feet of the center line on non-dedicated roads.
- i. Except as otherwise allowed pursuant to the terms of a Special Use Permit, the total area of outdoor storage per zoning lot shall not exceed Five Hundred (500) square feet.
- j. All storage areas for waste collection and solid waste dumpsters shall be confined in an enclosed area that is screened on all sides with opaque screening of at least six (6) feet

in height. All storage areas for waste collection and solid waste dumpsters for new construction shall be constructed of a masonry type material.

- k. Vehicles stored for repair shall be located within an area screened on all sides with opaque screening of at least six (6) feet in height.
- l. All screening shall be installed and maintained in a sound condition and shall be constructed so as to not restrict or otherwise affect the surface water drainage. Except as otherwise provided herein, all screening shall be of a material and color which are consistent and compatible with those of the principal structure on the zoning lot. Screening shall not obstruct sight distance to or from any public street so as to impede or otherwise create a hazard for vehicular or pedestrian traffic.
- m. Paragraph 8.29-1b of these regulations shall not apply to storage yards which are screened and enclosed by a fence or other structure of not less than six (6) feet in height on all sides.

### 8.30 **OUTDOOR SALES**

8.30-1 Regulations Outdoor sales, including farmer's markets, merchandising, and promotional displays, are permitted in all zoning districts, subject to the following:

- a. The use shall be located so as to have direct vehicular access to a public street;
- b. No sales or display activity shall be located on a public right-of-way;
- c. The location of materials for sale shall not to be located so as to block visibility for vehicles or pedestrians on or off the lot in a manner that would create a safety hazard;
- d. All trash and debris is to be removed daily; and
- e. All signage shall conform to the standards set forth in the Village Ordinance regulating signage.

### 8.31 **TEMPORARY USES**

The following uses of land are permitted in all zoning districts (unless specifically restricted to a particular zoning district), subject to the specific regulations and time limits as described herein and to the other applicable regulations of the district or districts in which they are located. Such uses must be approved by the Zoning Officer through issuance of a permit. The temporary use permit shall specify the location of the building, yard, or use, and the area of the permitted operation. Temporary uses must satisfy the applicable conditions as follows:

#### 8.31-1 Construction Trailers

A licensed contractor engaged in a construction project for which a Building Permit has been issued by the Village may temporarily use a construction trailer for office facilities in the location where work is being done, provided that such construction trailer shall:

- a. Be placed only upon the property for which a Building Permit was issued authorizing construction, and not in any public right-of-way;
- b. Not be placed more than fourteen (14) days prior to the commencement of the work for which the Building Permit was issued;

- c. Not contain sleeping accommodations or cooking facilities;
- d. Be removed within fourteen (14) days after the completion of the work for which the Building Permit was issued; and
- e. Each permit shall be valid for a period of not more than six (6) calendar months, and shall not be renewed for more than two (2) successive periods at the same location.

8.31-2 Real Estate Offices

A temporary real estate office incidental to a new housing development shall:

- a. Not be used for sleeping or cooking purposes until the premises shall cease to be used as a real estate office;
- b. Continue only until all dwelling units in the development have been first sold or leased;
- c. Be landscaped as approved by the Zoning Officer; and
- d. Each permit shall be valid for a period of not more than six (6) calendar months, and shall not be renewed for more than two (2) successive periods at the same location.

8.31-3 Seasonal Sales Lots

- a. Material for seasonal sales (Christmas trees, pumpkins, etc.) shall not be located in any right of way;
- b. The location of materials for sale are not to be located so as to block visibility for vehicles or pedestrians on or off the lot in a manner that would create a safety hazard;
- c. The sales shall be limited to between the hours of 7:00 a.m. and 9:00 p.m., and for a period not to exceed sixty (60) days, unless an application is made requesting renewal of such permit and such renewal is granted by the Zoning Officer. No such permit shall be granted and renewed for a total time period of greater than six months, within a calendar year (Am. Ord 09-036, passed 06/10/09);
- d. Use of a public address system or loudspeaker is expressly prohibited;
- e. All trash and debris is to be removed daily;
- f. Written consent from the property owner, or the authorized agent of the property shall be provided to the Zoning Officer;
- g. All signage shall conform to the standards set forth in the Village Ordinance regulating signage; and
- h. All materials shall be removed within forty-eight (48) hours of the end of operation.
- i. Seasonal sales shall be permitted in the following zoning districts: A-1 Agricultural District and all non-residential zoning districts.

## 8.32 WIRELESS COMMUNICATIONS FACILITIES

8.32-1 Purpose The purpose of this Section is to establish a set of comprehensive regulations pertaining to the location, siting, development, design and permitting of wireless communications facilities (“WCFs”) within all zoning districts established within the Village in order to (a) facilitate the development of WCF infrastructure for commercial, public and emergency use, (b) encourage the co-location of WCFs, (c) encourage owners, operators or users of WCFs to configure them in a manner that minimizes the adverse impacts thereof, (d) enhance the ability of providers of WCF services to provide such services within the Village quickly, efficiently, and effectively, (e) establish the rules and procedures for reviewing zoning applications for WCFs and (f) minimize the total number of WCFs within the Village within the limits and consistent with the provisions of the Telecommunications Act of 1996.

8.32-2 Scope This Section shall apply to all WCFs, whether such WCFs are established as a principal use or an accessory use unless otherwise exempted from this Section.

8.32-3 Exemptions The following uses and activities are exempt from the provisions of this Section:

- a. Satellite dishes forty (40) inches or less in diameter;
- b. Any tower or antenna owned and operated by a federally licensed amateur radio station operator, citizen’s band radio operator or for private noncommercial radio or television reception or which is used exclusively to receive and not to transmit, provided that no such exempt receive-only antenna shall exceed the highest point on the nearest rooftop of any residential dwelling or structure by more than ten feet;
- c. Antennae or equipment located entirely within a structure in existence as of the adoption of this Section used to enhance or facilitate communication functioning of other structures on the same site as the structure in question;
- d. WCFs located on property owned or leased or otherwise controlled by the Village, provided that the Village has entered into a license or lease with respect thereto that has been authorized by the Board of Trustees;
- e. Except as otherwise hereinafter specifically provided, WCFs in existence as of the adoption of this Section (including the routine maintenance thereof that does not materially alter the visual impact or appearance thereof) shall be exempt from this Section, but any modifications or changes thereto shall comply fully with the requirements of this Section;
- f. Any WCF used exclusively for governmental law enforcement, fire, emergency medical service or emergency management service communications; and
- g. The requirements of this Ordinance requiring certain minimum lot sizes or depths, bulk ratios or lot coverage ratios or prohibiting multiple structures on a zoning lot or tract of land shall not apply to special use permit applications made under this Section. Notwithstanding the foregoing, no tower to be used in connection with a WCF may be located on a residentially zoned lot used for residential purposes consisting of less than two acres.

8.32-4 Definitions

- a. Ancillary building The buildings, structures, enclosures and equipment required for the operation of a WCF, including but not limited to repeaters, equipment housing, relay equipment, ventilators and electrical and mechanical equipment.

- b. Antenna A system of electrical conductors that transmit or receive electromagnetic waves, or radio frequency signals, including waves or signals for radio, television, cellular, paging, personal wireless, personal telecommunications or other communications services.
- c. Co-location The use of the same tower or structure to carry two or more antennae for the provision of radio, television, cellular, paging, personal telecommunications or other communications services.
- d. Guyed tower Any tower that is supported by the use of guy wires or cables that are permanently anchored to the ground.
- e. Lattice tower Any tower that utilizes an open framework of lateral cross members to stabilize the tower.
- f. Mast Any vertical element such as a tube or rod that supports an antenna.
- g. Monopole tower Any tower consisting of a single upright pole designed and engineered to be self supporting and that does not use guy wires, cables or any form of lattice or lateral cross members for support or stability.
- h. Tower Any vertical structure intended primarily for supporting any antenna or mast for use in connection with the provision of radio, television, cellular, paging, personal telecommunications or other communications services.
- i. Stealth design The process of locating and constructing a WCF (including its antennae and towers and ancillary structures) in such a manner as to camouflage, conceal or disguise the WCF or otherwise render the WCF unrecognizable as a WCF.
- j. Wireless communication facility ("WCF") An unstaffed facility used for transmitting or receiving waves or signals for radio, television, cellular, paging, personal wireless, personal telecommunications or other communications services, including antennae, towers, support structures other than towers, and ancillary buildings.
- k. Height The distance measured between the ground level at the base of any WCF or component thereof and the tallest point thereon.
- l. Personal Wireless Services Communications services consisting of commercial mobile services, unlicensed wireless services, or common carrier wireless exchange access services.

#### 8.32-5 Performance Standards

- a. Equipment Mobile or immobile equipment of any kind not actively or continuously being used in the operation, maintenance, repair or upkeep of a WCF shall not be stored, parked or kept on any site where a WCF is located. Backup generators shall only be utilized during actual power outages, and for testing and maintenance purposes. Testing and maintenance of generators shall only occur on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- b. Lighting No signals or lights or illumination shall be permitted on a WCF unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or by Village ordinances. If lighting is required, a lighting plan must also be submitted to the Village depicting the effect of light emanating therefrom on all residential dwellings located within 1,500 feet of the WCF.

- c. Signs Except as otherwise required or permitted by the FCC, no WCF shall be used or serve as a sign or bear any advertising emblem or logo other than the name of the owner or operator of the WCF, its address and emergency contact information, and such signage shall not exceed four square feet.
- d. Aesthetics WCFs and the component portions thereof shall comply with the following requirements:
- (1) Towers shall, subject to any applicable standards of the FAA, maintain a galvanized metal finish or shall be painted a neutral color that minimizes contrast with the surrounding environment so as to reduce visual obtrusiveness.
  - (2) At a WCF site, the design of the buildings and related structures shall, to the fullest extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - (4) Any tower constructed after the adoption of this Section shall utilize a monopole design.
- e. Location The following types of locations for WCFs are listed below in order of their desirability for constructing a proposed WCF:
- (1) Co-location on an existing WCF;
  - (2) On an existing structure utilizing stealth design;
  - (3) On an existing structure of sufficient height not requiring the construction of a new or additional tower;
  - (4) On property owned by a unit of government;
  - (5) On non-residentially zoned property;
  - (6) On residentially zoned property not presently used for residential purposes;
  - (7) On residentially zoned property used for residential purposes consisting of more than two acres.
- f. Setbacks No portion of any WCF shall be located less than thirty feet from any lot line. No tower located in any residential zoning district shall be closer to any lot line than that distance equal to fifty percent of the height of the tower. No tower located in a nonresidential zoning district shall be closer to any lot line in any zoning district than that distance equal to the height of the tower.
- g. Height No tower constructed in any nonresidential zoning district shall exceed one hundred and fifty feet in height. No portion of any WCF in any residential zoning district shall exceed seventy-five feet in height. All future modifications of existing towers or WCFs shall comply with the foregoing requirements. No co-location or location of any

WCF in or on an existing structure shall increase the height thereof by more than fifteen feet.

- h. Cessation of Use Upon discontinuance or cessation of use of the WCF, the facility shall be removed, first by the owner of the WCF, and secondly by the entities that may be co-located on the Facility. It is to be encouraged that all contracts for lease of property for the use of a WCF contain a provision requiring the WCF owner to remove the WCF at cessation of use. If there is no viable entity with means to remove the WCF due to bankruptcy, dissolution or the like, the obligation to remove the WCF shall become that of the owner of the land upon which the WCF is located. Upon removal, efforts shall be made to restore the land used by the WCF to either its pre-WCF condition or to be compatible with the then current condition of the surrounding land. If the removal is not performed in a timely manner, the Village may remove the WCF, restore the land, and assess the cost of removal and restoration to the owner of the WCF, any co-located carriers, or the owner of the land upon which the WCF is situated. By virtue of applying for a permit for a WCF, the owner of the WCF consents to pay for all reasonable removal and restoration charges that may be incurred by the Village, but that does not eliminate the land owner's obligations if collection from the owner of the WCF is impracticable or impossible.

#### 8.32-6 Special Use Permit Required; Application Submittal and Process

- a. No WCF (or any other structure or facility intended primarily to serve or function as a component of a WCF) shall be established, constructed, maintained, altered, reconstructed or operated within the Village without first obtaining a special use permit in accordance with the applicable requirements of this Section, and in accordance with all other applicable special use permit requirements established under this Ordinance, as amended, provided, however, that in the event of any conflict between the provisions of this Section and the provisions of any other portion of this Ordinance concerning the application process for a special use permit for a WCF, the provisions of this Section shall be deemed controlling. No application for a WCF special use permit shall be deemed to have been submitted to the Village unless and until all submittal requirements established by this Section have been satisfied. Applicants are strongly encouraged to schedule a Pre-Application Conference with Village staff to review the requirements of this Section and to assist in facilitating the expeditious preparation and review of the application.
- b. Application Submittal Requirements All applications for special use permits to establish, construct, operate or maintain a WCF within the Village shall be accompanied by the following documentation, and shall be made on such form as the Village shall adopt from time to time:
  - (1) A scaled site plan clearly indicating the location, type and height of the proposed WCF, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Comprehensive Plan classification of the site and all adjoining, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.
  - (2) Copies of all licenses, franchises or permits of any nature or kind required to lawfully construct and operate the proposed WCF (other than the special use permit that is the subject of the application).

- (3) Legal description of the parent tract and leased parcel (if applicable) and the zoning classification thereof. Such information shall be provided on a survey prepared by an Illinois licensed surveyor.
- (4) The setback distance between the proposed WCF and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, as well as from all lot line of the proposed WCF site.
- (5) An inventory of all existing WCFs in the Village or WCFs authorized and/or under construction in the Village.
- (6) The separation distance from other WCFs described in the inventory of existing sites submitted hereunder shall be shown on an updated site plan or map. Such map shall also depict the radio frequency range and coverage areas of all such existing WCFs, with an overlay indicating the radio frequency range and coverage area of the proposed WCF. The applicant shall also identify the type of construction of the existing WCFs and the owner/operator of the existing WCFs, if known.
- (7) A landscape plan showing specific landscape materials, and which demonstrates, at a minimum, full landscape screening of all ancillary buildings associated with a WCF.
- (8) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (9) A description of the means by which the applicant will achieve compliance with this Section and all applicable federal, state or local laws.
- (10) An affidavit attesting to the ability of the tower to accommodate co-location of additional antennas for future users, and a feasibility study indicating the ability of the proposed WCF to accommodate at least two additional antennae co-locations in the future.
- (11) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the application in the municipality.
- (12) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new WCF.
- (13) A description of the feasible location(s) of future towers or antennas within the Village based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (14) An affidavit from the applicant attesting to the applicant's receipt of a copy of this Section, that the applicant has read and understood the provisions of this Section, and that the individual signing the application on behalf of the applicant has knowledge of the contents of the application and supporting submittals and the truth and completeness thereof. If the owner of the site where the WCF is proposed to be located is different from the applicant, the owner shall also sign a like affidavit as well as the application form.

- (15) A statement that the proposed WCF shall be maintained in accordance with the provisions of this Section, all other applicable ordinances of the Village of Homer Glen and with all applicable state and federal laws, and consistent with the best practices of the WCF industry as the same shall evolve from time to time.
- (16) A certification that the proposed WCF will not cause interference with existing telecommunications devices or services within the Village signed by an Illinois licensed professional engineer.
- (17) A certification signed by a licensed Illinois professional engineer stating that the site of the proposed WCF has been reviewed and found to be geologically and topographically capable of supporting the proposed WCF safely. Such certification shall be provided in addition to all other engineering plans and submittals required by Village ordinance for any land development activity.
- (18) A written disclosure of the existence of any agreement in existence prior to the date of the application that would preclude or have the effect of precluding the applicant from allowing others to collocate antennae at or on its WCF.
- (19) With respect to applications involving the construction of a new WCF, a report detailing all efforts by the applicant to obtain co-location at or on an existing WCF, to obtain the use of appropriate buildings or structures within the Village as a location for antennae without the construction of any new tower, and the location and zoning classification of all other possible WCF site locations investigated by the applicant. Such report shall in particular explain the reasons for any departures from the locational preferences established in Section 8.20-5(e).
- (20) A visual impact study including a depiction of all locations within the Village from which the WCF may be seen, artist's renderings of the appearance of the proposed WCF location as it exists at the time of the application and the proposed appearance of the WCF upon completion of the construction of the WCF.
- (21) A written report indicating whether or not the proposed WCF or any component thereof will require lighting under any applicable FAA rule or regulation. If the report indicates that the FAA may require lighting, the applicant shall also be required to provide written documentation from the FAA detailing the specific lighting requirements applicable to the proposed WCF, and the manner in which the applicant intends to comply therewith.
- (22) A written report prepared by an Illinois licensed professional engineer analyzing the necessity of the proposed height of any tower proposed to be part of the WCF in order to render adequate service within the corporate limits of the Village, and shall further demonstrate that the proposed tower height is the minimum height capable of rendering adequate service.
- (23) A written commitment from a party to use the WCF, if constructed, to provide communications services.

c. Application Review Process

- (1) Upon receipt of a completed application for a special use permit, the Village shall schedule a hearing before its Plan Commission upon not more than thirty nor less than fifteen days' notice published in a newspaper of general circulation

within the Village. The applicant shall, not more than thirty nor less than fifteen days before the date of the public hearing, post signage on the site of the proposed WCF indicating the date, time and place of the public hearing. One sign shall be posted for every five hundred feet of street frontage of the proposed site, but in no event shall less than one sign be posted on the property. All such signage shall be visible from an adjacent public right of way. The date of such public hearing shall be not more than sixty days after the date of the receipt of the completed special use permit application.

- (2) At or before the public hearing, the applicant shall present evidence to the Village that it has provided notices as required by Section 12.6-4 (Am. Ord 09-036 passed 06/10/09).
- (3) At the public hearing, the Plan Commission shall take sworn testimony from all persons desiring to speak on the subject of the application. Upon request of the Village and at the expense of the applicant, the applicant shall provide a court reporter to transcribe the proceedings at the hearing and shall thereafter furnish the Village with a transcript of such hearing not more than five days after the conclusion thereof.
- (4) Within fifteen days from the date of the public hearing, the Plan Commission shall present its written recommendation to the Village Board for approval or denial of the special use permit application based upon the record formed at the public hearing.
- (5) Within thirty days after its receipt of the written recommendation of the Plan Commission regarding the special use permit application, the Village Board shall place the special use permit application on its agenda for consideration at one or more public meetings of the Village Board. Upon request of the Village and at the expense of the applicant, the applicant shall provide a court reporter to transcribe the proceedings at the meeting(s) pertinent to the application, and shall thereafter furnish the Village with a transcript of such meeting(s) not more than five days after the conclusion thereof. After such consideration, the Village Board shall render a final written decision on the application not more than sixty days after its receipt of the written recommendation of the Plan Commission. Such written decision shall be based upon substantial evidence advanced at the aforesaid public hearing and public meetings. In no event shall the time between the Village's receipt of a complete application and the Village Board's rendering of a written decision on the special use permit application exceed one hundred and eighty days, unless otherwise consented to by the applicant.
- (6) All WCF special use permit applications shall be fully subject to the applicable professional fee reimbursement ordinances of the Village, as the same are amended from time to time.

d. Application Review Standards and Criteria. In addition to any generally applicable standards for consideration of special use permit applications pursuant to Section 12.9 of this Ordinance, the Plan Commission and Village Board shall consider the following standards and criteria in determining whether to recommend or issue a special use permit:

- (1) Proximity of the tower to residential structures and residential district boundaries;
- (2) Nature of uses on adjacent and nearby properties;

- (3) Surrounding topography;
- (4) Surrounding tree coverage and foliage;
- (5) Proposed ingress and egress;
- (6) Design of any tower to be part of the WCF, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and design characteristics relevant to the structural safety or soundness of any such tower;
- (7) The impact of the WCF on the area within the Village reasonably affected by the WCF;
- (8) The efforts made by the applicant to investigate alternative sites for the WCF that would reduce the impact of the WCF on the surrounding area;
- (9) The efforts made by the applicant to pursue co-location or to design a WCF that does not require the construction of a new tower;
- (10) The effects of the construction of the WCF on the future development of the Village in accordance with the Comprehensive Plan;
- (11) The effect of the construction of the WCF on the provision and availability of telecommunications services within the Village;
- (12) The extent to which the applicant has demonstrated compliance with or reasonable consideration of (as the case may be) of the performance standards set forth in Section 8.32-5; and
- (13) The effort, if any, made by the applicant to utilize stealth design in connection with the proposed WCF.

#### 8.32-7 VariANCES

- a. Applicants seeking a special use permit for a WCF may apply to the Village for a variance from the provisions of this Section on such form as may be prescribed from time to time by the Village. Variance applicants shall be responsible to provide the Village with all submittals required in connection with a special use permit application, but the Zoning Officer shall have the discretion to waive one or more required submittals upon his determination that the nature of the variance being sought does not necessitate the consideration of a particular submittal. Notwithstanding the foregoing, all variance applicants shall submit a written report with the variance application detailing the necessity and rationale for the requested variance, which report shall at a minimum refer to the variance standards and criteria hereinafter set forth.
- b. In the review and consideration of variance applications, the Plan Commission and Village Board shall utilize the following standards and criteria:
  - (1) Whether the variance sought will allow the applicant to employ co-location or to eliminate the necessity for the construction of a new tower;
  - (2) Whether the need for the variance has been created by any act of the applicant or of the owner of the site of the proposed WCF;

- (3) Whether the conditions supporting the application for the variance are unique in some way to the applicant and not generally applicable to all parties proposing to construct or operate WCFs;
  - (4) Whether the application for the variance relies exclusively or predominantly upon a desire to avoid the costs of compliance with this Section or to generate additional revenue from the WCF;
  - (5) Whether the application for the variance demonstrates a genuine hardship in connection with its efforts to comply with this Section as opposed to a mere inconvenience;
  - (6) Whether the granting of the variance would increase any detrimental effects of the WCF on the area surrounding the site of the proposed WCF when compared to compliance with the provisions of this Section;
  - (7) Whether and to what extent the applicant has made a good faith effort to fully comply with all of the provisions of this Section.
- c. Variance Application Review Process Variance applications may be reviewed and processed individually or in connection with a special use permit application under this Section. In either case, the process for review of a variance application made hereunder shall follow the same process as set forth in Section 12.7.

### 8.33 EXEMPTIONS

- 8.33-1 Agricultural Exemptions The provisions of Sections 8 and 10 shall not be exercised so as to impose regulations or require permits with respect to land on a zoning lot of ten (10) acres or more used or to be used for agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon such land, provided, however, the same shall be subject to building permit requirements and, further, provided that a residence and its water supply and sewage disposal facilities in connection with an agricultural use, shall not be exempt. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of Sections 8 and 10 apply. Notwithstanding the foregoing, in order to prevent flood damage and to preserve the flood carrying capacity of streams, floodplain and wetland regulations shall apply to all buildings, structures, construction, excavation, and filling in the floodplain and wetland whether or not the land, buildings, structures, construction, excavation or filling are for agricultural purposes.
- 8.33-2 Public Utility Exemption To the extent required by statute, the type and location of any poles, towers, wires, cables, conduits, vaults, laterals, or any other similar distributing equipment of a public utility, excluding Wireless Telecommunications Facilities, are exempt from the requirements of this Ordinance. The Village Board may waive, upon application by a public utility, subject to such other reasonable requirements as may be imposed by the Village Board, the requirements of this Ordinance with respect to the type, size, or location of structures and other equipment or facilities of a public utility, including but not limited to poles, towers, wires, cables, conduits, vaults, laterals and fencing when such waiver is necessary to protect the public safety and for the security and protection of facilities of the public utility. The application shall include a description and plan depicting the structures and other equipment or facilities.
- 8.33-3 Underground Installations Exemption Pipelines and other underground utilities to the extent that the same are completely buried beneath the surface of incidental or associated structures, installations, or equipment, except markers used in connection with such pipe lines or other

underground installations, and which protrude or are extended above the surface of the soil, shall, to the extent of such protrusion or extension, be subject to all of the applicable regulations hereof.

#### **8.34 RESIDENCE OF THE PROPRIETOR**

8.34-1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all residences of the proprietor:

- a. That portion of the building designated as the residence for the proprietor when secondary to the business use on the premises, shall not occupy more than fifty percent (50%) of the floor area. Such living area shall be compliant with all current building and fire codes.

#### **8.35 RIFLE RANGE, PISTOL RANGE, TRAP AND SKEET RANGE**

8.35-1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to rifle range, pistol range, trap and skeet range:

- a. Rifle range, pistol range, trap and skeet range shall be located not less than five thousand feet (5,000) from a residential use or zoning district and provided such facilities are located within an enclosed structure.

#### **8.36 OUTDOOR SEATING ASSOCIATED WITH A PERMITTED RESTAURANT**

(Am. Ord. 08-048, passed 09/09/08)

8.36-1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all outdoor seating associated with a permitted restaurant:

- a. All seating areas must be enclosed by a fence or wall of at least three (3) feet in height.
- b. Where seating is permitted adjacent to a public sidewalk, at least five (5) feet in width of said sidewalk must remain unobstructed.

#### **8.37 AUTOMOBILE REPAIR, SERVICE AND BODY SHOP**

(Am. Ord. 08-048, passed 09/09/08)

8.37.1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all automobile repair, service and body shops:

- a. Disabled vehicles may not be stored longer than two weeks.
- b. Where vehicles are stored outdoors, vehicles must be screened by a fence, wall or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No vehicles may be stored at a height greater than the screening, and no stored vehicles may exceed ten (10) feet in height.

**8.38 INDUSTRY AND MANUFACTURING**

(Am. Ord. 08-048, passed 09/09/08)

8.38.1 Those businesses defined as Industry and Manufacturing, Light and Heavy shall include the following categories, as defined by the 2007 North American Industry Classification System (NAICS) All uses must conform to the Performance Standards in accordance with Section 8.13.

- a. Industry and Manufacturing, Heavy:
  - 1. 311 Food Manufacturing
  - 2. 312 Beverage Manufacturing
  - 3. 313 Textile Mills
  - 4. 314 Textile Product Mills
  - 5. 316 Leather and Allied Product Manufacturing
  - 6. 321 Wood Product Manufacturing
  - 7. 322 Paper Manufacturing
  - 8. 332 Fabricated Metal Product Manufacturing
  - 9. 333 Machinery Manufacturing
  - 10. 336 Transportation Equipment Manufacturing
  
- b. Industry and Manufacturing, Light
  - 1. 315 Apparel Manufacturing
  - 2. 323 Printing and Related Support Activities
  - 3. 334 Computer and Electronic Product Manufacturing
  - 4. 335 Electrical Equipment, Applicant and Component
  - 5. 337 Furniture and Related Product Manufacturing
  - 6. 339 Miscellaneous Manufacturing

**8.39 MINING**

(Am. Ord. 08-048, passed 09/09/08)

8.39.1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all mining, and or extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings, structures for screening, crushing, mixing, washing or storage:

- a. No open pit or shaft shall be less than 200 feet from any public road or less than 500 feet from any adjacent residential district.
- b. All buildings or structures shall be located not less than 200 feet from any property line. All grinding, or processing machinery shall be located at the farthest point on the property from residential use as feasible.
- c. The borders of the property adjacent to or across the street from any district other than an industrial district shall be fenced with a solid fence, wall or landscape material at least six (6) feet in height.

**8.40 KEEPING OF FARM ANIMALS (for personal use only and enjoyment).**

(Am. Ord. 08-048, passed 09/09/08)

**8.40.1 Regulations:** Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to the keeping of farm animals for personal use only and enjoyment.

