Village of Westmont

31 West Quincy Street, Westmont, Illinois 60559

villageboard@westmont.il.gov
westmont.illinois.gov | 630-981-6200

# LEGAL NOTICE / PUBLIC NOTICE
# VILLAGE OF WESTMONT
# PLANNING AND ZONING COMMISSION
# MEETING AGENDA

The Village of Westmont Planning and Zoning Commission will hold its special meeting on Wednesday, July 23, 2025 at 6:00 PM, at the Village of Westmont, 31 W. Quincy St., Westmont, IL 60559.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Swearing-in of testifying attendees
5. Reminder to Silence All Electronic Devices
6. Reminder to Sign-In for Any Public Testimony
7. Approval of Minutes
    a. Approval of the minutes of the July 9, 2025 Regular Meeting
8. Review of Public Hearing Procedures
9. Old Business
    a. PUBLIC HEARING PZC 001-2025
    Requests from the Village of Westmont regarding Zoning Ordinance text amendments as follows:

        1. Zoning Ordinance text amendments to repeal Appendix A - Zoning, of the Westmont Code of Ordinances and to establish a new Chapter 95 - Zoning, of the Westmont Code of Ordinances, with comprehensive updates to the entire Zoning Ordinance, including amendments to the zoning districts, development standards, planning processes, and other zoning regulations.

    A copy of the draft Zoning Ordinance text amendments is available for the public on the Village's website at www.westmont.illinois.gov and in person at Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559 during normal operating hours.
10. New Business - None

11. Open Forum

    The public comment rules and procedures are set forth in Chapter 2, Section 2-66 of the Westmont Code of Ordinances. Public comment is allowed for matters of public concern that are not on the agenda. Public comment is limited to 3 minutes per speaker.

12. Miscellaneous

    a. General Updates
        1. Next Regular PZC on August 13, 2025

13. Adjourn

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Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the ADA Compliance Officer, 9:00 A.M. to 4:00 P.M. Monday through Friday, Village of Westmont, Illinois, 60559; or telephone (630) 981-6210 voice, within a reasonable time before the meeting. Listen Everywhere, an assistive listening, mobile app, is now available to visitors attending Board and Commission Meetings held in the Village Hall Board Room.

https://westmont.illinois.gov/581/ADA-Listen-Everywhere

**Village of Westmont**
**COMMUNITY DEVELOPMENT**

31 West Quincy Street, Westmont, Illinois 60559

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# Village of Westmont
## Planning & Zoning Commission
## July 9, 2025 - Draft Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **July 9, 2025 at 6:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

**1. Call to Order**

Chair Doug Carmichael called the meeting to order at **6:00 PM.**

**2. Roll Call**

**Present: 5 -** Chair Doug Carmichael, Secretary Jill Peterson, Commissioners Conor Donoghue, John F. Simpson IV, Craig Thomas
**Absent: 2 -** Commissioners Michael Lynn, Thomas Sharp

**A QUORUM WAS PRESENT TO TRANSACT BUSINESS**

**Staff:** Scott Williams (Senior Planner), Adam Walsh (Planner), John Zemenak (Village Attorney)

**3. Pledge of Allegiance**
**4. Swearing-in of testifying attendees**
**5. Reminder to silence all electronic devices**
**6. Reminder to sign-in for any public testimony**

**7. Approval of the Minutes of the June 25, 2025 special meeting.**

**MOTION** by **Simpson** to approve the special meeting minutes from June 25, 2025.

Seconded by **Thomas**.

**VOTING:**
**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**8. Review of Public Hearing Procedures**

**9. Old Business**

None.

**10. New Business**

**PUBLIC HEARING PZC 008-2025**
Request from TGP Innovations LLC, d/b/a That Golf Place (Petitioner), and Pranno Corporation (Owner), for the property at 212 East Chicago Avenue, Westmont, Illinois, 60559, for the following:

1) Special Use Permit to operate an indoor golf simulator facility amusement establishment in the B-2 General Business District.

2) Zoning Ordinance Variance to the special condition that requires a 100 foot distance separation between an amusement establishment and a residence district.

**Presentation:**
Sid Anumalasetty and Pulkit Chauhan, the petitioners, presented their requests. Anumalasetty and Chauhan explained the business model, layout of the space, and explained the reasoning for their special use permit and variance requests.

**Staff Comment:**
Scott Williams, Senior Planner, presented the staff report. Williams explained how the use classification of “amusement establishment” was determined and clarified the hours of operation.

**Public Comment:**
None.

**Commissioner Comments:**
**Thomas:** Commissioner Thomas expressed initial concerns about noise, but his concerns were resolved through the petitioner’s presentation.

**Peterson:** Secretary Peterson was curious how the petitioners advertised their business. Anumalasetty explained that they advertise via social media and canvassing neighboring and complementary businesses.

**Simpson:** Commissioner Simpson asked how many simulator bays will be in the space. Anumalasetty replied two. Simpson asked the maximum number of patrons that could be accommodated in the space. Anumalasetty said that the bays will be capped to four people plus around four people using the gym equipment. Simpson clarified that it could be up to 14 people with employees.

Simpson asked if the petitioner could increase the number of simulator bays in the space. Williams replied that they can expand if they are approved. Simpson asked about the parking requirement. Williams explained that as an existing multi-tenant center, the parking provided in the parking lot is conforming.

**Donoghue:** Commissioner Donoghue asked if alcohol will be allowed in the facility. Anumalasetty answered that members can bring their own food and non-alcoholic beverages, and that the membership terms will explicitly prohibit bringing in alcohol or other paraphernalia.

Simpson asked for clarification on the hours of operation. Anumalasetty replied that it is to appeal to members that want to practice golf and workout outside of typical operating hours.

**Carmichael:** Chair Carmichael asked if they will have cameras to monitor the space. Anumalasetty answered that there will be cameras pointed at the bays and to the exterior of the unit. Carmichael confirmed that this was not a chain.

Carmichael asked if the golf trainers are employees or independent contractors. Anumalasetty explained that they are considered partners and how non-member guests are allowed in the facility.

John Zemenak, Village Attorney, explained that the ordinance will have conditions that no alcohol can be consumed or sold on the premises and that the space's rear door cannot be accessible by the members.

**MOTION 1**

Motion by **Simpson** to recommend to the Village Board of Trustees to approve a request from TGP Innovations LLC, d/b/a That Golf Place (Petitioner) and Pranno Corporation (Owner), for the property at 212 East Chicago Avenue, Westmont, Illinois 60559, for a ***Special Use Permit to operate an indoor golf simulator facility amusement establishment in the B-2 General Business District.***

Seconded by **Donoghue**.

**DISCUSSION:**
Peterson asked if the motion should be amended to include the ordinance conditions. Zemenak replied no, that those conditions will be included in the ordinance and do not need to be included in the commission's recommendation.

**VOTING:**

**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**MOTION 2**

Motion by **Simpson** to recommend to the Village Board of Trustees to approve a request from TGP Innovations LLC, d/b/a That Golf Place (Petitioner) and Pranno Corporation (Owner), for the property at 212 East Chicago Avenue, Westmont, Illinois 60559, for a ***Zoning Ordinance Variance to the special condition that requires a 100 foot distance separation between an amusement establishment and a residence district.***

Seconded by **Thomas**.

**VOTING:**

**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**PUBLIC HEARING PZC 009-2025**

Request from Justin and Natalie Krone, for the property at 232 East Des Moines Street, Westmont, Illinois, 60559, for the following:

1) Zoning Ordinance Variance to the maximum lot coverage in the R-3 Single-Family Detached Residence District for a residential pool.

**Presentation:**

Justin Krone, petitioner, presented the request. Krone explained that he anticipated his property was eligible for administrative approval, but is requesting a formal variance since the property is within a sub-basin area that contains a low depressional area (LDA).

**Staff Comment:**

Scott Williams, Senior Planner, presented the staff report. Williams explained the purpose of regulating lot coverage, how it is calculated, and the history of amendments to this regulation. He noted that because the property is in a sub-basin area, it is not eligible for administrative approval. Williams also explained the comments from the Village's consultant engineer, who said that if approved, the impact on stormwater runoff will be minimal, and recommended mitigating the increase through permeable materials or installing a drywell.

**Public Comment:**

John Chorney, neighbor to the petitioner, expressed concerns with existing water problems in the area, and stated that the pool will exacerbate the issues.

Dan Siebold, neighbor to the petitioner, asked how the Village knows if properties in the downtown area exceed 40% lot coverage, if removing coverage would be better than installing mitigating efforts, and liability if water issues are increased. Williams replied that the downtown area is generally between Naperville Road and 55th Street, where permit applications show if a property exceeds the maximum lot coverage, and that the engineer evaluated both options, and recommended alternatives, which were attached to the staff report. Zemenak replied that neighbors can work out an agreement privately, as the Village would not be liable.

**Commissioner Comments:**

**Peterson:** Peterson asked Chorney if the Village has been able to improve any of the water issues. Chorney replied that efforts have been made, but water still sits in the culvert and his property. Krone explained he has typically seen water pool in the culvert, but large rain storms has seen water go beyond the sidewalk.

Peterson asked if the pool cover would be permeable. Krone replied that the cover is not completely

impermeable, so some water will go through it and added that he is open to installing a drywell.

**Simpson:** Simpson asked if only the walkway around the pool was installed, if it would meet the 35% maximum. Williams was unsure about the breakdown between the walkway and the pool. Simpson explained that a majority of the increase is the pool, which can hold more water, and supported having a drywell installed.

Simpson asked if the pool cover will be above or below grade. Krone replied that it will likely be below grade to allow for the cover to roll up.

Simpson expressed that he would like for the variance request to be for the pool only and that it could not be filled in or replaced with a patio. Krone did not object.

**Donoghue:** Donoghue suggested installing a cover that is permeable, and questioned if a minimal increase in runoff will have significant impacts on existing water issues.

**Thomas:** Thomas agreed with Simpson's recommendation that the variance should be for a pool only and did not find the minimal increase in runoff will have significant negative impacts.

**Carmichael:** Carmichael expressed support for installing a drywell. Krone found that a drywell would be more appropriate than installing permeable pavers.

Simpson requested modifying the motion to include conditions that if the pool is filled in or removed that the variance should be extinguished. Williams explained that future property owners would need to be made aware about the condition, and that if a permit was applied for to convert the pool, then it would be denied because of this condition. Simpson suggested adding a condition to install a drywell.

**MOTION 1**

Motion by **Simpson** to recommend to the Village Board of Trustees to approve a request from Justin and Natalie Krone, for the property at 232 East Des Moines Street, Westmont, Illinois, 60559, for a ***Zoning Ordinance Variance to the maximum lot coverage in the R-3 Single-Family Detached District with the conditions that the owner install a drywell to mitigate against any stormwater impacts; and that if the pool is removed or filled in with an impervious surface at any time, the variance will automatically terminate.***

Seconded by **Donoghue**.

**VOTING:**

**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**PUBLIC HEARING PZC 010-2025**
Request from Michael Schaefer and Chivon Niziolek, for the property at 102 West Naperville Road, Westmont, Illinois, 60559, for the following:

1) Zoning Ordinance Variance to the maximum lot coverage in the R-3 Single-Family Detached Residence District for a patio and walkways.

**Presentation:**
Michael Schaefer and Chivon Niziolek, presented their request. Schaefer explained that they purchased the property a few months prior, and there are not any patios or walkways in the rear yard. He added that they are open to installing a drywell to mitigate the increased coverage.

**Staff Comment:**
Scott Williams, Senior Planner, presented the staff report. Williams explained that this request is similar but different from the previous case. He explained that the existing home exceeds the 35% maximum and the previous owner removed coverage, which reduced the overall coverage. Williams added that the property does not meet the minimum lot width for a corner lot, which contributes to the property being above the 35% maximum. He also noted that the consultant engineer recommended using permeable pavers or installing a drywell.

**Public Comment:**
None.

**Commissioner Comments:**
**Simpson:** Simpson asked why the walkways do not connect. Schaefer replied that they chose not to because they were trying to minimize the increase in coverage, but the proposal is still functional. Simpson confirmed that they were open to installing a drywell, to which Schaefer replied yes.

**Donoghue:** Donoghue had no questions or comments.

**Thomas:** Thomas expressed support for the request.

**Peterson:** Peterson found an error in the findings of fact, confirming that stamped concrete will be used instead of permeable pavers. Zemenak confirmed that permeable pavers will not be used.

**Carmichael:** Carmichael supported the request and found that a drywell will help.

**MOTION 1**

Motion by **Thomas** to recommend to the Village Board of Trustees to approve a request from Michael Schaefer and Chivon Niziolek, for the property at 102 West Naperville Road, Westmont, Illinois, 60559 for a ***Zoning Ordinance Variance to the maximum lot coverage in the R-3 Single-Family Detached Residence District with the condition that a drywell be installed to mitigate against any stormwater impacts.***

Seconded by **Simpson**.

**DISCUSSION:**
Simpson and Thomas clarified that they motion will be conditioned to require the installation of a drywell.

**VOTING:**
**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**PUBLIC HEARING PZC 012-2025**
Request from Advocate Health and Hospitals Corporation, for the property at 639 Blackhawk Drive, Westmont, Illinois, 60559, for the following:

1) Zoning Ordinance Variance to the maximum height and area of directional signs in the B-2 General Business District.

**Presentation:**
Thaddeus Jedrzejak, Tammy Robinson, and Zack Rees, representing the petitioner, presented the request. They explained the Advocate Outpatient Center business model, the site layout, and the proposed directional signs.

**Staff Comment:**
Adam Walsh, Planner, presented the staff report. Walsh clarified that though the directional signs are exempt signage, they still have regulations they must comply with.

**Public Comment:**
None.

**Commissioner Comments:**
**Donoghue:** Donoghue acknowledged that though not related to the request, he had concerns about increased traffic on Blackhawk Drive.

**Thomas:** Thomas voiced support for the request.

**Peterson:** Peterson appreciated the clarity from the larger signs.

**Simpson:** Simpson had no questions or comments.

**Carmichael:** Carmichael found the request to be rational.

**MOTION 1**

Motion by **Simpson** to recommend to the Village Board of Trustees to approve a request from Advocate Health and Hospitals Corporation, for the property at 639 Blackhawk Drive, Westmont, Illinois, 60559, for a ***Zoning Ordinance Variance to the maximum height and area of directional signs in the B-2 General Business District.***

Seconded by **Thomas**.

**VOTING:**

**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**PUBLIC HEARING PZC 013-2025**

Request from Chicago Lightworks LLC, d/b/a Chicago Lightworks (Petitioner), and 1133 Cleveland Properties, LLC, d/b/a Oakmont Tech Center (Owner), for the property located at 600 Oakmont Lane, Suite 600, Westmont, Illinois, 60559, for the following:

1) Special Use Permit to operate a business office with accessory uses of warehousing, distribution of materials, goods, or products in the O/R Office/Research District.

**Presentation:**
Julie Blankenheim, the petitioner, presented the request. Blankenheim explained that they are the go-between between the client and the lighting manufacturer and that the warehouse will store lighting samples.

**Staff Comment:**
Adam Walsh, Planner, presented the staff report. Walsh explained that special use permits for accessory warehousing were allowed through a 2022 text amendment, prior to the amendment, the request would not have been allowed. He added that similar requests have been approved at this property. Walsh further explained that the warehouse will store samples for the showroom and for employees to use while meeting with customers, and that sales employees use their own vehicles instead of a company vehicle.

**Public Comment:**
None.

**Commissioner Comments:**
**Thomas:** Thomas confirmed that the customers will not be coming to the property to shop for lighting. Blankenheim confirmed that this will typically not be the case, but there may be open houses for clients to visit the showroom.

**Peterson:** Peterson had no comments or questions.

**Simpson:** Simpson expressed support for the request.

**Donoghue:** Donoghue had no questions or comments.

**Carmichael:** Carmichael asked how many of the employees are in sales. Blankenheim replied that around 50% are in sales. Carmichael confirmed that the salesforce takes the samples from the warehouse to meet with clients and returns them after, all in their own car. Blankenheim confirmed that was the case.

**MOTION 1**

Motion by **Donoghue** to recommend to the Village Board of Trustees to approve a request from Chicago Lightworks, LLC, d/b/a Chicago Lightworks (Petitioner) and 1133 Cleveland Properties, LLC, d/b/a Oakmont Tech Center (Owner), for the property at 600 Oakmont Lane, Suite 600, Westmont, Illinois, 60559, for a ***Special Use Permit to operate business offices with accessory uses of warehousing, distribution of materials, goods, or products in the O/R Office/Research District.***

Seconded by **Simpson**.

**VOTING:**

**Ayes: 5 -** Carmichael, Peterson, Donoghue, Simpson, Thomas
**Nays: 0**
**Absent: 2 -** Lynn, Sharp

**Motion Passed**

**11. Open Forum**

Laurel Rugen, resident, questioned if there are requirements for how far a home can be from the side property lines and how tall it can be. Williams replied that there is typically a 6 foot side yard setback for a home and that a driveway can be 3 feet from the side property line. He added that when a permit is submitted for new construction, it must meet the applicable maximums and minimums listed in the zoning ordinance.

Brian Schuering, resident, provided comments related to the zoning ordinance update. Schuering recommended increasing the minimum percentage of neighbors required to submit a valid protest petition to a map amendment request. Zemenak explained that this provision comes from Illinois State Statutes, and that it is appropriate to request the state representative to make that change.

**12. Miscellaneous Items**

a. Special meeting on July 23, 2025, continuation of the public hearing of PZC 001-2025, text amendments to the zoning ordinance.

   Walsh said that commissioners can drop off their empty binder at the Village Office, and staff will

insert the updated draft language and return it to them, otherwise they will receive a hole punched and paper clipped copy to insert on their own.

b. Next regular PZC meeting is on August 13, 2025
.

c. APA-IL Plan Commissioner training on October 9, 2025

Williams informed the commission that there will be a half day training session for plan commissioners at the APA-IL State Conference in Chicago. Carmichael highly encouraged them to attend. Williams added that the Village can cover their registration cost.

**13. Adjourn**

Motion by **Simpson** to adjourn the meeting.
Second by **Donoghue**.

***The motion carried on a unanimous vote.***

**Meeting adjourned at 8:17 p.m.**

**Village of Westmont**
**COMMUNITY DEVELOPMENT**

31 West Quincy Street, Westmont, Illinois 60559

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**TO:** Planning & Zoning Commission
**FROM:** Adam Walsh, Planner
**DATE:** April 23, 2025
**RE:** Summary of the Zoning Ordinance Update Discussions

Over the course of the last 15 months, Planning & Zoning staff have taken many discussion topics to the Community Development Committee (CDC) and Planning & Zoning Commission (PZC). The purpose of these discussions was to receive direction from elected and appointed officials on how to draft new zoning regulations. Below is a summary of the discussion topics and direction staff received. The staff reports, minutes and/or recordings of the meetings can be found on the Village's Agenda Center. This memorandum serves as a crash course for this commission and a refresher on various topics in advance of the public hearing.

## I. Community Development Committee Discussions

The CDC had four discussions on a wide variety of topics, including lot widths, short-term rentals, the B-1 Development permit, and more.

### ❖ February 8, 2024 Meeting

**Topic #1: Reducing the minimum lot width in the R-3 district from 60 ft to 50 ft**

In the R-3 district, the minimum required lot width is 60 ft. Generally, most properties meet this minimum. The reason to lower the minimum lot width to 50 ft is to make lot splits (subdivision from one to two lots) easier and to accommodate future annexations from the Liberty Park neighborhood. North of Naperville Road, there are many lots that are 350 ft deep, but are 100-119 ft wide. As such, they would have to request a variance to lot width to subdivide. The reduced lot width would mean they would not need to get a variance to split into two lots. The Liberty Park neighborhood (currently unincorporated in DuPage County) is largely made of 50 ft x 150 ft lots. The reduction means that these lots will meet all minimum requirements for the R-3 district upon annexation, which means they will not be considered nonconforming.