- a. Structures for the keeping of farm animals shall be no closer than fifty (50) feet to any adjoining property line and maintain the rear yard setback required for the primary structure. The number of mature animals per acre shall be limited in accordance with the following table:

<u>Animal</u>	<u>Number of Animals per Acre</u>
Mule	1= 1 unit
Cow	1= 1 unit
Pig	1= 1 unit
Sheep	2= 1 unit
Goat	2= 1 unit
Fowl, Poultry	20= 1 unit
Fur-bearing animals* (except dogs and cats)	20= 1 unit

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

**8.41 PRIVATE STABLES, PRIVATE INDOOR RIDING ARENA, HORSE BOARDING**

(Am. Ord. 08-048, passed 09/09/08)

**8.41.1 Regulations:** Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to private stables, private indoor riding arenas and horse boarding;

- a. A special use for a private stable in the R-1 District will not be considered when the subject parcel is completely surrounded by more intense residential uses, such as R-2, R-2A, R-3, R-3A, R-4, R-5, R-6 and R-6A Zoning District
- b. Private stables, horse boarding and private indoor riding arenas must be located on a zoning lot of 2 acres or greater in size.
- c. Excluding horses owned by the property owner or occupant, up to three (3) horses may be boarded for remuneration provided that the total number of horses on the zoning lot not exceed 1 horse per acre.
- d. The associated structure may not be located within the front yard, must maintain the same rear yard as required for the primary structure and cannot be located within fifty (50') feet of the side lot line.
- e. Private Stables, Horses and Private Indoor Riding Arenas structures shall not include overhead doors.
- f. Access to a stable cannot be of a bituminous or concrete material.
- g. Stables and indoor riding arenas are exempt from the building material requirements in 6.12 (E) of this ordinance.

**8.42 TOWING SERVICE WITH STORAGE OF VEHICLES**

(Am. Ord. 08-048, passed 09/09/08)

8.42.1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to towing service with storage of vehicles.

- a. Disabled vehicles may not be stored longer than two weeks.
- b. Where vehicles are stored outdoors, vehicles must be screened by a fence, wall, or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No vehicles may be stored to a height greater than the screening, and no stored vehicle may exceed ten (10) feet in height.

**8.43 BOATS, EQUIPMENT (LARGE), CAMPERS, MOBILE HOMES, MANUFACTURED HOMES, MOTORCYCLE AND RV SALES, RENTAL AND SERVICE**

(Am. Ord. 08-048, passed 09/09/08)

8.43.1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to boats, campers, mobile homes, manufactured homes, motorcycle and RV sales, rental and service

- a. Where items are stored outdoors, such items must be screened by a fence, wall, or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No items may be stored at a height greater than the screening.

**8.44 CONTRACTORS OR BUILDING TRADE OFFICES**

(Am. Ord. 08-048, passed 09/09/08)

8.44.1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to contractor or building trade offices.

- a. Vehicles or equipment such as tractors which are stored outdoors must be completely screened from public right-of-way and adjacent residential districts or uses by a solid landscape screen or fence at least 6 feet but not exceed 8 feet in height.

**8.45 STORAGE, WAREHOUSING AND WHOLESALE ESTABLISHMENTS**

(Am. Ord. 08-048, passed 09/09/08)

8.45.1 Regulations: Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to storage, warehouse, and wholesale establishments.

- a. Wholesale and warehouse uses may deal in commodities which are the product of a permitted use.
- b. Permitted wholesale and warehouse establishments where products are stored and distributed may contain a limited retail sales component where products can be sold “over the counter” to the general public, with special use approval. Said uses may possess a State of Illinois Department of Revenue Sales Tax Identification Number, however, retail sales shall not constitute the primary use of the property.

## 8.46 DONATION DROP OFF FACILITY

(Am. Ord. 14-056, passed 09/24/14)

### 8.46.1 Regulations: The following regulations shall apply to donation drop off facilities.

a. License Required - All donation drop off facilities must be licensed by the Village. The license shall be submitted to and reviewed by the Village Clerk. The license shall renew annually on a calendar year basis. The license shall not require a fee.

b. License Information Required – The license application shall contain the following information:

- i. The non-profit organization's name, contact person name, address and phone number.
- ii. Proof of the organization's non-profit status.
- iii. The name of the property owner where the donation drop-off facility will be placed, as well as the written permission of the property owner to locate the donation drop-off facility on his/her property.
- iv. Proposed pick up schedule for the donation drop-off facility.
- v. Attendant hours (if applicable).

c. Facility Requirements

- i. Donation drop-off facility must display the non-profit organization's name and contact information, including address and phone number, of the non-profit organization.
- ii. There shall be a maximum of three (3) donation drop-off facilities permitted per zoning lot.
- iii. Donation drop-off facility shall not be located in an area on a zoning lot that interferes with visibility or traffic flow.
- iv. Donation drop-off facility shall be maintained in good condition, free from graffiti and emptied regularly so that donated items are not protruding from the donation drop-off facility or stacked on the ground surrounding the donation drop-off facility.
- v. Donation drop-off facility shall not be located in any required parking space(s) on the zoning lot.
- vi. All drop-off facilities shall be at least 100' from a property with a residential use.
- vii. The drop-off facility shall be repaired or replaced immediately if damaged.
- viii. The drop-off facility shall be locked and/or secured at all times.
- ix. The drop-off facility shall only be allowed to be sighted on a hard surface.
- x. Donation drop-off facilities cannot be located within a required zoning lot setback.

## **SECTION 9 PLANNED DEVELOPMENT**

### **9.1 PURPOSE AND OBJECTIVES**

Planned Developments are unique and substantially different from conventional subdivisions and therefore require administrative processing as “Special Uses” in this Ordinance. Planned Developments are complex and of a different character than other Special Uses requiring the establishment of more specific procedures, standards and exceptions in order to guide the recommendations of the Plan Commission and the Village Board to facilitate appropriate development within the Village. The regulations herein shall be in addition to any requirements that are contained in the Conservation Design Ordinance.

The Planned Development provisions allow greater design flexibility than is normally permitted by the zoning district regulations thereby encouraging more rational utilization of the topographic and natural characteristics of the property to produce an economical and stable development. It is intended to provide design freedom by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through changes of lot sizes, yards, height and bulk restrictions and mixing of uses. Through the requirement of a development plan, it is the intent that property under this Section will be developed through a unified design, providing contiguity between the various elements, and ultimately leading to a better environment. This Section is not intended to be a device for making increased densities more acceptable, or as a means of circumventing the Village’s bulk regulations or standards.

Planned Developments are intended to provide for projects incorporating a variety of related and complementary uses which are planned and developed as a unit. Such development may provide for a wide range of development techniques and ownership methods, including cluster developments, condominium ownership of land and buildings, or other ownership techniques. The entire development shall be controlled by means of a Planned Development Ordinance including graphics which establish densities, approximate height and location of buildings and improvements, structure elevations and record the location of natural features of the property in keeping with the land use development policies of the Village.

All commercial developments in the Village shall be developed as Planned Developments.

#### **9.1-2 Objectives**

The following objectives shall be obtained through the use of the Planned Development procedure:

- a. To ensure that the future growth and development of the area is in accordance with the adopted Comprehensive Plan of the Village.
- b. To provide a desirable living environment by preserving and integrating the natural environmental and landscape features of the property.
- c. To encourage developers to use variety and a more creative approach to development by recognizing and respecting the natural limitations and constraints of the property.
- d. To encourage an efficient and ecologically sound development through a design process which minimizes development costs and services.
- e. To encourage the exclusivity and maintenance of usable open space.

- f. To allow for a variety of housing types to accommodate the life stages and lifestyle choices of a range of persons, by allowing development that would not be possible under the strict application of the other Sections of this Ordinance.
- g. To preserve natural vegetation, topographic and geologic features, and other natural resources and amenities, and improve air and water quality.
- h. To facilitate the development and maintenance of public services such as transportation, water, sewage, storm drainage and open space in a cost effective manner.
- i. To provide public access to mass transit, bicycle routes and alternative modes of transportation.
- j. To provide for efficient location of recreation facilities, schools, and other public and private facilities.
- k. To encourage the introduction of complementary uses, such as residential uses with offices and commercial activities.

## 9.2 **PROCEDURE**

### 9.2-1 Pre-Application Conference

- a. Prior to filing a formal application for a Planned Development, the developer shall request a Pre-Application Conference with the Village. The request for a Pre-Application Conference shall be submitted to the Zoning Officer to determine:
  - (1) Whether the proposed Planned Development conceptually appears to be in compliance with the provision of the Zoning Ordinance and other applicable ordinances;
  - (2) Whether any Zoning Amendment or Variation is required in connection with the proposed Planned Development; and
  - (3) Whether the proposed Planned Development will be in conformity with the Village's Comprehensive Plan and other development goals and policies adopted by the Village.
- b. The Pre-Application Conference is mandatory, but does not require formal application, fee, or filing of a Planned Development Application. The Zoning Officer shall consult with, advise and assist the applicant in meeting Village goals and objectives, but shall have no power to approve or disapprove any proposed Planned Development, or to impose any special requirements with respect to the applicants' rights to make formal application for approval thereof.

### 9.2-2 Application Conference

- a. Upon completion of the Pre-Application Conference and prior to filing a formal application for approval of a Planned Development, the applicant shall request an Application Conference with the Zoning Officer. The purpose of the Application Conference is to make advice and assistance available to the applicant, in light of any changes or alterations suggested at the Pre-Application Conference, before presentation of the preliminary development plan as required by this Ordinance, so that the applicant may determine:

- (1) Whether the proposed Planned Development conceptually appears to be in compliance with the provisions of this Ordinance and all other applicable Village standards and ordinances;
  - (2) Whether any zoning amendment or variation is required in connection with the proposed Planned Development; and
  - (3) Whether the proposed Planned Development will be in conformity with the Village's Comprehensive Plan and other development goals of the Village.
- b. Prior to the application conference, the petitioner shall provide ten (10) copies of a concept plan describing the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the proposed Planned Development to adjoining uses, both existing and planned, and to the topography and natural features of the site and adjoining lands. The concept plan shall include the following:
- (1) North arrow, scale, and date of preparation.
  - (2) Name and address of site planner, engineer or surveyor who prepared the plan.
  - (3) Proposed land uses, acreage and percent of the site devoted to each land use, including layout and configuration of common open space.
  - (4) Proposed layout of streets, lots, and blocks for those phases of the Planned Development for which the petitioner will seek initial preliminary approval.
  - (5) Proposed building footprints and estimated floor area for non-residential structures for those phases of the Planned Development for which the petitioner will seek initial preliminary approval.
  - (6) Conceptual sketches demonstrating the land planning concept for each proposed type of housing unit.
  - (7) Density of residential areas and housing types.
  - (8) Location of parking areas, number of spaces to be provided, and method used to calculate the number of required spaces.
  - (9) Wetlands, flood plains, and drainage characteristics, including topographic contour lines with a minimum of 10' intervals.
  - (10) Major stands of trees and other significant vegetative areas.
  - (11) A preliminary engineering study providing a general description of existing sanitary, storm, and water service facilities, on and adjacent to the proposed development and the proposed improvements necessary to properly handle the utility needs of the development and any additional information as may be requested by the Village Engineer.
  - (12) A brief written statement that contains general descriptions of the design and architectural standards for the Planned Development, treatment of environmentally sensitive land, proposed time frame for phased development, a statement of present ownership and contractual purchase agreements, and proposed zoning.

- c. The following persons shall be notified of the time and place of the Application Conference:
  - (1) Chairman of the Plan Commission;
  - (2) Representative of Fire Department;
  - (3) Official responsible for Village streets;
  - (4) Representative of each of the applicable School Districts;
  - (5) Village Manager;
  - (6) Village Engineer; and
  - (7) Village Attorney.
  
- d. Review Procedure
  - (1) The Zoning Officer shall review the Concept Plan and other documentation, and shall advise the petitioner as to the compatibility of the Planned Development with the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Ordinance.
  - (2) Recommendations relative to an Application Conference are advisory only, and shall not constitute a waiver from the requirements contained in the Village Ordinance.

### 9.2-3 Preliminary Plan

Upon completion of the Application Conference, the applicant may file a Preliminary Plan with the Zoning Officer for a public hearing before the Plan Commission.

- a. Contents of the Preliminary Plan The following items constitute the minimum requirements for the contents of a Preliminary Plan. The applicant should feel free to supplement the list with whatever materials applicant may deem appropriate to illustrate compliance with the regulations and intent of this Section.
  
- b. Application Submittal Requirements Application for Preliminary Plan approval of a Planned Development shall be filed with the Zoning Officer, accompanied by twenty (20) copies of a preliminary development plan. The following information shall be required:
  - (1) Ownership The entire site of the Planned Development shall be under single ownership, and/or unified control as demonstrated by a statement of ownership description of legal responsibility as necessary to effectuate and maintain the plan.
  
  - (2) Boundary Survey and Legal Description A boundary survey and legal description of the area covered by such Preliminary Plan, prepared and certified by a Registered Illinois Land Surveyor, including the total acreage therein certified to the nearest one-hundredth (1/100) of an acre, a north point (designated as true north) and the date of preparation.
  
  - (3) Site Location Map

- (4) Topographical Survey A topographical survey of the area covered by such Preliminary Plan at two (2) foot contour intervals as such area exists at that time.
- (5) Existing Zoning and Land Use Map A map showing the existing zoning and land use of the property covered by the Preliminary Plan and all areas within 500 feet thereof along with the P.I.N. and owner of each adjoining parcel, as well as of the boundaries of the total Planned Development.
- (6) Concept Plan The Concept Plan shall include the information required by Section 9.2-2 (b).
- (7) Statement of Character A written explanation of the general character of the proposed development, including:
  - (i) the description and quantity of all land uses to be included in the development, with maximum and minimum percentage limitations for each use as well as the proposed number of acres to be devoted to recreational areas, schools, and municipal purposes;
  - (ii) the projected type, location and number of dwelling units and densities to be constructed in each phase of the total development;
  - (iii) a description of each type of residential, commercial, or industrial unit proposed to be constructed (i.e., single-family, commercial, industrial, etc);
  - (iv) the estimated population broken down by housing type, location, and school district, as may be anticipated upon completion of the development.
- (8) Drawings A detailed drawing of the area covered by such plan prepared at a scale of not less than 1" = 100' and shall show such designations as proposed streets (public and private) for the area covered by such preliminary plan and the area within 500 feet thereof, all buildings, their height and use, common open space, recreational areas and facilities, parking areas, service areas and other facilities related to the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
  - (i) Existing and proposed public roads including classifications, width or right-of-way, width of pavement and construction details;
  - (ii) Existing easements and proposed easements to be granted in lieu of rights-of-way;
  - (iii) The density of residential uses, including dwelling units per acre, by acre and area, the number of dwelling units by type and the number of buildings by type;
  - (iv) Schematic street lighting and public area lighting systems;
  - (v) A landscape plan and tree preservation plan; and
  - (vi) Engineering plans for surface water drainage and storm water and floodplain management in compliance with Village ordinances.

- (9) Traffic Study A traffic study prepared by a qualified expert, providing the following:
- (i) A general description of existing roads on and adjacent to the proposed development, and the proposed road improvements necessary to handle properly the traffic anticipated to be generated upon development;
  - (ii) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within and adjacent to the Planned Development; and
  - (iii) Any special engineering features and traffic control devices needed to facilitate traffic safety.
- (10) Environmental Study A general statement identifying existing natural and environmental resources, including a policy statement by the applicant expressing basic plans and procedures, which will be utilized to ensure protection of the total physical setting of the development and related environs, and should identify or locate the following:
- (i) A soil analysis shall be prepared, along with recommendations, if any, from the Will County Soil and Water Conservation District. The analysis must include soil types, code numbers and limitations for urbanized areas, conservation and agricultural productivity, soil wetness and erosion potential;
  - (ii) Scenic views and vistas;
  - (iii) Surface hydrology identifying: existing surface drainage patterns; topography; major and minor water sheds; base flood limits as established by hydrological investigations atlas, FEMA Flood Insurance Maps, historical flood of record or best available information; projected 100 year flood boundaries; all ponds, lakes, creeks, streams, rivers and ditches; and wetlands;
  - (iv) Geology identifying surface geological deposits and a statement of their characteristics and limitations, prepared pursuant to the recommendations and published data of the Illinois Geological Survey and of other mapping data, and analysis of subsurface conditions on the subject property if required by the Village Engineer;
  - (v) Natural coverage and vegetation showing marshes, bogs, wooded areas, isolated preservable trees, natural prairie, rock outcroppings, existing pasture land, crop land, orchards, other agricultural uses, areas of sand, gravel, or peat extractions and any unique natural or ecologically sensitive area;
  - (vi) Current ground elevations on the tract with contours at two (2) foot intervals and spot elevations at all breaks in grade, along all drainage channels or swales and at selected points, not more than 100 feet in all directions; and
  - (vii) The generalized pattern of existing land use, major and minor roadways, sidewalks, railroads, sanitary sewers, storm sewers and drainage

improvements, water mains, utilities and designated landmarks, historical areas and buildings.

- (11) Covenants Proposed agreements, provisions or covenants and by-laws which will govern the use, maintenance and continued protection of the Planned Development and any of its common open space of the homeowner associations, recreational areas and facilities, in the area covered by the Preliminary Plan.
- (12) Open Space and Recreation Areas and Facilities All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated, and the improvements which will be made to each area and facility.

c. Preliminary Plan Procedural Requirements are as follows:

- (1) Public Hearings The Plan Commission shall hold a public hearing on the application for a special use for a Planned Development and preliminary plans, giving notice of the time and place not more than thirty (30) nor less than fifteen (15) days before the date of the hearing by publishing a notice thereof at least once in a newspaper published in the Village or, if no newspaper is published therein, then in a newspaper with a general circulation within the Village. All other notification requirements for public hearing shall be met by the Applicant.
- (2) Phased Planned Developments If the Preliminary Plan initially submitted shall cover less than all of the Planned Development, Preliminary Plans for additional areas of the Planned Development may be submitted to the Plan Commission within such period of time as shall have been prescribed in the approval of the application for establishment of the Planned Development, provided, further, that upon request in writing of the developer, the Village Board may, by resolution duly adopted at any meeting of the Village Board, extend the period of time for submission of Preliminary Plans covering all of the Planned Development.
- (3) Status of Approved Preliminary Development Plan Approval of a preliminary plan shall not constitute approval of the final plan, nor qualify a plat of the Planned Development for recording. It shall be deemed to be an expression of approval of the preliminary plan as a guide to preparation of the final plan.

d. Plan Commission Findings and Recommendations

- (1) Every Planned Development which is recommended by the Plan Commission shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed Planned Development which shall remain a part of the permanent records of the Plan Commission.
- (2) The Plan Commission shall make its written findings which may consist of meeting minutes and shall transmit same together with its recommendations to the Village Board for final action.

e. Village Board Action

The Village Board after receipt of the Preliminary Plan of the Planned Development and the findings and the written recommendations of the Plan Commission may deny such Planned Development or may modify or approve such Planned Development by Ordinance. The Village Board may require such special conditions in the approval of the

Planned Development as it may deem necessary to ensure conformity with the intent of all elements of the comprehensive plan and the stated purposes of the Planned Development:

- (1) Upon approval by the Village Board of the Preliminary Plan by Ordinance, a record shall be prepared including the findings and setting forth the terms of relief and/or Variations granted.
- (2) Approval of a Planned Development by the Village Board shall not constitute approval of the Final Development Plan, rather it shall be deemed an expression of approval of the layout submitted as a preliminary guide to the preparation of the Final Development Plan or Subdivision. The Planned Development shall therefore be developed substantially in accordance with the Preliminary Plan, any condition and exhibits attached thereto. No building permit shall be issued for any building or structure in the Planned Development unless a Final Development Plan has been approved.

#### 9.2-4 Final Development Plan

- a. Application Submittal Requirements The following information shall be required in addition to all Preliminary Plan information:
  - (1) If the Planned Development constitutes a subdivision, a final subdivision plat shall be submitted. Any such final subdivision plat shall set forth, on the face thereof, suitable easements, restrictions or dedications of permanent open spaces and recreational amenities and all other criteria in form and substance, conforming to the requirements of the Village's Subdivision Ordinance, and all other applicable Village standards and regulations, as the same may be amended and in force from time to time.
  - (2) The final version of the Final Development Plan of the Planned Development shall be filed, indicating the locations of all buildings, all parking and loading spaces, setbacks, block and lot numbers, street names, and any other special structure, facility or feature approved or required by the Village Board.
  - (3) The final version of the covenants, if any, by which the applicant proposes to regulate land use and otherwise protect the proposed development.
  - (4) Engineering drawings including sanitary and storm sewer systems; water supply system; street lighting and public area lighting systems; sidewalks, trails, and paths; storm water management; floodplain management; erosion control plan for all disturbed areas and a plan to preserve existing vegetation; and such engineering drawings and any other drawings required by any other ordinance of the Village.
  - (5) Final architectural renderings and facades of all proposed primary structures, except single family detached residences. Elevations must include all building facades and roof lines.
  - (6) A certificate shall be furnished from the County Collector that finds no delinquent taxes are outstanding on the property, and that all special assessments constituting a lien on the whole or any part of the property of the Planned Development have been paid.

- b. Final Development Plan Procedural Requirements The Final Development Plan shall conform substantially to the Preliminary Plan, as approved, and if desired by the developer, it may be submitted in stages, with each stage reflecting a portion of the approved Preliminary Plan which is proposed to be recorded and developed. Submission in stages may occur, provided, however, that such portion conforms to all requirements of these regulations.

The Final Development Plan or Plans shall be submitted by the developer to the Village not later than one (1) year after approval of the Preliminary Plan or such other additional time, as may be established by the Ordinance adopting the Planned Development. This time limit may be extended by the Village on reasonable cause shown.

c. Review and Approval Process

- (1) Application for Final Development Plan approval shall be filed with the Zoning Officer and be accompanied by fifteen (15) copies of the Final Development Plan. The Final Development Plan and supporting data shall be forwarded to the Plan Commission for certification that the Final Development Plan is in conformity with these regulations and in agreement with any approved preliminary plans. In considering the approval of the Final Development Plan, no further public hearings shall be required to approve changes from Preliminary Development Plans which are not "major changes" as defined herein.
- (2) The Plan Commission shall approve or disapprove the Final Development Plan within sixty (60) days after submittal by the developer. Disapproval of the Final Development Plan of the Planned Development shall include a clear statement of the reasons thereof.
- (3) The Village Board shall review the Final Development Plan after receiving the recommendation of the Plan Commission. Approval by the Village Board of the Final Development Plan for any proposed Planned Development shall be effective only for a period of ninety (90) days after the date of such approval, unless within such ninety (90) day period the applicant shall record or cause the recordation in the Office of the Recorder of Deeds of Will County, Illinois, of the Final Development Plan including any final subdivision plat, the final restrictive covenants and the deeds and/or easement agreement required or approved by the Village Board.

- d. Resubmittal of Final Development Plan Any application for a Planned Development which has been denied wholly or in part by the Village Board shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Plan Commission.

### 9.3 **COMPLIANCE AND AMENDMENTS**

9.3-1 Compliance All Planned Developments shall be developed in strict compliance with the recorded Final Development Plan and supporting data.

9.3-2 Occupancy No Planned Development, or any portion thereof, may be occupied until such time as a Zoning Certificate has been issued by the Zoning Officer certifying that the development, or a stage of the development, if applicable, has been completed in compliance with the Final Development Plan.

9.3-3 Amendments to the Final Development Plan During Development Upon issuance of a special use permit and the necessary building permits, no major changes may be made during or after the

development of the Final Development Plan unless the applicant applies for approval of a major change to a Planned Development.

- a. A “major change” is a change which alters the concept or intent of the Planned Development including changes in density, increases in overall lot coverage of structures, the use or character of the development, traffic circulation, change in number in off-street parking and loading spaces, changes in the height of buildings (other than changes in roof design), changes in elevations, reduction of proposed open space, increases in total bedroom count, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission and reconsideration of a new preliminary and supporting data, following the preliminary plat procedure. If major changes are proposed, a new public hearing shall be required for resubmission of the preliminary plan.
- b. The Village Board may approve minor changes in the Planned Development which do not change the concept or intent of the development without a public hearing or recommendation from the Plan Commission. Minor changes shall be any change not defined as a major change.

#### 9.4 PERMITTED VARIATIONS

9.4-1 Except as specifically provided otherwise in this Section, Planned Developments shall be developed in conformity with the Zoning Ordinance, Subdivision Ordinance and all other applicable codes and ordinances of the Village.

9.4-2 The Plan Commission may recommend, and Village Board may authorize, exceptions to the applicable bulk regulations of this ordinance within the boundaries of such Planned Development including lot area, width, depth, height, and yard setback requirements, and building separation distances, provided that the Plan Commission shall find:

- a. That such exception shall be solely for the purpose of promoting an efficient and coordinated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots; and
- b. That along the periphery of such Planned Developments, yards shall be provided as required by the regulations of the district in which said development is located.

#### 9.5 DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

9.5-1 All provisions of the Subdivision and Plat Ordinance shall be adhered to, unless a waiver is granted by the Plan Commission. All developments that are subject to the requirements of the Conservation Design Ordinance shall also comply with these regulations.

9.5-2 The required yards along the periphery of the Planned Development shall be at least equal in width or depth to that of the underlying district.

9.5-3 The minimum horizontal distance between buildings when located side to side shall be:

- a. Twelve (12) feet between single-family detached dwellings.
- b. Ten (10) feet between clustered or “zero-lot line” single-family detached dwellings.
- c. Twenty (20) feet between buildings, other than single-family detached dwellings, less than twenty-four (24) feet in height.

- d. Equal to the height of the taller building in the case of freestanding buildings greater than twenty-four (24) feet in height.
- 9.5-4 The minimum horizontal distance between buildings when located corner to corner shall be fifteen (15) feet.
- 9.5-5 Buildings or structures located on the perimeter of any Planned Development shall comply with the minimum front, side or rear yard requirements of the zoning district in which the development is located. Perimeter setbacks/yards shall not be included as open space.
- 9.5-6 Except as otherwise provided herein, the Planned Development shall comply with the site development requirements in this Ordinance, including the site design criteria, parking, landscaping, sign regulations and lighting.
- a. Fences, walls or vegetation screening shall be provided along the edges of the Planned Development where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the Planned Development.
- 9.5-7 The Planned Development shall facilitate safe and continuous pedestrian, bicycle and vehicular movement.
- 9.5-8 The density normally permitted in a given portion of the total site may be transferred to another portion of the total site in order to preserve ecologically important areas such as floodplains, areas of unstable soils, aquifers, and major vegetation. The density of the Planned Development is required to precisely correspond with the normal density of the underlying zoning district, and should reflect that district's character through complementary building types and architectural design.
- 9.5-9 The permitted and special uses in a residential Planned Development are those that are allowed in the underlying zoning district, as well as support commercial uses that are intended to serve the residents of the development or adjacent subdivisions. Commercial uses, designed and intended to serve the frequent or daily trade or service needs of the immediately surrounding population are appropriate in Planned Developments that are ten (10) acres or more, (although smaller Planned Developments with support commercial uses may be approved by the Plan Commission and Village Board).
- 9.5-10 The total number of dwelling units to be built in a residential subdivision shall not exceed the number that could be developed on the same acreage as a standard subdivision with the underlying district's minimum lot size and setback requirements strictly enforced. The base density permitted shall be determined upon submission of a plan prepared by the developer, which plan shall comply with the strict requirements of the district in which it is located and the Village Subdivision Ordinance.
- 9.5-11 To encourage excellence and innovation in design, the Village Board may approve that the permitted density in a planned residential subdivision may be higher than that allowed in paragraph 9.5-10 above if it qualifies for density increases for the provision incentives listed herein. In no case shall the cumulative density increase exceed ten percent (10%) of the permitted base density.
- a. For excellence in creativity of design, quality and quantity of landscaping beyond the requirements of the Village Ordinance, a bonus of up to two percent (2%) will be allowed.
  - b. Up to one percent (1%) for a community center and/or club building.

- c. Up to five percent (5%) for land donations for a municipal facility and up to ten percent (10%) for donations of land and structure(s) for such facilities.
- d. Up to one percent (1%) for each ten percent (10%) of additional common open space above that required herein.
- e. Up to three percent (3%) for inclusion of housing specifically targeted toward senior citizens, including independent living, assisted living or nursing home facilities.

In addition, there may be additional density permitted based upon other ordinances relating to the development of the subdivision such as conservation design based bonuses.

9.5-12 At least forty percent (40%) of the net acreage of Planned Developments which is not subject to the Conservation Design Ordinance which contain only residential uses, and at least thirty percent (30%) of the net acreage of the residential portion of mixed use Planned Development shall be usable common open space.