**Direction received:** Concerns regarding stormwater, overbuilding, and the character of neighborhoods were brought up. After subsequent discussions at the May 2 and May 30, 2024 meetings, the committee showed general support for the change.

**Topic #2: Short-term rentals in the Downtown**

Short-term rentals are not allowed or prohibited in any of the zoning districts, nor do they have a definition in the current zoning ordinance. Staff proposed short-term rentals be allowed as a permitted use under the "lodging" use category.

**Direction received:** The committee had concerns about inspections, so staff was directed to investigate this further. At the May 30, 2024 meeting, the committee felt that short-term rentals should not be allowed in the downtown due to inspection concerns, but remained open to revisit in the future.

### ❖ May 2, 2024 Meeting

**Topic #1: Creation of a Public & Institutional District**

This new district, currently drafted as the Public & Institutional (P/I) district, was designed to avoid the problems inherent in treating institutional uses and buildings in residential and commercial districts. The Village, religious institutions, Westmont Park District, the school districts, etc, could elect to rezone to this district, which allows for a more streamlined process and has bulk regulations that better reflect these kinds of uses.

**Direction received:** At this and the May 30, 2024 meetings, committee members had questions about the process and how existing institutions would be affected, but did not direct staff to make substantive changes.

**Topic #2: Accessory Dwelling Units (ADUs)**

There are three types of ADUs: internal (basement/attic conversion), attached (addition to existing home), or detached (separate structure on the same lot). About a dozen communities in the Greater Chicago area allow ADUs as a permitted or special use, some with restrictions on who can live there (the Village of Westmont likely would not be able to place those restrictions).

**Direction received:** This discussion was continued to the May 30, 2024 meeting. The CDC had interest in learning more about ADUs, and directed staff to take the topic to the public hearing as a part of the update.

**Topic #3: Removing the B-1 Development Permit**

Any time a new business wants to open in the B-1 district (downtown), they need to obtain a B-1 Development permit, regardless of whether they are a permitted or special use, or the same as the previous user. This adds on time and uncertainty to opening a business in the downtown, which can deter businesses from wanting to take the risk. If removed, special use permits and licensing requirements can ensure appropriate businesses open in the B-1 district.

**Direction received:** The CDC had no objections to retiring the B-1 Development permit.

**Topic #4: Creation of New Downtown Zoning Districts**

The idea to split the B-1 district into two was initially called for in the 2013 Comprehensive Plan. The

new districts include the B-1(A) Downtown Core, B-1 Downtown Edge, and R-7 Downtown Residential. The properties initially anticipated to be rezoned to these districts match the Comprehensive Plan's recommendation. The regulations were drafted to create a walkable, mixed-use environment with clear and objective design standards.

**Direction received:** This was continued to the May 30, 2024 meeting. Following the discussion, the committee expressed support in creating these districts, and recommended expanding the B-1(A) one block north to Norfolk Street.

### ❖ May 30, 2024 Meeting

Discussions at this meeting were a continuation of the May 2, 2024 meeting, as the committee wanted to schedule a special meeting on this date to further discuss the topics.

### ❖ August 8, 2024 Meeting

**Topic #1: Short-term rentals in residential zoning districts**

At previous meetings, the CDC felt that short-term rentals were not appropriate for the downtown area. Staff returned to discuss allowing them in residential districts so staff can provide clear guidance to those who inquire.

**Direction received:** The committee debated several options on how to regulate short-term rentals. Ultimately, they decided to table the topic, adding that it can be discussed during the public hearing.

### ❖ January 23, 2025 Meeting

**Topic #1: First full draft of the zoning ordinance language**

At this meeting, staff had received the first full draft language for the update (at the time pending legal review). Based on internal timelines and the impression that only minor changes would need to be made, staff presented the draft to the committee.

**Direction received:** After a presentation on highlights of the proposed changes, the CDC gave staff the greenlight to take the draft to a public hearing, once ready.

## II. Planning & Zoning Commission Discussions

At four PZC meetings, there were discussions on a wide variety of topics, including regulations for accessory structures, bicycle parking, approval procedures, expanding allowed uses in the office districts, ADUs, and creating new zoning districts.

### ❖ June 12, 2024 Meeting

**Topic #1: Accessory structure regulations**

Staff reviews hundreds of permits for accessory structures annually. To inform the update process, staff asked the commission for direction on changes to accessory structure regulations. The structures discussed include detached garages, sheds, lawn buildings, pergolas, gazebos, and fences.

**Direction received:** The commission supported relaxing regulations on accessory structures. General comments related to increasing the height limit, removing individual area limits and replacing it with one aggregate area, and allowing for an additional accessory building.

### ❖ July 10, 2024 Meeting

**Topic #1: Requiring bicycle parking**

Many neighboring and comparable communities have begun to require bicycle parking. The consultant drafted parking requirements and allowed for vehicle spaces to be reduced if bicycle parking was required.

**Direction received:** Although supportive of bicycling, the commission did not feel that there should be a requirement for every business. They wanted to allow businesses to decide how much to provide to serve their clientele instead of adding on another requirement. Staff removed the requirements from the draft language.

### ❖ August 14, 2024 Meeting

**Topic #1: Approval procedures**

In the draft language, many changes are largely staying the same. However, site plans are split into two types: major and administrative. Planned development requests will be planned *unit* developments (PUDs) going forwards. PUDs require a multi-step process.

**Direction received:** The commission did not raise concerns with the procedures.

**Topic #2: Creation of a Public & Institutional District (P/I)**

Continuing the discussion from May CDC meetings, staff asked the commission to discuss bulk regulations and the allowed uses proposed for the P/I district.

**Direction received:** The PZC was in favor of creating this new district, as it would likely streamline the approvals process for institutional uses. No suggestions to the allowed uses or bulk regulations were given.

**Topic #3: Accessory Dwelling Units (ADUs)**

This discussion built on previous CDC discussions on the topic. The PZC reviewed suggested regulations from staff on bulk, design, and location.

**Direction received:** The commissioners expressed support for allowing ADUs with regulations that made it easier to build.

### ❖ October 9, 2024 Meeting

**Topic #1: Allowed uses in the office districts (O/R & O/R-1)**

Currently, the office districts are very limited in terms of the allowed uses. Staff often gets inquiries from non-office businesses looking to open these districts, which they are not allowed in. The zoning ordinance update gave an opportunity to add compatible non-office uses to these districts. The uses proposed to be allowed were broadcasting facilities, data centers, financial institutions, fitness facilities, commercial schools, and veterinary offices.

**Direction received:** The commission showed general support for allowing compatible non-office uses into the O/R and O/R-1 districts.

**Topic #2: Creation of new downtown districts**

Similar to the May CDC discussions, staff took the drafted regulations for a new B-1(A) Downtown Core, B-1 Downtown Edge, and R-7 Downtown Residential districts for review by the PZC. Substantive changes to the regulations were not made between the CDC & PZC discussions.

**Direction received:** The commissioners were supportive of the proposed changes.

# Village of Westmont

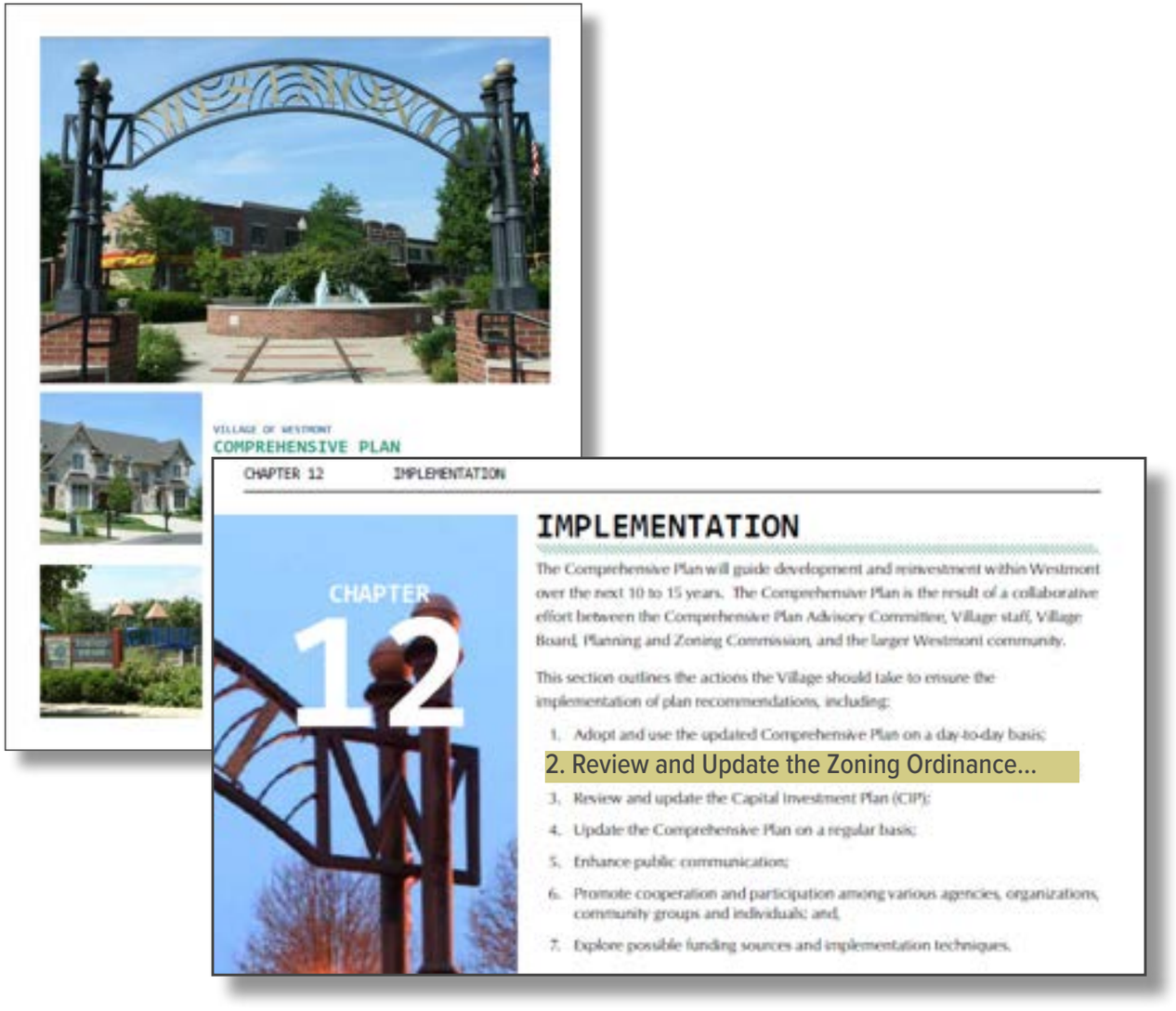
## Zoning Ordinance Update

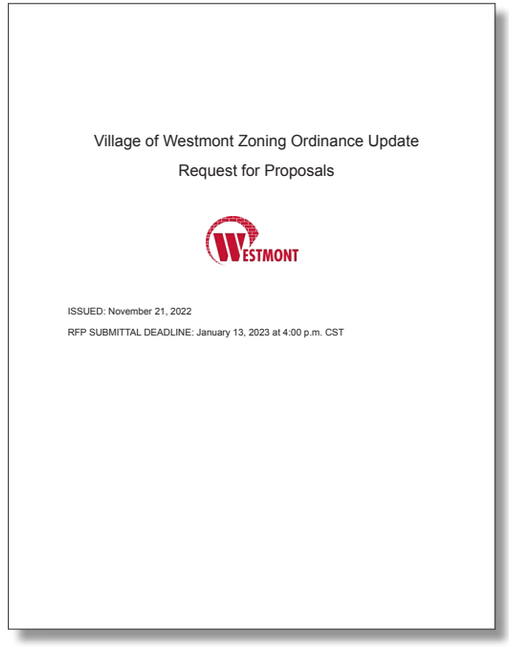
Planning and Zoning Commission

Public Hearing April 2025

# WHY THE UPDATE?

- **Last complete overhaul: 1979**
- **Update called for in Comprehensive Plan**





Village of Westmont Zoning Ordinance Update

Request for Proposals

WESTMONT

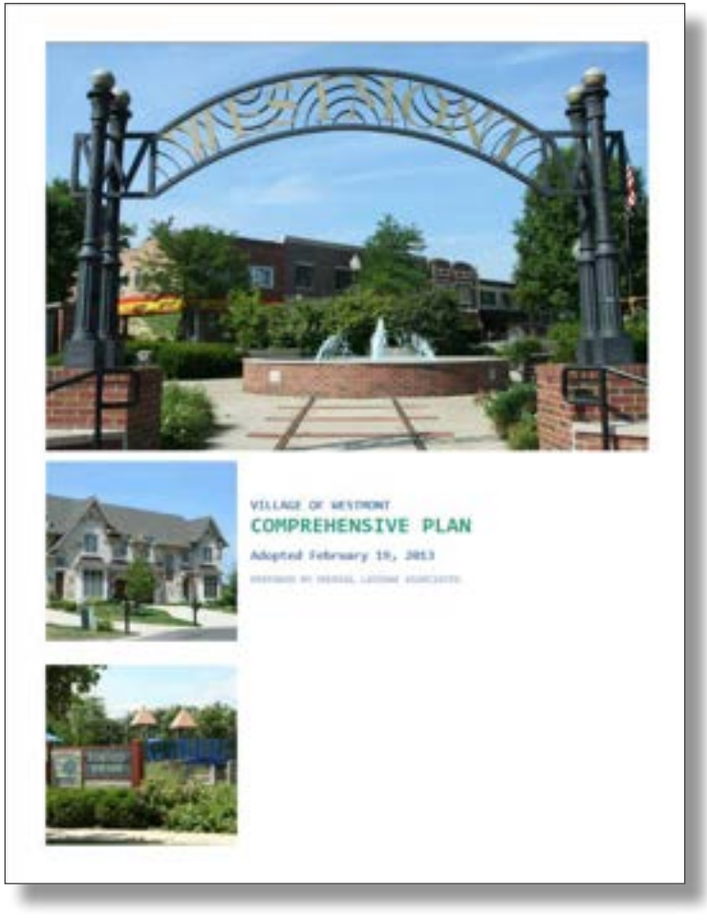
ISSUED: November 21, 2022

RFP SUBMITTAL DEADLINE: January 13, 2023 at 4:00 p.m. CST

# GENERAL OBJECTIVES

IMPLEMENT MODERNIZE SIMPLIFY
IMPLEMENT MODERNIZE SIMPLIFY
IMPLEMENT MODERNIZE SIMPLIFY

1. Aligned with plans and policies
2. Modern, well-organized, easy to use/understand
3. Resident- and business-friendly—supportive of investment and economic development
4. Consistent with other village code provisions and law

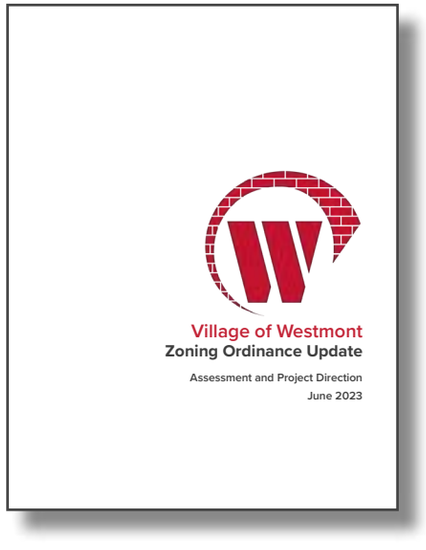


# PROCESS

## Listening/Learning

S/S 2023

- KICK-OFF MEETING
- PUBLIC INVOLVEMENT PLAN
- LISTENING SESSIONS
- DIRECTION REPORT →
- PRESENTATION




## Initial Ordinance Draft

CONSULTANT

## Revised Draft(s)

CONSULTANT/
STAFF

## Hearings & Adoption

*We are here

PUBLIC
HEARING(S)

ADOPTION

# DRAFT ORDINANCE

## Organization

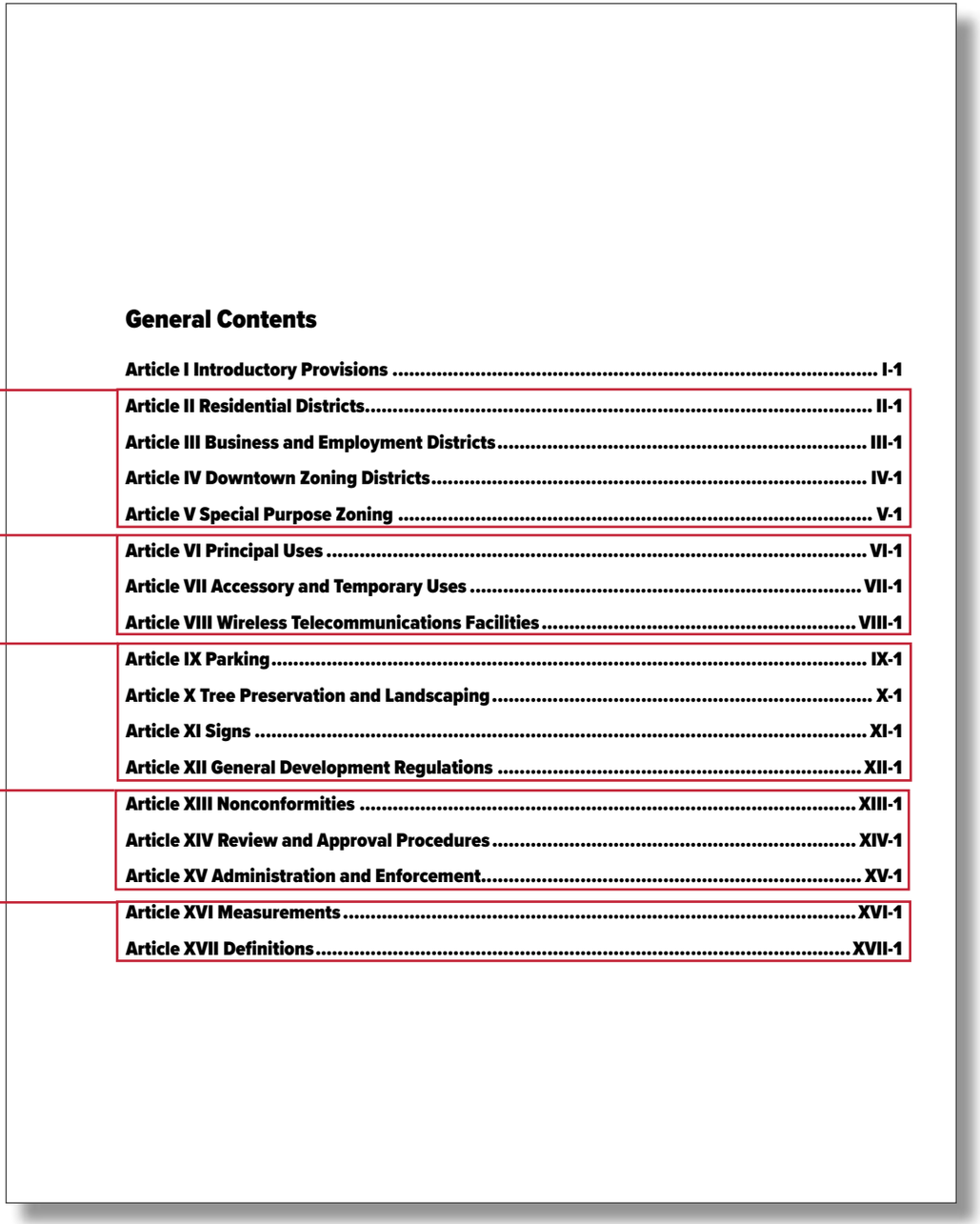
districts

uses

generally applicable regulations

administration

interpretation



**General Contents**

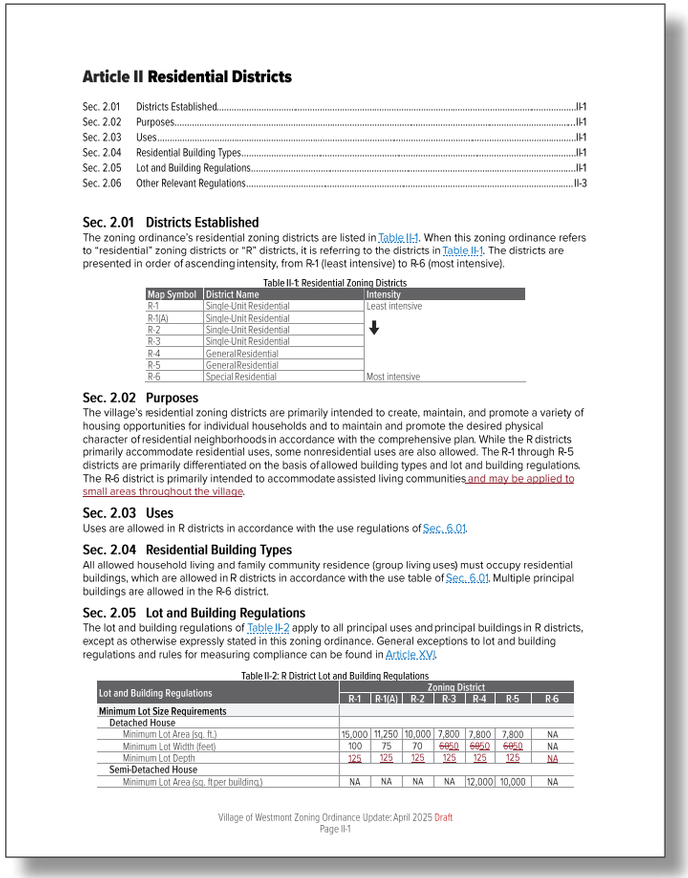

Article I Introductory Provisions ..... I-1
Article II Residential Districts ..... II-1
Article III Business and Employment Districts ..... III-1
Article IV Downtown Zoning Districts ..... IV-1
Article V Special Purpose Zoning ..... V-1
Article VI Principal Uses ..... VI-1
Article VII Accessory and Temporary Uses ..... VII-1
Article VIII Wireless Telecommunications Facilities ..... VIII-1
Article IX Parking ..... IX-1
Article X Tree Preservation and Landscaping ..... X-1
Article XI Signs ..... XI-1
Article XII General Development Regulations ..... XII-1
Article XIII Nonconformities ..... XIII-1
Article XIV Review and Approval Procedures ..... XIV-1
Article XV Administration and Enforcement ..... XV-1
Article XVI Measurements ..... XVI-1
Article XVII Definitions ..... XVII-1

# GENERAL IMPROVEMENTS

- **Complete reorganization**
- **New tables and Illustrations**
- **Updated page layout/format**
- **Strategic revisions to address known issues**

**User Friendly Features**

- Focused articles
- Short sentences, sections
- Tables, charts
- Illustrations/graphics
- Detailed table of contents
- Accurate cross-references
- Web-ready and hyper-linked
- Legally defensible, plain language



## Article II Residential Districts


Sec. 2.01 Districts Established....II-1
Sec. 2.02 Purposes....II-1
Sec. 2.03 Uses....II-1
Sec. 2.04 Residential Building Types....II-1
Sec. 2.05 Lot and Building Regulations....II-1
Sec. 2.06 Other Relevant Regulations....II-3


### Sec. 2.01 Districts Established

The zoning ordinance's residential zoning districts are listed in Table II-1. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to the districts in Table II-1. The districts are presented in order of ascending intensity, from R-1 (least intensive) to R-6 (most intensive).

Table II-1: Residential Zoning Districts

| Map Symbol | District Name | Intensity |
|---|---|---|
| R-1 | Single-Unit Residential | Least intensive |
| R-1(A) | Single-Unit Residential | |
| R-2 | Single-Unit Residential | |
| R-3 | Single-Unit Residential | |
| R-4 | GeneralResidential | |
| R-5 | GeneralResidential | |
| R-6 | Special Residential | Most intensive |

### Sec. 2.02 Purposes

The village's residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of residential neighborhoods in accordance with the comprehensive plan. While the R districts primarily accommodate residential uses, some nonresidential uses are also allowed. The R-1 through R-5 districts are primarily differentiated on the basis of allowed building types and lot and building regulations. The R-6 district is primarily intended to accommodate assisted living communities and may be applied to small areas throughout the village.

### Sec. 2.03 Uses

Uses are allowed in R districts in accordance with the use regulations of Sec. 6.01.

### Sec. 2.04 Residential Building Types

All allowed household living and family community residence (group living uses) must occupy residential buildings, which are allowed in R districts in accordance with the use table of Sec. 6.01. Multiple principal buildings are allowed in the R-6 district.

### Sec. 2.05 Lot and Building Regulations

The lot and building regulations of Table II-2 apply to all principal uses and principal buildings in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table II-2: R District Lot and Building Regulations

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| **Minimum Lot Size Requirements** | | | | | | | |
| **Detached House** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 15,000 | 11,250 | 10,000 | 7,800 | 7,800 | 7,800 | NA |
| Minimum Lot Width (feet) | 100 | 75 | 70 | ~~60~~50 | ~~60~~50 | ~~60~~50 | NA |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | NA |
| **Semi-Detached House** | | | | | | | |
| Minimum Lot Area (sq. ftper building) | NA | NA | NA | NA | 12,000 | 10,000 | NA |



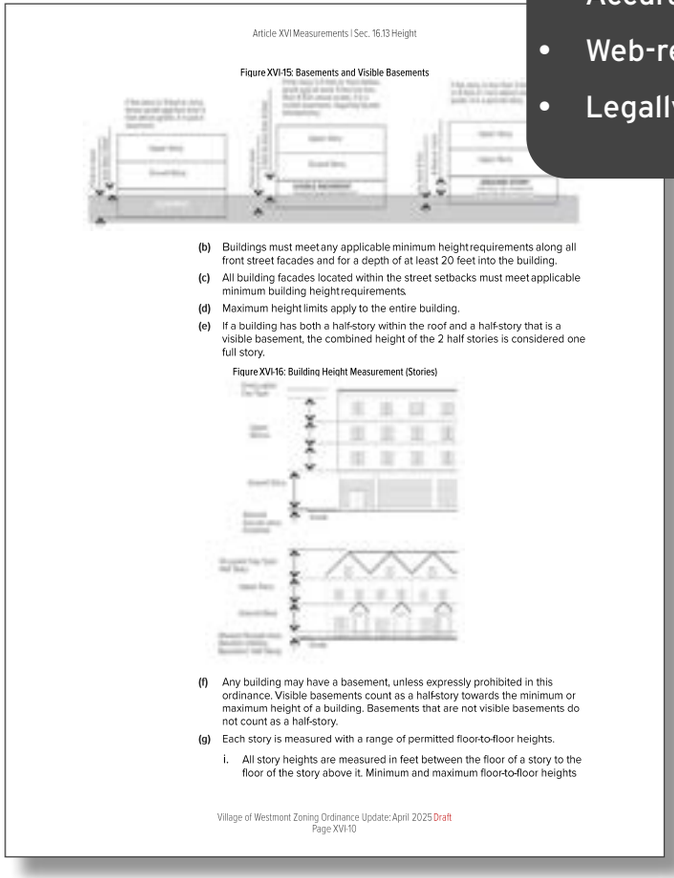




Figure XVI-15: Basements and Visible Basements



(b) Buildings must meet any applicable minimum height requirements along all front street facades and for a depth of at least 20 feet into the building.

(c) All building facades located within the street setbacks must meet applicable minimum building height requirements.

(d) Maximum height limits apply to the entire building.

(e) If a building has both a half-story within the roof and a half-story that is a visible basement, the combined height of the 2 half stories is considered one full story.

Figure XVI-16: Building Height Measurement (Stories)



(f) Any building may have a basement, unless expressly prohibited in this ordinance. Visible basements count as a half-story towards the minimum or maximum height of a building. Basements that are not visible basements do not count as a half-story.

(g) Each story is measured with a range of permitted floor-to-floor heights.

i. All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights

# ART. I INTRODUCTORY PROVISIONS


Sec. 1.01 Title ..... I-1
Sec. 1.02 Authority ..... I-1
Sec. 1.03 Effective Date ..... I-1
Sec. 1.04 Applicability and Jurisdiction ..... I-1
Sec. 1.05 Exempt Utilities ..... I-1
Sec. 1.06 Purposes ..... I-1
Sec. 1.07 Minimum Requirements ..... I-2
Sec. 1.08 Compliance Required ..... I-2
Sec. 1.09 Conflicting Provisions ..... I-2
Sec. 1.10 Rules of Language and Construction ..... I-2
Sec. 1.11 One Principal Building per Lot ..... I-4
Sec. 1.12 Zoning Map ..... I-4
Sec. 1.13 Transitional Provisions ..... I-5
Sec. 1.14 Severability ..... I-6


- **Largely "boilerplate"**
- **Transitional provisions**
  - Update does not affect projects in pipeline; applicant's option to have projects reviewed under "old" or "new" code

# ART. II RESIDENTIAL DISTRICTS


Sec. 2.01 Districts Established ..... II-1
Sec. 2.02 Purposes ..... II-1
Sec. 2.03 Uses ..... II-1
Sec. 2.04 Residential Building Types ..... II-1
Sec. 2.05 Lot and Building Regulations ..... II-1
Sec. 2.06 Other Relevant Regulations ..... II-3


- **Existing "R" districts retained**
- **Minor adjustments to lot and building (bulk) regulations:**
  - New min. lot depth standard [125']—"transferred" from LDC
  - Reduced min. lot width for detached houses in R-3, R-4, R-5 [~~60~~50']
  - Reduced min. side setback for detached houses in R-3 [~~6~~5']
  - Eliminated max. floor area ratio (FAR)
  - Increased max. accessory building height [~~15~~18']

# ART. III BUSINESS & EMPLOYMENT DISTRICTS


Sec. 3.01 Districts Established ..... III-1
Sec. 3.02 Purposes ..... III-1
Sec. 3.03 Uses ..... III-1
Sec. 3.04 Lot and Building Regulations ..... III-1
Sec. 3.05 Other Relevant Regulations ..... III-2


- **B-1 district regulations moved to "Downtown" article**
- **Minor adjustments to lot and building (bulk) regulations:**
  - Increased min. street setback in B-2 and C-1 [~~10~~20']
  - Eliminated max. floor area ratio (FAR)
  - Eliminated "supplemental" street setbacks (e.g., 55th, Ogden…)

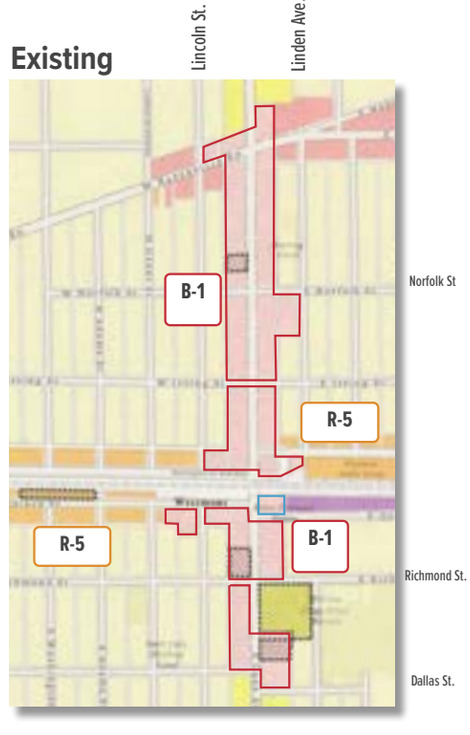
# ART. IV DOWNTOWN DISTRICTS


Sec. 4.01 Districts Established....IV-1
Sec. 4.02 Purposes....IV-1
Sec. 4.03 Uses....IV-1
Sec. 4.04 Building Types....IV-1
Sec. 4.05 Lot and Building Regulations....IV-2
Sec. 4.06 Generally Applicable Regulations....IV-2
Sec. 4.07 Other Relevant Regulations....IV-3
Sec. 4.08 Storefront Buildings....IV-5
Sec. 4.09 General Buildings....IV-8
Sec. 4.10 Row Buildings....IV-11
Sec. 4.11 Detached Houses....IV-14
Sec. 4.12 Building Design....IV-15


- **Three downtown-specific districts...**

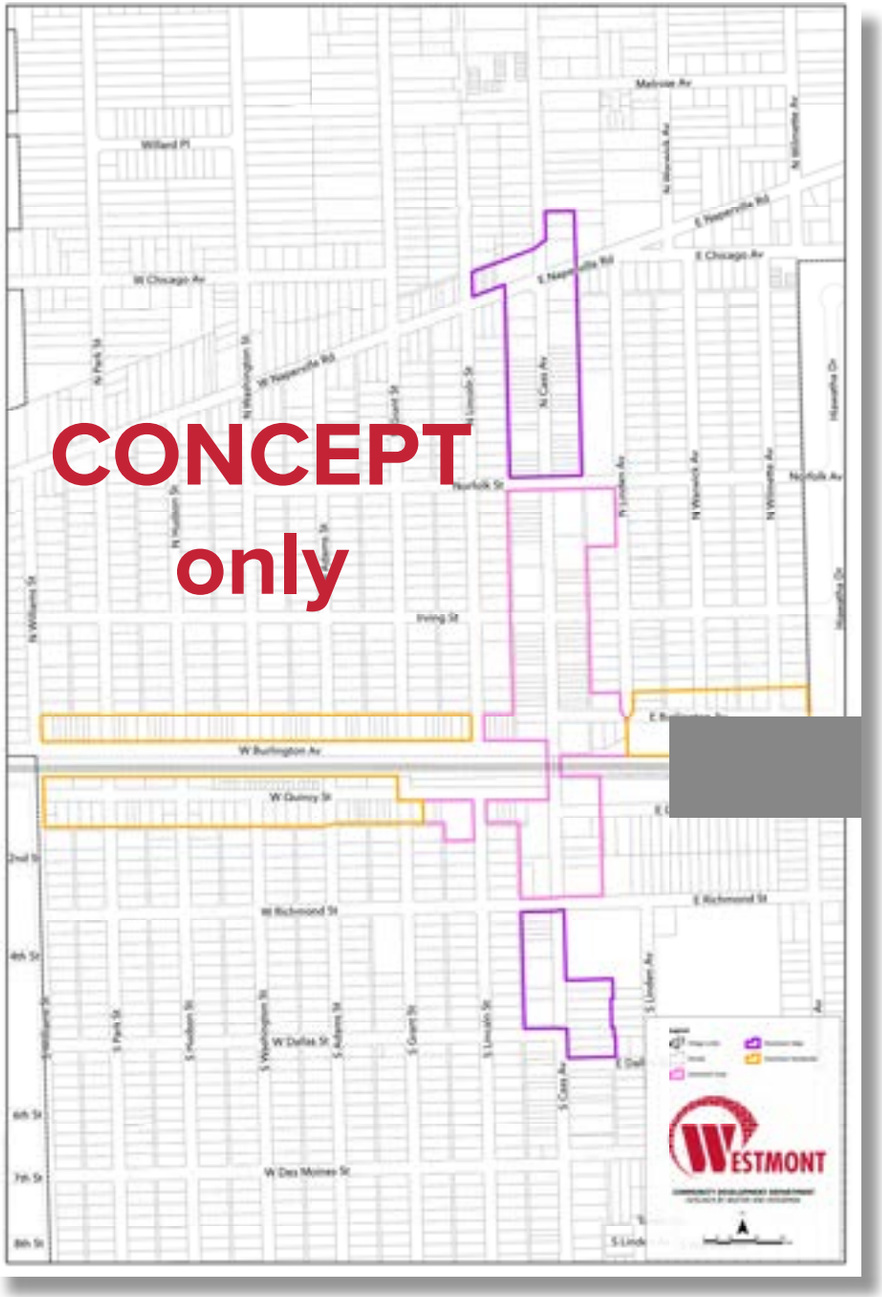
Table IV-1: Downtown Zoning Districts

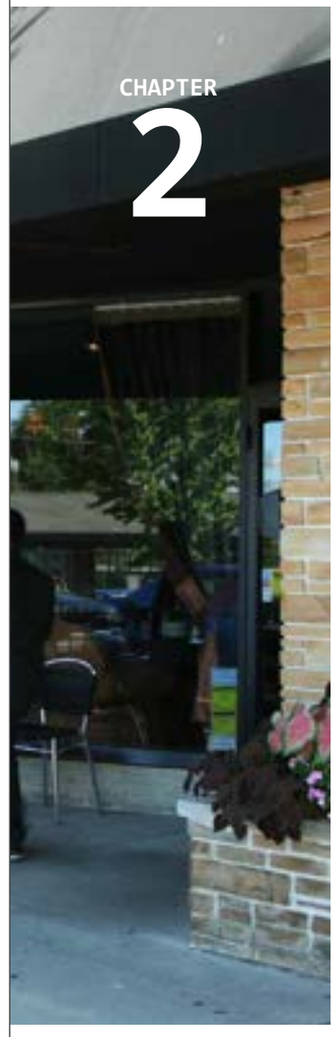
| Map Symbol | District Name |
|---|---|
| B-1(A) | Downtown Core |
| B-1 | Downtown Edge |
| R-7 | Downtown Residential |



# ART. IV DOWNTOWN DISTRICTS

## New/Revised Districts; Available for Future Rezoning




CHAPTER 2 WESTMONT DESIGN GUIDELINES

### DOWNTOWN DESIGN GUIDELINES

Downtown is the heart of the Westmont community. Built around the Burlington Northern train station, it includes several buildings that are more than a century old. The pattern of development and design of buildings create a pedestrian-oriented environment that is distinctly different than other parts of the Village. More recently, new investment in Village Hall, housing, and commercial uses has strengthened the role of the Downtown. As the Downtown area transforms according to the vision expressed in the Comprehensive Plan and other adopted policies, future investment should aim to reinforce positive characteristics of the area, and mitigate the impacts of development that is out of character with the community's vision.

Generally, the guidelines will apply to all areas of the Downtown. However, some guidelines are applicable to a more specific geographic area. For the purposes of these Design Guidelines, the Downtown area is divided into two distinct areas. Where noted, standards will be applied based on the location of development within one of these areas.

### DOWNTOWN CORE

The Downtown Core includes Cass Avenue from Irving Street to Richmond Street, as well as small segments of Burlington Avenue and Quincy Street. This is the most intact traditional portion of the Village center, and development in this area should strive to restore and/or support the unique historic character of the community.

### DOWNTOWN EDGE

The Downtown Edge includes development extending beyond the Downtown Core on Cass Avenue, Burlington Avenue, and Quincy Street. In these areas, development may transition to and reflect the character of adjacent residential areas, while remaining compatible with the Downtown Core.