- a. Usable common open space shall be subject to the following:
  - (1) Usable common open space may include active open space and/or passive open space, as defined in Article 3.
  - (2) For trail purposes, the minimum open space width shall be twenty (20) feet.
  - (3) Open space must be accessible to all the residents it is intended to serve. The open space must be linked by sidewalks, bike trails or pedestrian trails.
  - (4) Except as otherwise approved by the Village, not more than thirty percent (30%) of the land designated as usable open space may be covered by water on a permanent basis.
  - (5) Not more than twenty percent (20%) of the usable open space may have a finished grade exceeding ten percent (10%).
- b. Property dedicated to the Village as park pursuant to the requirements of the Village's Park Contribution Ordinance may be included in the calculation of usable common open space. Where cash in lieu of land is provided, the acreage of land that otherwise would have been dedicated may be included in the calculation of usable common open space.
- c. Usable common open space shall not include:
  - (1) Areas reserved for the exclusive use or benefit of private individuals;
  - (2) Dedicated streets, alleys and other public rights-of-way;
  - (3) Required detention areas;
  - (4) Floodplains or wetlands and buffer zones, unless the Village Board determines that natural features, such as a creek or lake, will be a substantial amenity to prospective residents; or
  - (5) Irregular or unusable narrow strips of land less than fifty (50) feet wide, unless containing a trail or bicycle path.

- d. No property shall be conveyed or dedicated for public use to any public body until the Plan Commission reviews and the Village Board approves such conveyance or dedication.
  - e. Except as may be otherwise required by Village Ordinance, recreation facilities and other improvements to common open space shall be completed prior to the issuance of building permits for the last fifty percent (50%) of the dwelling units, or forty percent (40%) of the total gross floor area of commercial and industrial uses within a Planned Development as a single phase. In Planned Developments containing two or more phases, construction of recreation facilities in earlier phases shall be completed prior to the issuance of occupancy permits for the next phase.
- 9.5-14 To meet the unique circumstances presented by each Planned Development and to protect the health, safety and general welfare of existing Village residents and the residents of the proposed development, the Village reserves the right to attach any other conditions it deems necessary, but not specifically provided herein, to the approval of all Planned Developments.

**SECTION 10  
SITE DEVELOPMENT REGULATIONS**

**10.1 SITE PLAN REVIEW**

10.1-1 Purpose The provisions of this Section establish criteria for submission and approval of site plans, access control, lighting and signage pursuant to the regulations hereinafter set forth.

10.1-2 Scope of Regulations Site plan review shall be required for any new development or redevelopment which contains one (1) or more transition yards. Redevelopment for the purposes of this section shall mean the increase of the intensity of use of any building, structure or premises through the addition of dwelling units, gross floor area, seating capacity or similar units of measure. Without limiting the foregoing, the following activities require a site plan:

- a. All permitted uses in residential zoning districts, except the following:
  - (1) Individual single family detached dwellings.
  - (2) Agricultural structures on farmsteads.
  - (3) Any use permitted on a temporary basis.
- b. Subdivisions.
- c. All permitted uses in commercial and individual districts.
- d. When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- e. All special uses and Planned Unit Developments.
- f. Government, public and quasi-public buildings.
- g. Accessory uses and structures, unless the requirement for site plan review is waived by the Zoning Officer.

10.1-3 Site Plan Criteria The Site Plan shall contain the following information and submittals:

- a. General Requirements All site plans shall include the following:
  - (1) Site plans, or any portion thereof, involving engineering, architecture, or land surveying shall be respectively certified by an engineer, architect, or land surveyor authorized by the State to practice as such.
  - (2) Site plans shall be prepared to a reasonable scale, not greater than 1"=100'.
  - (3) The location of the property by an insert map at a scale of not less than one inch equals five hundred feet (1"=500'), indicating such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, or other landmarks sufficient to clearly identify the location of the property.
  - (4) The name and address of the owner and developer, the north point, date and scale of drawing, and number of sheets.
  - (5) A boundary survey of the property.

- (6) All existing and proposed streets and easements, their names, widths and whether such streets will be publicly dedicated; existing and proposed utilities; watercourse and their names; owners of adjacent properties and the zoning and present use of all adjoining properties.
  - (7) The size and location of all floodplains, floodways and wetlands.
  - (8) The size and location of proposed detention and retention areas, including normal and high water lines and whether such areas will be wet or dry bottom.
  - (9) The size in square feet of all lots, the width and depth of each lot, all required setback lines on each lot, the average lot size of the entire subdivision.
  - (10) Location, type, size and height of fencing, retaining walls and screen planting as required by the provisions of this Ordinance.
  - (11) All off-street parking, driveways, loading spaces and walkways; indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of this Ordinance.
  - (12) All bike trails or other amenities provided on the property.
  - (13) The proposed location, general use, number of floors, height and the net and gross floor area for each building; including outside display areas, the proposed floor ratio and, where applicable, the number, size and type of dwelling units.
  - (14) For all uses except single family detached homes, architectural elevations.
  - (15) Proposed finished grading by contours and ground floor elevation.
- b. Access Controls The following information shall be provided in the submission of a site plan for approval by the Zoning Officer:
- (1) Driveway design and geometrics including curb return radius, width of driveway at the property line, curbed or uncurbed, dimension of any channelizing island or medians, length of driveway (measured parallel to driveway between edge of street and building line) and change in grade between driveway and street (measured where driveway meets the street).
  - (2) A drawing to scale showing distance between proposed driveways and existing driveways on both sides of the street, within 200 feet each direction from subject property line, with distances to be measured parallel to the street. The site plan shall also show the name and type of land use currently served by these existing driveways.
  - (3) Identification of proposed driveway, signing/markings/stripping for intersection control, inbound/outbound movements, turn prohibitions (if any), etc.
  - (4) Based on a review of site topography, street alignment and other factors, the Zoning Officer may require a survey to establish the sight distance to any intersecting street as measured from the driveway.

- c. Lighting Plan A lighting plan, in conformance with the regulations hereinafter set forth, shall be submitted for approval by the Zoning Officer which shall provide the following information:
  - (1) Size, setback and height of all free-standing lights and wall lights attached to buildings.
  - (2) Type of lighting on all portions of the site, and levels of lighting in foot-candles at all property lines and within the property.
- d. Signage Plan A signage plan depicting the following information:
  - (1) Size, location, setback and height of all freestanding business and industrial signs.
  - (2) Materials which comprise the signage.
- e. Landscape Plans and Tree Preservation Landscape and tree preservation plans, in conformance with Village Ordinance, shall be submitted as a part of the site plan review.

10.1-4 Approval Required Prior to Permit No permits requiring site plan review shall be issued until the site plans have been approved by the Village.

## 10.2 ILLUMINATION/LIGHTING REGULATIONS

10.2-1 Village Wide Regulation In all districts, any outside illumination or lighting shall not create a hazard or nuisance. Lighting shall be shaded whenever necessary to avoid casting light upon other properties.

10.2-2 Commercial, Industrial and Multi-Family District Regulation In all commercial, industrial and multi-family districts and other districts on property on which non-single family residential uses are located as the principle use, the following regulations shall apply:

- a. Control of Lighting
  - (1) All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
  - (2) All outdoor luminaires, except as otherwise provided herein, shall be meet full cutoff criteria so that no light is emitted above a horizontal plane passing through the lowest point of the light-emitting element, so that direct light emitted above the horizontal plane is eliminated. All individual outdoor luminaires that illuminate the area under outdoor canopies, including but not limited to fuel islands, storefront canopies, building entrance canopies and pavilions shall comply with this requirement. For purposes of this Ordinance, a luminaire shall refer to a complete lighting assembly, including lamp, housing, reflectors, lenses and shields.
  - (3) Except as otherwise provided herein, floodlights and spotlights shall be so installed or aimed that they do not project their light output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway.

(4) The intensity of illumination shall not exceed 0.1 foot-candle measured line-of-site at the property line adjacent to any property used for residential, agricultural or open space purposes and shall not exceed 0.5 foot-candle measured line-of-site at the property line adjacent to any property used for all other non-residential purposes. Within parking lots, the uniformity ratios shall not exceed the following:

- (i) Maximum to Minimum: 8 to 1; and
- (ii) Average to Minimum: 4 to 1.

The intensity of illumination within parking lots shall not exceed 4.5 foot candles measured at any location on the parking lot surface.

b. Lighting Curfew

- (1) Except as otherwise set forth herein, outside lighting for commercial, industrial, multi-family residential or governmental uses shall, after 11 o'clock p.m. or the closure of the business based upon its normal hours of operation, whichever is later, be reduced by not less than 75% of the total light output from all outdoor lighting located on the zoning lot or parcel from then until sunrise.
- (2) Externally illuminated billboards shall be lighted by luminaires mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11 o'clock p.m. and sunrise.
- (3) Directional lighting fixtures for applications such as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11 o'clock p.m. or the closure of business based upon its normal hours of operation, whichever is later, and sunrise.

c. Prohibited Lighting The following lighting is prohibited:

- (1) The use of white strobe lighting for structures such as smokestacks, chimneys and radio/communications/television towers is prohibited except where specifically required by state or federal law;
- (2) The use of laser light source;
- (3) The use of flickering, flashing, blinking, scrolling or rotating lights and any illumination that changes intensity, except where specifically required by state or federal law; and
- (4) The use of upward directed lighting, except as otherwise permitted herein.

d. Exceptions The following lighting shall be exempt from the provisions of Section 10.2-2 of this Ordinance:

- (1) Motion sensor activated lighting may be unshielded provided it is located in such a manner so as to prevent direct glare and lighting onto adjacent properties or the public right-of-way, and further provided that such lighting will automatically shut-off after activation;
- (2) Existing bottom-mounted or unshielded off-site outdoor sign lighting;

- (3) Emergency lighting, used by police, firefighting, EMA, or medical personnel, or at their direction, is exempt from all requirements of this Ordinance as long as the emergency exists;
- (4) Underwater lighting used for the illumination of swimming pools and fountains is exempt from the shielding standards, though it must conform to all other provisions of this Ordinance;
- (5) Flagpole lighting provided illumination may not exceed 10,000 lumens;
- (6) Temporary outdoor lighting which is not used more than three (3) fifteen (15) day periods annually for uses such as holiday decorations, festivals or civic events ;
- (7) Temporary outdoor lighting used for construction projects;
- (8) Municipal street lighting in existence as of the date of the adoption of this Ordinance; and
- (9) Directional lighting fixtures for applications such as facades, fountains, features and landscape illumination provided such lighting shall be subject to the lighting curfew provisions in Section 10.2-2b.

e. Outdoor Recreational Uses/Gas Stations

- (1) Outdoor public or community recreational uses, including but not limited to ball diamonds, playing fields, golf driving ranges, volleyball courts and tennis courts have unique requirements for nighttime visibility. These uses may be granted a variance to the provisions of this Ordinance if the applicant can satisfy the Plan Commission, upon review of the Site Plan and Illumination Plan, that the following conditions are met:
  - (i) Exterior light sources shall not exceed fifty (50) feet in height as measured from grade; and
  - (ii) If the luminaire is shielded by its orientation to prevent the spillage of light to adjacent residential properties, the luminaire may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the property boundary adjacent to any non-residential district shall not exceed .5 foot candle and the maximum permitted illumination at the property boundary adjacent to any residential district shall not exceed .1 foot candle.
- (2) Automobile service stations require nighttime visibility to ensure safe operation of gas pumps, and security for users and employees at night. As a result, light levels may be higher than for other uses as follows:
  - (i) The average maintained light level shall not exceed 30 foot candles.
  - (ii) The maximum light level shall not exceed 45 foot candles.
  - (iii) All other requirements of this Ordinance including the maximum permitted illumination at the property boundary must be met.
  - (iv) Only full-cutoff type luminaires shall be used to minimize off-site glare.

f. Lighting Fixture and Lighting Standard Criteria

- (1) Luminaires shall be a type and design appropriate to the lighting application and which are aesthetically acceptable to the Village.
- (2) For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- (3) The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres and other fixtures not meeting IESNA "full-cutoff" criteria, shall be permitted only with the approval of the Village, based upon the specific application, compatibility and consistency with the retention of the rural character of the Village, and achieving acceptable glare control.
- (4) Luminaires shall be equipped with or modified to incorporate light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflected glare.
- (5) Except as otherwise allowed in this Ordinance, luminaires shall not be mounted in excess of thirty (30) feet above grade or the height of the primary structure, whichever is less; provided, however, luminaires located within two hundred (200) feet of a single family residential zoning district shall not be mounted in excess of twenty (20) feet above grade or the height of the primary structure, whichever is less.
- (6) Service-station canopy lighting shall be accomplished using flat-lens full-cutoff down-lighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.

g. Illumination Plan Approval

- (1) For subdivision and land-development applications where site lighting is required or proposed, lighting plans shall be submitted to the Village for review and approval and shall include:
  - (i) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent use that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location and type.
  - (ii) Isofootcandle plots for individual fixture installations, or 10' x 10' illuminance-grid plots for multi-fixture installations, which demonstrate compliance with the intensity and uniformity requirements as set forth in this Ordinance, and which indicates the location of the proposed luminaries, the overall height of the luminaries, and the overall illumination levels in foot candles on the entire property and at the property lines. Light intensities shall be measured one foot above grade level.
  - (iii) Description of the proposed equipment, including fixture photographs or catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

- (2) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Village for review and approval prior to installation.
- (3) The Village shall have the right to conduct a post-installation inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require a remedial action at no expense to the Village.

#### 10.2-3 Illumination Measurement

Except as otherwise provided in this Ordinance, lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, Eighth Edition.

#### 10.2-4 Maintenance

Except as otherwise provided in paragraph 10.2-5 of this Ordinance, luminaires, standards, and ancillary equipment shall be maintained so as to be in compliance with requirements of this Ordinance.

#### 10.2-5 Non-conforming Lighting

- a. Any luminaires or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful non-conforming use subject to the following:
  - (1) Unless minor corrective action is deemed by the Village to be an acceptable alternative, a non-conforming luminaire, standard or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:
    - (i) It is deemed by the Village to create a safety hazard;
    - (ii) It is replaced, abandoned or relocated (all non-conforming luminaires, standards and lighting installations on a zoning lot shall be brought into conformity at such time as fifty percent (50%) or more of said luminaires and standards are changed, replaced, abandoned or relocated;
    - (iii) The building or other structures located on the zoning lot which contains outdoor lighting is expanded by an amount equal to twenty-five percent (25%) of the total square footage of the building or structure immediately prior to such expansion; or
    - (iv) There is a change in use of the zoning lot or parcel on which the luminaire or lighting installation is located.
- b. Non-conforming luminaires, standards and installations shall be made to conform with the requirements of this Ordinance or removed within twelve (12) years after the effective date of this Ordinance unless the same is required to conform at an earlier date pursuant to subparagraph 10.2-5(1) above or any other provision of this Ordinance.

10.3 **OFF-STREET PARKING SPACE**

10.3-1 Applicability

The provisions of this Section shall apply and govern in all zoning districts.

10.3-2 General Requirements

- a. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy, unless the minimum off-street parking and off-street loading spaces required by this Ordinance are provided. No structure or use already established on the effective date of this Ordinance shall be enlarged unless the minimum off-street parking and loading spaces which would be required for such enlargement are provided.
- b. The duty to provide and maintain off-street parking space shall be the joint and shared responsibility of the operator and/or owner of the use and/or land for which off-street parking space is required to be provided and maintained.
- c. For land, structures, or uses actually used, occupied, or operated on the effective date of this Ordinance, there shall be provided such off-street parking space as was required for such land, structures, or uses by any previous Ordinance. If such land, structures, or uses are enlarged, expanded, or changed, there shall be provided, for that increment of expansion only, at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure, or use established or placed into operation after the effective date of this Ordinance.
- d. For all uses established or placed into operation after the effective date of this Ordinance there shall be constructed, provided, preserved, and maintained not less than the amount of off-street parking space hereinafter set forth.
- e. Parking and loading spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
- f. No vehicle shall be parked in any front yard.

10.3-3 Location

Except as otherwise allowed herein, all parking spaces required to serve buildings or uses shall be located on the same lot as the use for which parking is provided.

- a. Special Location Plan Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking space may be located off the lot of the use for which the space is provided. Also, two or more uses may share the same off-street parking space and each of the two or more uses may share the same off-street parking space and each of such uses may be considered as having provided such shared space individually. The following limitations shall apply to the “special location plan”.
  - (1) All applications for approval of a special location plan shall be filed with the Plan Commission by the owners of the entire land area to be included with the special location plan, the owner or owners of all structures then existing on said land area, and all encumbrances of said land area and structures. The application shall contain sufficient evidence to establish to the satisfaction of the Plan Commission that the applicants are the owners and encumbrances of the

designated land and structures and shall include plans showing the following details:

- (i) The location of the uses or structures for which off-street parking space is required.
- (ii) The location at which the off-street parking space is to be located.

(2) The procedure for review of such applications shall be as follows:

- (i) All applications shall be reviewed and approved by the Plan Commission. Any approval may establish necessary conditions and limitations.
- (ii) Upon approval of a "special location plan", a copy of such plan shall be registered and recorded among the records of the County Recorder of Deeds.
- (iii) All special plans registered and recorded hereunder shall be binding upon the applications for such special plans, their successors and assigns, shall limit and control the issuance and validity of all zoning permits and zoning certificates and shall restrict certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and approvals thereof.
- (iv) All special location plans may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved.
- (v) Upon application to the Plan Commission by the owner or owners of the entire land area included within any special location plan recorded hereunder, any such plan may be withdrawn, either partially or completely, if all uses, land, and structures remaining under such plan comply with all regulations established by this Ordinance and unrelated to any special plan.

b. Separation from use Off-street parking shall be located as hereinafter specified (where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve):

- (1) In all residential zoning districts, parking facilities shall be located on the same lot or lots with the building they are required to serve.
- (2) In all commercial zoning districts, parking facilities shall be located within three hundred (300) feet of the building they are required to serve.
- (3) In all industrial zoning districts, parking facilities shall be located within six hundred (600) feet of the building they are required to serve.

c. Restriction No parking areas shall be located within five (5) feet from any lot line.

10.3-4 Sharing of Space No use shall be considered as individually having provided off-street parking space which is shared with one or more other uses unless the schedules of operation of all such

uses are such that none of the uses sharing the space require the off-street parking space at the same time as any other use sharing the space.

10.3-5 Separate or Combined Space Separate off-street parking space shall be provided for each use and the parking space required of two or more uses located on the same lot may be combined and used jointly, provided, however:

- a. Where off-street parking is combined and used jointly by two (2) or more uses having different standards for determining the amount of off-street parking required, the parking space shall be adequate in area to provide the sum total of off-street parking space requirements of all such uses.
- b. Where off-street parking space is combined and used jointly by two (2) or more uses having the same standard for determining the amount of off-street parking space required, all such uses, for the purposes of this Section, shall be considered a single unit and the gross floor area of all such uses in all structures in the same lot and the number of employees of all such uses in all structures on the same lot as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the amount of off-street parking space required.

10.3-6 Size Except for parallel parking spaces, each required off-street parking space shall be at least nine (9) feet in width, and at least nineteen (19) feet in length. Such space shall have a vertical clearance of at least seven feet six inches (7'6"), and shall be measured at right angles to the ground. For parallel parking, the length of the parking space shall be increased to twenty-two (22) feet.

10.3-7 Access Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least the width as provided in the table below, based upon the angle of the parking stalls provided and whether the aisle serves one or two rows of parking spaces to provide safe and efficient means of vehicular access to such parking space.

**Minimum Aisle Width**

<b>Parking Angle</b>	<b>Serving One Row</b>	<b>Serving Two Rows</b>
parallel	12'	12'
30°	15'	15'
45°	18'	18'
60°	21'	21'
90°	24'	24'

All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Access to parking areas in business districts should be provided by a single access entrance/exit and/or an access road where feasible. Access to such parking areas by curb cuts or driveways across the front lot line should be avoided.

10.3-8 Design and Maintenance The following shall serve as guidelines for the design and maintenance of off-street parking and loading facilities:

- a. Character Accessory parking spaces may be open to the sky or enclosed in a building.
- b. Surfacing All open off-street parking, except in a single-family district, shall be improved with proper drainage and a dust free all weather paved surface material.

- c. **Landscape Islands** Concrete curbed parking lot landscape islands shall be located at both ends of each parking row. Additionally, parking lot landscape islands should also be located within the parking lot. In order to break up long expanses of parking rows, one of the following alternatives should be used:

(1) Alternative A: A maximum of 20 adjacent parking spaces are permitted in any parking row. A concrete curbed landscape island that is at least seven (7) feet wide and extends the length of the parking stall shall be provided to divide the length of the parking row.

(2) Alternative B: A continuous landscape island protected by a continuous concrete curb and having a minimum depth of seven (7) feet, measured back of curb to back of curb, may be provided between parking rows. Where such a continuous concrete curbed landscape island is provided, it shall be a minimum of seven (7) feet in width.

(3) Alternative C: At the discretion of the Village Board and with the cooperation of the developer, parking lot landscaping may be provided in an alternative manner, such as through the use of native plantings within a bio-swale or other best management practice (BMP).

(Am. Ord 13-040, passed 06/25/13)

- d. **Landscaping** Off-street parking areas for more than four (4) vehicles that adjoin property zoned for any residential use, shall have a dense evergreen planting, opaque fence, masonry wall, and or such other screening in accordance with the provisions of this Ordinance and such other applicable Ordinances of the Village.
- e. **Lighting** Any lighting used to illuminate off-street parking areas shall be downward directed and shall be directed away from residential properties and public streets in such a way as not to create a nuisance and shall comply with the requirements of Section 10.2.
- f. **Entrances** Off-street parking shall be provided with entrances and exits so located as to minimize traffic congestion. Except on residential lots, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design as may be required to provide safe and efficient means of vehicular access to such parking space.
- g. **Unobstructed Areas** At points of ingress and egress onto streets for any off-street parking area, no structure, parked vehicle, sign, or plant material shall obstruct a clear path of motor vehicle drivers vision of approaching vehicles within a triangular square at the intersection of any two street right-of-way lines or the intersection of any street right-of-way lines with any edge of any service or other access drive determined by a line drawn connecting two points located twenty-five (25) feet equidistant along said right-of-way lines or service or access drive edges from the point of intersection thereof.
- h. **Front Yards** No off-street parking shall be located in the required front yard.
- i. **Shelter Building** No parking lot for accessory off-street parking shall have more than one (1) attendant shelter building, which shall conform to all set-back and accessory structure requirements.
- j. **Signs** Accessory Signs shall be permitted in parking areas in accordance with the provisions specified in Section 10.6.

10.3-9 Computation When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, a fraction shall be counted as one (1) parking space. The following units of measurement shall apply:

- a. Seat or Bench A seat shall be the space intended for an individual; in places where patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat.
- b. Employees Employees shall mean the average number of all employees or permanent staff members working or residing on the premises at any one time.

10.3-10 Minimum Spaces Required All uses shall provide off-street parking in accordance with the following:

a. Residential Uses:

- (1) Single- and Two-Family Dwellings Two (2) spaces per dwelling unit.
- (2) Attached-Family Dwellings Two (2) spaces per dwelling unit; plus 0.5 guest spaces for each 1,200 square feet of the dwelling unit.
- (3) Housing for the Elderly:
  - (i) Assisted and Independent Living One (1) space per dwelling unit; plus one (1) space per employee for the work shift with the largest number of employees.
  - (ii) Nursing Home One (1) space per three (3) dwelling units or beds; plus one (1) space per employee for the work shift with the largest number of employees.
- (4) Day Care Home One (1) space per resident, plus one (1) space per employee.

b. Hotels and Motels One (1) space per room plus two (2) spaces per each three employees, plus one (1) space per three persons of maximum capacity of each meeting/banquet room, plus parking as required for bars, restaurants, and gift shops as applicable.

c. Civic Facilities Three (3) spaces per 1,000 square feet of gross floor area; any outdoor seating area shall require additional parking of three (3) spaces per 1,000 square feet of land area used for outdoor seating.

d. Schools, Institutions, and Related Uses:

- (1) Elementary Schools and High Schools One (1) space per employee; plus one (1.0) space per classroom, plus one (1) space per five (5) students aged sixteen years or older.
- (2) Colleges, Universities and Trade Schools One (1) space per employee; plus one (1) parking space per each three (3) students based upon the maximum number of students that can be accommodated in accordance with design capacity.
- (3) Day Care Center or Preschool One (1) space per employee plus one (1) space per ten (10) client children or adults.

- (4) Religious Institutions One (1) space per four (4) seats based upon maximum capacity of the facility, plus adequate space for all vehicles associated with the institution.
  - (5) Hospitals One (1) space per two (2) beds; plus one (1) space per employee, plus one (1) space per physician.
  - (6) Auditoriums, Theaters, and Other Places of Assembly One (1) space per three (3) seats based upon the maximum capacity of the facility.
- e. Recreational Uses:
- (1) Bowling Alleys Five (5) spaces per alley; plus one (1) space per employee for the work shift with the largest number of employees; plus additional spaces as required for bars, restaurants, etc.
  - (2) Golf Courses Fifty (50) spaces per nine (9) holes; plus one (1) space per employee for the work shift with the largest number of employees.
  - (3) Golf Driving Range One (1) space per tee; plus one (1) space per employee for the work shift with the largest number of employees.
  - (4) Health and Athletic Club Four (4) spaces per 1,000 square feet of activity area.
  - (5) Playing Fields and other Outdoor Recreational Uses One (1) space per 4,000 square feet of active recreation area; but not less than twenty-five (25) spaces per playing field, plus one (1) space per half acre of passive recreation area.
  - (6) Swimming Pool One (1) space per 100 square feet of pool area; plus one (1) space per employee for the work shift with the largest number of employees.
  - (7) Other Indoor Recreational Uses and Stadiums One (1) space per four (4) patrons based upon the maximum capacity of the facility; plus one (1) space per employee for the work shift with the largest number of employees.
- f. Business Establishments Except as otherwise set forth below, four (4) spaces per 1,000square feet of gross floor area.
- (1) Animal Hospitals Three (3) patron parking spaces per veterinarian; plus one (1) space per employee for the work shift with the largest number of employees.
  - (2) Drive Thru On-site queuing for three (3) waiting vehicles for each drive thru lane which has been approved as a special use.
  - (3) Funeral Homes One (1) space per two (2) patron seats based upon maximum facility capacity; plus one (1) space per employee; plus one (1) space per vehicle owned by the establishment; plus on-site queuing for a minimum of eight (8) vehicles.
  - (4) Restaurant, Full Service One space per three (3) seats of total seating capacity; plus one (1) space per employee for the work shift with the largest number of employees.
  - (5) Restaurant, Fast-Food One (1) space per three (3) seats of total seating capacity ; plus one (1) space per employee for the work shift with the largest

number of employees; plus on-site queuing for a minimum of three (3) vehicles waiting at a drive-thru which has been approved as a special use.

- (6) Taverns, Night Clubs, and Lounges One (1) space per two (2) seats of total seating capacity; plus one (1) space per employee for the work shift with the largest number of employees.
- (7) Vehicular Repair and Maintenance Shops Three (3) spaces per service bay; plus one (1) space per employee for the work shift with the largest number of employees.
- (8) Outside Nursery Four (4) spaces per 1,000 square feet of gross floor area; plus one (1) space per 4,000 square feet of outside display area .
- (9) Self-Serve Car Wash One and one-half (1.5) spaces per wash stall and four (4) reservoir parking spaces per wash stall.
- (10) Automatic Car Wash Two (2) spaces for the number of vehicles that can be in the wash stall at any given time; plus one (1) space for each employee; plus ten (10) reservoir spaces per wash stall, but not less than a total of fifteen (15) reservoir spaces and if the car wash operation offers hand drying of vehicles, not less than ten (10) reservoir parking spaces for drying.

g. Offices:

- (1) Government, Professional, and Business Offices Four (4) spaces per 1,000 square feet of gross floor area.
- (2) Health Clinics/Offices Six (6) spaces per 1,000 square feet of floor area.

h. Industrial and Related Uses:

- (1) Light Industry One (1) space per 1,000 square feet of gross floor area.
- (2) Self-Service Storage Facility One (1) space per ten (10) storage cubicles; and one (1) space per twenty (20) storage cubicles if vehicular access to the storage cubicles is permitted.
- (3) Warehouse One (1) space per employee for the work shift with the largest number of employees; plus one (1) space per 5,000 square feet of gross floor area.
- (4) Wholesale Business Four (4) spaces per 1,000 square feet of gross floor area.

- i. Other Uses Parking spaces for uses not listed shall be provided in accordance with recommendations as determined by the Zoning Officer.