Village of Westmont 7

# ART. IV DOWNTOWN DISTRICTS

- **Build on positive characteristics**
- **Reinforce and enhance walkable, mixed-use development pattern**
- **Eliminate "development permit" requirement**
- **Replace vague guidelines with clear, objective building design standards**
  - Building materials
  - Entrances
  - Roof form
  - Windows
  - Mechanical equipment

Flexibility/alternative compliance allowed at time of site plan review

**Existing Design "Guidelines"**

"**Adequate** relationship" between structures and land uses

"**Adequate** space, light, air, use and bulk limitations"

Avoidance of "substantial injury to the value of other property"

Protection of "aesthetics and function of the natural environment"

# ART. IV DOWNTOWN DISTRICTS

Table IV-2: Allowed Building Types (Downtown Districts)

| Building Type | District | | | Reference |
|---|---|---|---|---|
| | B-1(A) | B-1 | R-7 | |
| Storefront Building | P | P | – | Sec. 4.08 |
| General Building | – | P | P | Sec. 4.09 |
| Row Building | – | S | P | Sec. 4.10 |
| * Detached House, Existing (est. before effective date specified in Sec. 1.03) | – | – | P | Sec. 4.11 |
| Detached House, New (est. on or after effective date specified in Sec. 1.03) | – | – | S | Sec. 4.11 |

P = Permitted | S = Special Use Approval Required | – = Prohibited

## Storefront Buildings

## General Buildings

## Row Buildings

*R-5 regulations apply to detached houses

# ART. IV DOWNTOWN DISTRICTS

## Focus on physical form

1



**Sec. 4.08 Storefront Buildings**

**(A) Description**

The Storefront Building is a mixed-use building intended for shopping and dining districts. Oriented to the street with narrow or no side setbacks, storefront building streetwalls help define the public space of the street, and ground-story storefront glass and entrances along the sidewalk make these buildings interesting and inviting to pedestrians. Parking is located in the rear and accessed from the alley.

**(B) Images**

The images shown in Figure IV-1 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

**(C) Building Regulations**

**(1) General Regulations**

See Sec. 4.06 for regulations applicable to all building types.

**(2) Regulations Specific to Storefront Buildings**

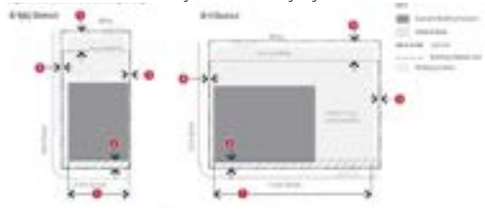
The following tables and illustrations establish regulations specific to Storefront Buildings.

**Figure IV-1: Storefront Building Examples**

2



**Figure IV-2: Storefront Building Siting**



| | | Districts | | |
|---|---|---|---|---|
| | | B-1(A) | B-1 | Additional/References |
| **Building Siting.** See Figure IV-2. | | | | |
| q | Minimum Front Streetwall (%) | 90 | 80 | See Sec. 16.10(C) for additional information on courtyards abutting the build-to zone. |
| w | Front Street Build-to Zone (ft.), minimum to maximum | 0 to 5 | 0 to 5 | |
| e | Minimum Side-Street Setback (ft.) | 0 | 0 | |
| r | Minimum Side Setback (ft.) | abutting R district: 5<br>abutting non-R district: 0 or 5 | | |
| t | Minimum Rear Setback (ft.) | 20 | | |
| | Minimum Outdoor Open Space | 50 sq. ft. per residential unit | | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-3 | | | | |
| y | Overall Height (stories) Min<br>Max | 2<br>5 | 1<br>3 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements.<br>Total overall building height may not exceed 70 feet. |
| u | Ground-Story Height (ft.) Min<br>Max | 12<br>16 | | |
| i | Upper-Story Height (ft.) Min<br>Max | 8.5<br>11 | | |
| o | Top Story Set-Back | Additional 7 feet from the façade immediately below | | Applies only to buildings over 3 stories in height |



3



**Figure IV-3: Storefront Building Height and Street Facade**

| | | Districts | | |
|---|---|---|---|---|
| | | B-1(A) | B-1 | |
| **Roofs.** See Figure IV-3 | | | | |
| 1) | Allowed Roof Types | Flat, parapet; tower allowed | Flat, parapet, pitched; tower allowed | See Sec. 4.12(D) for additional information on roof design. |
| **Street Facades.** See Figure IV-3 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the Storefront building description of Sec. 4.08(A). | | | | |
| 1! | Minimum Transparency: Ground Story on Front Facades (%) | 70 | 60 | See Sec. 16.11 for transparency measurement. |
| | | No bays, 15 ft. wide sections, or any rectangular areas greater than 30% of a story's front facade may be without transparency | | |
| | | Ground-story transparency must extend min. 30 ft. around the corner down any street-side facades | | |
| 1@ | Minimum Transparency: Upper Stories on Front Facades and All Stories on Side-Street Facades (%) | 20 | | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | | |
| 1# | Building Entrance (Min) | One per every 60 feet of front facade | | See Sec. 16.12 for measurements. |
| 1$ | Entrance Type | Storefront | | See Sec. 4.12(C) for entrance types. |
| h | Ground-Story Elevation | Within feet of abutting public sidewalk elevation | | |



- **Increased max. building height** = reduced need for variances

| | Existing | Proposed |
|---|---|---|
| B-1(A) | 40 ft. | 5 stories |
| B-1 | 40 ft. | 3/3.5 stories |

# ART. V SPECIAL PURPOSE DISTRICTS


Sec. 5.01 B-3, Resort District ..... V-1
Sec. 5.02 P/I, Public and Institutional District ..... V-2
Sec. 5.03 PD, Planned Development Overlay (Obsolete District) ..... V-3
Sec. 5.04 PUD, Planned Unit Developments ..... V-4


- **New "P/I" (Public & Institutional) district**

  Tailored for schools, religious institutions, parks, gov't uses

- **New "PUD" (Planned Unit Development) district**

  Multi-step "special use" approval process

  More flexible than existing PD overlay

- **PD, Planned Development Overlay (Legacy District)**

  Approved PDs continue; no new PDs approved

- **Existing B-3 district retained**

  Future B-3 amendments approved as PUDs

# ART. VI PRINCIPAL USES


Sec. 6.01 Allowed Uses ..... VI-1
Sec. 6.02 Use Classification System ..... VI-6
Sec. 6.03 Residential Use Group ..... VI-7
Sec. 6.04 Commercial Use Group ..... VI-8
Sec. 6.05 Warehouse & Distribution ..... VI-18
Sec. 6.06 Manufacturing and Industry Use Group ..... VI-19
Sec. 6.07 Public and Institutional Use Group ..... VI-21
Sec. 6.08 Other Use Group ..... VI-23


- **New use classification system and simplified use table**

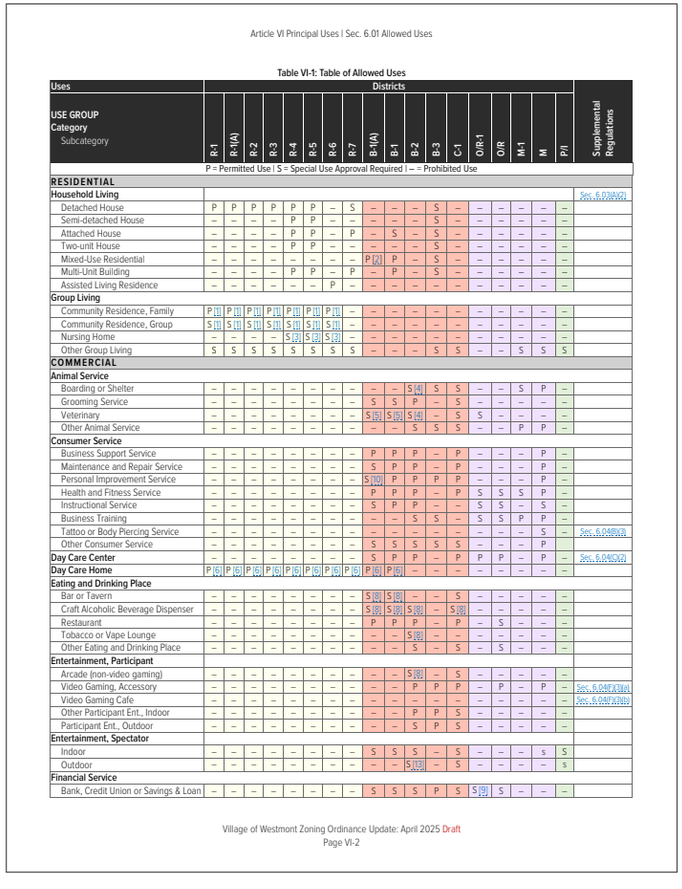
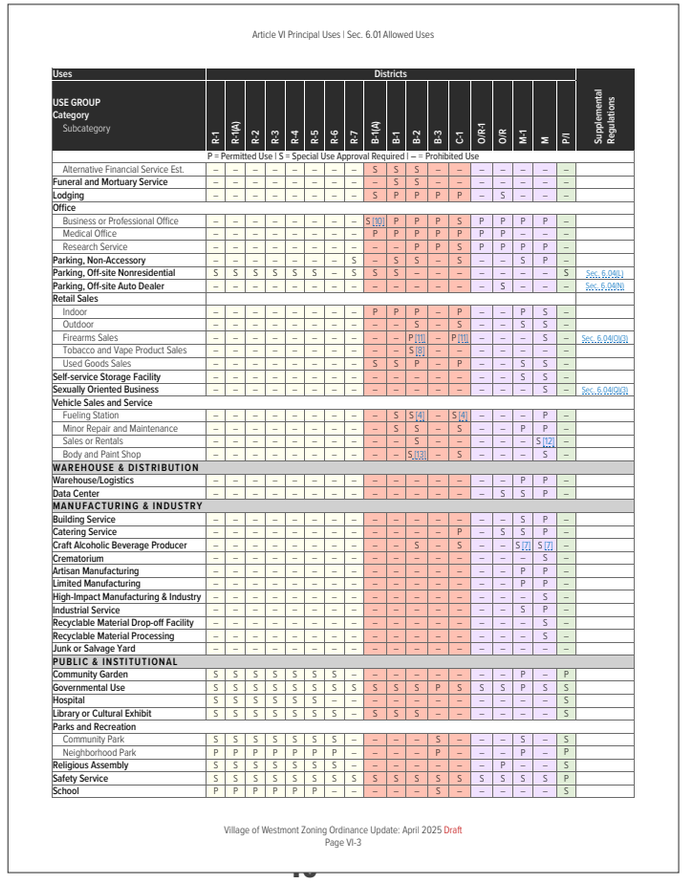




Table VI-1: Table of Allowed Uses

| Uses | Districts | | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP Category Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | | |
| **RESIDENTIAL** | | | | | | | | | | | | | | | | | | | | |
| **Household Living** | | | | | | | | | | | | | | | | | | | | Sec. 6.03(A)(2) |
| Detached House | P | P | P | P | P | P | – | S | – | – | – | S | – | – | – | – | – | – | | |
| Semi-detached House | – | – | – | – | P | P | – | – | – | – | – | S | – | – | – | – | – | – | | |
| Attached House | – | – | – | – | P | P | – | P | – | S | – | S | – | – | – | – | – | – | | |
| Two-unit House | – | – | – | – | P | P | – | – | – | – | – | S | – | – | – | – | – | – | | |
| Mixed-Use Residential | – | – | – | – | – | – | – | – | P [2] | P | – | S | – | – | – | – | – | – | | |
| Multi-Unit Building | – | – | – | – | P | P | – | P | – | P | – | S | – | – | – | – | – | – | | |
| Assisted Living Residence | – | – | – | – | – | – | P | – | – | – | – | – | – | – | – | – | – | – | | |
| **Group Living** | | | | | | | | | | | | | | | | | | | | |
| Community Residence, Family | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | – | – | – | – | – | – | – | – | – | – | | |
| Community Residence, Group | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | – | – | – | – | – | – | – | – | – | – | | |
| Nursing Home | – | – | – | – | S [2] | S [2] | S [2] | – | – | – | – | – | – | – | – | – | – | – | | |
| Other Group Living | S | S | S | S | S | S | S | S | – | – | – | S | S | – | – | S | S | S | | |
| **COMMERCIAL** | | | | | | | | | | | | | | | | | | | | |
| **Animal Service** | | | | | | | | | | | | | | | | | | | | |
| Boarding or Shelter | – | – | – | – | – | – | – | – | – | – | S [4] | S | S | – | – | S | P | – | | |
| Grooming Service | – | – | – | – | – | – | – | – | S | S | P | – | S | – | – | – | – | – | | |
| Veterinary | – | – | – | – | – | – | – | – | S [5] | S [5] | S [4] | – | S | S | – | – | – | – | | |
| Other Animal Service | – | – | – | – | – | – | – | – | – | – | S | S | S | – | – | P | P | – | | |
| **Consumer Service** | | | | | | | | | | | | | | | | | | | | |
| Business Support Service | – | – | – | – | – | – | – | – | P | P | P | – | P | – | – | – | P | – | | |
| Maintenance and Repair Service | – | – | – | – | – | – | – | – | S | P | P | – | P | – | – | – | P | – | | |
| Personal Improvement Service | – | – | – | – | – | – | – | – | S [10] | P | P | P | P | – | – | – | P | – | | |
| Health and Fitness Service | – | – | – | – | – | – | – | – | P | P | P | – | P | S | S | S | P | – | | |
| Instructional Service | – | – | – | – | – | – | – | – | S | P | P | – | – | S | S | – | S | – | | |
| Business Training | – | – | – | – | – | – | – | – | – | – | S | S | – | S | S | P | P | – | | |
| Tattoo or Body Piercing Service | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | | Sec. 6.04(B)(3) |
| Other Consumer Service | – | – | – | – | – | – | – | – | S | S | S | S | S | – | – | – | P | – | | |
| **Day Care Center** | – | – | – | – | – | – | – | – | S | P | P | – | P | P | P | – | P | – | | Sec. 6.04(C)(2) |
| **Day Care Home** | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | – | – | – | – | – | – | – | – | | |
| **Eating and Drinking Place** | | | | | | | | | | | | | | | | | | | | |
| Bar or Tavern | – | – | – | – | – | – | – | – | S [8] | S [8] | – | – | S | – | – | – | – | – | | |
| Craft Alcoholic Beverage Dispenser | – | – | – | – | – | – | – | – | S [8] | S [8] | S [8] | – | S [8] | – | – | – | – | – | | |
| Restaurant | – | – | – | – | – | – | – | – | P | P | P | – | P | – | S | – | – | – | | |
| Tobacco or Vape Lounge | – | – | – | – | – | – | – | – | – | – | S [8] | – | – | – | – | – | – | – | | |
| Other Eating and Drinking Place | – | – | – | – | – | – | – | – | – | – | S | – | S | – | S | – | – | – | | |
| **Entertainment, Participant** | | | | | | | | | | | | | | | | | | | | |
| Arcade (non-video gaming) | – | – | – | – | – | – | – | – | – | – | S [8] | – | S | – | – | – | – | – | | |
| Video Gaming, Accessory | – | – | – | – | – | – | – | – | – | – | P | P | P | – | P | – | P | – | | Sec. 6.04(F)(3)(a) |
| Video Gaming Cafe | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | | Sec. 6.04(F)(3)(b) |
| Other Participant Ent., Indoor | – | – | – | – | – | – | – | – | – | – | P | P | S | – | – | – | – | – | | |
| Participant Ent., Outdoor | – | – | – | – | – | – | – | – | – | – | S | P | S | – | – | – | – | – | | |
| **Entertainment, Spectator** | | | | | | | | | | | | | | | | | | | | |
| Indoor | – | – | – | – | – | – | – | – | S | S | S | – | S | – | – | – | s | S | | |
| Outdoor | – | – | – | – | – | – | – | – | – | – | S [13] | – | S | – | – | – | s | | | |
| **Financial Service** | | | | | | | | | | | | | | | | | | | | |
| Bank, Credit Union or Savings & Loan | – | – | – | – | – | – | – | – | S | S | S | P | S | S [9] | S | – | – | – | | |







| Uses | Districts | | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP Category Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | | |
| Alternative Financial Service Est. | – | – | – | – | – | – | – | – | S | S | S | – | – | – | – | – | – | – | | |
| **Funeral and Mortuary Service** | – | – | – | – | – | – | – | – | S | S | S | – | – | – | – | – | – | – | | |
| **Lodging** | – | – | – | – | – | – | – | – | S | P | P | P | P | – | S | – | – | – | | |
| **Office** | | | | | | | | | | | | | | | | | | | | |
| Business or Professional Office | – | – | – | – | – | – | – | – | S [10] | P | P | P | S | P | P | P | P | – | | |
| Medical Office | – | – | – | – | – | – | – | – | P | P | P | P | P | P | P | – | – | – | | |
| Research Service | – | – | – | – | – | – | – | – | – | – | P | P | S | P | P | P | P | – | | |
| **Parking, Non-Accessory** | – | – | – | – | – | – | – | S | – | S | S | – | S | – | – | S | P | – | | |
| **Parking, Off-site Nonresidential** | S | S | S | S | S | S | – | S | S | S | – | – | – | – | – | – | – | S | | Sec. 6.04(I) |
| **Parking, Off-site Auto Dealer** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | – | – | | Sec. 6.04(N) |
| **Retail Sales** | | | | | | | | | | | | | | | | | | | | |
| Indoor | – | – | – | – | – | – | – | – | P | P | P | – | P | – | – | P | S | – | | |
| Outdoor | – | – | – | – | – | – | – | – | – | – | S | – | S | – | – | S | S | – | | |
| Firearms Sales | – | – | – | – | – | – | – | – | – | – | P [11] | – | P [11] | – | – | – | S | – | | Sec. 6.04(O)(3) |
| Tobacco and Vape Product Sales | – | – | – | – | – | – | – | – | – | – | S [12] | – | – | – | – | – | – | – | | |
| Used Goods Sales | – | – | – | – | – | – | – | – | S | S | P | – | P | – | – | S | S | – | | |
| **Self-service Storage Facility** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | S | – | | |
| **Sexually Oriented Business** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | | Sec. 6.04(O)(3) |
| **Vehicle Sales and Service** | | | | | | | | | | | | | | | | | | | | |
| Fueling Station | – | – | – | – | – | – | – | – | – | S | S [4] | – | S [4] | – | – | – | P | – | | |
| Minor Repair and Maintenance | – | – | – | – | – | – | – | – | – | S | S | – | S | – | – | P | P | – | | |
| Sales or Rentals | – | – | – | – | – | – | – | – | – | – | S | – | – | – | – | – | S [12] | – | | |
| Body and Paint Shop | – | – | – | – | – | – | – | – | – | – | S [13] | – | S | – | – | – | S | – | | |
| **WAREHOUSE & DISTRIBUTION** | | | | | | | | | | | | | | | | | | | | |
| **Warehouse/Logistics** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | | |
| **Data Center** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | S | P | – | | |
| **MANUFACTURING & INDUSTRY** | | | | | | | | | | | | | | | | | | | | |
| **Building Service** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | P | – | | |
| **Catering Service** | – | – | – | – | – | – | – | – | – | – | – | – | P | – | S | S | P | – | | |
| **Craft Alcoholic Beverage Producer** | – | – | – | – | – | – | – | – | – | S | S | – | S | – | – | S [7] | S [7] | – | | |
| **Crematorium** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | | |
| **Artisan Manufacturing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | | |
| **Limited Manufacturing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | | |
| **High-Impact Manufacturing & Industry** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | | |
| **Industrial Service** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | P | – | | |
| **Recyclable Material Drop-off Facility** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | | |
| **Recyclable Material Processing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | | |
| **Junk or Salvage Yard** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | | |
| **PUBLIC & INSTITUTIONAL** | | | | | | | | | | | | | | | | | | | | |
| **Community Garden** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | – | – | P | – | P | |
| **Governmental Use** | S | S | S | S | S | S | S | S | S | S | S | P | S | S | S | P | S | – | S | |
| **Hospital** | S | S | S | S | S | S | – | – | – | – | – | – | – | – | – | – | – | – | S | |
| **Library or Cultural Exhibit** | S | S | S | S | S | S | S | – | S | S | S | – | – | – | – | – | – | – | S | |
| **Parks and Recreation** | | | | | | | | | | | | | | | | | | | | |
| Community Park | S | S | S | S | S | S | S | – | – | – | – | S | – | – | – | S | – | S | | |
| Neighborhood Park | P | P | P | P | P | P | P | – | – | – | – | P | – | – | – | P | – | P | | |
| **Religious Assembly** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | P | – | – | S | | |
| **Safety Service** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | | |
| **School** | P | P | P | P | P | P | – | – | – | – | – | S | – | – | – | – | – | S | | |



- Maintains existing use permissions
- New broad categories (“buckets”) replace outdated, overly detailed use types
- Technical changes, as highlighted in text

# ART. VI PRINCIPAL USES


Sec. 6.01 Allowed Uses ..... VI-1
Sec. 6.02 Use Classification System ..... VI-6
Sec. 6.03 Residential Use Group ..... VI-7
Sec. 6.04 Commercial Use Group ..... VI-8
Sec. 6.05 Warehouse & Distribution ..... VI-18
Sec. 6.06 Manufacturing and Industry Use Group ..... VI-19
Sec. 6.07 Public and Institutional Use Group ..... VI-21
Sec. 6.08 Other Use Group ..... VI-23


**(A) Use Groups**

This zoning ordinance classifies principal land uses into major groupings (described in Sec. 6.02(D)(1) through Sec. 6.08). These major groupings are referred to as "use groups." The groups are as follows:

**(1)** Residential. See Sec. 6.03.

**(2)** Commercial. See Sec. 6.04.

**(3)** Warehouse and Distribution. See Sec. 6.05.

**(4)** Manufacturing and Industry. See Sec. 6.06.

**(5)** Public and Institutional. See Sec. 6.07.

**(6)** Other. See Sec. 6.08.

**(B) Use Categories**

Each use group is further divided into more specific "use categories." Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered, and typical site conditions.

**(C) Use Subcategories**

Some use categories are further broken down to identify more specific "use subcategories."

| **Use Group** / **Category** / Subcategory | **District** | **District** | **District** | **District** | **District** | **District** | **Supplemental Regulations** |
|---|---|---|---|---|---|---|---|
| **P** = Permitted as of right \| **S** = Special Use Approval Required \| – = Prohibited) | | | | | | | |
| **Use Group** | | | | | | | |
| **Use Category** | | | | | | | |
| Use Subcategory | P[1] | S[1] | – | – | – | – | |
| Use Subcategory | P | P | P | – | – | – | Cross-reference to regulations that apply in all districts |
| Use Subcategory | – | – | – | P | S | S | |

**Table Notes:**

[1] Bracketed numbers refer to notes immediately following the table

# ART. VII ACCESSORY AND TEMPORARY USES


| | | |
|---|---|---|
| Sec. 7.01 | Accessory Uses and Structures Generally | VII-1 |
| Sec. 7.02 | Residential Accessory Uses and Structures Generally | VII-2 |
| Sec. 7.03 | Nonresidential Accessory Uses and Structures Generally | VII-3 |
| Sec. 7.04 | Accessory Structures in Setbacks | VII-3 |
| Sec. 7.05 | Accessory Dwelling Units (ADUs) | VII-5 |
| Sec. 7.06 | Air Conditioner Compressors and Heat Pumps | VII-7 |
| Sec. 7.07 | Animals | VII-7 |
| Sec. 7.08 | Antennas | VII-7 |
| Sec. 7.09 | Donation Drop Boxes | VII-8 |
| Sec. 7.10 | Electric Vehicle Charging Stations | VII-9 |
| Sec. 7.11 | Fences | VII-10 |
| Sec. 7.12 | Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor) | VII-12 |
| Sec. 7.13 | Flagpoles | VII-12 |
| Sec. 7.14 | Fleet Vehicle Storage | VII-12 |
| Sec. 7.15 | Garages and Carports | VII-12 |
| Sec. 7.16 | Generators | VII-13 |
| Sec. 7.17 | Geothermal Heat Exchange Systems | VII-13 |
| Sec. 7.18 | Home Occupations | VII-13 |
| Sec. 7.19 | Manufacturing Accessory Uses | VII-15 |
| Sec. 7.20 | Outdoor Accessory Uses | VII-15 |
| Sec. 7.21 | Recreational Vehicles | VII-16 |
| Sec. 7.22 | Solar Energy Systems | VII-17 |
| Sec. 7.23 | Swimming Pools and Hot Tubs | VII-17 |
| Sec. 7.24 | Temporary Storage Units | VII-18 |
| Sec. 7.25 | Tents | VII-18 |
| Sec. 7.26 | Vending Machines | VII-19 |
| Sec. 7.27 | Wind Energy Conversion Systems (WECSs) | VII-19 |


New +
Highlighted changes throughout

# ART. VII ACCESSORY AND TEMPORARY USES

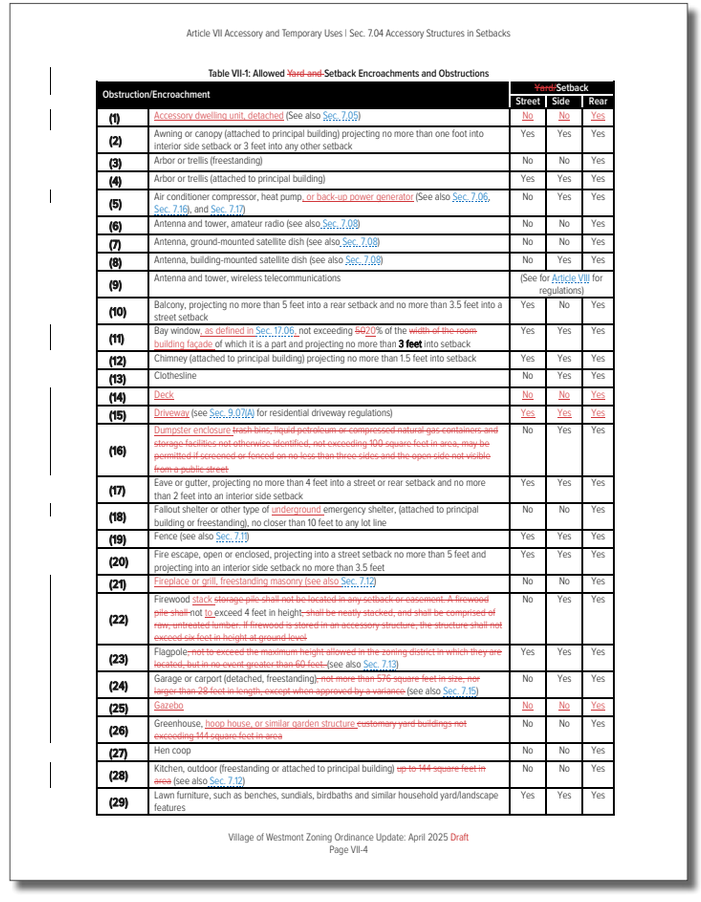
## Residential Accessory Buildings

- More resident friendly; reduced need for variances
- One detached + 2 add'l detached buildings; 1,250 sq. ft. max. coverage; maximum height [~~15~~18']
- Up to 2 small sheds (12 sq. ft. max.) exempt

## Nonresidential Accessory Buildings

- Special use approval required
- Maximum height: 20 feet
- Subject to foundation landscaping requirements

### Accessory Structures in Building Setbacks



Article VII Accessory and Temporary Uses | Sec. 7.04 Accessory Structures in Setbacks

Table VII-1: Allowed ~~Yard and~~ Setback Encroachments and Obstructions

| | Obstruction/Encroachment | ~~Yard~~ Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| (1) | Accessory dwelling unit, detached (See also Sec. 7.05) | No | No | Yes |
| (2) | Awning or canopy (attached to principal building) projecting no more than one foot into interior side setback or 3 feet into any other setback | Yes | Yes | Yes |
| (3) | Arbor or trellis (freestanding) | No | No | Yes |
| (4) | Arbor or trellis (attached to principal building) | Yes | Yes | Yes |
| (5) | Air conditioner compressor, heat pump, or back-up power generator (See also Sec. 7.06, Sec. 7.16, and Sec. 7.17) | No | Yes | Yes |
| (6) | Antenna and tower, amateur radio (see also Sec. 7.08) | No | No | Yes |
| (7) | Antenna, ground-mounted satellite dish (see also Sec. 7.08) | No | No | Yes |
| (8) | Antenna, building-mounted satellite dish (see also Sec. 7.08) | No | Yes | Yes |
| (9) | Antenna and tower, wireless telecommunications | (See for Article VIII for regulations) | | |
| (10) | Balcony, projecting no more than 5 feet into a rear setback and no more than 3.5 feet into a street setback | Yes | No | Yes |
| (11) | Bay window, as defined in Sec. 17.06, not exceeding ~~50~~20% of the ~~width of the room~~ building façade of which it is a part and projecting no more than **3 feet** into setback | Yes | Yes | Yes |
| (12) | Chimney (attached to principal building) projecting no more than 1.5 feet into setback | Yes | Yes | Yes |
| (13) | Clothesline | No | Yes | Yes |
| (14) | Deck | No | No | Yes |
| (15) | Driveway (see Sec. 9.07(A) for residential driveway regulations) | Yes | Yes | Yes |
| (16) | Dumpster enclosure ~~trash bins, liquid petroleum or compressed natural gas containers and storage facilities not otherwise identified, not exceeding 100 square feet in area, may be permitted if screened or fenced on no less than three sides and the open side not visible from a public street~~ | No | Yes | Yes |
| (17) | Eave or gutter, projecting no more than 4 feet into a street or rear setback and no more than 2 feet into an interior side setback | Yes | Yes | Yes |
| (18) | Fallout shelter or other type of underground emergency shelter, (attached to principal building or freestanding), no closer than 10 feet to any lot line | No | No | Yes |
| (19) | Fence (see also Sec. 7.11) | Yes | Yes | Yes |
| (20) | Fire escape, open or enclosed, projecting into a street setback no more than 5 feet and projecting into an interior side setback no more than 3.5 feet | Yes | Yes | Yes |
| (21) | Fireplace or grill, freestanding masonry (see also Sec. 7.12) | No | No | Yes |
| (22) | Firewood stack ~~storage pile shall not be located in any setback or easement. A firewood pile shall not~~ to exceed 4 feet in height~~, shall be neatly stacked, and shall be comprised of raw, unheated lumber. If firewood is stored in an accessory structure, the structure shall not exceed six feet in height at ground level~~ | No | Yes | Yes |
| (23) | Flagpole~~, not to exceed the maximum height allowed in the zoning district in which they are located, but in no event greater than 60 feet~~ (see also Sec. 7.13) | Yes | Yes | Yes |
| (24) | Garage or carport (detached, freestanding)~~, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance~~ (see also Sec. 7.15) | No | Yes | Yes |
| (25) | Gazebo | No | No | Yes |
| (26) | Greenhouse, hoop house, or similar garden structure~~, customary yard buildings not exceeding 144 square feet in area~~ | No | No | Yes |
| (27) | Hen coop | No | No | Yes |
| (28) | Kitchen, outdoor (freestanding or attached to principal building)~~, up to 144 square feet in area~~ (see also Sec. 7.12) | No | No | Yes |
| (29) | Lawn furniture, such as benches, sundials, birdbaths and similar household yard/landscape features | Yes | Yes | Yes |

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Page VII-4

# ART. VII ACCESSORY AND TEMPORARY USES

## Accessory Dwelling Units (ADUs)

- Small, secondary housing units on a lot occupied by single-family, detached house
- Sometimes referred to as “in-law suites,” “backyard cottages,” or “granny flats”
- Can be built new or converted from existing floor space. Take many forms: garage apartments, addition to main house, backyard cottage

### ADU Benefits

1. Increase housing stock while helping preserve neighborhood character/ scale
2. Additional housing options; support aging in place
3. Address affordability, housing diversity and preservation

### ADU Regulations

1. Allowed only on lots with detached single-family dwelling unit
2. No more than one ADU per lot
3. Size limited to 850 sq. ft. or floor area of principal dwelling
4. Design standards for new buildings and building additions

# ART. VII ACCESSORY AND TEMPORARY USES

## Electric Vehicle Charging Equipment

- Clarifies that equipment is allowed; EV spaces count toward parking minimums

## Outdoor Fireplaces, Kitchens, Fire Pits

- Clarifies that such amenities are allowed; aligned with building/fire codes

## Fleet Vehicle Storage

- Light-duty vehicle storage allowed in commercial and industrial districts; max. 2 vehicles unless approved as special use; screening from streets

## Generators (backup power)

- Expressly allowed; must have sound attenuation and be screened from view

## Alternative Energy

- Express allowance for solar, wind, and geothermal energy devices

# ART. VII ACCESSORY AND TEMPORARY USES

## Donation Drop Boxes

- Limited to B-2, C-1, M-1, M, and P/I districts; permit required; regulations apply

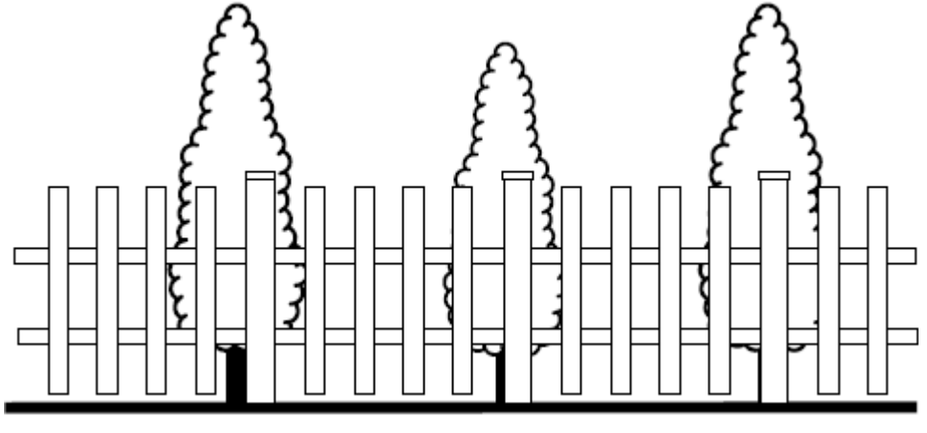
## Outdoor Accessory Uses

- Display areas—expressly allowed; goods offered as part of principal use
- Storage areas—limited to M-1 and M; special use approval required
- Seating and dining areas—allowed for eating and drinking establishments; setback, fencing, and landscape required
- Others—special use approval required

## Fences

- Clarified regulations

Figure VII-1: Open-Design Fence (Example)



# ART. VIII WIRELESS TELECOMMUNICATIONS FACILITIES


Sec. 8.01 Purpose ..... VIII-1
Sec. 8.02 Applicability ..... VIII-1
Sec. 8.03 Freestanding Wireless Telecommunications Towers ..... VIII-1
Sec. 8.04 Cell Antennas ..... VIII-6


- **Reorganized and edited**
- **Adds authorization for “microcell” networks; consistent with Chapter 82 of village code (small wireless facilities)**

# ART. IX PARKING


Sec. 9.01 General ..... IX-1
Sec. 9.02 Minimum Parking Requirements ..... IX-2
Sec. 9.03 Calculation of Required Parking ..... IX-4
Sec. 9.04 Parking Exemptions and Reductions ..... IX-5
Sec. 9.05 Location of Off-Street Parking ..... IX-7
Sec. 9.06 Use of Required Off-Street Parking Areas ..... IX-8
Sec. 9.07 Parking Area Design ..... IX-8
Sec. 9.08 Accessible Parking ..... IX-10
Sec. 9.09 Stacking Spaces for Drive-Through Facilities ..... IX-11
Sec. 9.10 Off-Street Loading ..... IX-12


- **Reduced min. requirements for some uses**
- **Additional reductions allowed based on context (e.g., downtown, multi-tenant centers, small uses (i.e., 3 or fewer spaces)**
- **New stacking requirements for drive-throughs**

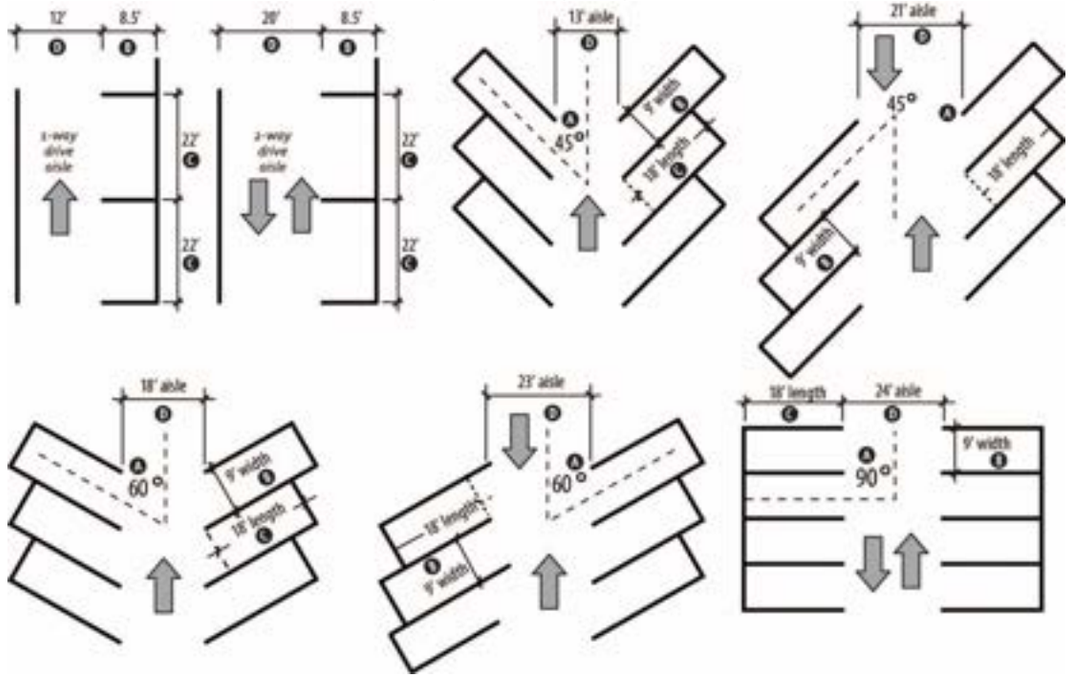
# ART. IX PARKING

- **Integrates existing parking lot design standards with updated stall size [~~10 x 20~~9 x 18']**

Table IX-2: Parking Lot Layout
(Dimensions in Feet)

| A Stall Angle | B Stall Width (ft) | C Stall Depth (ft) | D 1-Way Aisle Width (ft) | D 2-Way Aisle Width (ft) | Vertical Clearance (ft) |
|---|---|---|---|---|---|
| 0° | 8.5 | 22.0 | 12.0 | 20.0 | 7.0 |
| 45° | 9.0 | 18.0 | 13.0 | 21.0 | 7.0 |
| 60° | 9.0 | 18.0 | 18.0 | 23.0 | 7.0 |
| 90° | 9.0 | 18.0 | 24.0 | 24.0 | 7.0 |

Figure IX-1: Parking Lot Layout




- **Other technical edits and updates as indicated in text**

# ART. X TREE PRESERVATION AND LANDSCAPING


Sec. 10.01 Jurisdiction..... X-1
Sec. 10.02 Required Tree Surveys, Tree Preservation Plans and Landscape Plans..... X-1
Sec. 10.03 Permit Issuance..... X-1
Sec. 10.04 Tree Preservation and Replacement ..... X-1
Sec. 10.05 Tree Protection.....X-2
Sec. 10.06 Penalties and Tree Replacement Requirements.....X-3
Sec. 10.07 Landscape Regulations.....X-4