## 10.4 OFF-STREET LOADING

### 10.4-1 General Requirements

- a. Location All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or an intervening alley separating a residential district from a business or industrial district shall be completely screened therefrom by building walls or by solid fence, wall or door, or

densely-planted mature shrubbery, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading berth, measured from the closest point of such berth, shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets. No loading berth shall be located in a required yard.

- b. Size Unless otherwise specified, a required off-street loading berth shall be at least twelve (12) feet in width by at least thirty (30) feet in length (or the length of the longest delivery vehicle used in connection with such use, whichever is greater), exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
- c. Access Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No loading berth shall be located so as to require vehicles to use an intersection with a public street access to the berth other than via a forward movement of such vehicle.
- d. Surfacing All open off-street loading berths shall be surface with a dustless all-weather material capable of bearing a live load of two hundred (200) pounds per square foot.
- e. Repair and Service No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities except emergency repair service necessary to start vehicles.
- f. Utilization Space allocated to be off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g. Central Loading Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
  - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.
  - (2) Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served. Area of types of uses may be totaled before computing number of loading berths.
  - (3) No zoning lot served shall be more than three hundred (300) feet removed from the central loading area.
  - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet in height.
- h. Minimum Facilities Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

#### 10.4-2 Specific Requirements

For the uses herein listed and other similar uses, loading berths shall be provided as follows:

- a. Required Loading Berths By Use

- (1) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof:
  - (i) Banks and other financial institutions;
  - (ii) Business and other professional offices;
  - (iii) Convention and exhibition halls;
  - (iv) Health and medical institutions;
  - (v) Hotels and motels containing retail shops, business or professional offices, convention or exhibition halls or auditoriums;
  - (vi) Indoor recreation and entertainment facilities;
  - (vii) Public and administration buildings;
  - (viii) Theaters (indoors); or
  - (ix) Funeral homes.
  
- (2) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 100,000 to 200,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
  - (i) Auditoriums.
  - (ii) Charitable institutions.
  - (iii) Clubs and lodges.
  - (iv) Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls or auditoriums.
  - (v) Meeting halls.
  - (vi) Multiple-family dwellings with more than four dwelling units per building.
  - (vii) Religious institutions.
  - (viii) Schools and educational facilities.
  
- (3) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 5,000 to 40,000 square feet of gross floor area. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.
  - (i) Cartage, express and motor freight facilities.
  - (ii) Cleaning, repairing, servicing and testing establishments.

- (iii) Light industry.
  - (iv) Laundries and dry cleaning facilities.
  - (v) Mail-order houses.
  - (vi) Printing and publishing.
  - (vii) Research facilities.
  - (viii) Warehousing, storage and wholesale establishments.
- (4) For all other uses, including, but not limited to those listed hereunder, loading berths shall be provided in accordance with the following schedule:

### Schedule of Loading Berths

Square Feet of Floor Area	Minimum Number
5,000 to 20,000	1
20,000 to 60,000	2
60,000 to 100,000	3
For each additional 100,000 square feet of floor area or fraction thereof	one additional
(i) Convenience stores;	
(ii) Furniture and appliance stores;	
(iii) Grocery stores;	
(iv) Retail stores and wholesale uses;	
(v) Restaurants and other establishments handling the sale or consumption of food or beverage on the premises; or	
(vi) Any other uses not described herein.	

#### 10.5 ADJUSTMENTS TO REQUIRED PARKING

10.5-1 Purpose The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid construction of unnecessary and excessive off-street parking facilities. Reducing the requirements for off-street parking facilities is intended to provide for more cost-efficient site development, to minimize impervious surface, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on business and industrial sites. To achieve these purposes, the Village Board, upon recommendation of the Zoning Officer, may reduce the minimum number of required off-street parking spaces in specific cases.

10.5-2 Adjustments In all non-residential districts, the minimum number of required parking spaces may be adjusted by the Village Board on a case-by-case basis. The petitioner for such an adjustment shall show that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

- a. Evidence That Actual Parking Demands will be Less Than Ordinance Requirements The petitioner shall submit written documentation and data to the Zoning Officer that the operation will require less parking than the Ordinance requires.
- b. Availability of Joint, Shared or Off-Site Parking The petitioner shall submit written documentation to the Zoning Officer that joint, shared or off-site parking spaces are available to satisfy the parking demand.
  - (1) Agreements shall be provided which demonstrate evidence that either parking lots are large enough to accommodate multiple users (joint parking) or that parking spaces will be shared at specific times of the day (shared parking, where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.)

- (2) Off-site parking lots may account for not more than 50-percent of the required parking and shall be located not more than three-hundred (300) feet from the principal use that it is intended to serve.
- (3) When a reduction of parking spaces attributable to shared parking or off-site parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that shared parking can be accomplished. Off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

c. Banked Parking Spaces As a condition of a reduction in parking requirements, the Village Board may require banked parking spaces. In such cases, the site plan for the business or industrial use shall provide sufficient open space on the subject site to accommodate the additional parking space otherwise required by this Ordinance. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this Ordinance at the time of application.

10.5-3 Change in Occupancy or Use When the use of a building, structure, or land is changed to another use or occupant that requires more parking spaces than required for the use existing prior to such change, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this Ordinance.

10.5-4 Changes in Intensity of Use When the intensity of use of a building, structure, or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this Ordinance.

10.5-5 Compliance with Other Standards Parking spaces and locations shall satisfy the applicable requirements of the American With Disabilities Act, Illinois Environmental Barriers Act, and the standards set forth in the Illinois Accessibility Code.

## 10.6 SIGNAGE REGULATIONS

10.6-1 Village Wide Regulations The regulations set forth herein shall apply in all zoning districts unless otherwise provided herein.

### 10.6-2 Rules of Interpretation and Signage Definitions

- a. Rules of Interpretation The signage regulations set forth in this Section 10.6 shall be interpreted in accordance with the following rules:
- (1) The provisions of this Section shall be held to be the minimum requirements for the promotion of the effective use of signs within the Village.
  - (2) Where the requirements imposed by any provision of this Section are either more restrictive or less restrictive than comparable requirements imposed by any other applicable statute, law, ordinance, regulation or rule, the provision that is the most restrictive or imposes the higher standard or requirement shall apply.
  - (3) Although the requirements of this Section are written in very specific terms, reasonable flexibility is offered through the provisions allowing for appeals and variations as provided herein.
  - (4) This Section is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Section are more restrictive or impose a higher standard or requirement than created by such easement, covenant or other private agreement, the requirements of this Section shall govern.
  - (5) Except as otherwise provided in Section 10.6-7 herein, no sign not lawfully established at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, in any manner that said sign is in conflict with the requirements of this Ordinance, said sign shall remain unlawful under the provisions of this Ordinance. Any sign or sign structure established prior to the effective date of this Ordinance which is rendered nonconforming by the provisions herein, and any sign or sign structure, which, as a result of subsequent amendments hereto, shall be rendered nonconforming, shall be subject to the regulations of Section 10.6-7 of this Ordinance.
  - (6) Nothing contained in this Section 10.6 shall be deemed to consent to, or permit the erection of a sign without first obtaining an appropriate permit from the Village.
  - (7) All measured distances and values shall be rounded to the nearest whole integer.
  - (8) All distances, unless otherwise stated, shall be measured horizontally.
  - (9) A "V Shaped" sign with an interior angle of less than thirty degrees (30°) shall be considered a back to back sign.

- b. Definitions The following words and terms shall have the meaning set forth herein for purposes of interpreting the signage regulations:
- (1) Advertising Sign Any advertising device, billboard, poster, notice or display which directs attention to an object, product, place, activity, person, institution, organization or business that is not located on the property where the sign is located, but not including a temporary sign or a sign advertising the activity being conducted upon the property upon which it is located.
  - (2) Arcade Sign A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.
  - (3) Area of Sign The entire geometric area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single faced sign. It does not include any structural element outside the limits of such sign and not forming an integral part of the sign face.
  - (4) Building Frontage The linear length of the outside building wall facing the public right-of-way or, in the case of a multi-tenant building, the linear length of the outside building wall of the individual tenant unit facing the parking area which serves as the primary access for the multi-tenant building or multi-story building. On corner lots, only the building front facing the street or roadway that has the higher traffic designation shall be utilized in the determination of building front (Am. Ord 13-036, passed 05/28/13).
  - (5) Building Sign Any sign affixed to a building that directs attention to a business or profession conducted, or to a commodity, service or entertainment sold, offered, or manufactured, upon the premises where such sign is located, or to which it is affixed.
  - (6) Building Wall The wall area in one (1) plane or elevation of a building.
  - (7) Business Sign Any sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located.
  - (8) Box Sign: A cabinet type sign with a lexan or plastic panel insert. This type of sign can be internally illuminated (Am. Ord 13-036, passed 05/28/13).
  - (9) Canopy Sign A sign which forms part of a canopy or marquee and does not extend horizontally beyond the limits of such canopy or marquee.
  - (10) Changeable Copy Sign A sign on which message copy can be changed through the use of attachable letters and numerals that are changed manually.
  - (11) Channel Letter Sign A wall sign made of self-contained letters that are affixed to the face of a building that does not project above the top of the parapet wall, does not project above any portion of the roof line, does not project beyond the side wall of the building and which does not project above or below a marquee (Am. Ord 13-036, passed 05/28/13).
  - (12) Copy Area The area in square feet of the smallest geometric figure which can be described so as to enclose the actual copy of a sign. For an internally illuminated sign, the entire illuminated face is considered copy area. The copy area of a

projecting sign or freestanding ground mounted sign is calculated on one (1) face of the sign only.

- (13) Dimensional Surface Sign: It may consist of three dimensional letter forms applied to or raised from a separate, flat background. The message may be in relief, or depressed by means of carving, etching, routing, and positive or negative cutout. The graphic design of the sign face shall ensure that each letter shall receive a structural outline element that causes a visual break with each letter, numeral, character, or logo bordering to either side. A dimensional surface sign is not a box sign. (Am. Ord. 14-035, passed 06/24/14).
- (14) Directional Sign A sign designed and erected solely for the purpose of traffic or pedestrian direction and is placed on the property where the public is directed, provided such sign shall contain no advertising copy.
- (15) Directory Sign A sign listing the names and location of various businesses or activities conducted within a building or group of buildings on the premises where such sign is attached.
- (16) Face of Sign The entire area of a sign where copy could be placed.
- (17) Flashing Sign Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever. Time and temperature signs shall not be considered flashing signs.
- (18) Freestanding Sign A sign which is ground mounted or supported by one (1) or more columns, uprights, or braces in or upon the ground and which columns, uprights or braces are less than ninety (90) percent of the full width of the sign, not attached to or forming part of a building.
- (19) Grade The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline. Notwithstanding the foregoing, if the sign is located not less than seventy-five (75) feet from the right-of-way, grade shall mean the average ground elevation of the lot that the sign is located on.
- (20) Height of Sign The vertical distance measured from the average grade at the foot of the sign to the highest point on the sign.
- (21) Illuminated Sign A sign that is illuminated either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.
- (22) Message Center Sign A changeable information display that is electrically activated, such as with light bulbs, video display, or mechanical flip discs, to convey information through changing letters, numbers, figures or similar depictions, provided such information or display shall not change more frequently than once every sixty (60) seconds. Time and temperature signs shall not be considered message center signs. Athletic scoreboards on public property shall not be considered message center signs (Am. Ord 07-038, passed 06/26/07).
- (23) Monument Sign A monument sign is a freestanding sign where the support base of the sign is a minimum of eighty percent (80%) of the width of the sign face as determined by the Village.

- (24) Multi-tenant Building: A building that houses more than one (1) tenant (Am. Ord 13-036, passed 05/28/13).
- (25) Nameplate A single-faced sign which does not exceed two (2) square feet in size and is mounted to the principal building or mailbox. A nameplate mounted on the principal building may be illuminated in accordance with the performance standards.
- (26) Legal Nonconforming Sign (Grandfathered Sign) Any sign which was lawfully erected and maintained prior to such time as it came within the purview of this Ordinance and any amendments thereto, and which fails to conform to all the applicable regulations and restrictions of this Ordinance.
- (27) Off Street Parking: A public or private parking area designed in accordance with the requirements of this Ordinance (Am. Ord 13-036, passed 05/28/13).
- (28) Portable Business Sign A business sign not permanently attached to the ground, building, or any other structure, but not including exempt and temporary signs.
- (29) Portable Sign A sign not permanently attached to the ground, building, or to any other structure, but not including exempt or temporary signs.
- (30) Projecting Sign Any sign other than a wall sign which is attached to, and projects not more than eighteen (18) inches from the face of the wall of the building to which it is affixed. The area of a projecting sign is calculated on all sign faces. No guylines, braces or secondary supports shall be used. Any angle iron or main support shall be enclosed in a wood, plastic or metal form, such that the angle iron or main support for the sign is not visible (Am. Ord 13-036, passed 05/28/13).
- (31) Public Service Sign A sign posted on public or quasi-public property, the function of which is to promote items of general interest to the community.
- (32) Public Right of Way A strip of land on which infrastructure such as roads, railroads or power lines are built. The right-of-way is owned by a public jurisdiction (Am. Ord 13-036, passed 05/28/13).
- (33) Privately Owned Circulation Road A privately owned road which functions mainly as a collector and distributor of customer traffic (Am. Ord 13-036, passed 05/28/13).
- (34) Residential Development Sign A residential development sign is a permanently ground mounted identification sign constructed at the principal entrance(s) of a residential development.
- (35) Sign A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, pole or other surface or piece of land including pennants, which directs attention to an object, product, place, activity, person, institution, organization or business, provided, however, a sign shall not include any display of official court or public office notices or any other notices required by statute or Village ordinance nor shall it include a flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context is readily visible from a street or other public place.

- (36) Sign Structure A structure that supports, has supported, or is capable of supporting a sign, including decorative cover. No guy wire, braces, or secondary supports are to be used. Any angle iron or main support is to be enclosed in a wood, plastic, or metal form, such that the angle iron or main support is not visible.
- (37) Temporary Business Identification Sign A business sign that is used for (1) a newly opened or re-located business prior to the arrival of its permanent signage or (2) a temporary business that is housed in a brick and mortar building (Am. Ord. 13-048, passed 08/27/13).
- (38) Temporary Sign A sign, banner, pennant, valance, inflatable device, or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard, or other light materials, with or without frames, which is not permanently installed or affixed to any sign structure.
- (39) Temporary Event Sign A sign advertising the existence of an event of a temporary nature for a limited period of time.
- (40) Traveling Message Sign A changeable information display that is electrically activated, such as with light bulbs or mechanical flip discs, to convey information through changing letters, numbers, figures or similar depictions and such information or display changes more frequently than once every sixty (60) seconds or involves continuous movement. Time and temperature signs shall not be considered traveling message center signs.
- (41) Unlawful Sign A sign which contravenes this Ordinance or which the Village may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or disrepair or a nonconforming sign for which a permit required under this Ordinance has not been obtained.
- (42) Vehicle Sign Any sign painted on, attached to, or mounted upon any operable motor vehicle. A vehicle sign does not include signs painted on, attached to, or mounted upon inoperable vehicles or upon trailers, or operable vehicles which are not moved for a period of more than five (5) days.
- (43) Wall Sign A flat sign which does not project more than eighteen (18) inches from the face of the wall of the building to which it is affixed or attached, running parallel for its entire length to the face or wall of the building, and which does not extend beyond the horizontal width or vertical height of such building. A wall sign shall only be a building sign or a business sign as designated herein (Am. Ord 13-036, passed 05/28/13).
- (44) Window Sign A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

### 10.6-3 General Provisions

The following provisions shall apply in all zoning districts unless otherwise set forth herein:

- a. The requirements of this Section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, removal and relocation of all signs within all zoning districts. The requirements of this Section shall be in addition to provisions of the Village's Building Codes.

- b. All signs permitted under the Highway Advertising Control Act of 1971, as amended, shall be permitted therein provided such signs conform to the provisions of this Section.
- c. No sign or sign structure, unless exempted, shall be attached to a tree, telephone pole or other utility pole or structure.
- d. No sign shall be erected or located in a public right-of-way except as established and authorized by the public entity having jurisdiction over the right-of-way.
- e. No sign, or portion thereof, shall rotate, flash, flutter, or appear to move except as otherwise specifically permitted herein. Traveling message signs are prohibited.
- f. No sign shall be constructed or maintained on any portion of the roof of a building, nor shall such sign project above any portion of the roof or parapet wall, whichever is higher.
- g. Message center signs as defined herein shall be prohibited in all zoning districts (Am. Ord 07-038, passed 06/26/07).
- h. Permanent window signs shall conform to the requirements for and shall be deemed wall signs under the provisions of the zoning district in which they are located. Signs mounted on awnings, canopies, marquees or similar structures shall also be deemed to be wall signs.
- i. In all zoning districts, the property owner shall be permitted to construct and maintain not more than three (3) flag poles which shall be within the buildable area of the required front yard. In all cases flag poles shall be located not less than ten (10) feet from any property line, shall be no taller than thirty (30) feet and shall be utilized to display the American Flag, State and County Flags or other corporate, national or organizational flags. Such flag poles shall be used exclusively as flag poles and shall not also serve as light poles. Each flag pole may have a light fixture so that the flag may be illuminated during night time hours. Except with respect to flag poles displaying the American Flag, State, County or Municipal Flags, all such light fixtures shall be shielded and directed downward.
- j. The illumination of signs shall be diffused or indirect and shall be so treated that no direct rays shall be directed or reflected outside the boundary of the zoning lot on which the sign is located or more than ten (10) feet above grade. No sign shall use illumination from neon tubing that is not covered by an intervening surface.
- k. All ground mounted signs shall have landscaping at their base equivalent in area to the area of the sign.
- l. All wall signs shall consist of channel letters with the exception that one element of the sign may consist of a simple geometric figure not to exceed twenty percent (20%) of the total sign area (Am. Ord 13-036, passed 05/28/13). Dimensional surface signs are also permitted wall signs. Box signs are not permitted. (Am. Ord 14-035, passed 06/24/14).
- m. On corner lots, no signs shall be constructed so as to block or otherwise prevent visibility around the corner.
- n. Except as otherwise specifically permitted herein, signs advertising an activity, service or business that does not take place on the premises where the sign is erected are prohibited.

- o. Except as hereinafter provided, all signs shall require sign permits, which shall be issued by the Village.
- p. Except as hereinafter provided, when a sign is not specifically listed as permitted in a zoning district, such sign shall be expressly prohibited.

10.6-4 Exempt Signs

The following exempt signs are permitted in all districts subject to the requirements hereinafter specified and no sign permit is required. Signs exceeding the requirements of this Section shall be required to have permits and shall conform to the requirements for permanent signs in the districts where they are located.

- a. "For Sale" or "For Rent" Signs for Residential Lots One (1) sign, containing not more than eight (8) square feet of total copy area for a single face sign shall be permitted. No sign shall exceed five (5) feet in height above grade. All such signs shall be temporary, shall be located on the property sought to be sold or leased, and shall be permitted for a period of time not to exceed the sale or lease of the subject property. No such sign shall be located in the public right-of-way or closer than twenty (20) feet to any side yard lot line.
- b. "For Sale", "For Rent" and "Construction" Signs for Non-Residential Lots For properties less than five (5) acres in size, one (1) sign containing not more than thirty-two (32) square feet of total copy area shall be permitted. For properties five (5) acres in size or greater, one (1) sign containing not more than sixty-four (64) square feet of total copy area shall be permitted. No sign shall exceed eight (8) feet in height above grade. All such signs shall be temporary, shall be located on the property sought to be sold or leased, and shall be permitted for a period of time not to exceed the sale or lease of the subject property. No such signs shall be located in the public right-of-way or closer than twenty (20) feet to any side yard lot line on any lot containing only one (1) permitted use. In the event multiple units are located on any lot, such signage shall be located within the area of the unit's frontage.
- c. Nameplate One (1) nameplate shall be permitted for each use. The maximum area of such nameplate shall be two (2) square feet, and such nameplate shall be affixed flat against a wall or door or may extend up to eighteen (18) inches from a wall provided safe access is available for pedestrians.
- d. Accessory Signs
  - (1) Entry/Exit Signs: Not more than one (1) entry/exit sign shall be permitted for each entrance/exit to a multiple-family development or a nonresidential use. Except as otherwise required by law, such entry/exit sign shall contain not more than two (2) square feet of total copy area; may be illuminated; shall be constructed not more than three (3) feet in height above grade; shall be located not less than six (6) feet from any property line and shall contain no commercial advertisements.
  - (2) Parking Area Signs: One (1) parking area sign may be erected for each separate parking area indicating only the terms under which the parking area may be utilized. Such parking area sign may be double faced and shall contain not more than six (6) square feet of total copy area per face. The sign may be illuminated. The sign shall be constructed not more than five (5) feet in height above grade, and shall be located not less than six (6) feet from any property line.
- e. Vehicle Signs

10.6-5 Temporary Signs

The following temporary signs are permitted in all districts subject to requirements hereinafter specified. Signs exceeding the requirements of this Section shall be required to have permits and shall conform to the requirements for permanent signs in the zoning district where they are located.

a. Temporary political signs

- (1) Temporary political signs may be located in any zoning district provided that they are erected not more than thirty (30) days before an upcoming election, and must be removed within five (5) days following an election.
- (2) The total copy area for all political signs on a zoning lot shall not exceed sixteen (16) square feet of total copy area per zoning lot. No such sign shall exceed four (4) feet in height above grade.
- (3) No sign permit is required.

b. Temporary Signs

- (1) Two (2) temporary signs are permitted per business. One (1) of these signs is permitted to be a ground mounted sign. Each zoning lot is permitted one (1) ground mounted banner sign per fifty (50) linear feet of building frontage along the public street. Such temporary sign may be illuminated per the Outdoor Lighting Ordinance requirements, may be double-faced, and the total gross surface area of the sign face shall not exceed 25 square feet.
- (2) One (1) sign permit shall be obtained for all temporary signs per calendar year. Permits for temporary signs shall be valid for a period of ninety-one (91) days. This time period can be used in one continual time period or can be split into thirteen (13) separate seven (7) day periods throughout the year. All such signs shall be removed from the premises within twenty-four (24) hours after expiration of the permit.
- (3) The permit holder shall notify the Village of the dates that the temporary sign shall be displayed. This can be provided to the Village either once, at the start of the calendar year, or can be provided to the Village at various times during the calendar year.

c. Temporary Business Identification Signs

- (1) A temporary business identification sign must be a weatherproof banner affixed to the façade of the building and cannot be ground mounted.
- (2) A temporary business identification sign must adhere to the standards for placement and size for a wall sign in the subject zoning district.
- (3) A temporary business identification sign permit is valid for 91 days. All such signs shall be removed from the premises within twenty-four (24) hours after expiration of the permit.

(Am. Ord. 13-048, passed 08/27/13)

d. New construction signs

For a development presently under construction no more than two (2) signs identifying the individuals or firms involved in the development may be erected. The total sign area shall not be more than thirty-two (32) square feet. In any development in a residential zoning district in which less than three (3) lots are under or will be under construction at any given time, the sign area permitted shall not be more than sixteen (16) square feet per sign.

e. Location

In addition to all other requirements elsewhere in this Ordinance, all temporary signs of any type shall be a minimum of five (5) feet from the nearest property line and shall not be located in the public right-of-way.

f. Temporary window signs

In all non-residential districts, temporary window signs located inside of windows shall occupy not more than thirty percent (30%) of the surface area of such windows.

(Section 10.6-6b, c, d, e Am. Ord. 12-047, passed 09/11/12)

10.6-6 Zoning District Regulations

The following sign requirements shall apply within the following zoning districts of this Ordinance:

a. Agriculture District and Residential Districts The following signs are allowed in all agriculture and residence districts subject to the requirements hereinafter specified:

(1) Exempt and Temporary Signs.

(2) Farm Produce Signs

A roadside stand for the sale of produce grown on or in the immediate adjacent area of the premises shall be permitted one (1) sign per stand that shall not exceed eighteen (18) square feet of total copy area and shall be constructed not more than six (6) feet in height above grade. (Am. Ord. 11-029, passed 07/26/11)

(3) School Signs

A school, as defined by the zoning ordinance, shall be permitted one (1) sign per school that shall not exceed twenty-four (24) square feet of total copy area and shall be constructed not more than six (6) feet in height above grade. (Am. Ord. 11-029, passed 07/26/11)

(4) Multiple Family and Planned Development Identification Signs. Identification signs shall be permitted, containing only the name of the development and the name, address and telephone number of the management, leasing and sales company, including directional arrows. Such signs may be illuminated; shall contain not more than twenty-four (24) square feet of total copy area and shall be constructed not more than six (6) feet in height above grade. On corner lots, one (1) additional sign of the same size shall be permitted for the second street provided that the signs are a minimum of two-hundred (200) feet apart.

- (5) Multiple Family Accessory Signs.
- (i) Directional Signs. The Village Board may permit additional signs after review and approval. Such additional signs shall contain not more than five (5) square feet of total copy area in total; may be illuminated; shall be constructed not more than four (4) feet in height above grade; shall provide directions to the development project office only and shall be located not less than six (6) feet from any property line.
  - (ii) Office Signs. Not more than one (1) office sign shall be permitted. Such sign shall contain not more than four (4) square feet of total copy area; may be illuminated; may be a wall or ground mounted sign, and when ground mounted, shall be constructed not more than five (5) feet in height above grade; and shall be located not less than six (6) feet from any property line.
- (6) Residential Development Sign.
- (i) Location. Residential development signs may be located on a lot or in the road right-of-way if approved by the Village and the appropriate governmental authority having jurisdiction over the right-of-way.
  - (ii) Height. At no time may a residential development sign exceed six (6) feet in height.
  - (iii) Size. In those locations not within a road right-of-way, a residential development sign may be illuminated and may be double faced; the gross surface area of the largest sign face shall not exceed thirty (30) square feet and shall not be taller than five (5) feet. For those signs located in a road right-of-way, the appropriate governmental authority having jurisdiction over the right-of-way shall control the size of the sign but in no case shall the size exceed what would be permitted if the sign were not located within the right-of-way.
  - (iv) Construction Material. The predominate construction material of all residential development signs shall be either masonry or stone. (Am. Ord. 11-029, passed 07/26/11)
- (7) Permits. All residential development signs shall require a sign permit from the Village. For those signs located in a road right-of-way, proof of permission concerning the location and size of the proposed sign from the appropriate governmental authority must be presented to the Village prior to the issuance of sign permits. Prior to the issuance of a permit, the applicant shall file with the Village a copy of the development's covenants which establish obligations upon the lot owners or a homeowner's association to maintain and repair said signage or such other documentation as the Village determines acceptable to insure that adequate provision has been made for such maintenance and repair.
- (8) Location on Property. Except as otherwise provided herein, no signs in the agriculture and residential districts shall exceed six (6) feet in height and all signs shall be located a minimum of ten (10) feet from all property lines. (Am. Ord. 11-029, passed 07/26/11)

b. Public Districts

The following signs are allowed in the public district subject to the requirements hereinafter specified:

- (1) Exempt and Temporary Signs.
- (2) School Signs. A school, as defined by the zoning ordinance, shall be permitted one (1) sign per school that shall not exceed twenty-four (24) square feet of total copy area and shall be constructed not more than six (6) feet in height above grade.
- (3) Ground Mounted Signs. One (1) sign shall be permitted for each zoning lot. Such sign shall be limited to only one (1) of the following:
  - (i) An individual business sign.
  - (ii) An integrated shopping center sign or tenant directory.
  - (iii) A planned development sign and/or tenant directory.
  - (iv) A multiple use facility sign.

Such sign shall be ground mounted, may be illuminated, may be double faced, and the total gross surface area of the largest sign face shall not exceed one (1) square foot of signage for every three (3) lineal feet of street frontage, to a maximum of sixty-five (65) square feet for any single face. Where a zoning lot contains 600 or more feet of street frontage along any one (1) street, one (1) additional sign complying with the above sign specifications shall be permitted, provided such signs are located not less than 300 feet apart, and each sign face does not exceed sixty-five (65) square feet for any single sign face. On corner lots, one (1) additional sign may be constructed on the second street, and the total gross surface area of the largest sign face along the second street frontage shall not exceed one (1) square foot of signage for every four (4) lineal feet of street frontage to a maximum of fifty (50) square feet for any single sign face provided that such sign is located not less than two hundred (200) feet from any other pole or ground mounted sign on the same zoning lot. The predominate construction material of all ground mounted commercial signs shall be masonry or stone.

- (4) Tenant Names. Any freestanding sign may have up to four (4) tenant names of businesses. The area of tenant names shall be included in the maximum permitted size of the sign.
- (5) Wall Signs.
  - A. Number & Location. Wall signage shall be permitted on building elevations immediately adjacent to or on a public right-of-way or major privately owned circulation road. Wall signs are not permitted to be located on a building elevation which is immediately adjacent to residentially zoned property. There is not to exceed more than 1 wall sign per building elevation business. On a multi-tenant building, the centerline of the wall sign must be placed so it shares a common horizontal centerline along the building facade.

B. Size. The total gross square footage of one (1) wall sign shall not exceed 1.25 times the number of the lineal feet of building frontage as defined herein.

The square footage of the total remaining wall signage shall not exceed 75% of the permitted size of the first wall sign. No more than thirty percent (30%) of any window may be covered by a wall sign.

C. Corner Units and Lots:

(i) Number & Location. Wall signage shall be permitted on building elevations immediately adjacent to or on a public right-of-way or major privately owned circulation road. Wall signs are not permitted to be located on a building elevation which is immediately adjacent to residentially zoned property. On a multi-tenant building, the centerline of the wall sign must be placed so it shares a common horizontal centerline along the building facade.

(ii) Size. The total gross square footage of one (1) wall sign shall not exceed 1.25 times the number of the lineal feet of building frontage as defined herein. The square footage of the total remaining wall signage shall not exceed 1.25 times the number of lineal feet of building frontage. There is not to exceed more than 1 wall sign per building elevation per business. No more than thirty percent (30%) of any window may be covered by a wall sign.

D. Type. Only channel letter signs and dimensional surface signs are permitted. Box signs are not permitted. (Am. Ord. 14-035 passed 06/24/14).

(Section 10.6-6b(5) in its entirety - Am. Ord 13-036, passed 05/28/13).

- (6) Height. Except as otherwise provided herein, no ground mounted sign in the public district shall exceed ten (10) feet in height (Am. Ord. 13-036, passed 05/28/13).
- (7) Location. All ground mounted signs shall be located a minimum of fifteen (15) feet from all property lines.

(Public District added in entirety - Am. Ord. 12-026, passed 05/22/12)

c. Business/Commercial Districts

The following signs are permitted in all business/commercial districts subject to the requirements hereinafter specified:

- (1) Exempt and Temporary Signs.
- (2) Ground Mounted Signs. One (1) sign shall be permitted for each zoning lot. Such sign shall be limited to only one (1) of the following:
  - (i) An individual business sign.
  - (ii) An integrated shopping center sign or tenant directory.
  - (iii) A planned development sign and/or tenant directory.
  - (iv) A multiple use facility sign.

Such sign shall be ground mounted, may be illuminated, may be double faced, and the total gross surface area of the largest sign fact shall not exceed one (1)

square foot of signage for every three (3) lineal feet of street frontage, to a maximum of sixty-five (65) square feet for any single face. Where a zoning lot contains 600 or more feet of street frontage along any one (1) street, one (1) additional sign complying with the above sign specifications shall be permitted, provided such signs are located not less than 300 feet apart, and each sign face does not exceed sixty-five (65) square feet for any single sign face. On corner lots, one (1) additional sign may be constructed on the second street, and the total gross surface area of the largest sign face along the second street frontage shall not exceed one (1) square foot of signage for every four (4) lineal feet of street frontage to a maximum of fifty (50) square feet for any single sign face provided that such sign is located not less than two hundred (200) feet from any other pole or ground mounted sign on the same zoning lot. The predominate construction material of all ground mounted commercial signs shall be masonry or stone.

(3) Wall Signs.

A. Number & Location. Wall signage shall be permitted on building elevations immediately adjacent to or on a public right-of-way or major privately owned circulation road. Wall signs are not permitted to be located on a building elevation which is immediately adjacent to residentially zoned property. There is not to exceed more than 1 wall sign per building elevation business. On a multi-tenant building, the centerline of the wall sign must be placed so it shares a common horizontal centerline along the building facade.

B. Size. The total gross square footage of one (1) wall sign shall not exceed 1.25 times the number of the lineal feet of building frontage as defined herein. The square footage of the total remaining wall signage shall not exceed 75% of the permitted size of the first wall sign. No more than thirty percent (30%) of any window may be covered by a wall sign.

C. Corner Units and Lots:

(i) Number & Location. Wall signage shall be permitted on building elevations immediately adjacent to or on a public right-of-way or major privately owned circulation road. Wall signs are not permitted to be located on a building elevation which is immediately adjacent to residentially zoned property. On a multi-tenant building, the centerline of the wall sign must be placed so it shares a common horizontal centerline along the building facade.

(ii) Size. The total gross square footage of one (1) wall sign shall not exceed 1.25 times the number of the lineal feet of building frontage as defined herein. The square footage of the total remaining wall signage shall not exceed 1.25 times the number of lineal feet of building frontage. There is not to exceed more than 1 wall sign per building elevation per business. No more than thirty percent (30%) of any window may be covered by a wall sign.

D. Type. Only channel letter signs and dimensional surface signs are permitted. Box signs are not permitted. (Am. Ord 14-035, passed 06/24/14)

(Section 10.6-6c(3) in its entirety - Am. Ord 13-036, passed 05/28/13)

(4) Height. Except as otherwise provided herein, no ground mounted sign in the commercial districts shall exceed ten (10) feet in height and all signs shall be located a minimum of fifteen (15) feet from all property lines (Am. Ord. 13-036, passed 05/28/13).

- (5) Traveling Message Signs. Traveling message boards or signs of any type shall not be permitted.
- (6) Menu Boards. The total square footage of all menu boards for any establishment with a drive-thru service window shall not exceed seventy-five (75) square feet, provided, however, that no individual board shall exceed twenty-five (25) square feet.
- (7) Tenant Names. Any freestanding sign may have up to four (4) tenant names of businesses. The area of tenant names shall be included in the maximum permitted size of the sign.

d. Industrial District The following signs are permitted in the industrial district subject to the requirements hereinafter specified:

- (1) Exempt and Temporary Signs.
- (2) Ground Mounted Signs. One (1) sign shall be permitted for each zoning lot. Such sign shall be limited to only one (1) of the following:
  - (i) An individual business sign.
  - (ii) An integrated shopping center sign or tenant directory.
  - (iii) A planned development sign and/or tenant directory.
  - (iv) A multiple use facility sign.

Such sign shall be ground mounted, may be illuminated, may be double faced, and the total gross surface area of the largest sign face shall not exceed one (1) square foot of signage for every two (2) lineal feet of street frontage, to a maximum of sixty-five (65) square feet for any single sign face. Where a zoning lot contains eight hundred (800) or more feet of street frontage along any one (1) street, one (1) additional sign complying with the above sign specifications shall be permitted, provided such signs are located not less than 400 feet apart, and each sign face does not exceed sixty-five (65) square feet for any single sign face. All signs shall not exceed ten (10) feet in height. On corner lots, one (1) additional sign may be constructed on the second street, and the total gross surface area of the largest sign face along such street frontage shall not exceed one (1) square foot of signage for every three (3) lineal feet of street frontage to a maximum of sixty-five (65) square feet for any single sign face, provided that such sign is located not less than 300 feet from any other pole or ground mounted sign on the same zoning lot. The predominate construction material of all ground mounted industrial signs shall be masonry or stone.

- (3) Wall Signs.
  - A. Number & Location. Wall signage shall be permitted on building elevations immediately adjacent to or on a public right-of-way or major privately owned circulation road. Wall signs are not permitted to be located on a building elevation which is immediately adjacent to residentially zoned property. There is not to exceed more than 1 wall sign per building elevation business. On a multi-tenant building, the centerline of the wall sign must be placed so it shares a common horizontal centerline along the building facade.

B. Size. The total gross square footage of one (1) wall sign shall not exceed 1.25 times the number of the lineal feet of building frontage as defined herein. The square footage of the total remaining wall signage shall not exceed 75% of the permitted size of the first wall sign. No more than thirty percent (30%) of any window may be covered by a wall sign.

C. Corner Units and Lots:

(i) Number & Location. Wall signage shall be permitted on building elevations immediately adjacent to or on a public right-of-way or major privately owned circulation road. Wall signs are not permitted to be located on a building elevation which is immediately adjacent to residentially zoned property. On a multi-tenant building, the centerline of the wall sign must be placed so it shares a common horizontal centerline along the building facade.

(ii) Size. The total gross square footage of one (1) wall sign shall not exceed 1.25 times the number of the lineal feet of building frontage as defined herein. The square footage of the total remaining wall signage shall not exceed 1.25 times the number of lineal feet of building frontage. There is not to exceed more than 1 wall sign per building elevation per business. No more than thirty percent (30%) of any window may be covered by a wall sign.

D. Type. Only channel letter signs and dimensional surface signs are permitted. Box signs are not permitted. (Am. Ord 14-035, passed 06/24/14).

(Section 10.6-6d(3) in its entirety - Am. Ord 13-036, passed 05/28/13)

Message Signs. Traveling message boards or signs of any type shall not be permitted.

10.6-7 Nonconforming Signs (Grandfathered Signs)

- a. Status Any nonconforming sign or sign structure existing lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any sign or sign structure rendered nonconforming by the adoption of this Ordinance, or by any subsequent amendments thereto, shall be deemed to be legally nonconforming and may be continued subject to the regulations of this Section 10.6-7. The burden of establishing that any nonconformity is legally nonconforming shall, in all cases, be on the owner or user of the nonconforming sign.
- b. Repairs and Alterations
  - (1) A nonconforming sign or sign structure shall not be enlarged upon, expanded or extended in any manner unless the alteration conforms to the regulations of this Ordinance.
  - (2) Repairs and alterations may be made to return a nonconforming sign or sign structure to a safe condition in accordance with an order by a public official who is charged with protecting the public safety and who declares such sign or structure to be unsafe and orders its restoration to a safe condition, provided that such restoration does not otherwise violate the provisions of this Section.
  - (3) No nonconforming sign or sign structure shall be moved in whole or in part to any other location on the same or any other zoning lot unless every portion of such sign or structure, and the use thereof, conforms to all the regulations of the district where it is to be located.

- (4) A nonconforming sign or sign structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the sign or structure to the condition it was in before the occurrence exceeds fifty percent (50%) or more of its replacement value at that time, shall not be restored unless said sign and structure shall conform to all of the regulations of the district where it is located.
- (5) In the event such damage or destruction is less than fifty percent (50%) of the replacement value at the time of replacement, repairs may be made to the sign and sign structure to return it to a safe condition as existed prior to such damage or destruction. No repairs or reconstruction shall be made unless such restoration is started within one (1) year from the date of partial destruction and is completed within one (1) year thereafter. If the restoration is not started within one (1) year, the sign and structure shall be removed and the area cleared by the owner.
- (6) If the nonconforming use of a sign or sign structure is discontinued for a continuous period of six (6) months, such use shall not be renewed and such legally nonconforming sign shall be deemed terminated. Any subsequent use of the sign or structure shall conform to the use regulations of the zoning district where such sign or structure is located.

#### 10.6-8 Issuance of Sign Permits

The Zoning Officer, and such designees as may be directed by the Village Board, shall enforce this Ordinance and in addition thereto shall perform the following duties:

- a. Issue all sign permits for permanent, temporary and portable signs.
- b. Conduct inspections of all signs to determine compliance with the terms of this Ordinance.

#### 10.6-9 Appeals

- a. Scope of Appeals An appeal may be taken to the Plan Commission by any person aggrieved, or by any office or department of the Village. Such an appeal shall be taken within ten (10) days after the action complained of, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Plan Commission all of the papers constituting a record upon which the action appealed from were taken.
- b. Findings on Appeals An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Plan Commission, after the notice of appeal has been filed that by reason of facts stated in the certificate to stay would, in the Zoning Officer's opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Plan Commission or by a court of record on application, on notice of the Zoning Officer, and on due cause shown.

#### 10.6-10 Variations

- a. Procedure Request for variation shall be filed as follows:
  - (1) Requests for variation may be initiated by petition (application) that seeks to vary the provisions of this Section 10.6.

- (2) The following rules shall apply to the applicant:
  - (i) The Petitioner shall be the fee owner, agent or attorney or other person having a proprietary interest in the property, and/or any person having the right to represent the owner.
  - (ii) In the case where the fee owner has entered into a contract for the sale of the property sought to be affected, the contract purchaser shall be a co-petitioner to the petition or application or shall provide a letter of authorization to represent the fee owner.

The Plan Commission, after a public hearing, may recommend that the regulations of this Section be varied in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, provided the Plan Commission shall make findings in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Section.

- b. Standards for Variations The Plan Commission shall not recommend variations to the regulations of this Section unless it shall make findings based upon the evidence presented to it in each specific case demonstrating consideration with respect to the following:

- (1) That the granting of any variation is in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or detrimental to the public welfare; and
- (2) That the granting of the variation will not:
  - (i) Impair an adequate supply of light and air to adjacent property;
  - (ii) Increase the hazard from fire or other dangers to said property; and
  - (iii) Diminish the value of land and buildings on neighboring properties.
- (3) In addition to the above, the Plan Commission may recommend that conditions and additional restrictions be imposed upon the premises benefited by a variation as may be necessary to comply with the criteria established in this subsection to reduce or minimize the effect of such variation upon other property in the area, and to better carry out the general intent of this Ordinance.

- c. Village Board Action No variation shall be granted except by ordinance duly adopted by the Village Board after public hearing and written recommendation from the Plan Commission.

- (1) The Village Board may grant, deny or amend the recommendation for variation. Every variation, which is granted by ordinance of the Village Board, shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed variation, which shall remain a part of the permanent records of the Plan Commission.
- (2) The Village Board may establish such conditions and restrictions upon the establishment, location, construction, maintenance and operation of variations as

is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Ordinance.

10.6-11 Fees No sign permit shall be approved nor shall an appeal or request for variation be scheduled until such time as the appropriate fee as established by the Village Board has been paid in full.

**SECTION 11  
NON-CONFORMING BUILDINGS, STRUCTURES, AND USES**

**11.1 STATEMENT OF PURPOSE**

- a. The purpose of this Section is to provide for the regulation of non-conforming buildings, structures, and uses, and to specify those circumstances and conditions under which those non-conforming buildings, structures, and uses may be continued.
- b. This Ordinance establishes separate zoning districts, each of which is an appropriate area for the location of the uses which are permitted in that zoning district. It is necessary and consistent with the establishments of those districts that those nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be continued without restriction.

**11.2 NON-CONFORMING BUILDINGS AND STRUCTURES**

Any non-conforming building or structure which existed lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any such building or structure which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow.

**11.2-1 Repairs and Alterations**

Normal maintenance of a nonconforming building, structure, or use is permitted, including necessary non-structural repairs and incidental alterations that do not extend or intensify the nonconforming building, structure, or use, may be made in accordance with the following:

**11.2-1.1 Building or Structure Designed or Intended for a Non-conforming Use**

- a. Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for use not permitted in the district in which it is located, except when those structures, and uses thereof, conform to the district in which it is located, or unless a variation has been obtained in a manner described in Section 11.6. For the purpose of this Section, repairs shall include items not involving structural alterations to the building or structure, except as herein provided.
- b. No structural alteration or structural repair shall be made in a nonconforming building, structure, or use except in the following situations:
  - (1) When the alteration is required by law.
  - (2) When the alteration will result in the elimination of the nonconforming use.
  - (3) When a structure is on a residential zoning lot containing residential nonconforming structures, said structure may be altered to improve livability, provided that no structural alterations will increase the number of dwelling units, or the bulk of the structure.

#### 11.2-1.2 Building intended for a permitted use

Ordinary repairs, alterations and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

#### 11.2-2 Additions and Enlargements

A non-conforming building or structure which is non-conforming as to bulk, and is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located; or unless a variation has been obtained in a manner described in Section 11.6.

#### 11.2-3 Relocation of Building or Structure

No building or structure which does not conform to all of the regulations of the district in which it is located, shall be moved in whole or in part to any other location unless every portion of such building or structure is moved and the use thereof is made to conform to all regulations of the district into which it is to be located.

#### 11.2-4 Abandonment of Use of Non-conforming Building or Structure

A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is abandoned as of the effective date of this Ordinance, or thereafter becomes abandoned, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located. However, to constitute an abandonment it must appear that there is an intent to abandon, and mere cessation or discontinuance of use will not, per se, result in a loss of the right to resume such non-conforming use.

#### 11.2-5 Expansion of Use in Non-conforming Building or Structure

The non-conforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but no changes or structural alterations to all the regulations of the district in which the building or structure is located.

#### 11.2-6 Restoration of Damaged Non-conforming Building or Structure

- a. A non-conforming building or structure which is destroyed or damaged by any means to the extent that the cost of restoration exceeds fifty (50) percent of its equalized assessed value prior to said destruction, the building or structure shall be rebuilt according to the provisions of the zoning district in which it is located.
- b. In the event that the cost of reconstruction caused by damage or destruction is less than 50 percent of the equalized assessed value of the entire building prior to said destruction, no repairs or reconstruction shall be made unless such restoration is started within six (6) months from the date of partial destruction (unless an extension is granted by the Village Board), and is completed within one (1) year thereafter. If the restoration is not started within six (6) months of said calamity and diligently progressed to completion, the building or structure shall be removed and the area cleared by the owner, or at the owner's expense.

#### 11.2-7 Change to a Conforming Use

Wherever all or any part of a building or structure occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a non-conforming use.

### 11.3 **NON-CONFORMING USE OF A CONFORMING BUILDING OR STRUCTURE**

The lawfully existing non-conforming use of a part of or all of a building or structure, all or subsequently all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

#### 11.3-1 Expansion of Non-conforming Use

The non-conforming use of part of a building or structure all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure.

#### 11.3-2 Abandonment

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is abandoned, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located. However, to constitute an abandonment it must appear that there is an intent to abandon such non-conforming use. Time in itself is not an essential element of abandonment, and mere cessation or discontinuance of use will not, per se, result in a loss of the right to resume such non-conforming use.

#### 11.3-3 Change to another Non-conforming Use

No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure all or substantially all of which building or structure is designed or intended for a permitted use.

#### 11.3-4 Change to a Conforming Use

Whenever all or any part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is occupied by a non-conforming use and is subsequently changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a non-conforming use.

### 11.4 **NON-CONFORMING USE OF LAND**

#### 11.4-1 Expansion

A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

#### 11.4-2 Abandonment

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is abandoned, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located. However, to

constitute an abandonment it must appear that there is an intent to abandon such non-conforming use. Time in itself is not an essential element of abandonment, and mere cessation or discontinuance of use will not, per se, result in a loss of the right to resume such non-conforming use.

#### 11.4-3 Change to a Conforming Use

Wherever a non-conforming use of land is changed to or replaced by a conforming use of land, such premises shall not thereafter be used or occupied by a non-conforming use.

#### 11.5 **EXISTING SPECIAL USES**

Where a use is classified as a special use under this Ordinance and exists as a special use or permitted use or a legal non-conforming use at the date of the adoption of this Ordinance, or exists as a legal use under a court decree at the date of the adoption of this Ordinance, then such use shall be deemed to be a legal special use under this Ordinance, and a special use permit and a certificate of occupancy shall be issued for such use without the necessity for a public hearing or other compliance with the provisions of this Ordinance relating to the granting of special use permits.

#### 11.6 **VARIATIONS FOR NON-CONFORMING BUILDINGS, STRUCTURES, LOTS OR USES**

Variations for existing non-conforming buildings, structures, lots or uses may be reviewed and granted by the Village Board, after a public hearing by the Zoning Board of Appeals. Review of variation applications for non-conforming buildings, structures, lots or uses shall be made in accordance with the standards for variation application review set forth in Section 12.7. Variances may be granted only within the following parameters:

- a. To reduce any required yard setback, lot area, or lot dimension, or to increase lot coverage percentage, floor area ratio (FAR) or structure height for any lot in any zoning district.
- b. To reduce the number of required off-street parking and loading spaces.

#### 11.7 **NON-CONFORMING LOTS OF RECORD**

An individual lot of record in existence at the time of the adoption of this Ordinance which can fulfill at least eighty percent (80%) of the required lot area and at least eighty percent (80%) of the required lot width, may be developed for a use permitted within the zoning district in which the lot is located, provided that it can be developed in full compliance with the yard requirements. Otherwise, an individual lot of record in existence at the time of the adoption of this Ordinance, which is unable to meet the requirements as to lot area, lot width and yard requirements can be developed only after a variance is granted.

## 11.8 DEVELOPMENTS AS LEGAL NON-CONFORMING USE

All buildings constructed hereafter, all uses of land or buildings established hereafter and all structural alterations or relocations of existing buildings occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located except for those lots of record in all residential districts, except the E-1 and E-2 districts, existing at the time of adoption of this ordinance, which shall continue to be subject to the regulations of the Zoning Ordinance Adopted November 2006 and shall not be subject to the side yard or minimum lot size regulations of this ordinance for a period of twelve (12) years after the effective date of this Ordinance. All existing and proposed accessory uses and buildings shall be subject to all regulations of this ordinance which are applicable to the zoning district in which such accessory uses and buildings shall be located, regardless of when the lot in which the accessory uses or buildings are located was first platted. (Am. Ord. 08-048, passed 09/09/08)

**SECTION 12  
ADMINISTRATION AND ENFORCEMENT**

**12.1 ORGANIZATION**

The administration of this Ordinance is vested in the following offices of the Village:

- a. Zoning Officer;
- b. Plan Commission;
- c. Zoning Board of Appeals;
- d. Village Board.

**12.1-1 The Zoning Officer**

The Zoning Officer and his authorized organizational personnel shall administer and enforce this Ordinance, and in addition, thereto and in furtherance of said authority, shall:

- a. Issue all zoning certificates and make and maintain records thereof.
- b. Issue "temporary permits" authorized by this Ordinance.
- c. Conduct inspections of buildings, structures, and land to determine compliance with this Ordinance, and notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
- d. Order the discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of illegal additions, or structural changes; or shall take any other action authorized by Statute or by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- e. Maintain permanent and current records of this Ordinance, including, but not limited to all maps, amendments, special use permits, planned unit developments, variations, appeals, applications, and records of hearings and decisions.
- f. Advise all persons seeking zoning information relating to the official plans of the Village.
- g. Provide and maintain a source of public information relative to all matters arising out of this Ordinance.
- h. Receive, file, and forward to the Plan Commission and Village Board, as applicable, all applications for amendments, special use permits, planned unit developments, and other matters on which the Plan Commission or Village Board is required to pass under this Ordinance.
- i. Provide and maintain a public information bureau relative to all matters arising out of a comprehensive amendment.
- j. Review all property which has been the subject of legal action invalidating the decision of the Village Board on such matters and note such legal action directly upon the Village's Zoning Map.
- k. Initiate, direct, and review, from time-to-time, a study of the provisions of this Ordinance and make recommendations as such study requires.
- l. Keep the Village Board advised of zoning activities.

- m. Decide or make recommendations on all matters under this Ordinance upon which the Zoning Officer is required to act.

12.1-2 Plan Commission and Zoning Board of Appeals

a. Creation and Membership

The Plan Commission shall consist of seven (7) members appointed by the Village President with the consent of the Village Board. The Plan Commission shall assume and perform all of the duties of the Zoning Board of Appeals.

b. Jurisdiction

The Plan Commission is hereby vested with the following jurisdiction and authority:

- (1) To hear appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Ordinance.
- (2) To conduct public hearings on and make recommendations to the Village Board on applications for Variation, Special Use, Amendment, and Planned Development in the manner prescribed by and subject to the standards established in this Ordinance.
- (3) Receive from the Zoning Officer the recommendations as to the effectiveness of this Ordinance and report its conclusions and recommendations to the Village Board.
- (4) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, or prescribed by the applicable provisions of the Illinois Municipal Code.

c. Meetings and Rules

- (1) All meetings of the Plan Commission shall be held at the call of the Chairman and at such times as the Plan Commission shall determine.
- (2) Public hearing shall be conducted by the necessary quorum of the Commission. A quorum shall consist of four members.
- (3) Except as otherwise provided herein, the Plan Commission shall adopt its own rules of procedure provided such rules are in compliance with the Illinois Municipal Code.
- (4) Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney.
- (5) The Chairman, or in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- (6) The Secretary shall keep minutes of the Plan Commission proceedings, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, and shall also keep records of its meetings and other official action. A copy of every rule or regulation, amendment, order, requirement, decision or determination of the Plan Commission shall be filed immediately with

the Zoning Officer. The Plan Commission may adopt other rules and regulations of procedure not in conflict with this Ordinance or the Illinois Municipal Code.

- (7) Before an application may be filed with and officially accepted by the Zoning Officer, the applicant must insure that the application is complete and that it includes the following documentation:
- (i) Evidence that the applicant is the owner of record of the property in question. If the owner is represented by an agent other than an attorney, the owner must supply a notarized statement naming the agent and indicating that said agent is acting on the owner's behalf.
  - (ii) Evidence that the property described in the application is a legally recorded "lot of record".
  - (iii) A single plat of survey which encompasses the entire property subject to an application for a map amendment, special use permit, or variance, prepared by a State of Illinois Registered Land Surveyor, showing the property boundaries and the location of any existing or proposed structures on the property. The plat of survey shall be submitted on paper having dimensions not larger than 11 inches X 17 inches.
  - (iv) Permitting approval or necessary corrective action indicated by the Health Department.
  - (v) Permitting approval or necessary corrective action indicated by the appropriate public roadway authorities or proof that the reviews required had not been completed within thirty (30) days of the applicant's request.
  - (vi) Review approval or necessary corrective action indicated by the appropriate Fire Department, in whose primary jurisdiction the property is located, when the application involves a multi-family dwelling, residential subdivision development, commercial or industrial property, any planned unit development (PUD), a flag lot, or any division of land which will create two (2) or more new principal uses of land.
  - (vii) Review and comment from the Will-South Cook Soil and Water Conservation District.
  - (viii) Fifteen (15) copies of such application and supporting documentation shall accompany the original application.

## 12.2 ZONING CERTIFICATES AND BUILDING PERMITS

### 12.2-1 Certificate Required

No building or structure shall be erected, constructed, reconstructed, enlarged, moved, or structurally altered, nor shall any excavation or grading commence without a building permit, site development permit, or other appropriate permit. No permit pertaining to the use of land, buildings or structures, shall be issued by any employee of the Village unless the proposed use thereof complies with all the provisions of this Ordinance. Any permit or zoning certificate issued in conflict with the provisions of this Ordinance shall be void.

#### 12.2-2 Application

Every application for a permit shall also be accompanied by an application for a zoning certificate, and shall be made in duplicate in such form as the Chief Building Official may from time-to-time provide, and shall include:

- a. One original and \_\_\_\_\_ copies of plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of buildings and structures already existing, if any; the ground area, height and bulk of all buildings or structures; the location and dimensions of all proposed off-street parking and loading spaces and access ways thereof; the location of all easements and setback lines; and such other matters as the Zoning Officer may deem necessary to determine conformance with this Ordinance. The information set forth in the plans shall be certified by a registered Illinois land surveyor or licensed professional engineer.
- b. Information describing the existing and proposed use of each building and land area on the lot; the number of families or dwelling units proposed to be accommodated; and such other matters as the Chief Building Official may deem necessary to determine conformance with this Ordinance.
- c. Unless otherwise approved by the Chief Building Official, certification by the Project Engineer that the plans are in compliance with the requirements of all Village Ordinances, including but not limited to compensatory storage and detention requirements, location, size and bulk requirements, and otherwise comply with the provisions of any applicable special use permit.

#### 12.2-3 Action by Chief Building Official

Within fifteen (15) days after the receipt of an application for a zoning certificate, the Zoning Officer shall issue the certificate, provided all applicable provisions of this Ordinance are complied with, or the Chief Building Official shall refuse to issue a zoning certificate and shall advise the applicant in writing of the reasons for refusal. If the Chief Building Official fails to act within fifteen (15) days, the applicant may then file with the Chief Building Official a written demand, the applicant may treat the application as denied and may appeal from such denial to the Plan Commission.

#### 12.2-4 Exceptions

No zoning certificate shall be required for routine maintenance or repair of buildings, structures, or equipment.