- **Mostly existing provisions from Ch. 80 of village code**
- **Landscape regulation proposed changes:**
  - Clarifies open space and parking lot landscape requirements
    - Landscape islands in large (20+ space) parking lots
    - Visual screening from R districts and streets
- **Alternative compliance provisions added for flexibility**

# ART. XI SIGNS


| | | |
|---|---|---|
| Sec. 11.01 | General | XI-1 |
| Sec. 11.02 | Prohibited Signs | XI-2 |
| Sec. 11.03 | Sign Exceptions | XI-3 |
| Sec. 11.04 | Allowed Signs | XI-7 |
| Sec. 11.05 | Additional Regulations for Specific Sign and Site Types | XI-8 |
| Sec. 11.06 | Construction Standards | XI-11 |
| Sec. 11.07 | Maintenance | XI-12 |
| Sec. 11.08 | Abandoned Signs | XI-12 |
| Sec. 11.09 | Nonconforming Signs | XI-12 |
| Sec. 11.10 | Permits | XI-12 |
| Sec. 11.11 | Sign-Related Measurements | XI-12 |

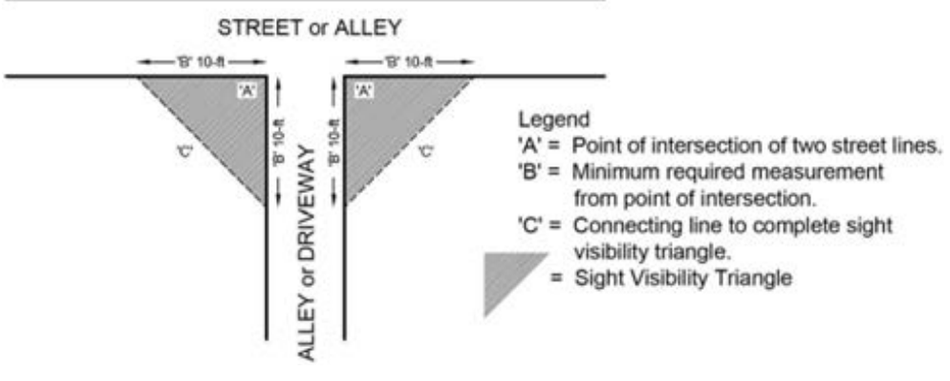

- **Existing regulations; edits to address known issues**
- **Minor substantive changes:**
  - Expanded list of “prohibited signs” (e.g., flashing, LED window borders)
  - New sign “exceptions” add certainty/flexibility for merchants (e.g., fuel pumps, driveways, parking lots, grand openings, rear wall signs for downtown buildings)

# ART. XII GENERAL DEVELOPMENT REGULATIONS

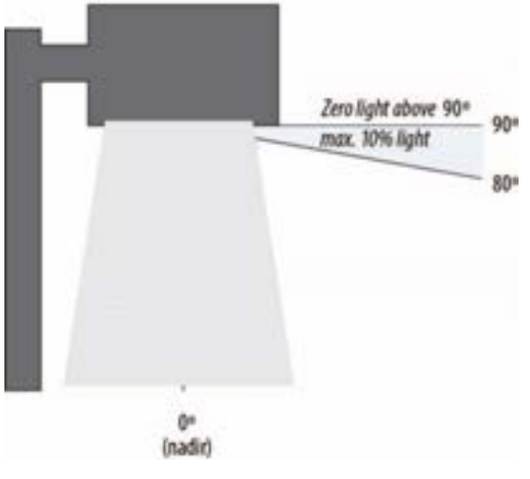

Sec. 12.01 Outdoor Lighting ..... XII-1
Sec. 12.02 Underground Utilities ..... XII-6
Sec. 12.03 Street Access ..... XII-6
Sec. 12.04 Outdoor Storage of Junk and Debris ..... XII-6
Sec. 12.05 Sight Vision Triangles ..... XII-6


- **Mostly carry over of existing regulations; "performance" standards migrating to village code**
- **New outdoor lighting regulations apply to new development; aimed at nuisance/spillover lighting**
- **Updated intersection visibility provisions**

**Visibility Triangles at Alleys and Driveways**




**Full Cutoff Light Fixtures**



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- **Editorial changes for clarity (as identified) in text**

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- **Revised to reflect actual practice/state law**
- **New "development plan" procedure for PUDs**
- **Revised, streamlined "site plan review" procedure**

Table XIV-1: Review and Decision-making Authority Summary Table

| Procedure | Staff | Planning and Zoning Commission | Board of Trustees |
|---|---|---|---|
| Zoning Ordinance Text & Map Amendments | □ | < ☑ > | ■ |
| Planned Unit Developments | | | |
| PUD Development Plans | □ | < ☑ > | ■ |
| Minor Development Plan Amendment | □ | ■ | – |
| PUD Site Plans | ■ | – | – |
| Special Uses | □ | < ☑ > | ■ |
| Site Plans | | | |
| Major Site Plans | □ | ☑ | ■ |
| Administrative Site Plans | ■ | – | – |
| Variances | □ | < ☑ > | ■ |
| ~~Zoning Certificates~~ | ~~■~~ | – | – |
| Zoning Verification Letters | ■ | – | – |
| ~~Certificates of Occupancy~~ | ~~■~~ | – | – |
| Appeals of Administrative Decisions | □ | < ■ > | – |

□ = Review | ☑ = Recommendation | ■ = Final Decision | < > = Public hearing

# ART. XIV REVIEW AND APPROVAL PROCEDURES

## Development Plan Thresholds

- Required for new and amended PUDs and B-3 (Resort District) requests
- Optional for any zoning map amendment (rezoning) request

## Approval Process

1. Preapplication Meeting
2. Concept Plan
3. Development Plan
   - *PZC Review*
   - *Board of Trustees Approval*
4. Site Plan Review

# ART. XIV REVIEW AND APPROVAL PROCEDURES

## Site Plan Review Thresholds

1. Three or more dwelling units (DUs)
2. More than 1,000 sq. ft. of impervious cover on lot occupied by 3+ DUs
3. Nonresidential building or 1,000 sq. ft. addition
4. More than 1,000 sq. ft. of impervious cover on lot occupied nonresidential use
5. Reconstruction/replacement of more than 50% of street-facing façade in B-1(A) or B-1 district
6. Other activities for which site plan approval is expressly required under zoning ordinance

## Approval Process

**Major (PZC + BoT)**

- More than 10,000 sq. ft. of gross floor area (new or addition)
- Plans referred by the zoning administrator for processing as a major site plan
- Other activities for which major site plan approval is expressly required

**Minor (Zoning Administrator)**

- Any site plan not classified as major site plan

# ART. XV ADMINISTRATION AND ENFORCEMENT


Sec. 15.01 Administration ..... XV-1
Sec. 15.02 Enforcement ..... XV-2


- **Clarified roles/responsibilities for zoning administrator (community development director)**
- **Enhanced range of enforcement options**

# ART. XVI MEASUREMENTS


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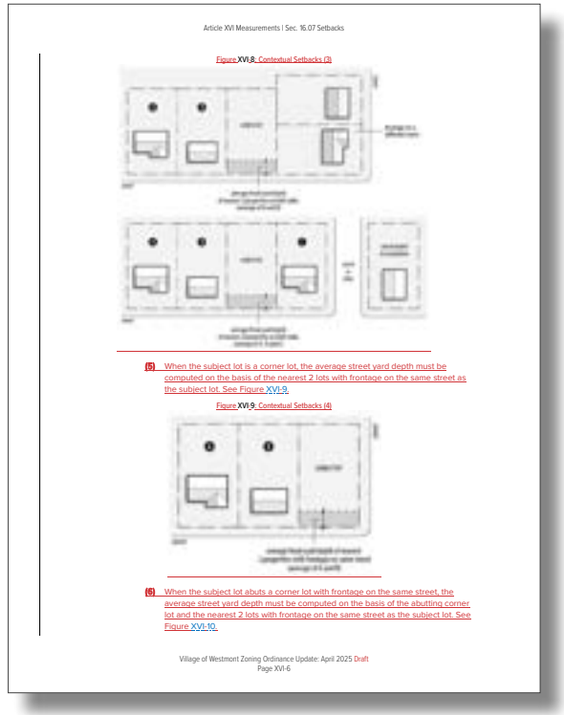
Sec. 16.13 Height ..... XVI-10


- **Measurement rules for lot and building and design-related regulations**
- **New "contextual" setback regulations**
- **Added illustrations**



Article XVI Measurements | Sec. 16.07 Setbacks

Figure XVI-8: Contextual Setbacks (3)

(5) When the subject lot is a corner lot, the average street yard depth must be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-9.

Figure XVI-9: Contextual Setbacks (4)

(6) When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth must be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-10.

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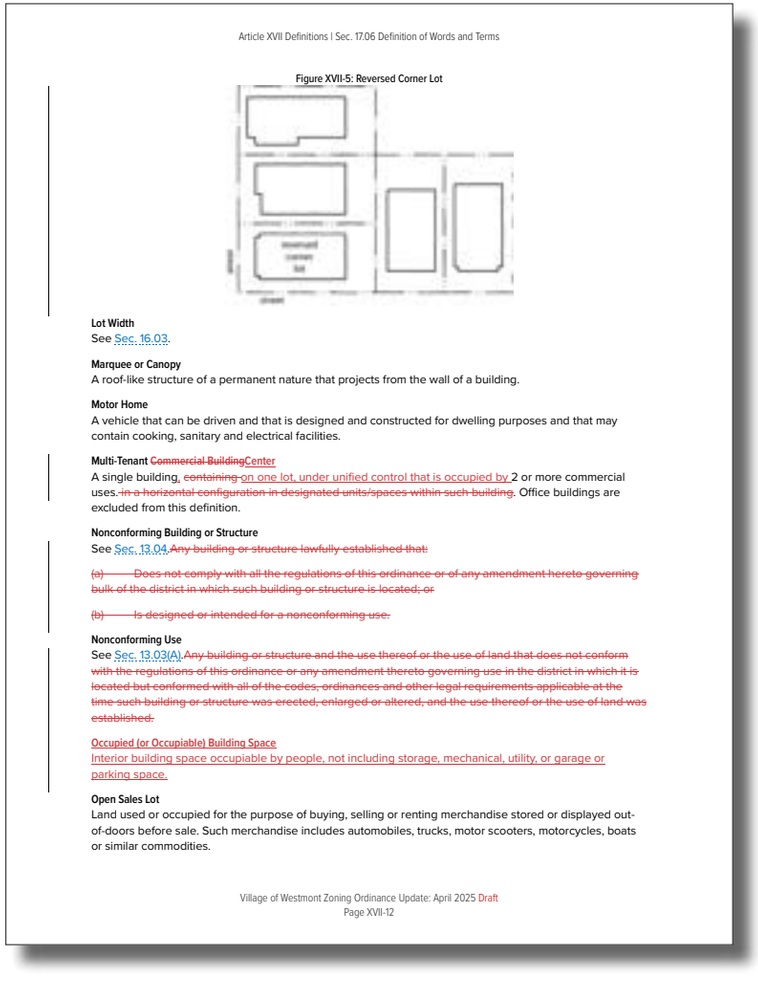
Sec. 17.06 Definition of Words and Terms ..... XVII-1


- **Edits and additions**
- **Deleted unused terms**
- **Added illustrations**



Article XVII Definitions | Sec. 17.06 Definition of Words and Terms

Figure XVII-5: Reversed Corner Lot

**Lot Width**
See Sec. 16.03.

**Marquee or Canopy**
A roof-like structure of a permanent nature that projects from the wall of a building.

**Motor Home**
A vehicle that can be driven and that is designed and constructed for dwelling purposes and that may contain cooking, sanitary and electrical facilities.

**Multi-Tenant ~~Commercial Building~~Center**
A single building, ~~containing~~ on one lot, under unified control that is occupied by 2 or more commercial uses. ~~in a horizontal configuration in designated units/spaces within such building~~. Office buildings are excluded from this definition.

**Nonconforming Building or Structure**
See Sec. 13.04 ~~Any building or structure lawfully established that:~~

~~(a) Does not comply with all the regulations of this ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or~~

~~(b) Is designed or intended for a nonconforming use.~~

**Nonconforming Use**
See Sec. 13.03(A) ~~Any building or structure and the use thereof or the use of land that does not conform with the regulations of this ordinance or any amendment thereto governing use in the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.~~

Occupied (or Occupiable) Building Space
Interior building space occupiable by people, not including storage, mechanical, utility, or garage or parking space.

**Open Sales Lot**
Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors before sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

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# APPENDIX A. RECOMMENDED TREES AND SHRUBS


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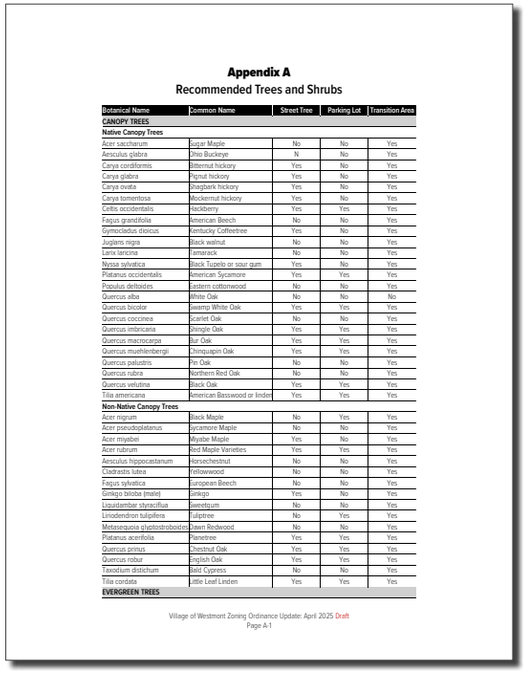
- **List of trees/shrubs that satisfy landscape requirements**

  (zoning administrator authorized to permit other non-invasive species)

- **Native and non-native species appropriate for NE Illinois**



**Appendix A**

**Recommended Trees and Shrubs**

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| **CANOPY TREES** | | | | |
| **Native Canopy Trees** | | | | |
| Acer saccharum | Sugar Maple | No | No | Yes |
| Aesculus glabra | Ohio Buckeye | N | No | Yes |
| Carya cordiformis | Bitternut hickory | Yes | No | Yes |
| Carya glabra | Pignut hickory | Yes | No | Yes |
| Carya ovata | Shagbark hickory | Yes | No | Yes |
| Carya tomentosa | Mockernut hickory | Yes | No | Yes |
| Celtis occidentalis | Hackberry | Yes | Yes | Yes |
| Fagus grandifolia | American Beech | No | No | Yes |
| Gymnocladus dioicus | Kentucky Coffeetree | Yes | No | Yes |
| Juglans nigra | Black walnut | No | No | Yes |
| Larix laricina | Tamarack | No | No | Yes |
| Nyssa sylvatica | Black Tupelo or sour gum | Yes | No | Yes |
| Platanus occidentalis | American Sycamore | Yes | Yes | Yes |
| Populus deltoides | Eastern cottonwood | No | No | Yes |
| Quercus alba | White Oak | No | No | No |
| Quercus bicolor | Swamp White Oak | Yes | Yes | Yes |
| Quercus coccinea | Scarlet Oak | No | No | Yes |
| Quercus imbricaria | Shingle Oak | Yes | Yes | Yes |
| Quercus macrocarpa | Bur Oak | Yes | Yes | Yes |
| Quercus muehlenbergii | Chinquapin Oak | Yes | Yes | Yes |
| Quercus palustris | Pin Oak | No | No | Yes |
| Quercus rubra | Northern Red Oak | No | No | Yes |
| Quercus velutina | Black Oak | Yes | Yes | Yes |
| Tilia americana | American Basswood or linden | Yes | Yes | Yes |
| **Non-Native Canopy Trees** | | | | |
| Acer nigrum | Black Maple | No | Yes | Yes |
| Acer pseudoplatanus | Sycamore Maple | No | No | Yes |
| Acer miyabei | Miyabe Maple | Yes | No | Yes |
| Acer rubrum | Red Maple Varieties | Yes | Yes | Yes |
| Aesculus hippocastanum | Horsechestnut | No | No | Yes |
| Cladrastis lutea | Yellowwood | No | No | Yes |
| Fagus sylvatica | European Beech | No | No | Yes |
| Ginkgo biloba (male) | Ginkgo | Yes | No | Yes |
| Liquidambar styraciflua | Sweetgum | No | No | Yes |
| Liriodendron tulipifera | Tuliptree | No | Yes | Yes |
| Metasequoia glyptostroboides | Dawn Redwood | No | No | Yes |
| Platanus acerifolia | Planetree | Yes | Yes | Yes |
| Quercus primus | Chestnut Oak | Yes | Yes | Yes |
| Quercus robur | English Oak | Yes | Yes | Yes |
| Taxodium distichum | Bald Cypress | No | No | Yes |
| Tilia cordata | Little Leaf Linden | Yes | Yes | Yes |
| **EVERGREEN TREES** | | | | |

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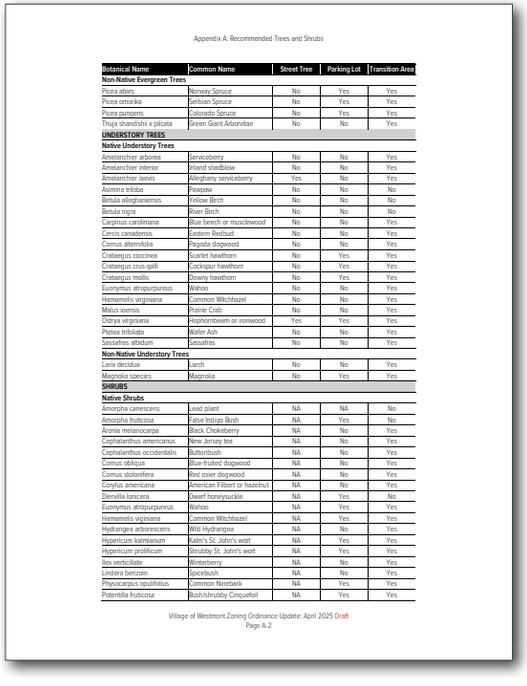

Appendix A: Recommended Trees and Shrubs

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| **Non-Native Evergreen Trees** | | | | |
| Picea abies | Norway Spruce | No | Yes | Yes |
| Picea omorika | Serbian Spruce | No | Yes | Yes |
| Picea pungens | Colorado Spruce | No | Yes | Yes |
| Thuja shandishii x plicata | Green Giant Arborvitae | No | No | Yes |
| **UNDERSTORY TREES** | | | | |
| **Native Understory Trees** | | | | |
| Amelanchier arborea | Serviceberry | No | No | Yes |
| Amelanchier interior | Inland shadblow | No | No | Yes |
| Amelanchier laevis | Alleghany serviceberry | Yes | No | Yes |
| Asimina triloba | Pawpaw | No | No | No |
| Betula alleghaniensis | Yellow Birch | No | No | No |
| Betula nigra | River Birch | No | No | No |
| Carpinus caroliniana | Blue beech or musclewood | No | No | Yes |
| Cercis canadensis | Eastern Redbud | No | No | Yes |
| Cornus alternifolia | Pagoda dogwood | No | No | Yes |
| Crataegus coccinea | Scarlet hawthorn | No | Yes | Yes |
| Crataegus crus-galli | Cockspur hawthorn | No | Yes | Yes |
| Crataegus mollis | Downy hawthorn | No | Yes | Yes |
| Euonymus atropurpureus | Wahoo | No | No | Yes |
| Hamamelis virginiana | Common Witchhazel | No | No | Yes |
| Malus ioensis | Prairie Crab | No | No | Yes |
| Ostrya virginiana | Hophornbeam or ironwood | Yes | Yes | Yes |
| Ptelea trifoliata | Wafer Ash | No | No | Yes |
| Sassafras albidum | Sassafras | No | No | Yes |
| **Non-Native Understory Trees** | | | | |
| Larix decidua | Larch | No | No | Yes |
| Magnolia species | Magnolia | No | Yes | Yes |
| **SHRUBS** | | | | |
| **Native Shrubs** | | | | |
| Amorpha canescens | Lead plant | NA | NA | No |
| Amorpha fruticosa | False Indigo Bush | NA | Yes | No |
| Aronia melanocarpa | Black Chokeberry | NA | No | Yes |
| Cephalanthus americanus | New Jersey tea | NA | No | Yes |
| Cephalanthus occidentalis | Buttonbush | NA | No | Yes |
| Cornus obliqua | Blue-fruited dogwood | NA | No | Yes |
| Cornus stolonifera | Red osier dogwood | NA | No | Yes |
| Corylus americana | American Filbert or hazelnut | NA | No | Yes |
| Diervilla lonicera | Dwarf honeysuckle | NA | Yes | No |
| Euonymus atropurpureus | Wahoo | NA | Yes | Yes |
| Hamamelis virginiana | Common Witchhazel | NA | Yes | Yes |
| Hydrangea arborescens | Wild Hydrangea | NA | No | Yes |
| Hypericum kalmianum | Kalm's St. John's wort | NA | Yes | Yes |
| Hypericum prolificum | Shrubby St. John's wort | NA | Yes | Yes |
| Ilex verticillate | Winterberry | NA | No | Yes |
| Lindera benzoin | Spicebush | NA | No | Yes |
| Physocarpus opulifolius | Common Ninebark | NA | Yes | Yes |
| Potentilla fruticosa | Bush/shrubby Cinquefoil | NA | Yes | Yes |

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# Village of Westmont

## Zoning Ordinance Update

Planning and Zoning Commission

Public Hearing April 2025

# Village of Westmont
# Zoning Ordinance Update

April 2025 **DRAFT**

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# Article I Introductory Provisions


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## Sec. 1.01 Title

This Chapter (Chapter 95 of the Village of Westmont Code of Ordinances)[1] is officially known and may be cited as the "Village of Westmont Zoning Ordinance." For convenience, it is referred to herein as the "zoning ordinance."

## Sec. 1.02 Authority

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois law.

## Sec. 1.03 Effective Date

The provisions of this zoning ordinance become effective on EFFECTIVE DATE TO BE INSERTED, except as otherwise expressly stated.

## Sec. 1.04 Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all public and private use and development of properties within the corporate limits of the Village of Westmont, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance.

## Sec. 1.05 Exempt Utilities

The provisions of this zoning ordinance do not apply to the type, location or use of poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar transmission or distribution equipment of a public utility under the jurisdiction of the Illinois Commerce Commission or a municipally owned utility, provided that the installation of such facilities must conform with all other applicable laws and regulations. This exemption does not apply to electrical substations or similar above-ground structures.

## Sec. 1.06 Purposes

This zoning ordinance is adopted for the purposes of:

**(A)** Protecting and promoting the public health, safety, and general welfare; and

**(B)** Implementing the goals and policies of the comprehensive plan and other relevant, officially adopted plans of the village.

[1] The zoning ordinance is currently codified as "Appendix A" of the village code of ordinances.

## Sec. 1.07 Minimum Requirements

**(A)** The provisions of this zoning ordinance are deemed to be the minimum requirements necessary to carry out the ordinance's stated purposes.

**(B)** In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws, and regulations.

**(C)** All references in this zoning ordinance to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the village to administer or enforce regulations imposed by other government authorities.

## Sec. 1.08 Compliance Required

**(A)** Land may not be used for any purpose other than one that is allowed by the provisions of this zoning ordinance.

**(B)** Buildings, structures, and land may be used and occupied only in conformance with the provisions of this zoning ordinance.

**(C)** A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except in conformance with this zoning ordinance.

**(D)** All lots created or modified must comply with all applicable provisions of this zoning ordinance.

## Sec. 1.09 Conflicting Provisions

**(A) Conflict with State or Federal Regulations**
If the provisions of this zoning ordinance are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

**(B) Conflict with Other Village Regulations**
If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the village or with restrictions shown on plats or plans approved by the village, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

**(C) Conflict with Private Agreements and Covenants**
This zoning ordinance does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern. The village is not responsible for monitoring or enforcing agreements or covenants among private parties.

## Sec. 1.10 Rules of Language and Construction

**(A) Meanings and Intent**
Words and terms expressly defined in this zoning ordinance including those defined in Article XVII have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this zoning ordinance have the meaning given in the latest edition of *A Planner's Dictionary* (American Planning Association). If no definition is provided in *A Planner's Dictionary*, the undefined word must be given the meaning provided in the latest edition of *Merriam-Webster's Collegiate Dictionary.*

### (B) Computation of Time

**(1)** References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular village government working days, excluding Saturdays, Sundays and holidays observed by village government.

**(2)** The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by village government, that day is excluded.

**(3)** A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

### (C) Tenses and Usage

**(1)** Words used in the singular include the plural, and words used in the plural include the singular.

**(2)** Words used in the present tense include the future tense. The reverse is also true.

**(3)** The words “must,” “will,” “shall” and “may not” are mandatory.

**(4)** The word “may” is permissive, not mandatory or required.

**(5)** When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”

**(6)** The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.

**(7)** The words “used" and "occupied" include "intended, designed or arranged to be used or occupied."

### (D) Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

**(1)** “And” indicates that all connected items or provisions apply; and

**(2)** “Or” indicates that the connected items or provisions may apply singularly or in combination.

### (E) Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

### (F) Versions and Citations

All references in this zoning ordinance to other village, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

### (G) Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

### (H) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the village to perform an act or duty, that provision will be construed as

authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such delegation.

#### (I) Public Officials and Agencies

Unless otherwise expressly stated, all employees, public officials, boards, commissions, committees, bodies, and agencies to which references are made are those of the Village of Westmont or individuals or agencies legally authorized to act on behalf of the Village of Westmont.

## Sec. 1.11 One Principal Building per Lot

Unless otherwise expressly stated in this zoning ordinance or approved as a planned unit development (see Sec. 5.04), no more than one principal building is allowed on a lot.

## Sec. 1.12 Zoning Map

#### (A) Establishment

The location and boundaries of the zoning districts defined in this zoning ordinance must be established by ordinance and shown on the village's official zoning map, which is maintained under the direction of the zoning administrator. The official zoning map, together with all notations, references, data and other information shown on the map, is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as it would be if it were actually depicted within its pages.

#### (B) Maintenance, Updates, and Publishing

The zoning administrator is responsible for directing revisions to the official zoning map to reflect any zoning map amendments approved in accordance with Sec. 14.02. Unauthorized persons may not alter or modify the official zoning map. The zoning map must be published in accordance with state law (65 ILCS 5/11-13-19).

#### (C) District Boundaries

Zoning district boundary lines must be described by legal description or by a map that accompanies the ordinance establishing or amending the district boundaries.

#### (D) Map Interpretations

Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the zoning administrator is authorized to make an administrative interpretation using the following rules of interpretation:[2]

**(1)** A boundary shown on the zoning map as approximately following lot lines or other lot boundaries will be construed as following such lot lines or lot boundaries.

**(2)** A boundary shown on the zoning map as approximately following a street or railroad right-of-way line will be construed as following the actual centerline of the street or railroad right-of-way.

**(3)** A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following the actual municipal boundary.

**(4)** A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as parallel to, or as an extension of, the subject feature.

[2] Under the current ordinance, the board of trustees makes map boundary interpretations.

### (E) Zoning of Annexed Land

When land is annexed or otherwise brought into the zoning jurisdiction of the village, it will automatically, upon such annexation, be classified in the R-3 district. Such land may later be rezoned in accordance with Sec. 14.02.

### (F) Split-Zoned Lots

(1) The zoning map may not be amended to classify a single lot or parcel identified with a single parcel identification number (PIN) into 2 or more base zoning districts.

(2) No subdivision may create a split-zoned lot or split-zoned parcel identified with a single PIN.

(3) The following regulations apply to existing parcels that are classified in 2 or more base zoning classifications:

(a) For existing and proposed uses and structures, the more restrictive provisions of the applicable zoning districts apply to the entire parcel except when one zoning district applies to at least 75% of the total parcel area and the remainder of the parcel is less than 5,000 square feet in area, the regulations of the zoning district that applies to the larger portion of the parcel applies to the entire parcel.

(b) Building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership.

(c) Existing structures rendered nonconforming by the split-zoned parcel provisions of this section are subject to the nonconforming structure provisions of Sec. 13.04.

## Sec. 1.13 Transitional Provisions

The provisions of this section address the transition to this zoning ordinance from the zoning ordinance in effect immediately preceding the effective date specified in Sec. 1.03.

### (A) Applications, Permits and Approvals

(1) Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in Sec. 1.03 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development, or structure is not commenced and completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

(2) Complete applications for special uses, variances, planned developments and other zoning-related approvals that are pending approval on the effective date specified in Sec. 1.03 may, at the applicant's option, be reviewed wholly under the zoning ordinance regulations in effect immediately preceding the effective date specified in Sec. 1.03 or wholly under this zoning ordinance.

(3) Building permits may be approved for construction or developments approved before the effective date specified in Sec. 1.03 and for developments pending approval under Sec. 1.13(A)(2), even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the building permit and any authorized permit extension, then the building, development or structure may be constructed, completed, and occupied only if it complies with the regulations of this zoning ordinance.

**(4)** When a use classified as a special use under this zoning ordinance exists as an approved special use or permitted use on the effective date specified in Sec. 1.03, that use will be considered a lawfully established special use under this zoning ordinance. When any amendment to this zoning ordinance changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use or permitted use in the district in which the use is now located is considered a nonconforming use and is subject to all applicable regulations of Article XIII.

**(B) Violations**

The adoption of this zoning ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date specified in Sec. 1.03.

## Sec. 1.14 Severability

**(A)** Each portion of this zoning ordinance is considered severable from other portions of this zoning ordinance.

**(B)** If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the remainder of zoning ordinance and in no way affects or diminishes the validity of the remaining portions of this zoning ordinance.

**(C)** If any provision of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction as applied to a particular structure or use, such judgment does not affect the application of the subject provision to any other structure or use not specifically included in the judgment.

# Article II Residential Districts


Sec. 2.01 Districts Established....II-1
Sec. 2.02 Purposes....II-1
Sec. 2.03 Uses....II-1
Sec. 2.04 Residential Building Types....II-1
Sec. 2.05 Lot and Building Regulations....II-1
Sec. 2.06 Other Relevant Regulations....II-3


## Sec. 2.01 Districts Established

The zoning ordinance's residential zoning districts are listed in Table II-1. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to the districts in Table II-1. The districts are presented in order of ascending intensity, from R-1 (least intensive) to R-6 (most intensive).

Table II-1: Residential Zoning Districts

| Map Symbol | District Name | Intensity |
|---|---|---|
| R-1 | Single-Unit Residential | Least intensive |
| R-1(A) | Single-Unit Residential | |
| R-2 | Single-Unit Residential | ⬇ |
| R-3 | Single-Unit Residential | |
| R-4 | General Residential | |
| R-5 | General Residential | |
| R-6 | Special Residential | Most intensive |

## Sec. 2.02 Purposes

The village's residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of residential neighborhoods in accordance with the comprehensive plan. While the R districts primarily accommodate residential uses, some nonresidential uses are also allowed. The R-1 through R-5 districts are primarily differentiated on the basis of allowed building types and lot and building regulations. The R-6 district is primarily intended to accommodate assisted living communities and may be applied to small areas throughout the village.

## Sec. 2.03 Uses

Uses are allowed in R districts in accordance with the use regulations of Sec. 6.01.

## Sec. 2.04 Residential Building Types

All allowed household living and family community residence (group living uses) must occupy residential buildings, which are allowed in R districts in accordance with the use table of Sec. 6.01. Multiple principal buildings are allowed in the R-6 district.

## Sec. 2.05 Lot and Building Regulations

The lot and building regulations of Table II-2 apply to all principal uses and principal buildings in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table II-2: R District Lot and Building Regulations

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| **Minimum Lot Size Requirements** | | | | | | | |
| **Detached House** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 15,000 | 11,250 | 10,000 | 7,800 | 7,800 | 7,800 | NA |
| Minimum Lot Width (feet) | 100 | 75 | 70 | ~~60~~50 | ~~60~~50 | ~~60~~50 | NA |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | NA |
| **Semi-Detached House** | | | | | | | |
| Minimum Lot Area (sq. ft per building.) | NA | NA | NA | NA | 12,000 | 10,000 | NA |

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 4,000 | 3,000 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | 27 | 27 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Attached House** | | | | | | | |
| Minimum Lot Area (sq. ft. per building) [1] | NA | NA | NA | NA | 12,000 | 10,000 | NA |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 4,000 | 3,000 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | 22 | 22 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Two-Unit House** | | | | | | | |
| Minimum Lot Area (sq. ft. per building) | NA | NA | NA | NA | 8,400 | 8,400 | NA |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 4,200 | 4,200 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | ~~75~~50 | ~~75~~50 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Multi-Unit Building** | | | | | | | |
| Minimum Lot Area (sq. ft.) | NA | NA | NA | NA | 7,800 | 7,800 [2] | NA |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 2,500 | 2,000 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | ~~60~~50 | ~~60~~50 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Assisted Living Residence** | | | | | | | |
| Minimum Lot Area (sq. ft.) | NA | NA | NA | NA | NA | NA | 40,000 [3] |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | NA | NA | 1,000 |
| Minimum Lot Width (feet) | NA | NA | NA | NA | NA | NA | None |
| Minimum Lot Depth | NA | NA | NA | NA | NA | NA | 125 |
| **Other Allowed Residential Uses** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 15,000 | 11,250 | 10,000 | 7,800 | 7,800 | 7,800 | NA |
| Minimum Lot Width (feet) | 100 | 75 | 70 | 50 | 50 | 50 | NA |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | 125 |
| **Allowed Nonresidential Uses** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 20,000 | 20,000 | 20,000 | 20,000 | 10,000 | 10,000 | 10,000 |
| Minimum Lot Width (feet) | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | 125 |
| ~~Maximum Floor Area Ratio~~ | ~~0.40.2~~ | ~~0.40.2~~ | ~~0.40.2~~ | ~~0.40.2~~ | ~~NA~~ | ~~NA~~ | ~~1.5~~ |
| **Minimum Building Setbacks** | | | | | | | |
| **Detached House** | | | | | | | |
| Front/Street Side (feet) [4][5] | 35 | 50 | 35 | 35 | ~~35~~25 | 25 | NA |
| Interior Side (combined; % of lot width) | 20 | 20 | 20 | 20 | 20 | 20 | NA |
| Interior Side (each; feet) [5] | 10 | 10 | 7 | ~~6~~5 | 5 | 5 | NA |
| Rear (% of lot depth) | 20 | 20 | 20 | 20 | 20 | 20 | NA |
| **Attached House** | | | | | | | |
| Front/Street Side (feet) [4] | NA | NA | NA | NA | 25 | 25 | NA |
| Interior (attached/abutting) Side (combined; % of lot width) | NA | NA | NA | NA | 0 | 0 | NA |
| Interior (non-attached) Side (each; feet) | NA | NA | NA | NA | 5 | 5 | NA |
| Rear (% of lot depth) | NA | NA | NA | NA | 20 | 20 | NA |
| **Semi-Detached House** | | | | | | | |
| Front/Street Side (feet) [4] | NA | NA | NA | NA | 25 | 25 | NA |
| Interior (attached/abutting) Side (combined; % of lot width) | NA | NA | NA | NA | 0 | 0 | NA |
| Interior (non-attached) Side (each; feet) | NA | NA | NA | NA | 5 | 5 | NA |
| Rear (% of lot depth) | NA | NA | NA | NA | 20 | 20 | NA |
| **Two-Unit House** | | | | | | | |
| Front/Street Side (feet) [4] | NA | NA | NA | NA | ~~35~~25 | 25 | NA |
| Interior Side (combined; % of lot width) | NA | NA | NA | NA | 20 | 20 | NA |
| Interior Side (each; feet) | NA | NA | NA | NA | 5 | 5 | NA |
| Rear (% of lot depth) | NA | NA | NA | NA | 20 | 20 | NA |
| **Multi-Unit Building** | | | | | | | |
| Front/Street Side (feet) | NA | NA | NA | NA | 25 | 25 | NA |
| Interior Side (combined; % of lot width) | NA | NA | NA | NA | NA | NA | NA |
| Interior Side (each; feet) | NA | NA | NA | NA | 10 | 10 | NA |
| Rear (feet) | NA | NA | NA | NA | 30 | 20 | NA |
| **Assisted Living Residence** | | | | | | | |

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| Front/Street Side (feet) | NA | NA | NA | NA | NA | NA | 30 |
| Interior Side (each; feet) | NA | NA | NA | NA | NA | NA | 10 |
| Rear (feet) | NA | NA | NA | NA | NA | NA | 20 |
| **Other Allowed Residential and Nonresidential Uses** | | | | | | | |
| Front/Street Side (feet) | 35 | ~~50~~35 | 35 | 35 | 25 | 25 | 25 |
| Interior Side (combined; % of lot width) | 20 | 20 | 20 | 20 | NA | NA | NA |
| Interior Side (each; feet) | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Rear (feet) | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| **Maximum Lot Coverage (% of lot) [6]** | 35 | 35 | 35 | 35 | NA | NA | NA |
| **Minimum Outdoor Open Space** | | | | | | | |
| Multi-Unit Residential Building (sq. ft. per dwelling unit) | NA | NA | NA | NA | 250 | 250 | 250 |
| ~~Other Residential Buildings (% of required setbacks)~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~NA~~ |
| **Maximum Building Height (feet)** | | | | | | | |
| Residential Principal Buildings | 35 | 35 | 35 | 35 | 35 | 35 | 65 |
| Nonresidential Principal Buildings [7] | 45 | 45 | 45 | 45 | 45 | 45 | 65 |
| Accessory Buildings | ~~15~~18 | ~~18~~15 | ~~18~~15 | ~~18~~15 | ~~18~~15 | ~~18~~15 | ~~18~~15 |

**Table II-2 Notes:**

[1] Applies to overall attached house development site, not to individual attached house dwelling units.

[2] When required off-street parking spaces are located in an enclosed underground or multi-level above-ground parking garage, 50% of the gross floor area of such enclosed parking garage may be added to the lot area for purposes of determining the number of dwelling units allowed ~~and the maximum floor area ratio~~

[3] Applies to overall assisted living community, not to individual buildings or clusters.

[4] See also the contextual (average) setback provisions of Sec. 16.07(B).

[5] The minimum street side setback is reduced to 25 feet and the minimum interior side setback is reduced to 5 feet for lawfully established and duly recorded corner lots in existence before the effective date specified in Sec. 1.03 if such reductions are necessary to ensure a buildable lot width of at least 30 feet.

[6] Lot coverage of up to 40% ~~is allowed~~ may be approved if the subject lot is: (a) located within a development designed and approved to accommodate stormwater runoff or (b) not located within any known drainage problem area or identifiable drainage sub-basin area, as determined by the village engineer.

[7] Buildings occupied by public or institutional uses ~~Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district,~~ may be erected to a height not exceeding ~~60 feet, and churches and temples may be erected to a height not exceeding~~ 75 feet if the building is set back from each ~~yard~~ minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise ~~provided~~ applicable in the subject zoning district ~~in which the building is located~~.