### 12.3 **EXCAVATION/FILLING PERMIT**

- 12.3-1 Permit Required Except as provided elsewhere in this Ordinance, no excavation or filling of any property with any type of material, including ice and snow, shall be permitted without first obtaining an Excavation/Filling Permit from the Zoning Officer or the Chief Building Official required herein. No Excavation/Filling Permit shall be issued by an officer, department or employee unless the application for such permit has been examined by the Village Engineer and has affixed to it a certificate indicating that the proposed excavation and/or filling complies with all of the provisions of this Ordinance. Any permits issued in conflict with the provisions of this Ordinance shall be null and void.

12.3-2 Application Every application for an Excavation/Filling Permit shall be accompanied by:

- a. Three (3) prints with the following information shall be submitted:
  - (1) The Scale shall not be smaller than one (1) inch = forty (40) feet.
  - (2) Legal description of property.
  - (3) Existing topography with one (1) foot contour interval to U.S.G.S. datum.
  - (4) Proposed topography.
  - (5) Existing drainage structures within 100 feet of the property line including storm sewers, field tile (if known), catch basins, inlets, culverts and ditches.
  - (6) Proposed drainage structures as listed in a) above.
  - (7) Existing tops of foundations on all adjacent properties.
  - (8) Locations and elevations of proposed improvements including foundation, septic fields and garages.

The drawings required above shall be prepared and signed by a Professional Engineer, registered in the State of Illinois, and shall be based upon a survey of the property showing actual dimensions and monumenting, as certified by a Registered Illinois Land Surveyor.

- b. Before any Excavation/Filling Permit can be issued, the drawings required herein shall be reviewed and approved by the Village Engineer.
- c. Excavation/Filling Permits shall be valid for a period of one (1) year from the date of issuance, provided, however, upon application to and approval by the Zoning Officer or the Chief Building Official, such permit may be extended for six (6) months.

## 12.4 **OCCUPANCY CERTIFICATE**

### 12.4-1 Occupancy Certificate Required

No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until the Occupancy Certificate has been issued by the Chief Building Official. No change in a use shall be made until an Occupancy Certificate has been issued stating that the use or occupancy complies with the provisions of this Ordinance.

### 12.4-2 Application for Occupancy Certificate

Every Application for a Building Permit or Zoning Certificate shall be deemed to be an application for an Occupancy Certificate. Every application for an Occupancy Certificate for a new use of land where no building permit is required shall be made directly to the Chief Building Official.

12.4-3 Issuance of Occupancy Certificate

No Occupancy Certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Chief Building Official to be in conformity with the plans and specifications upon which the Zoning Certificate was based. No Occupancy Certificate for a building, or addition thereto, constructed after the effective date of this Ordinance, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Chief Building Official to be in compliance with all applicable standards. The Occupancy Certificate shall be issued or a written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Chief Building Official is notified in writing that the building or premises are ready for occupancy.

12.4-4 Temporary Certificate

Pending the issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition, or during partial occupancy of the premises. The temporary certificate shall be valid during construction, and shall be discontinued within thirty (30) days after completion of construction.

12.5 **APPLICATIONS FOR VARIATION, MAP AMENDMENTS, ETC.**

12.5-1 Application Each request for Variation, Amendment, Special Use or Planned Development shall be filed as follows:

- a. Requests for Variation, Special Use and Planned Development may be initiated by Resolution or Motion of the Village Board or by Petition (application) which seeks to vary the provisions of this Ordinance or to obtain a Special Use or Planned Development as specified within this Ordinance.
- b. Map amendments may be initiated by Resolution or Motion of the Village Board or by Petition (application) which seeks to change or modify the standards and requirements imposed on a particular parcel or parcels of property by the zoning district maps of this Ordinance.
- c. Text amendments may be initiated by Resolution or Motion of the Village Board or by Petition (application) and shall state in particular the Section, Subsection and/or paragraph of this Ordinance to be amended.

12.5-2 Petition Requirements

- a. The Petitioner shall be the fee owner, agent or attorney or other person having a proprietary interest in the property, and/or any person having the right to represent the owner.
- b. In the case where the fee owner has entered into a contract for the sale of the property sought to be affected, the contract purchaser shall be a co-petitioner to the petition or application or shall provide a letter of authorization to represent the fee owner.
- c. In the case of property that is the subject of a land trust agreement, the trustee of such trust, in his or her capacity as trustee, shall be the petitioner or co-petitioner to the petition or application or the applicant shall provide a letter of authorization from the trustee authorizing the applicant to represent the beneficial interest of the land trust.

- d. Where the petitioner or applicant is a corporation the petition or application shall include the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of twenty (20) percent of all outstanding stock of such corporation.
- e. Where the petitioner or applicant, or his principal, if other than the applicant, is a business or entity doing business under an assumed name, the petition or application shall include the name and residence of all true and actual owners of such business or entity.
- f. Where the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, the petition or application shall include the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association.
- g. Where property is the subject of a land trust agreement, the applicant shall provide a TRUST DISCLOSURE in compliance with "An Act to Require Disclosure of all Beneficial Interests" signed by the Trustee of the Trust.

## 12.6 PUBLIC HEARINGS AND NOTICE REQUIREMENTS

The following provisions shall apply to public hearings required by this Ordinance in addition to any other specific provisions set forth in the Ordinance:

- 12.6-1 When the provisions of this Ordinance require a public hearing in connection with any application, petition, or appeal, the Village shall, upon receipt of a properly completed application, petition, or notice, fix a reasonable time and place for such hearing or meeting. Except as otherwise set forth herein, such hearing or meeting shall be commenced no later than sixty (60) days, and shall be concluded no later than one hundred twenty (120) days, following the submission of the subject application or petition, unless the hearing or meeting agenda of the Plan Commission is completely committed during that time.
- 12.6-2 All hearings shall be open to the public and shall be held before the Plan Commission.
- 12.6-3 The Plan Commission public hearing notice shall contain a description of the subject matter to be heard or considered at the hearing, a description of the requested action, the address or particular location of the subject development, and the time, place, and date of the hearing. The notice shall also contain a reference to the particular sections of this Ordinance involved.
- 12.6-4 The applicant shall give notice of the time and place of the public hearing by mail or personal delivery to the owners of all properties which adjoin the property which is the subject of the application, except for those developments or redevelopments with improvements that include new construction of a structure equal to or greater than sixty (60') feet in height, the applicant shall give this notice to property owners within one-thousand (1,000') feet of the property which is the subject of the application (Am. Ord 09-036, passed 06/10/09. Such notice shall be mailed no fewer than fourteen (14) days in advance of the hearing and shall be sent certified mail, marked return receipt requested, except as otherwise specifically provided in this Ordinance. Supplemental or additional notices may be required by the Plan Commission. Proof of mailing shall be sufficient evidence of service of notice.
- 12.6-5 The Village shall publish notice of the time and place of the public hearing at least once, not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing, in a newspaper published in the Village, or if no newspaper is published in the Village, then in a newspaper with a general circulation in the Village.

12.6-6 Any interested person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the Plan Commission may exclude irrelevant, immaterial, or unduly repetitious evidence.

12.6-7 Subject to the discretion of the Plan Commission, the applicant or petitioner, or any other party to the hearing, may be allowed any or all of the following rights:

- a. To present witnesses on their behalf.
- b. To cross-examine all witnesses testifying in opposition to the application, petition, or appeal.
- c. To examine and reproduce any documents produced at the hearing.
- d. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant or withhold such rights, the discretion of the Plan Commission shall be governed by the goal of securing all information and opinions relevant and material to its deliberations. Such rights shall not be granted, however, when undue and unwarranted delay would result or when to do so would tend to produce no new evidence to aid the Plan Commission in reaching its decision.

12.6-8 The Plan Commission may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the Plan Commission may find sufficient. Proper notice of such a recess shall be given to all parties to the hearing, and any other person designated by the Plan Commission.

12.6-9 All testimony at every hearing shall be given under oath.

12.6-10 Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing submit written statements in support of or in opposition to the application, petition, or appeal being heard.

12.6-11 All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Ordinance pertaining to the rules promulgated by the Plan Commission.

12.6-12 The record of the public meeting shall include:

- a. All notices and responses thereto; and
- b. A transcript or notes, if any, of all oral testimony received, and all written information, if any, submitted by parties or the public; and
- c. Any recommendation or report by the hearing body; and
- d. All memoranda or data submitted to the Plan Commission in connection with its consideration of the subject matter of the hearing.

12.6-13 The decision or recommendation of the Plan Commission shall be in writing and shall include findings of fact stating the reasons for the decision. The copy of the written decision shall be provided to the applicant or petitioner and transmitted to the Village Board. The written decision may be in the form of minutes from the Plan Commission proceedings provided such minutes have been approved by the Plan Commission.

## 12.7 VARIATIONS

### 12.7-1 Purpose of Variation

The "variation" process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variations be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested. In no event, however, shall the Village grant a variation which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property.

### 12.7-2 Application; Notice of Hearing; Procedures

- a. An application for a variation shall be filed in writing with the Zoning Officer. The application shall contain such information as the Plan Commission may require.
- b. The Plan Commission, after a public hearing, may recommend to the Village Board a variation of the regulations of this Ordinance. The Plan Commission shall make recommendations only in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance relating to the construction or alterations of buildings or structures or the use of land in harmony with their general purpose and intent of the regulations; only where such Plan Commission makes findings of fact in accordance with the standards set forth herein; and, further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance relating to the construction, or alteration of buildings or structures on the use of land. The Plan Commission shall recommend to the Village Board such imposition of the conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth herein, to reduce or minimize the effect of such variation upon other property in the neighborhood and to implement the general purpose and intent of this Ordinance.

### 12.7-3 Standards of Variation

- a. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
  - (1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
  - (2) That the plight of the owner is due to unique circumstances; and
  - (3) That the variation, if granted, will not alter the essential character of the locality.
- b. A variation shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three (3) conditions enumerated in Section 12.7-3.

- c. For the purpose of supplementing the above standards, the Plan Commission, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
- (1) That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;
  - (2) That the conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
  - (3) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
  - (4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - (5) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located;
  - (6) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood; or
  - (7) That the proposed variation will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

#### 12.7-4 Conditions

The Plan Commission may require such condition and restrictions upon the property benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Ordinance.

#### 12.7-5 Authorized Variations

Variations from the regulations of this Ordinance shall be recommended by the Plan Commission only in accordance with the standards set forth in this Section (Am. Ord. 09-036, passed 06/10/09).

The following variations from the regulations of this Ordinance may be authorized by the Zoning Official only in accordance with the standards set forth in this Section and may be granted only in the following instances, and in no others:

- a. Garage line variation may be permitted by the Zoning Officer as follows:

- (1) Authority In the case of hardship in which there are particular difficulties in observing the side yard as herein required, then the Zoning Administrator shall have the authority to vary the required side yard for garages.
  - (2) Standards
    - (i) The Zoning Officer shall not vary the provisions of this Ordinance as authorized by this Section, unless it can be shown by aerial photographs or plot plans that such a garage line variation is compatible with the neighborhood.
    - (ii) Garage line variations shall not be granted less than five (5) feet from side lot lines or thirty (30) feet from the front lot line.
- b. Lot frontage variations may be permitted by the Zoning Officer as follows:
- (1) Authority In cases of hardship in which there are particular difficulties in observing the lot frontage as herein required, then the Zoning Administrator shall have the authority to vary the required lot frontage by no more than ten percent (10%) for any lot of record legally created on or before July 20, 1978.
  - (2) Standards The Zoning Officer shall not vary the provisions of this Ordinance as authorized by this Section, unless it can be shown by aerial photographs or plot plans that such a lot frontage variation is compatible with the neighborhood.
- b. Lot area variation may be permitted by the Zoning Officer as follows:
- (1) Authority In cases of hardship in which there are particular difficulties in observing the lot area as herein required, then the Zoning Administrator shall have the authority to vary the required lot area by no more than ten percent (10%) for any lot of record legally created on or before July 20, 1978.
  - (2) Standards The Zoning Officer shall not vary the provisions of this Section, unless it can be shown by aerial photographs or plot plans that such a lot area variation is compatible with the neighborhood.
- d. Lot width variations by the Zoning Officer in Agricultural Districts as follows:
- (1) Authority In the case where a parcel in an Agricultural zoning district legally created and recorded prior to January 1, 1998 does not observe the lot width as required, then the Zoning Officer shall have the authority to vary the required lot width for the purpose of issuing a permit to build a residence or accessory structure commonly associated with a residential use.
  - (2) Standards Such variations for lot width shall be granted unless the primary use of the parcel is residential and all other requirements of the Agricultural zoning district are met, and said variations shall not be granted to a width less than sixty-six (66) feet.
- e. Lot width variations by the Zoning Officer in Agricultural Districts as follows:
- (1) Authority In the case where a parcel in an Agricultural Zoning District legally created and recorded prior to January 1, 1998, when changes were made to the Illinois compiled statutes, does not observe the lot width as required then the Zoning Officer shall have the authority to vary the required lot width for the

purpose of issuing a permit to build a residence or accessory structure commonly associated with a residential use.

- (2) Standards Such variations for lot width shall be granted if
  - (i) The primary use of the parcel is residential
  - (ii) The lot width is at least twenty (20) feet wide; and,
  - (iii) All other requirements of the Agricultural district are met.
- (3) Effective period Such administrative variations for lot width in agricultural districts shall be valid for a period no longer than three (3) years from the date such variation was granted by the Zoning Officer 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 Zoning Officer may grant a one (1) year, upon written application and good cause shown, without notice or hearing.

f. Lot coverage variation by the Zoning Officer as follows:

- (1) Authority In cases of hardship in which there are particular difficulties in observing the lot coverage as herein required, then the Zoning Officer shall have the authority to vary the required lot coverage by no more than ten percent (10%) for any lot of record legally created.
- (2) Standards The Zoning Officer shall not vary the provisions of this Ordinance as authorized by this Section, unless it can be shown by aerial photograph or plot plans that such variations are compatible with the neighborhood.

g. Swimming Pool Setback variation by the Zoning Officer as follows:

- (1) Authority In cases of hardship in which there are particular difficulties in observing the required rear yard setback of a swimming pool as herein required, then the Zoning Officer shall have the authority to vary the required rear yard setback by no more than ten percent (10%) of the required rear yard setback of the swimming pool.
- (2) Standards The Zoning Officer shall only vary the provisions of this Ordinance as authorized by this Section when considering the proximity to permanent open space, proximity to adjacent structures, ability to screen, or topography of the land. The Zoning Officer shall not vary these provisions unless it can be shown by aerial photograph or plot plans that such variations are compatible with the neighborhood.

(Am. Ord 09-007, passed 03/24/09).

h. Variation of Accessory Setback for Structures Greater than 750 Square Feet by the Zoning Officer as follows:

- (1) Authority In cases of hardship in which there are particular difficulties in observing the required rear yard setback of an accessory structure greater than 750 square feet in size, as herein required, then the Zoning Officer shall have the authority to vary the required rear yard setback by no more than ten percent (10%) of the required rear yard setback of an accessory structure greater than

750 square feet in size.

- (2) Standards The Zoning Officer shall only vary the provisions of this Ordinance as authorized by this Section when considering the proximity to permanent open space, proximity to adjacent structures, ability to screen, or topography of the land. The Zoning Officer shall not vary these provisions unless it can be shown by aerial photograph or plot plans that such variations are compatible with the neighborhood.

(Am. Ord 09-036, passed 06/10/09).

#### 12.7-6 Decisions

Not more than ninety (90) days after the close of the public hearing, the Plan Commission shall make its findings of fact and its recommendation to the Village Board.

#### 12.7-7 Village Board Action

No Variation shall be granted except by ordinance duly passed and approved by the Village Board after public hearing and written recommendation from the Plan Commission.

#### 12.7-8 Effective Period

No order of the Village Board granting a variation shall be valid for a period longer than one (1) year 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 Village Board may grant one (1) extension of this period, valid for no more than one hundred and eighty (180) additional days, upon written application and good cause shown, without notice or hearing. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned, or are not utilized for any continuous period of one (1) year, said variation shall, to the extent of such abandonment or non-utilization, become invalid after a public hearing is provided herein.

#### 12.7-9 Ordinance - Findings

Without further public hearing, the Village Board may grant, deny or amend the recommendation for Variation. Every Variation, which is granted by Ordinance of the Village Board, shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed Variation, which shall remain a part of the permanent records of the Plan Commission.

### 12.8 **AMENDMENTS**

#### 12.8-1 Purpose of Amendment

For the purpose of promoting the public health, safety and general welfare, conserving the value of property throughout the community and lessening or avoiding congestion in the on public streets and highways, the Village Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance (text amendment), or amend district boundary lines (map amendment), provided that in all amendatory ordinances adopted under the authority of this section due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage

of the entire community and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

#### 12.8-2 Initiation

Amendments may be proposed by the Village Board, Plan Commission, and by any other person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

No application for amendment to this Ordinance shall be made which proposes reclassification of any of the same property for the same zoning district that has been the subject of a public hearing for a requested amendment held by the Plan Commission within the twelve (12) months preceding the date of filing. If parcels are not contiguous, a separate application shall be made for each non contiguous parcel of land.

#### 12.8-3 Application for Amendment

An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer. Such application should be submitted to the Plan Commission for review, public hearing and written recommendations and thereon to the Village Board for final disposition.

#### 12.8-4 Findings of Fact and Recommendation of the Plan Commission

- a. The Plan Commission shall make written findings of fact and shall submit same, together with its recommendations to the Village Board, for action. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon all the evidence presented to it and shall consider among other pertinent matters, the following:
  - (1) Existing uses of property within the general area of the property in question;
  - (2) The zoning classification of property within the general area of the property in question;
  - (3) The suitability of the property in question to the uses permitted under the existing zoning classification;
  - (4) 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; and
  - (5) The change in zoning is in conformance with the comprehensive plan of the Village and its official map.
  - (6) The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.
  - (7) The extent to which property values are diminished by particular zoning restrictions.
- b. After consideration of the above matters, the Plan Commission may recommend the adoption of a proposed amendment, denial of a proposed amendment or a modification to such proposed amendment. The Plan Commission may include with its

recommendation certain conditions or modifications to a proposed amendment for consideration by the Village Board.

#### 12.8-5 Village Board Action

After receipt of the findings and written recommendation by the Plan Commission, the Village Board may take action as follows:

- a. Text Amendments Text Amendments may be passed at a Village Board meeting by a simple majority of the elected Village Board members, unless written protests against the proposed Text Amendment are signed by five (5) percent of the land owners of the Village of Homer Glen. In which case such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all the members of the Village Board.
- b. Map Amendments Map Amendments may be passed at a Village Board meeting by a simple majority of the elected Village Board members except that in case of written protest against any proposed Map Amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, such Amendment shall not be passed except by the favorable vote of two-thirds (2/3) of the Trustees then holding office.
- c. Protests - Notification In cases of protests, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed Amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney as shown in the application for the proposed Amendment.

#### 12.8-6 Effect of Denial of Amendment

No application for a map amendment which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Plan Commission and Village Board. If no action is taken by the Village Board within six (6) months after its receipt of the findings and report of the Plan Commission, the application shall be deemed to have been denied.

### 12.9 **SPECIAL USE PERMITS**

12.9-1 This Ordinance is based upon the division of the Village into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the special or unusual impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into three (3) categories:

- a. Uses publicly operated or traditionally affected with a public interest and;
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities, or the county as a whole; and
- c. Uses, either public or private, that because of past or present conditions, need special consideration.

#### 12.9-2 Initiation

Any person having a freehold interest in land; a possessory interest entitled to exclusive possession; a contractual interest which may become a freehold interest; or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.

#### 12.9-3 Application for Special Use

An application for a special use shall be filed with the Zoning Officer on a prescribed form. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth below. Such applications shall be forwarded from the Zoning Officer to the Plan Commission, with a request to review said application and accompanying data, conduct a public hearing thereon and submit written recommendations thereon to the Village Board.

#### 12.9-4 Findings of Fact and Recommendation of the Plan Commission

- a. The Plan Commission shall make written findings of fact and shall refer to any exhibits containing plans and specifications for the proposed special use, which shall remain a part of the permanent record of the Plan Commission. The Plan Commission shall submit its findings and a summary of the record, together with its recommendation to the Village Board for final action. All exhibits containing plans and specifications shall remain part of the permanent records of the Plan Commission. No special use shall be recommended by the Plan Commission, unless such Commission shall find:
- (1) That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.
  - (2) The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.
  - (3) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - (4) The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.
  - (5) The proposed use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accord with the applicable district regulations.
  - (6) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- (7) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
  - (8) That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
  - (9) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (10) The proposed use has been considered in relation to the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan.
- b. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

12.9-5 In addition to the findings required in Section 12.9-4, no special use involving an adult business shall be recommended by the Plan Commission, unless the Plan Commission shall additionally find that the granting of the special use shall not:

- a. Increase the hazard from fire or other dangers to said property;
- b. Diminish the value of land and buildings in the vicinity of the proposed special use; or
- c. Substantially increase the possibility of criminal acts against properties within 500 feet of such proposed special use or against persons who regularly use such properties.

12.9-6 Terms of Relief, Conditions and Guarantees

Prior to recommending any special use, the Plan Commission shall, in a conclusion or paragraph, separate from the findings of fact, stipulate the terms or relief recommended. The Plan Commission may also stipulate any conditions and restrictions that are necessary to address impacts or other effects which uniquely and specifically attributable to the special use on surrounding land uses as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In cases in which special uses are recommended, the Plan Commission may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are being, and will be, complied with.

12.9-7 Village Board Action

No Special Use shall be granted except by Ordinance duly passed and adopted by the Village Board after receipt of written recommendation from the Plan Commission. Without further public hearing, the Village Board may grant, deny or amend the recommendation for Special Use, except that any proposed special use which fails to receive an affirmative recommendation of the Plan Commission shall not be approved by the Village Board except by a favorable majority vote of all Trustees then holding office. Every Special Use which is granted by Ordinance of the Village Board shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed Special Use, which shall remain a part of the permanent records of the Plan Commission. The findings shall specify the reason or reasons for granting the Special

Use. The Village Board shall act to grant, deny or amend the recommendations for every Special Use within one hundred twenty (120) days of the date on which the recommendations were transmitted by the Plan Commission to the Village Board.

#### 12.9-8 Ordinance - Terms of Relief

The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of the Ordinance. The Village Board may establish such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Special Use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Ordinance.

For Special Uses involving an Adult Business Use, the Village Board may establish such conditions and restrictions upon the establishment, location, construction, maintenance and operation of such Special Use as will:

- a. Reduce the hazard from fire to such properties;
- b. Reduce any negative effect that the proposed Special Use would have on the value of properties within 500 feet of such use;
- c. Reduce the possibility of criminal acts which could result from the proposed Special Use against property within 500 feet of such Use or against persons who regularly use such properties.

For the purpose of this Section, any property, street or highway shall be deemed to be within 500 feet of the proposed Special Use if any portion of the property or of the centerline of the street or highway shall be 500 feet from or fall within 500 feet of a point on the parcel that is nearest such portion of property or centerline, as measured by a straight line projected without regard to intervening structures.

#### 12.9-9 Effective Period

No special use permit shall be valid for a period longer than one (1) year from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Village Board may grant one (1) extension of this period, valid for no more than one (1) additional year, upon written application and good cause shown without notice or hearing. If any special use is abandoned, or is discontinued for a continuous period of one year, the special use permit for such use shall become void, and such use shall not thereafter be reestablished unless a new special use permit is obtained.

### 12.10 **REVERSION**

#### 12.10-1 Scope of Authority

- a. A variance, special use permit, or change in zoning shall be reverted or revoked as provided in this Section if the testimony upon which such variance, special use permit, or zoning change was falsely given.
- b. A change of zoning shall be reverted as provided for in this Section if the permitted variance, special use permit, or permitted use is not in full compliance with the applicable requirement of this Ordinance.

#### 12.10-2 Initiation

Reversions may be initiated by the Village Board, Plan Commission, or by any person aggrieved by a variance, special use permit, or change in zoning.

#### 12.10-3 Process

The process for reverting a variance, special use permit, or change in zoning shall be as follows:

- a. An application for a reversion shall be filed with the Zoning Officer and shall be in such form, contain such information, and be accompanied by such plans as the Plan Commission by rule may require.
- b. A copy of such application shall thereafter be forwarded by the Zoning Officer to the Plan Commission with a request to hold a public hearing.
- c. The Plan Commission shall hold a public hearing within ninety (90) days after receiving the application from the Zoning Officer.
- d. The Plan Commission shall within sixty (60) days after the public hearing transmit a written report giving its findings and recommendations to the Village Board.

#### 12.10-4 Decision

The Village Board upon recommendation of the Plan Commission may grant or deny any proposed reversion or may refer it back to the Plan Commission for further consideration.

### 12.11 **APPEALS**

#### 12.11-1 Scope of Appeals

An Appeal may be taken to the Plan Commission by any person aggrieved, or by any office, department, board or bureau of the Village. Such an Appeal shall be taken within forty-five (45) days after the action complained of, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Plan Commission all of the papers constituting a record upon which the action appealed from was taken.

#### 12.11-2 Findings on Appeals

An Appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Plan Commission, after the notice of the appeal has been filed with the Zoning Officer, that by reason of facts stated in the certificate to stay would, in the Zoning Officer's opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Plan Commission or by a court of record on application, on notice of the Zoning Officer, and on due cause shown.

#### 12.11-3 Hearing and Administrative Action

The Plan Commission shall reach its decision within a reasonable period of time after the hearing of the Appeal. The Plan Commission may affirm or may reverse, wholly or in part, or modify the order, requirements, decision, or determination that, in its opinion, ought to be done and, to that end, shall have all the powers of the officer from whom the appeal is taken. The Zoning Officer shall maintain records of all actions of the Plan Commission relative to Appeals.

12.11-4 Refund of Filing Fee

If the Plan Commission shall reverse an order, requirement, decision or determination, the person filing the Appeal shall be refunded any appeal filing fee, which he shall have paid. A refund shall be made only where the action complained of in the notice of appeal is wholly reversed or where the notice of Appeal is withdrawn as provided below. Where the notice of Appeal shall be withdrawn by written notice thereof actually received by the Village prior to the publication or mailing of the notice of appeal, any appeal filing fee shall be refunded except any portion thereof which the Village Board may provide be resolution be retained to cover filing costs. Where the notice of Appeal shall be withdrawn by written notice actually received by the Village after publication or mailing of notice of Appeal, but before the public hearing, one-half of any appeal filing fee shall be refunded. No refund shall be made where the notice of Appeal is withdrawn after the public hearing. Refunds of filing fees for Appeals shall be made only as provided for in this section and in strict accordance with practices established by the Village.

12.12 **FEES AND PENALTIES**

12.12-1 Assessment of Fees

An appeal of a Zoning Officer decision, or application for an annexation, variation, map amendment or special use permit, including a planned unit development, or any other application specified in this Ordinance, shall be accompanied by a fee. The fee shall be as listed on a schedule of fees adopted by the Village Board from time to time. The applicant shall also reimburse the Village upon presentation of a statement for its attorneys and engineering fees together with any other consultants' fees reasonably required by the Village to assist it in reviewing the proposed project/development. There shall be no fee required, however, in the case of an application filed by the Village.

12.12-2 Notification

As a convenience to the applicants, the Village may publish notification of public hearings, but expressly disclaims any liability or responsibility for any acts or omissions whether careless, negligent or intentionally caused or occasioned by its officers, agents or representatives and resulting in the failure to give proper notice or the content or form of such notice. As a condition of and prior to holding a public hearing the applicant, upon receipt of a statement for the Village legal publication and notification fees, shall reimburse the Village for said costs.

12.12-3 Compliance

Any person, firm, company, corporation or agent, employees or contractors of such who shall violate, disobey, omit, neglect or refuse to comply with or resist enforcement of any provision of this Ordinance shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation of this Ordinance shall be permitted to continue shall constitute a separate offense.

12.12-4 Equitable Relief

If any building, structure or improvement is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Village, or any other person whose property is, or may be affected by such violation, may institute any appropriate action or proceeding in equity.

**SECTION 13**  
**SOIL EROSION AND SEDIMENTATION CONTROL**

**13.1 PURPOSE**

The purpose of this Ordinance is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth.

It is the intention of this Ordinance that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state. The following are particular concerns related to improper controls over soil erosion and sedimentation:

- a. Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainage ways, the creation of recreational facilities;
- b. The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;
- c. Soil erosion necessitates the costly repairing of gullies, washed-out fills, and embankments;
- d. Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs;
- e. Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and,
- f. Sediment reduces the channel capacity of waterways and storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

**13.2 GENERAL GUIDELINES**

It is the objective of this Section to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating and filling of land. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less.

The following principles shall apply to all development activities and to the preparation of the submissions required under this Ordinance:

- a. Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
- b. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands should be left

undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

- c. Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventive measures should reflect the sensitivity of these areas to erosion and sedimentation.
- d. The smallest practical area of land should be exposed for the shortest practical time during development.
- e. Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from runoff waters from land undergoing development.
- f. The selection of erosion and sedimentation control measures should be based on assessment of the probably frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.
- g. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
- h. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainage ways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.
- i. Permanent vegetation and structures should be installed and functional as soon as practical during development. Native vegetation is preferred for developments near, or adjacent to high quality natural areas, wetlands, and streams.
- j. Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.
- k. All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.
- l. All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.

### 13.3 **SITE DEVELOPMENT PERMIT**

#### 13.3-1 Permit Required

Except as otherwise provided in this Ordinance, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land without having first obtained a site development permit from the Village. Failure to obtain a site development permit is a violation of this Ordinance.

#### 13.3-2 Exceptions

Subject to the provisions of any Village Ordinance regulating the commencement of construction activities, the provisions of this Section shall not apply to any one of the following construction activities unless the property is in a floodplain. For the purposes of this Section, tennis courts, parking areas, in ground swimming pools and other similar paved areas shall be considered

accessory structures. If the construction activity meets any one of the following it shall be considered an exception:

- a. Clearing, grading, stripping excavating or filling associated with the construction of a single-family residence on a site equal to or greater than five (5) acres.
- b. Clearing, grading, stripping, excavating or filling associated with the construction of single-family accessory structures on a site equal to or greater than two and one-half (2.5) acres provided that the structure is equal to or less than three thousand (3,000) square feet in area.
- c. Clearing, grading, stripping, excavating or filling associated with the construction of an addition to an existing residential building or the construction of a single-family residential accessory structure. The footprint of either being equal to or less than one thousand (1,000) square feet in area.
- d. Clearing, grading, stripping, excavating or filling associated with the Agricultural use of land, including the implementation of conservation practices included in a farm conservation plan approved by the Will/South Cook Soil and Water Conservation District, and including the construction of structures used for agricultural purposes.
- e. Clearing, grading, stripping, excavating or filling associated with the installation, renovations, or replacement of a septic system to serve an existing dwelling or structure.
- r. Excavation, fill, or any combination thereof which is equal to or less than one hundred (100) cubic yards in volume on a site less than two and one half (2.5) acres in size when structures are not involved and the proposed construction activity is not within twenty (20) feet of a property line.
- g. Excavation, fill, or any combination thereof which is equal to or less than two hundred (200) cubic yards in volume on a site equal to or greater than two and one half (2.5) acres when structures are not involved and the proposed construction activity is not within twenty (20) feet of a property line.
- h. Removal of plant cover equal to or less than five thousand (5,000) square feet in an area when structures are not involved.

#### 13.3-3 Application for Permit

Application for a site development permit shall be made by the owner of the property or his/her authorized agent to the Village on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

#### 13.3-4 Submission

Each application for a site development permit shall be accompanied by the following information depending on use and shall bear the seal and signature of a registered Illinois Professional Engineer (P.E.):

- a. Single-family residential and accessory structures including mobile homes shall require a Basic Drainage Plan (Site Plan) as defined by Section 401.0 of the Storm Water Drainage and Detention Ordinance, and shall also include the following:
- (1) Location of silt fence, hay bales, and other erosion control measures and the note "Erosion Control" to be applied per the latest edition of Illinois Procedures for Urban Soil Erosion and Sedimentation Control and The Illinois Urban Manual;
  - (2) Location of residence, other buildings, and planned accessory uses;
  - (3) Elevation of proposed top of foundation and garage floor elevation;
  - (4) Percent grade of driveways and swales;
  - (5) Elevation of all tops of foundations with one hundred (100) feet of site;
  - (6) Plan scale and north arrow;
  - (7) Benchmark description and datum;
  - (8) Legal description of lot and Permanent Index Number (P.I.N.);
  - (9) Easements;
  - (10) Calculations to support ditch sizing, culvert sizing, and other design aspects;
  - (11) A development plan of existing topography of the site and adjacent land within approximately one hundred (100) feet of the boundaries, drawn at no greater than one (1) foot contour intervals and clearly portraying the conformation and drainage pattern of the area;
  - (12) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within one hundred (100) feet of the boundary.
- b. All site development permits shall include the following information:
- (1) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use;
  - (2) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations, kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed;
  - (3) A copy of the development plan on a computer diskette, compatible with the Village's Geographic Information System (GIS).

- (4) An erosion and sediment control plan showing all measures necessary to meet the objectives of this Ordinance throughout all phases of construction and permanently after completion of development of the site, including:
- (i) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details;
  - (ii) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;
  - (iii) Location and description of all runoff control measures, including diversions, waterways, and outlets;
  - (iv) Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate;
  - (v) Description of dust and traffic control measures;
  - (vi) Locations of stockpiles and description of stabilization methods;
  - (vii) Description of off-site fill or borrow volumes, locations, and methods of stabilization;
  - (viii) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance;
  - (ix) Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.
- (5) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Village of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of this Ordinance and the standards and requirements contained in the Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement prepared in 1995 by the Natural Resources Conservation Service for the Illinois Environmental Protection Agency and the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control prepared by the

Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee and adopted by the Will/South Cook Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Ordinance by reference.

The Zoning Officer or Village Engineer may waive specific requirements for the content of submissions upon finding that the information submitted is in his/her best professional judgment sufficient to show that the work will comply with the objectives and principles of this Ordinance.

- (6) In addition, each application shall include (i) a clear and legible photocopy of the portion of the approved subdivision and development plans for the area in which the site is situated, provided such photocopy shall include grade and top of foundation elevation, and (ii) a certification, which bears the signature and seal of a registered Illinois Professional Engineer, that the development plan, including the grading plan, conforms with the approved subdivision plans and the provisions of this Ordinance, or in the event the development plan does not so conform, a list of all proposed deviations from the approved subdivision plans and the reasons for each such deviation.

#### 13.3-5 Guarantees

The applicant, except for individual residential lot owners who apply for building permits, is required to file with the Village, payable to the Village of Homer Glen, a letter of credit in an amount deemed sufficient by the Zoning Officer to cover all costs of required drainage improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

#### 13.3-5 Review and Approval

Each application for a site development permit shall be reviewed and acted upon according to the following procedures:

- a. The Village will review each application for a site development permit to determine its conformance with the provisions of this Ordinance. The Village may also refer any application to the Will/South Cook Soil and Water Conservation District/ Natural Resources Conservation Service and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within thirty (30) days after receiving an application, the Village shall in writing:
  - (1) Approve the site development permit application if it is found to be in conformance with the provisions of this Ordinance, and issue the site development permit;
  - (2) Approve the site development permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the site development permit subject to these conditions; or
  - (3) Disapprove the site development permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
- b. No site development permit shall be issued unless:

- (1) The development, including but not limited to subdivisions and Planned Development, has been approved by the Village where applicable, or
  - (2) Such site development permit is accompanied by or combined with a valid building permit issued by the Village, or
  - (3) The proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated;
  - (4) All relevant local, federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance;
  - (5) Proper zoning is obtained for the proposed use.
- c. Failure of the Village to act on an original application within sixty (60) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Village and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Village.

#### 13.3-6 Expiration of Permit

Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within one hundred and eighty (180) days, or is not completed within one (1) year; except that the Zoning Officer may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Village may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any extension.

#### 13.3-7 Appeals

The applicant, or any person or agency which received notice of the filing of an application, may appeal the decision of the Village as provided in Section 12.11 to the Plan Commission. Upon receipt of an appeal, the Plan Commission shall schedule and hold a hearing. The Plan Commission shall render a decision within thirty (30) days after the hearing. Factors to be considered on review shall include, but need not be limited to:

- a. the effects of the proposed development activities on the surface water flow to tributary and downstream lands;
- b. any comprehensive watershed management plans, or the use of any retention facilities;
- c. possible saturation of fill and unsupported cuts by water, both natural and domestic;
- d. runoff surface waters that produce erosion and silting of drainage ways;
- e. nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and,
- f. excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

### 13.3-8 Retention of Plans

Plans, specifications, and reports for all site developments shall be retained in original form or on microfilm by the Village.

## 13.4 **DESIGN AND OPERATION STANDARDS AND REQUIREMENTS**

### 13.4-1 Applicability

All clearing, grading, stripping, excavating, and filling which is subject to the permit requirements of this Ordinance shall be subject to the applicable standards and requirements set forth in this Section.

### 13.4-2 Responsibility

The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by (1) the issuance of a permit under this Ordinance, (2) compliance with the provisions of that permit or with conditions attached to it by the Village, (3) failure of Village officials to observe or recognize hazardous or unsightly conditions, (4) failure of Village officials to recommend denial of or to deny a permit, or (5) exemptions from the permit requirements of this Ordinance.

### 13.4-3 Site Design Requirements

- a. On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
  - (1) For disturbed areas draining less than one (1) acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of twenty-five (25) feet, may be used as an alternative only where runoff in sheet flow is expected.
  - (2) For disturbed areas draining more than one (1) but less than five (5) acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area in conjunction with other filter barriers.
  - (3) For disturbed areas draining more than five (5) acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area in conjunction with other filter barriers.
  - (4) Sediment basins and sediment traps designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the two-year, 24 hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten (10) hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
  - (5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one (1)

year. For construction periods exceeding one (1) year, the one-year sediment load and a sediment removal schedule may be substituted.

- b. Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the ten (10) year frequency storm without erosion. All constructed or modified channels shall be stabilized within forty-eight (48) hours consistent with the following standards:
  - (1) Sod or seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel. Temporary straw bales shall be installed until the seeding is established.
  - (2) For grades parallel to the channel flow and greater than eight percent (8%), rock, rip-rap, or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.
- c. Disturbed areas shall be stabilized with temporary or permanent measures within seven (7) calendar days following the end of active disturbance, or re-disturbance, consistent with the following criteria:
  - (1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material such as rip-rap or gravel.
  - (2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be re-stabilized within forty eight (48) hours after channel disturbance is completed, interrupted, or stopped.
  - (3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized area before flow is diverted.
- d. Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
- e. Soil storage piles containing more than ten (10) cubic yards of material shall not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately to the downslope side of the piles.
- f. If de-watering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.
- g. Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.
- h. All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

- i. All temporary erosion and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

#### 13.4-4 Handbooks Adopted by Reference

The standards and specifications contained in Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement and the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control are hereby incorporated into this Section 13.4 and made a part hereof by reference for the purpose of delineating procedures and methods of operation under approved site development and erosion and sedimentation control plans. In the event of conflict between provisions of said manuals and of this Ordinance, the Ordinance shall govern.

#### 13.4-5 Maintenance of Control Measures

All soil erosion and sediment control measures necessary to meet the requirements of this Ordinance shall be maintained periodically by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance. Failure to maintain working soil erosion control may result in forfeiture of letter of credit and is a violation of this Ordinance.

#### 13.4-6 Inspection

The Village has the right to inspect property periodically to ensure compliance with this Ordinance.

#### 13.4-7 Special Precautions

- a. If at any stage of the grading of any development site the Village determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Village may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.
- b. Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Village may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages as to insure completion of protective measures or devices prior to the advent of seasonal rains.

#### 13.4-8 Amendment of Plans

Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Village and shall be processed and approved or disapproved in the same

manner as the original plans. Field modifications of a minor nature may be authorized by the Village in writing to the permittee.

### 13.5 **ENFORCEMENT**

#### 13.5-1 Variations or Special Use Permits

The applicant may, in accordance with the procedures found in Section 12 of this Ordinance, apply for a variation or special use permit as appropriate and in conformance with the Section 12 regulations.

#### 13.5-2 Stop-Work Order; Revocation of Permit

In the event any person has not obtained a site development permit and work controlled by Section 13 of this Ordinance has been initiated, a stop work order shall be issued to prevent further violations of this Ordinance. Continuing to work at a site after a stop work order has been issued to prevent further violations of this Ordinance. Continuing to work at a site after a stop work order has been issued is a violation of this Ordinance.

Any person, firm, corporation or governmental body not exempted by state law that commences any clearing, grading, stripping, excavating, or filling of land without first obtaining a site development permit from the Village shall be required to obtain an after the fact site development permit at a cost that is double the normal fee.

In the event any person holding a site development permit pursuant to this Ordinance violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Village may suspend or revoke the site development permit.

- a. Suspensions of a permit shall be by a written stop-work order issued by the Village and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed.
- b. No site development permit shall be permanently suspended or revoked until a hearing is held by the Plan Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:
  - (1) The grounds for complaint or reasons for suspension or revocations, in clear and concise language; and,
  - (2) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his/her behalf. The Plan Commission shall determine within ten (10) days of the conclusion of the hearing whether the permit shall be suspended or revoked.

13.5-3 Violations and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this Ordinance. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be assessed fines and penalties as stated in Section 12.12 of this Ordinance.

In addition to any other penalty authorized by this Ordinance, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violati

**SECTION 14  
FLOOD DAMAGE PREVENTION**

14.1 **PURPOSE**

The purpose of this Ordinance is to maintain this Village’s eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Ordinance is adopted in order to accomplish the following specific purposes:

- a. To meet the requirements of the Rivers, Lakes and Streams Act;
- b. To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
- c. To protect new buildings and major improvements to buildings from flood damage;
- d. To protect human life and health from the hazards of flooding;
- e. To lessen the burden on the taxpayer for Flood Control Projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- f. To make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program;
- g. To comply with the rules and regulations of the National Flood Insurance Program, as amended;
- h. To protect, conserve, and promote the orderly development of land and water resources; and
- i. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14.2 **(RESERVED)**

14.3 **DEFINITIONS** (See Section 14A for definitions pertinent to this Section.)

14.4 **HOW TO USE THIS ORDINANCE**

- a. The Village Engineer shall be responsible for fulfilling all of the duties listed in this Section.
- b. To fulfill those duties, the Village Engineer, who must be a Professional Engineer (P.E.), first should use the criteria listed in Section 14.6, Base Flood Elevations, to determine whether the development site is located within a floodplain.
- c. Once it has been determined that a site is located within a floodplain, the Village Engineer must determine whether the development site is within a flood fringe, a designated floodway, or within a SFHA or floodplain for which no floodway has been identified.
  - (1) If the site is within a flood fringe, the Village Engineer shall require that the minimum requirements of Section 14.7 be met in addition to other applicable requirement of this Ordinance.
  - (2) If the site is within a floodway, the Village Engineer shall require that the minimum requirements of Section 14.8 be met in addition to other applicable requirements of this Ordinance.
  - (3) If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the Village Engineer shall require that the minimum requirements of Section 14.9 be met.
- d. In addition, the general requirements of Section 14.10 shall be met for all developments meeting the requirements of Section 14.7, 14.8, or 14.9.
- e. The Village Engineer shall assure that all subdivision proposals shall meet the requirements of Section 14.11.

14.5 **DUTIES OF THE ENFORCEMENT OFFICIAL(S)**

The Village Engineer shall be responsible for the general administration and enforcement of this Ordinance which shall include the following:

14.5-1 Determining the Floodplain Designation

- a. Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA).
- b. If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one (1) square mile in an urban or urbanizing area, or more than ten (10) square miles in a rural area.

14.5-2 Professional Engineer Review

- a. If the development site is within a floodway or in a floodplain for which a detailed study has not been conducted and which drains more than one (1) square mile, the permit shall be referred to a registered Professional Engineer under the employ or contract of the Village for review to ensure that the development meets Sections 14.8 or 14.9.

- b. In the case of an Appropriate Use, the P.E. shall state in writing that the development meets the requirements of Section 14.8.

14.5-3 Dam Safety Requirements

- a. Ensure that an IDNR/OWR permit has been issued or a letter indicating no permit is required, if the proposed development activity includes construction of a dam as defined previously.
- b. Regulated dams may include weirs, restrictive culverts or impoundment structures.

#### 14.5-4 Other Permit Requirements

Ensure that any and all required federal, state and local permits are received prior to the issuance of a site development permit, including the issuance of a special use permit for floodplain development if required.

#### 14.5-5 Plan Review and Permit Issuance

- a. Ensure that all development activities within the SFHAs of the jurisdiction of the Village meet the requirements of this Ordinance, and;
- b. Issue a site development permit in accordance with the provisions of this Ordinance and other regulations of this community when the development meets the conditions of this Ordinance.

#### 14.5-6 Development Review

Ensure all development projects have reviews completed before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this Ordinance.

#### 14.5-7 Elevation and Floodproofing Certificates

Maintain permit files including:

- a. An Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building subject to Section 14.10 of this Ordinance, and/or;
- b. The elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to Section 14.10 of this Ordinance for public inspection and provide copies of same.

#### 14.5-8 Records for Public Inspection

Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, site development permit documentation, special use permit for floodplain development documentation, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as-built" elevation and floodproofing and/or elevation certificates for all buildings constructed subject to this Ordinance.

#### 14.5-9 State Permits

Ensure that permit authorizing construction has been granted by IDNR/OWR, for all development projects subject to Section 14.8 and 14.9 of this Ordinance, unless enforcement responsibility has been delegated to the Village. However, the following review approvals shall require review or permits from IDNR/OWR:

14.5-9-1 Projects which are undertaken by Organizations which are exempt from this Ordinance, as per the Illinois compiled Statutes;

14.5-9-2 IDNR/OWR projects, dams or impoundment structures as defined in Section 14.3 and all other state, federal or local unit of government projects, including projects of the Village;

14.5-9-3 Engineer's determinations that an existing bridge or culver crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 14.8-2-3(E);

14.5-9-4 An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening Section 14.8-2-3 (D);

14.5-9-5 Review and approval of alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 14.8-2-3 (A,B,H);

14.5-9-6 Permit issuance of structures within, under, or over publicly navigable rivers, lakes and streams;

14.5-9-7 Any changes in the Base Flood Elevation of floodway locations; and

14.5-9-8 Base Flood Elevation determinations where none now exist.

14.5-9-9 Cooperation with Other Agencies

- a. Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this Ordinance;
- b. Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map;
- c. Submit reports as required for the National Flood Insurance Program; and
- d. Notify FEMA of any proposed amendments to this Ordinance.

14.5-10 Promulgate Regulations

Promulgate rules and regulations as necessary to administer and enforce the provisions of this Ordinance, subject however to the review and approval of IDNR/OWR and FEMA for any changes to Section 14 of this Ordinance.

14.6 **BASE FLOOD ELEVATION**

This Ordinance's protection standard is based on the Flood Insurance Study of Will County.

- a. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Survey's Floodplain Information Repository that has been approved by IDNR/OWR and FEMA.
- b. When a party disagrees with the best available data, he/she may finance the detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA.

14.6-1 The base flood or 100-year frequency flood elevation for the SFHAs of the Village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the County prepared by FEMA (or the Department of Housing and Urban Development) and dated per Appendix 'A', and such amendments to such study and maps as may be prepared from time to time.

14.6-2 The base flood or 100-year frequency flood elevation for the SFHAs of those parts of the Village shall be as delineated on the 100-year flood profiles in the most recent Flood Insurance Study of

Will County prepared by FEMA (or Department of Housing and Urban Development), and such amendments or revisions to such study and maps as may be prepared from time to time.

- 14.6-3 The base flood or 100-year frequency flood elevation for each SFHA delineated as an “AE Zone,” “AH Zone,” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of Will County.
- 14.6-4 The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of Will County shall be according to best existing data available in the Illinois State Water Survey Floodplain Information Repository.
- a. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP.
  - b. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges.
  - c. Along any watercourses draining more than one (1) square mile in an urban or urbanizing area, or more than ten (10) square miles in a rural area, the above analyses shall be submitted to IDNR/OWR for approval. Once approved it must be submitted to the Illinois State Water Survey Floodplain Information repository for filing.
  - d. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet, unless calculated by a detailed engineering study approved by IDNR/OWR for drainage areas greater than one (1) square mile.

#### 14.7 OCCUPATION AND USE OF FLOOD FRINGE AREAS

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage, and other applicable provisions of this Ordinance. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this Section, along with the requirements of Section 14.10.

##### 14.7-1 Development Permit

- a. No person, firm, corporation or governmental body not exempted by state law that commences any development in the SFHA without first obtaining a site development permit from the Village shall be required to obtain an after the fact site development permit at a cost that is double the normal fee.
- b. Any person, firm, corporation or governmental body not exempted by state law that commences any development in the SFHA without first obtaining a site development permit from the Village shall be required to obtain an after the fact site development permit at a cost that is double the normal fee.
- c. Application for a site development permit shall be made on a form provided by the Village Building Department.
  - (1) The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. Datum or N.G.V.D. and all changes in grade

resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings.

- (2) For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 14.10 of this Ordinance.
- d. Upon receipt of a site development permit application, the Village Engineer shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.
- (1) Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a site development permit as required by this Ordinance is not in the SFHA and, therefore, not subject to the requirements of this Ordinance.
  - (2) The Village Engineer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
- e. A soil erosion and sediment control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
- f. The applicant shall be responsible for providing the Village Engineer copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Village Engineer shall not issue a permit unless all other federal, state, and local permits have been obtained.

#### 14.7-2 Preventing Increased Damages

No development in the flood fringe shall create a threat to public health and safety.

- a. If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.
- b. Compensatory Storage.
  - (1) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.
  - (2) The excavation volume shall be at least equal to 1.50 times the volume of storage lost due to the fill or structure.
  - (3) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

- (4) All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation.
- (5) All such excavations shall be constructed to drain freely and openly to the watercourse.

#### 14.8 OCCUPATION AND USE OF DESIGNATED FLOODWAYS

This Section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for the Village shall be as delineated on the designated floodway maps designated by IDNR/OWR which meet the criteria in this Section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 14.10.

##### 14.8-1 Development Permit

No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a Site Development permit prior to the initiation of any development activities is a violation of this Ordinance.

- a. Any person, firm, corporation or governmental body not exempted by state law that commences any development in the SFHA without first obtaining a site development permit from the Village and who has been issued a stop work order shall be required to obtain an after the fact site development permit at a cost that is double the normal fee.
- b. Application for a site development permit shall be made on a form provided by the Village. The application shall include the following information:
  - (1) Name and address of applicant;
  - (2) Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
  - (3) Name of stream or body of water affected;
  - (4) Description of proposed activity;
  - (5) Statement of purpose of proposed activity;
  - (6) Anticipated dates of initiation and completion of activity;
  - (7) Name and mailing address of the owner of the subject property if different from the applicant;
  - (8) Signature of the applicant or the applicant's agent;
  - (9) If the applicant is a corporation, the president or other authorized officer shall sign the application form;
  - (10) If the applicant is a partnership, each partner shall sign the application form; and,

- (11) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him/her as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interest therein.
- (12) Plans of the proposed activity shall be provided which include as a minimum:
  - (i) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
  - (ii) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or NGVD or North American Vertical Datum, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;
  - (iii) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);
  - (iv) A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
  - (v) A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.
- (13) Any and all other federal, state, and local permits or approval letters that may be required for this type of development.
- (14) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 14.8-2.
- (15) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.
- (16) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer,

licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 14.10 of this Ordinance.

- (17) If the proposed project involves a channel modification, the applicant shall submit the following information:
- (i) A discussion of the purpose of and need for the proposed work;
  - (ii) A discussion of the feasibility of using alternative locations or methods (see 14.8-2-3(i.)) to accomplish the purpose of the proposed work;
  - (iii) An analysis of the extent and permanence of the impacts each feasible alternative identified in 14.8-2-3 (i) of this Section would have on the physical and biological conditions of the body of water affected; and,
  - (iv) An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

c. The applicant shall be responsible for submitting to the Village Engineer copies of all other federal, state, and local permits and approvals that may be required for this type of activity.

- (1) The Village Engineer shall not issue the site development permit unless all required federal and state permits have been submitted.
- (2) A Registered Professional Engineer, under the employ or contract of the Village shall review and approve applications submitted under this Section.

#### 14.8-2 Preventing Increased Damages and a List of Appropriate Uses.

a. The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Ordinance. Only those Appropriate Uses listed in 92 Ill. Adm. Code Part 708 will be allowed. The approved Appropriate Uses are as follows:

- (1) Public flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding of existing structures, erosion, or water quality or habitat for fish and wildlife;
- (2) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as instream aeration and similar treatment facilities, facilities and improvements related to recreational boating and commercial shipping and other functionally water dependent uses;
- (3) Storm and sanitary sewer outfalls;
- (4) Underground and overhead utilities.

- (5) Public open space and recreational facilities such as playing fields and trail systems including any related fencing (at least fifty percent (50%) open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions;
  - (6) Detached garages, storage sheds, or other non-habitable structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage;
  - (7) Bridges, culverts, and associated roadways, sidewalks, and railways, necessary for crossing over the floodway or for providing access to other appropriate uses in the floodway and any modification thereto;
  - (8) Parking lots and any modification thereto (where depth of flooding at the 100-year frequency flood event will not exceed one foot (1.0') and aircraft parking aprons built at or below ground elevation);
  - (9) Regulatory floodway regarding, without fill, to create a positive non-erosive slope toward a watercourse;
  - (10) Flood proofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and which are not considered substantial improvements to the structure;
  - (11) The replacement, reconstruction or repair of a damaged building, provided that the outside dimensions of the building are not increased, and provided that, if the building is damaged to fifty percent (50%) or more of the building market value before it was damaged, or if the building requires a substantial improvement, the building will be protected from flooding to the Flood Protection Elevation; and
  - (12) In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than fifty percent (50%) of the market value of the building before it was damaged or replaced, and which does not increase the outside dimensions of the building.
- b. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use.
- c. Within the designated floodway as identified on the floodway maps designated by IDNR/OWR, the construction of an Appropriate Use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Section 14.10 of this Ordinance:
- (1) Preservation of Flood Conveyance, so as Not to Increase Flood Stages Upstream

For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated flood conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

- (i) Designated floodway conveyance,  $K = (1.486/n)$  (AR 2/3) where “n” is Manning’s roughness factor, “A” is the effective flow area of the cross-section, and “R” is the ratio of the area to the wetted perimeter, (See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York).
  - (ii) The same Manning’s “n” value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
  - (iii) Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant’s engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
    - ((a)) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream’s length.
    - ((b)) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one (1) foot horizontal for every one foot of the flooded stream’s length.
    - ((c)) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
    - ((d)) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.
    - ((e)) All cross-sections used in the calculations shall be located perpendicular to flood flows.
- (2) Preservation of Floodway Storage so as Not to Increase Downstream Flooding.
- (i) Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects.
  - (ii) Compensatory storage for fill or structures shall be equal to at least 1.25 times the volume of floodplain storage lost.

- (iii) Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.
  - (iv) The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All designated floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
  - (v) If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to IDNR/OWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
  - (vi) There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.
- (3) Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights.
- (i) For all Appropriate Uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event.
  - (ii) In the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- (4) Construction of New Bridges or Culvert Crossings and Roadway Approaches.
- (i) The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood event up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.
  - (ii) If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.
    - ((a)) The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 14.6 of this Ordinance. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of

Highway Culvers. Bridges must be analyzed using the U.S. DOT/ Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.

- ((b)) Lost floodway storage must be compensated for per Section 14.8-2-3 (b).
  - ((c)) Velocity increases must be mitigated per Section 14.8-2-3 (c).
  - ((d)) If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.
  - ((e)) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by Section 14.8-2.
  - ((f)) All excavations for the construction of the crossing shall be designed per Section 14.8-2-3 (h).
- (5) Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads.
- (i) The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.
  - (ii) If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.
  - (iii) The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 92 Ill. Adm. Code Part 708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

d. On-Stream Structures Built for the Purpose of Backing Up Water.

- (1) Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.
- (2) A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow.

- (3) All dams and impoundment structures as defined in Section 14.3 shall meet the permitting requirements of 92 Ill. Adm. Code Part 702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:
- (i) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
  - (ii) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
  - (iii) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention.
  - (iv) A nonpoint source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;
  - (v) The project otherwise complies with the requirements of Section 14.8.

e. Flood Proofing of Existing Habitable, Residential and Commercial Structures

- (1) If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten (10) feet from the outside of the building.
- (2) Compensation for lost storage and conveyance will not be required for floodproofing activities.

f. Excavation in the Floodway

- (1) When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance or other Appropriate Uses, transition sections shall be provided for the excavation.
- (2) The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model test that more abrupt transitions may be used with the same efficiency:
  - (i) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one (1) foot horizontal for every four (4) feet of the flooded stream's length;
  - (ii) When water is flowing from a wide section to a narrow section, the water should be assumed to expand no faster than at a rate of one (1) foot horizontal for every one (1) foot of the flooded stream's length; and,

- (iii) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
  - (iv) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.
- g. If the proposed activity involves a channel modification, it shall be demonstrated that:
  - (1) There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;
  - (2) Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
  - (3) The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
    - (i) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.
    - (ii) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
    - (iii) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.
    - (iv) Clearing of stabilization vegetation shall be limited to that which is essential for construction of the channel.
    - (v) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilizations. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.
    - (vi) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of

construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.

- (vii) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.
- (viii) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.
- (ix) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.
- (x) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.
- (xi) Unless the modification is for the public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification.

(4) The project otherwise complies with the requirements of Section 14.8.

h. Seeding and Stabilization Plan

For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

i. Soil Erosion and Sedimentation Measures

For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

- (1) The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than fifteen (15) days prior to the initiation of improvements.
- (2) Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within fifteen (15) days after final grade is reached on any portion of the site, and within fifteen (15) days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty (60) days.
- (3) Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences,

straw bale fences, check dams, diversion ditches, and sediment traps and basins.

- (4) A vegetated buffer strip of at least twenty-five (25) feet in width shall be preserved and/or re-established, where possible, along existing channels (See 14.8-2-3 (p)). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.
  - (5) Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) and "The Illinois Urban Manual" (NRCS, 1995).
- j. Public Flood Control Projects For public flood control projects, the permitting requirements of this Section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.
- k. General Criteria for Analysis of Flood Elevations
- (1) The flood profiles, flows and floodway data in the designated floodway study, referenced in Section 14.6, must be used for analysis of the base conditions. If the study data appears to be in error conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data use.
  - (2) If the 100-year designated floodway elevations at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet:
    - (i) The requirements of this Section for the 100-year frequency flood elevations of the designated floodway conditions; and,
    - (ii) Conditions with the receiving stream at normal water elevations.
  - (3) If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this Section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- l. Conditional Letter of Map Revision
- (1) If the Appropriate Use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued.

- (2) The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR.
  - (3) In the case of non-government projects, the Village shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given.
  - (4) No filling, grading, dredging or excavating shall take place until a conditional approval is issued.
  - (5) After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revisions (LOMR) is issued by FEMA with concurrence from IDNR/OWR.
- m. Professional Engineer's Supervision.
- All engineering analyses shall be performed by or under the supervision of a registered professional engineer.
- n. For all activities in the floodway involving construction within twenty-five (25) feet of the channel, the following criteria shall be met:
- (1) A natural vegetation buffer strip shall be preserved within at least twenty-five (25) feet of the ordinary high water mark of the channel.
  - (2) Where it is impossible to protect this buffer strip during the construction of an Appropriate Use, a vegetated buffer strip shall be established upon completion of construction.
- o. After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-build" plans.

#### 14.8-2-4 Development Activities Requiring State Review

For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence prior to the issuance of a permit by the Village, which is the delegated state permitting authority in the floodway.

- a. An engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 14.8-2-3 (d).
- b. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 14.8-2-3 (e).
- c. Alternative transition sections and hydraulically equivalent storage pursuant to Section 14.8-2-3 (a,b,h).

- d. The construction of any IDNR/OWR projects, dams (as defined in Section 14.3) and all other state, federal, or local units of government projects.
- e. An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.
- f. Projects which revise the floodway and/or flood profiles.
- g. Projects in public bodies of water.

#### 14.8-2-5 Other Permits

- a. In addition to the other requirements of this Ordinance, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/4.9 et seq.
- b. No permit from IDNR/OWR shall be required if IDNR/OWR has delegated this responsibility to the Village.

#### 14.8-2-6 Permits for Dams

- a. Any work involving the construction, modification or removal of a dam as defined in Section 14.3 per 92 Ill. Adm. Code Part 702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.
- b. If the Village Engineer finds a dam that does not have an IDNR/OWR permit, the Village Engineer shall immediately notify the IDNR/OWR Schaumburg office.
- c. If the Village Engineer finds a dam which is believed to be in unsafe condition, the Village Engineer shall immediately notify the owner of the dam, the IDNR/OWR Schaumburg office, and the Illinois Emergency Management Agency (IEMA).

#### 14.8-2-7 Activities That Do Not Require a Registered Professional Engineer's Review

The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this Ordinance, including the mitigation requirements.

- a. Underground and overhead utilities that:
  - (1) Do not result in any increase in existing ground elevations, or
  - (2) Do not require the placement of above ground structures in the floodway, or
  - (3) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three feet (3') below the existing streambed, and
  - (4) Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris.
  - (5) Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas,

including the stream banks shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

- (6) A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (1992 State Bar Edition shall be provided with shut-off valves on each side of the body of water to be crossed).
- (7) All Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met.

b. Storm and sanitary sewer relief outfalls that:

- (1) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
- (2) Do not result in an increase in ground elevation,
- (3) Are designed so as not to cause stream erosion at the outfall location.

c. Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.

d. Construction of shoreline and streambank protection that:

- (1) Does not exceed one thousand feet (1,000') in length.
- (2) Materials are not placed higher than the existing top of bank.
- (3) Materials are placed so as not to reduce the cross-sectional area of the stream channel or bank of the lake.
- (4) Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives.
- (5) Temporary stream crossings in which:
  - (i) The approach roads will be one-half (1/2) foot or less above natural grade.
  - (ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
  - (iii) The top of the roadway fill in the channel will be at least two feet (2') below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
  - (iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.

- (v) The access road and temporary crossings will be removed within one year after authorization.

**14.9 OCCUPATION AND USE OF SFHA AREAS WHERE FLOODWAYS ARE NOT IDENTIFIED**

In SFHA or floodplains, (including AE, AH, AO and Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

**14.9-1 Site Development Permit**

- a. No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a Site Development Permit from the Village. Failure to obtain a site development permit is a violation of this Ordinance.
- b. Any person, firm, corporation or governmental body not exempted by state law that commences any development in the SFHA without first obtaining a site development permit from the Village shall be required to obtain an after the fact site development permit at a cost that is double the normal fee.
- c. Application for a site development permit shall be made on a form provided by the Village.
  - (1) The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 14.10 of this Ordinance.
  - (2) The application for a development permit shall also include the following information:
    - (i) A detailed description of the proposed activity, its purpose, and intended use;
    - (ii) Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
    - (iii) Anticipated dates of initiation and completion of activity;
    - (iv) Plans of the proposed activity shall be provided which include as a minimum:
      - ((a)) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;



#### 14.9-2 Preventing Increased Damages

- a. No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Ordinance.
- b. Within all riverine SFHAs where the floodway has not been determined, the following standards shall apply:
  - (1) The developer shall have a Registered Professional Engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 14.8-2-3 (a) through (1) for the entire floodplain as calculated under the provisions of Section 14.6-4 of this Ordinance.
    - (i) As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR for acceptance as a designated floodway.
    - (ii) Upon acceptance of the floodway by IDNR/OWR, the developer shall then demonstrate that the project meets the requirements of Section 14.8 for the designated floodway. The floodway shall be defined according to the definition in Section 14.3 of this Ordinance.
  - (2) A development permit shall not be issued unless the applicant first obtains a permit from IDNR/OWR.
  - (3) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated permit responsibility per 92 Ill. Adm. Code Part 708 for designated floodways.
  - (4) Permits for Dams
    - (i) Any work involving the construction, modification or removal of a dam as defined in Section 14.3-0 per 92 Ill. Adm. Code Part 702 (Rules for Construction of Dams) shall require the applicant to obtain an IDNR/OWR permit prior to the start of construction of a dam.
    - (ii) If the Village Engineer finds a dam that does not have an IDNR/OWR permit, the Village Engineer shall immediately notify the IDNR/OWR Schaumburg office.
    - (iii) If the Village Engineer finds a dam which is believed to be in unsafe condition, the Village Engineer shall immediately notify the owner of the dam, the IDNR/OWR Schaumburg office, and the Illinois Emergency Management Agency (IEMA).
- c. A site development permit may be issued for the following activities without a Registered Professional Engineer's review or calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this Ordinance:
  - (1) Underground and overhead utilities that:

- (i) Do not result in any increase in existing ground elevations, or
  - (ii) Do not require the placement of above ground structures in the floodway, or
  - (iii) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three feet (3') below the existing streambed, and
  - (iv) Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord or an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris.
  - (v) Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation.
  - (vi) A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (2004 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed.
  - (vii) All Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met.
- (2) Storm and sanitary sewer relief outfalls that:
- (i) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
  - (ii) Do not result in an increase in ground elevation, and
  - (iii) Are designed so as not to cause stream erosion at the outfall location.
- (3) Construction of shoreline and streambank protection that:
- (i) Does not exceed one thousand feet (1,000') in length.
  - (ii) Materials are not placed higher than the existing top of bank.
  - (iii) Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than ten percent (10%).
- (4) Temporary stream crossings in which:
- (i) The approach roads will be one half foot (1/2') or less above natural grade.
  - (ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.

- (iii) The top of the roadway fill in the channel will be at least 2' below the top of the west bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
  - (iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
  - (v) The access road and temporary crossings will be removed within one year after authorization.
- (5) The construction of light poles, signposts and similar structures;
- (6) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
- (7) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of flood waters;
- (8) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, not ten (10) feet in any one dimension (e.g., animal shelters and tool sheds);
- (9) The construction of additions to existing buildings which do not increase the first floor area by more than twenty percent (20%), which are located on the upstream or downstream side of the existing building, and which do extend beyond the sides of the existing building, and which do extend beyond the sides of the existing building that are parallel to the flow of flood waters;
- (10) Minor maintenance dredging of a stream channel where:
  - (i) The affected length of stream is less than one thousand feet (1000').
  - (ii) The work is confined to reestablishing flows in natural stream channels, or
  - (iii) The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.
- d. The flood-carrying capacity within any altered or relocated watercourse shall be maintained.
- e. Compensatory Storage.
  - (1) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.
  - (2) The excavation volume shall be at least equal to 1.25 times the volume of storage lost due to the fill or structure.
  - (3) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

- (4) All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

#### 14.10 PERMITTING REQUIREMENTS APPLICABLE TO ALL FLOODPLAIN AREAS

In addition to the requirements found in Sections 14.7, 14.8, and 14.9 for development in flood fringes, designated floodways, and SFHA or floodplains where no floodways have been identified (Zones A, AO, AH, AE, A1-A30, A99, the following requirements shall be met).

##### 14.10-1 Public Health Standards

- a. No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Elevation (FPE).
- b. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

##### 14.10-2 Carrying Capacity and Notification

- a. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.
- b. In addition, the Village shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

##### 14.10-3 Protecting Buildings

- a. All buildings located within a 100-year floodplain also known as a SFHA shall be protected from flood damage below the flood protection elevation. This building protection criteria may be met by one of the following methods in Section 2 through 6 below and applies to the following situations:
  - (1) Construction or placement of a new building.
  - (2) A structural alteration to an existing building that either increases the first floor area or the building's market value by more than fifty percent (50%);
  - (3) Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirements does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  - (4) Installing a travel trailer on a site for more than one hundred and eighty (180) days.
- b. A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:
  - (1) The lowest floor (including basement) shall be at or above the flood protection elevation.

- (2) Fill Requirements.
  - (i) The fill shall be placed in layers no greater than one (1) foot deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation.
  - (ii) The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures.
  - (iii) The fill shall be protected against erosion and scour.
  - (iv) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

c. A residential or non-residential building may be elevated in accordance with the following:

- (1) The building or improvement shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one (1) foot above existing grade, and consists of minimum of two openings. The openings must have a total net area of not less than one (1) squatter inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation.
- (2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
- (3) All areas below the flood protection elevation shall be constructed of materials resistant to flood damage.
  - (i) The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  - (ii) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation.
- (4) The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement.
- (5) Manufactured homes, and travel trailers to be installed on a site for more than one hundred and eighty (180) days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code Part 870. In addition, all manufactured homes shall meet the following elevation requirements:
  - (i) In the case of manufactured homes placed or substantially improved (1) outside of a manufactured home park or subdivision, (2) in a new

manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.

- (ii) In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least thirty six (36) inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.
- (6) Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of Subsection 14.3-3 (E) above unless:
  - (i) They are on site for fewer than one hundred and eighty (180) consecutive days;
  - (ii) They are fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.
- d. Only a non-residential building may be structurally dry flood proofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood.
  - (1) A registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood.
  - (2) The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
  - (3) Flood-proofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this subsection).
- e. Tool sheds and detached garages on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:
  - (1) The building is not used for human habitation.
  - (2) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the Appropriate Use criteria of Section 14.8. In addition, all other requirements of Section 14.7, 14.8 and 14.9 must be met.
  - (3) The structure shall be anchored to prevent flotation.

- (4) Service facilities such as electrical and heating equipment shall be elevated or flood proofed to the flood protection elevation.
  - (5) The building shall be valued at less than seven thousand five hundred (\$7,500) and be less than six hundred (600) square feet in floor size.
  - (6) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.
  - (7) The building shall meet the permanent opening criteria of Section 14.3-3(a).
- f. Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Section 14.8. Non-conforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with Section 14.8-2.

#### 14.11 OTHER DEVELOPMENT REQUIREMENTS

14.11-1 New structures, subdivisions, manufactured home parks, annexation agreements, and Planned Developments within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 14.7, 14.8, 14.9 and 14.10 of this Ordinance and the need to minimize flood damage.

Plats or plans for new subdivisions, mobile home parks and Planned Developments shall include a signed statement by a Registered Professional Engineer that the plat or plans account for changes in the drainage of surface water is in accordance with the Plat Act (765 ILCS 205/2).

14.11-2 Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned developments and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations.

- a. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 14.6-4 and the floodway delineation per the definition in Section 14.3.
- b. The applicants engineer shall submit the data to IDNR/OWR for review and approval as best available regulatory data and then send it to the State Water Survey. The applicant's engineer shall also submit the data to FEMA for a Letter of Map Revision (LOMR).

14.11-3 Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

14.11-4 The Village Board shall not approve any special use permit for a Planned Development or any plat of subdivision located in the Village unless such agreement or plat is in accordance with the provisions of this Ordinance.

#### 14.12 VARIANCES

14.12-1 The applicant may, in accordance with the procedures and standards found in Section 12 of this Ordinance, apply for the following authorized variations from the regulations of this Section:

- a. The Flood Protection Elevation (FPE) may be at or above the Base Flood Elevation (BFE) for an existing structure.

For any variations from the regulations of this section not specifically stated above, the procedures and standards found in Section 12 of this Ordinance shall be met and also forwarded to the Village Board for its approval or denial.

14.12-2 In addition to the standards found in Section 12 of this Ordinance, no variation from the regulations of this Section shall be granted unless the applicant also demonstrates that:

- a. The development activity cannot be located outside the SFHA;
- b. An exceptional hardship would result if the variance were not granted;
- c. The relief requested is the minimum necessary;
- d. There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
- e. There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to streambeds and banks, roads, utilities, or other public facilities;
- f. The provisions of Sections 14.7-2 and 14.9-2 of this Ordinance shall still be met;
- g. The activity will not violate the applicable regulations as set forth by FEMA and IDNR;
- h. The applicant's circumstances are unique and do not represent a general problem; and
- i. The granting of the variance will not alter the essential character of the area involved including existing stream uses.

14.12-3 The Village Engineer shall notify an applicant in writing that a variance from the requirements of Section 14.10 that would lessen the degree of protection to a building will:

- a. Result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25) for one hundred dollars (\$100) of insurance coverage;
- b. Increase the risks to life and property; and
- c. Require that the applicant proceed with knowledge of these risks and the applicant will acknowledge in writing that he assumes the risk and liability.

14.12-4 Variances requested in connection with restoration of a historic site or historic structure as defined in 14.3 "Historic Structures", may be granted using criteria more permissive than the requirements of Section 14.12-2 and 14.12-3, subject to the conditions that:

- a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
- b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

#### **14.13 DISCLAIMER OF LIABILITY**

14.13-1 The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study.

14.13-2 Larger floods may occur or flood heights may be increased by man-made or natural causes.

14.13-3 This Ordinance does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage.

14.13-4 This Ordinance does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

#### **14.14 PENALTY**

Failure to comply with the requirements of this Section or failure to comply with the requirements of a site development permit or conditions of a variance or a special use permit for floodplain development shall be deemed to be a violation of this Ordinance. Upon due investigation, the Village Engineer may determine that a violation of the minimum standards of this Ordinance exists.

14.14-1 The Village Engineer shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.

a. The Village Engineer is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the site development permit, if a site development permit was issued, or a suspension of work that was started without having obtained the required permits. Failure to comply with a stop-work order is a violation of this Ordinance.

b. No site development permit shall be permanently suspended or revoked until a hearing is held by the Plan Commission. Written notice of such hearing shall be served on the permittee and shall state: (1) the grounds for complaint or reasons for suspension or revocation; and (2) the time and place of the hearing. At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the Plan Commission shall determine whether the permit shall be suspended or revoked.

14.14-2 Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible for the disturbance of ground in the SFHA.

#### **14.15 ABROGATION AND GREATER RESTRICTIONS**

14.15-1 This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.

14.15-2 Where this Ordinance and other ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

14.15-3 This Ordinance is intended to repeal the original Ordinance or resolution (Flood Damage Prevention Ordinance) which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the County of Will passed in order to establish initial eligibility for the program.

Panel Number	Community Number	Date		Panel	Community Number	Date
17197C0010 E	170695	9/6/1995		17197C0270 E	170695	9/6/1995
17197C0017 E	170695	9/6/1995		17197C0280 E	170695	9/6/1995
17197C0030 E	170695	9/6/1995		17197C0285 E	170695	9/6/1995
17197C0031 E	170695	9/6/1995		17197C0286 E	170695	9/6/1995
17197C0032 E	170695	9/6/1995		17197C0290 E	170695	9/6/1995
17197C0033 F	170695	9/22/1999		17197C0295 E	170695	9/6/1995
17197C0034 E	170695	9/6/1995		17197C0303 E	170695	9/6/1995
17197C0036 E	170695	9/6/1995		17197C0305 E	170695	9/6/1995
17197C0037 E	170695	9/6/1995		17197C0310 E	170695	9/6/1995
17197C0038 E	170695	9/6/1995		17197C0311 E	170695	9/6/1995
17197C0039 E	170695	9/6/1995		17197C0315 E	170695	9/6/1995
17197C0045 F	170695	9/22/1999		17197C0320 E	170695	9/6/1995
17197C0052 E	170695	9/6/1995		17197C0326 E	170695	9/6/1995
17197C0053 E	170695	9/6/1995		17197C0327 E	170695	9/6/1995
17197C0054 E	170695	9/6/1995		17197C0331 E	170695	9/6/1995
17197C0056 E	170695	9/6/1995		17197C0350 E	170695	9/6/1995
17197C0058 E	170695	9/6/1995		17197C0351 E	170695	9/6/1995
17197C0061 E	170695	9/6/1995		17197C0353 E	170695	9/6/1995
17197C0062 E	170695	9/6/1995		17197C0354 E	170695	9/6/1995
17197C0065 F	170695	9/22/1999		17197C0358 E	170695	9/6/1995
17197C0070 E	170695	9/6/1995		17197C0359 E	170695	9/6/1995
17197C0090 E	170695	9/6/1995		17197C0361 E	170695	9/6/1995
17197C0095 E	170695	9/6/1995		17197C0362 E	170695	9/6/1995
17197C0110 E	170695	9/6/1995		17197C0365 E	170695	9/6/1995
17197C0126 E	17095	9/6/1995		17197C0366 E	170695	9/6/1995
17197C0127 E	170695	9/6/1995		17197C0367 E	170695	9/6/1995
17197C0130 E	170695	9/6/1995		17197C0370 E	170695	9/6/1995
17197C0134 E	170695	9/6/1995		17197C0378 E	170695	9/6/1995
17197C0135 F	170695	9/22/1999		17197C0379 E	170695	9/6/1995
17197C0137 E	170695	9/6/1995		17197C0385 E	170695	9/6/1995
17197C0139 E	170695	9/6/1995		17197C0386 E	170695	9/6/1995
17197C0140 E	170695	9/6/1995		17197C0390 E	170695	9/6/1995
17197C0141 E	170695	9/6/1995		17197C0395 E	170695	9/6/1995
17197C0142 E	170695	9/6/1995		17197C0405 E	170695	9/6/1995
17197C0143 E	170695	9/6/1995		17197C0408 E	170695	9/6/1995
17097C0144 E	170695	9/6/1995		17197C0409 E	170695	9/6/1995
17197C0153 E	170695	9/6/1995		17197C0410 E	170695	9/6/1995
17197C0154 E	170695	9/6/1995		17197C0415 E	170695	9/6/1995
17197C0155 E	170695	9/6/1995		17197C0416 E	170695	9/6/1995
17197C0156 E	170695	9/6/1995		17197C0417 E	170695	9/6/1995
17197C0157 E	170695	9/6/1995		17197C0420 E	170695	9/6/1995
17197C0158 E	170695	9/6/1995		17197C0430 E	170695	9/6/1995
17197C0159 E	170695	9/6/1995		17197C0440 E	170695	9/6/1995
17197C0161 E	170695	9/6/1995		17197C0450 E	170695	9/6/1995
17197C0162 E	170695	9/6/1995		17197C0475 E	170695	9/6/1995
17197C0163 E	170695	9/6/1995		17197C0500 E	170695	9/6/1995

17197C0164 E	170695	9/6/1995		17197C0505 E	170695	9/6/1995
17197C0170 E	170695	9/6/1995		17197C0507 E	170695	9/6/1995
17197C0180 E	170695	9/6/1995		17197C0509 E	170695	9/6/1995
17197C0185 E	170695	9/6/1995		17197C0510 E	170695	9/6/1995
17197C0190 E	170695	9/6/1995		17197C0515 E	170695	9/6/1995
17197C0195 E	170695	9/6/1995		17197C0520 E	170695	9/6/1995
17197C0211 E	170695	9/6/1995		17197C0526 E	170695	9/6/1995
17197C0212 E	170695	9/6/1995		17197C0528 E	170695	9/6/1995
17197C0213 E	170695	9/6/1995		17197C0530 E	170695	9/6/1995
17197C0214 E	170695	9/6/1995		17197C0535 E	170695	9/6/1995
17197C0216 E	170695	9/6/1995		17197C0540 E	170695	9/6/1995

## **SECTION 14A DEFINITIONS FOR FLOOD DAMAGE PREVENTION**

### **14.1 Definitions**

For purposes of Section 14, the following words and terms shall have the meaning set forth herein:

**ACT:** "An act in relation to the regulation to the regulation of the rivers, lakes and streams of the State of Illinois", 615 ILCS 5/4.9 et seq.

**APPROPRIATE USE:** Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 14.8-2 of this Ordinance.

**BASE FLOOD:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 10.6 of this Ordinance.

**BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**CERTIFY OR CERTIFICATION:** Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.

**CHANNEL:** Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

**CHANNEL MODIFICATION:** Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

**CLEARING:** Any activity which removes vegetative ground cover, shrubs or trees.

**CONDITIONAL APPROVAL OF A DESIGNATED FLOODWAY MAP CHANGE:** Preconstruction approval by Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR) and Federal Emergency Management Agency (FEMA) of a proposed change to the floodway map. This preconstruction approval, pursuant to this part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

**CONDITIONAL LETTER OF MAP REVISION (CLOMR):** A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

**CONTROL STRUCTURE:** A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

**DAM:** All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

**DESIGNATED FLOODWAY:** The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent (10%) increase in velocities.

- a. The floodways are designated for the Village on the Flood Boundary and Floodway Map prepared by FEMA (or the Department of Housing and Urban Development) and dated.
- b. To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

**DEVELOPMENT:** Any human change to real estate, including:

- a. Construction, reconstruction, repair, or placement of a building or any addition to a building.
- b. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred and eighty (180) days. If the travel trailer or recreational vehicle is on site for less than one hundred and eighty (180) days, it must be fully licensed and ready for highway use.

**DEVELOPMENT:** Any human change to real estate, including:

- a. Construction, reconstruction, repair, or placement of a building or any addition to a building.
- b. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred and eighty (180) days. If the travel trailer or recreational vehicle is on site for less than one hundred and eighty (180) days.
- c. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.
- d. Demolition of a structure or redevelopment of a site.
- e. Clearing of land as an adjunct of construction.
- f. Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other alterations of the ground surface storage of materials; deposit of solid or liquid waste;
- g. Any other human activity that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal;

Development does not include maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading or construction of levees.

**EROSION:** The general process whereby soils are moved by flowing water or wave action.

**EXCAVATION:** Any act by which the organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

**EXISTING GRADE:** The vertical location of the existing ground surface prior to excavation or filing.

**FEMA:** Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of September 29, 1989. This incorporation does not include any later editions or amendments.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD FREQUENCY:** A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

**FLOOD FRINGE:** That portion of the floodplain outside of the designated floodway.

**FLOOD INSURANCE RATE MAPS (FIRM):** Map prepared by FEMA that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

**FLOODPLAIN:** Typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).

- a. The floodplains are those lands within the jurisdiction of the County that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency (of the U.S. Department of Housing and Urban Development) and dated per Appendix "A".

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODPROOFING CERTIFICATE:** A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION (FPE):** The elevation of the base flood or 100-year frequency flood plus two (2) feet of freeboard at any given location in the SFHA.

**GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**HYDROLOGICAL AND HYDRAULIC CALCULATIONS:** Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

**IDNR/OWR:** Illinois Department of Natural Resources, Office of Water Resources.

**LESSER FLOOD WATER RUNOFF CHANNEL:** That portion of a drainage system which lies upstream from the main channel and which is generally subject to intermittent flows. They are generally indicated on the U.S.G.S. Hydrological Atlas maps, and serve a tributary area of sixty (60) acres or more. Drainage below the level of a lesser channel is generally by means of a storm sewer.

**LETTER OF MAP AMENDMENT (LOMA):** Official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective Flood Hazard Boundary Map (FHBM) or FIRM.

**LETTER OF MAP REVISION (LOMR):** Letter that revises base flood or 10-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

**NATURAL:** When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by humans. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by humans through regarding and revegetation.

**POND:** A body of water with a depth that exceeds two and one-half (2.5) feet.

**PUBLIC BODIES OF WATER:** All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

**PUBLIC FLOOD CONTROL PROJECT:** A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

**REGISTERED LAND SURVEYOR:** A land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act. (225 ILCS 330/1, et seq.)

**REGISTERED PROFESSIONAL ENGINEERING:** An engineer registered in the State of Illinois, under The Illinois Professional Engineering Practice Act. (225 ILCS 325/1 et seq.)

**RETENTION/DETENTION FACILITY:** A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

**RUNOFF:** The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

**SEDIMENTATION:** The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

**SPECIAL FLOOD HAZARD AREA (SFHA):** Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard

Boundary Map or Flood Insurance Rate Map as Zone A, A0, A1-30, AE, A99, or AH with existing elevation less than the BFE.

**SITE:** A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**SITE DEVELOPMENT:** Altering terrain and/or vegetation and construction improvements.

**STREAM:** Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainage way which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

**STRIPPING:** Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

**STRUCTURE:** Anything constructed or erected on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building.

**SUBSTANTIAL DAMAGE:** A building is considered substantially damaged when it sustains damage from any cause (fire, flood, earthquake, etc.), whereby the cost of fully restoring the structure would equal or exceed fifty percent (50%) of the pre-damage market value of the structure, regardless of the actual repair work performed.

**SUBSTANTIAL IMPROVEMENT:**

- a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.
- b. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

**WETLANDS:** Areas that (i) are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and are subject to the regulations of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or (ii) are otherwise defined as Wetlands under the ordinances of the Village.

**SECTION 15  
SEVERABILITY**

The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

**SECTION 16  
REPEALER**

All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 17  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as provided by statute.