## Sec. 2.06 Other Relevant Regulations

Uses and structures in residential zoning districts may be subject to other regulations and standards, including the following:

### (A) Accessory and Temporary Uses and Structures

See Article VII. Allowed accessory uses for (elderly/senior) assisted living communities in R-6 district expressly include dining halls, medical and dental offices, personal care (barber and beauty shops) establishments, religious worship, and similar amenities and services, primarily for use by residents of the community.

### (B) Parking

See Article IX.

### (C) Landscaping

See Article X.

### (D) Signs

See Article XI.

### (E) Nonconformities

See Article XIII.

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# Article III Business and Employment Districts


Sec. 3.01 Districts Established....III-1
Sec. 3.02 Purposes....III-1
Sec. 3.03 Uses....III-1
Sec. 3.04 Lot and Building Regulations....III-1
Sec. 3.05 Other Relevant Regulations....III-2


## Sec. 3.01 Districts Established

The zoning ordinance's business and employment zoning districts are listed in Table III-1. When this zoning ordinance refers to "business and employment" zoning districts, it is referring to the districts in Table III-1. The districts are presented in order of ascending intensity, from O/R-1 (least intensive) to M (most intensive).

Table III-1: Business and Employment Zoning Districts

| Map Symbol | District Name | Intensity |
|---|---|---|
| ~~B-1~~ | ~~Limited Business~~ | Least Intensive |
| O/R-1 | Limited Office/Research | |
| O/R | Office/Research | ↓ |
| B-2 | General Business | |
| C-1 | Commercial | |
| M-1 | Limited Manufacturing | Most Intensive |
| M | Manufacturing | |

## Sec. 3.02 Purposes

**(A)** The B-2 district is intended for those portions of the village where highway-oriented retail business establishments are appropriate as well as general business activity.

**(B)** The C-1 district is intended for application in the South Westmont Business District and is created to encourage retail and sales tax generating commercial uses. All business establishments in the various business districts are intended to be retail trade or service establishments dealing directly with consumers. The production of goods on the premises is intended to be limited to those sold on the premises, or clearly incidental and accessory to the principal retail trade or service.

**(C)** The O/R-1 and O/R districts are intended to provide for the establishment of a wide range of office and low-impact commercial activities and to govern their operations in a manner that will not have a deleterious effect on residential and business areas.

**(D)** The M and M-1 manufacturing districts are intended to provide an environment suitable for manufacturing activities that require a pleasant and nuisance-free environment and that will be compatible with nearby residential and business uses.

## Sec. 3.03 Uses

Uses are allowed in business and employment districts in accordance with the use regulations of Sec. 6.01.

## Sec. 3.04 Lot and Building Regulations

The lot and building regulations of Table III-2 apply to all principal uses and principal buildings in business and employment districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table III-2: Business and Employment District Lot and Building Regulations

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | ~~B-1~~ | O/R-1 | O/R | B-2 | C-1 | M-1 | M |
| Minimum Lot Area (sq. ft.) | ~~None [1]~~ | 7,500 | 20,000 | None [1] | None [1] | 10,000 | 20,000 |
| Minimum Lot Width (feet) | ~~None [1]~~ | 50 | 100 | None [1] | None [1] | None [1] | 100 |
| ~~Maximum Floor Area Ratio~~ | ~~0.80~~ | ~~0.80~~ | ~~0.80~~ | ~~0.80~~ | ~~0.80~~ | | ~~0.80~~ |

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | ~~B-1~~ | O/R-1 | O/R | B-2 | C-1 | M-1 | M |
| **Minimum Building Setbacks** | | | | | | | |
| Front/Street Side (feet | ~~5~~ | 30 | 30 | 20[3]~~10~~ | 20~~10~~ | 5 | 30 |
| Interior Side (feet) | ~~5 [3]~~ | 5 [4] | 20 [3] | 5 [2] | 5 [2] | 5 [5] | 10 [6] |
| Rear (feet) | ~~20~~ | 20 [4] | 20 [3] | 20 | 20 | 10 [5] | 30 [6] |
| **Maximum Building Height (feet) [7]** | ~~40~~ | 35 | 75 | 45 | 45 | 35 | 45 |

**Table III-2 Notes:**

[1] Except as required for special uses.

[2] When an interior side lot line or rear lot line abuts an R-zoned lot, the minimum required setback of the abutting R district must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 6 feet must be provided abutting the R-zoned lot's interior side and rear yard areas. These setback and screening provisions do not apply along lot lines abutting alleys.

[3] When an interior side lot line or rear lot line abuts an R-zoned lot, a minimum 30-foot setback must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 7 feet must be provided abutting the R-zoned lot's interior side and rear yard areas. For buildings over 24 feet in height, the minimum interior side and rear setbacks of Table III-2 are increased by one foot for every 2 feet of building height above 24 feet.

[4] When an interior side lot line abuts an R-zoned lot, a minimum 10-foot interior side setback must be provided. For buildings over 24 feet in height, the minimum interior side and rear setbacks of Table III-2 are increased by one foot for every 2 feet of building height above 24 feet.

[5] When an interior side lot line or rear lot line abuts an R-zoned lot, a minimum 10-foot setback must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 7 feet must be provided abutting the R-zoned lot's interior side and rear yard areas.

[6] No setback required abutting railroad rights-of-way. When an interior side lot line or rear lot line abuts an R-zoned lot, a minimum 30-foot setback must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 7 feet must be provided abutting the R-zoned lot's interior side and rear yard areas.

[7] Buildings occupied by public or institutional uses ~~Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district,~~ may be erected to a height not exceeding ~~60 feet, and churches and temples may be erected to a height not exceeding~~ 75 feet if the building is set back from each ~~yard~~ minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise ~~provided~~ applicable in the subject zoning district ~~in which the building is located~~.

## Sec. 3.05 Other Relevant Regulations

Uses and structures in business and employment zoning districts may be subject to other regulations and standards, including the following:

### (A) Enclosure of Operations

All business, servicing, storage, processing, or other operations in O/R-1, O/R, B-2, C-1, M-1, and M districts must be conducted within completely enclosed buildings except for:

**(1)** Allowed principal and accessory uses for which outdoor operations are expressly authorized in Article VI or Article VII.;

**(2)** Off-street parking or loading;

**(3)** Special events, temporary outdoor uses, and outdoor dining on public sidewalks, as expressly approved in accordance with Chapter 22 of the village code; and

**(4)** Fleet vehicle storage, in accordance with the regulations of Sec. 7.14.

### (B) Parking

See Article IX.

### (C) Landscaping

See Article X.

[3] Since supplemental street setbacks are being deleted (existing Sec. 4.16) , B-2 and C-1 street setbacks have been revised to allow adequate street yard area for landscaping

**(D) Signs**
See Article XI.

**(E) Nonconformities**
See Article XIII.

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# Article IV Downtown Zoning Districts


Sec. 4.01 Districts Established....IV-1
Sec. 4.02 Purposes....IV-1
Sec. 4.03 Uses....IV-1
Sec. 4.04 Building Types....IV-1
Sec. 4.05 Lot and Building Regulations....IV-2
Sec. 4.06 Generally Applicable Regulations....IV-2
Sec. 4.07 Other Relevant Regulations....IV-3
Sec. 4.08 Storefront Buildings....IV-4
Sec. 4.09 General Buildings....IV-7
Sec. 4.10 Row Buildings....IV-10
Sec. 4.11 Detached Houses....IV-13
Sec. 4.12 Building Design....IV-14


## Sec. 4.01 Districts Established

The zoning ordinance's downtown zoning districts are listed in Table IV-1. When this zoning ordinance refers to "downtown" zoning districts, it is referring to the districts in Table IV-1.

Table IV-1: Downtown Zoning Districts

| Map Symbol | District Name |
|---|---|
| B-1(A) | Downtown Core |
| B-1 | Downtown Edge |
| R-7 | Downtown Residential |

## Sec. 4.02 Purposes

The village's downtown zoning districts are intended to support and enhance the compact, vibrant, walkable character of the village's downtown area.

**(A)** The B-1(A) district is intended to maintain and enhance vibrant, main-street, storefront development pattern within the central business district.

**(B)** The B-1 district is intended to be more flexible, allowing a wider mix of supporting uses in the downtown area, while still maintaining a high level of walkability.

**(C)** The R-7 district is primarily intended to accommodate residential uses in a variety of building forms and is further intended to accommodate the transition from the downtown area into low-density residential neighborhoods bordering downtown.

## Sec. 4.03 Uses

Uses are allowed in downtown districts in accordance with the use regulations of Sec. 6.01.

## Sec. 4.04 Building Types

Building types are allowed in downtown districts in accordance with Table IV-2.

Table IV-2: Allowed Building Types (Downtown Districts)

| Building Type | District | | | Reference |
|---|---|---|---|---|
| | B-1(A) | B-1 | R-7 | |
| Storefront Building | P | P | – | Sec. 4.08 |
| General Building | – | P | P | Sec. 4.09 |
| Row Building | – | S | P | Sec. 4.10 |
| Detached House, Existing (est. before effective date specified in Sec. 1.03) | – | – | P | Sec. 4.11 |
| Detached House, New (est. on or after effective date specified in Sec. 1.03) | – | – | S | Sec. 4.11 |

P = Permitted | S = Special Use Approval Required | – = Prohibited

## Sec. 4.05 Lot and Building Regulations

The lot and building regulations for the downtown districts are organized by building type in Sec. 4.09, Sec. 4.10, Sec. 4.10, and Sec. 4.11. Rules for measuring compliance with applicable lot and building regulations can be found in Article XVI.

## Sec. 4.06 Generally Applicable Regulations

The regulations of this section apply to all building types in downtown districts, unless otherwise expressly stated.

### (A) One Building Per Lot

One building is allowed per lot, unless otherwise expressly stated.

### (B) Treatment of Yards

All yards must consist of landscape planting areas, patio space, or sidewalk space, unless otherwise expressly stated as allowed vehicular areas. Vehicular use areas (e.g., parking lots, loading areas, driveways and drive aisles) are limited to certain yards in accordance with Sec. 4.06(E) and the applicable building type regulations of Sec. 4.07, Sec. 4.09, and Sec. 4.10.

### (C) Trash, Recycling, and Refuse Locations

All trash, recycling, and other refuse areas for all buildings within downtown districts must be located in the rear or interior side yard and must meet the nonresidential accessory structure setback requirements of Sec. 7.03.

### (D) Front Street

#### (1) General

Front streets establish where the fronts of buildings are located and determine requirements such as the location of principal building entrances. Front streets require the highest level of facade treatment and restrict the location of parking, driveways, and garage entrances.

#### (2) Designation

Cass Avenue, Quincy Street, and West Burlington Avenue are front streets.

#### (3) Determination Based on Context

The zoning administrator may allow a different lot orientation based on the existing context of the lot and considering abutting lot orientation.

#### (4) Intersecting Front Streets

Where 2 designated front streets abut a lot, the street with the most existing or planned front orientation on abutting or adjacent lots must be treated as the front street, as determined by the zoning administrator. The other street may be treated as a side street frontage.

### (E) Parking and Loading Location

#### (1) Structured Parking within Building

Parking within buildings is allowed only when located at least 20 feet behind any front or courtyard facade. The first 20 feet of building space behind the front or courtyard facade must include an allowed principal use, regularly occupied, not including parking or any type of storage. Structured parking must meet all setbacks required for the building.

#### (2) Garage Doors

Garage doors are not allowed on front facades of buildings in B-1(A) and B-1 districts.

#### (3) Rear Yard

Surface parking is allowed in the rear yard on all sites.

**(4) Limited Side Yard Parking**

In the B-1 district only, a surface parking lot may be located in the interior side yard subject to the following requirements:

- **(a)** Limited side yard parking may include one double- or one single-loaded aisle of parking with the centerline of the aisle perpendicular to the street.
- **(b)** Limited side yard parking is not in any street yard.
- **(c)** A maximum of one limited side yard parking lot per building is allowed along any street frontage.
- **(d)** Limited side yard parking lots may not be located abutting another side yard parking lot.
- **(e)** Limited side yard parking counts towards meeting front streetwall requirements.

**(5) Setbacks**

Parking lots must be set back at least 5 feet from all side and rear lot lines, except to allow driveway connections between rear yard parking lots on abutting parcels. Parking may not extend closer to any street lot line than the building or a courtyard.

**(6) Driveways**

- **(a)** No more than one driveway is allowed per lot.
- **(b)** If an alley exists, vehicle access is allowed only from the alley.
- **(c)** Limited side yard parking (where allowed) may be accessed from a single driveway off the street.

## Sec. 4.07 Other Relevant Regulations

Uses and structures in downtown zoning districts may be subject to other regulations and standards, including the following:

**(A) Enclosure of Operations**

All business, servicing, storage, processing, or other operations in B-1 and B-1(A) districts must be conducted within completely enclosed buildings except for:

- **(1)** Allowed principal and accessory uses for which outdoor operations are expressly authorized in Article VI or Article VII.;
- **(2)** Off-street parking or loading;
- **(3)** Special events, temporary outdoor uses, and outdoor dining on public sidewalks, as expressly approved in accordance with Chapter 22 of the village code; and
- **(4)** Fleet vehicle storage, in accordance with the regulations of Sec. 7.14.

**(B) Parking**

See Article IX.

**(C) Landscaping**

See Article X.

**(D) Signs**

See Article XI.

**(E) Nonconformities**

See Article XIII.

**(F) Approval Procedures**

See Article XIV.

# Sec. 4.08 Storefront Buildings

## (A) Description

The Storefront Building is a mixed-use building intended for shopping and dining districts. Oriented to the street with narrow or no side setbacks, storefront building streetwalls help define the public space of the street, and ground-story storefront glass and entrances along the sidewalk make these buildings interesting and inviting to pedestrians. Parking is located in the rear and accessed from the alley.

## (B) Images

The images shown in Figure IV-1 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

## (C) Building Regulations

### (1) General Regulations

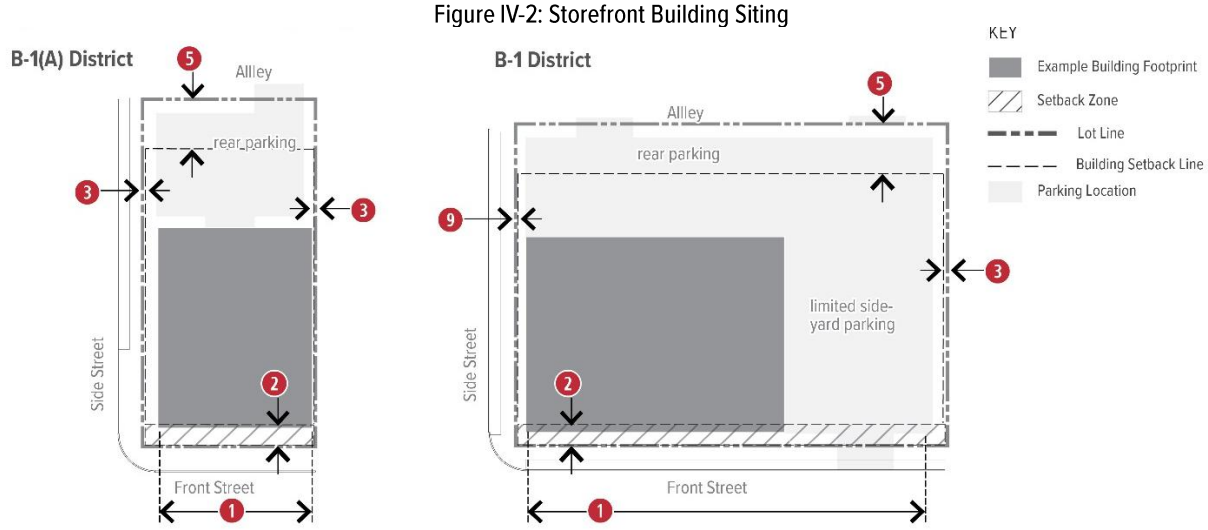
See Sec. 4.06 for regulations applicable to all building types.

### (2) Regulations Specific to Storefront Buildings

The following tables and illustrations establish regulations specific to Storefront Buildings.

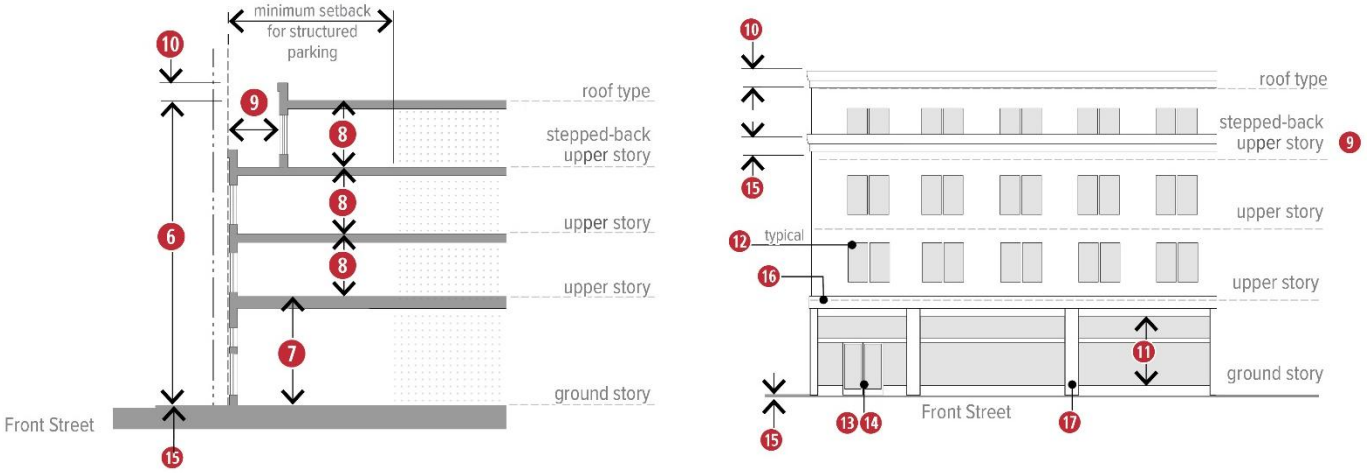
**Figure IV-1: Storefront Building Examples**

Figure IV-2: Storefront Building Siting




| | | | Districts | | |
|---|---|---|---|---|---|
| | | | B-1(A) | B-1 | Additional/References |
| **Building Siting.** See Figure IV-2 | | | | | |
| 1 | Minimum Front Streetwall (%) | | 90 | 80 | See Sec. 16.10(C) for additional information on courtyards abutting the build-to zone. |
| 2 | Front Street Build-to Zone (ft.), minimum to maximum | | 0 to 5 | 0 to 5 | |
| 3 | Minimum Side-Street Setback (ft.) | | 0 | 0 | |
| 4 | Minimum Side Setback (ft.) | | abutting R district: 5<br>abutting non-R district: 0 or 5 | | |
| 5 | Minimum Rear Setback (ft.) | | 20 | | |
| | Minimum Outdoor Open Space | | 50 sq. ft. per residential unit | | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-3 | | | | | |
| 6 | Overall Height (stories) | Min<br>Max | 2<br>5 | 1<br>3 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements.<br><br>Total overall building height may not exceed 70 feet. |
| 7 | Ground-Story Height (ft.) | Min<br>Max | 12<br>16 | | |
| 8 | Upper-Story Height (ft.) | Min<br>Max | 8.5<br>11 | | |
| 9 | Top Story Set-Back | | Additional 7 feet from the façade immediately below | | Applies only to buildings over 3 stories in height |

Figure IV-3: Storefront Building Height and Street Facade




| | | Districts | | |
|---|---|---|---|---|
| | | B-1(A) | B-1 | |
| **Roofs.** See Figure IV-3 | | | | |
| 10 | Allowed Roof Types | Flat, parapet; tower allowed | Flat, parapet, pitched; tower allowed | See Sec. 4.12(D) for additional information on roof design. |
| **Street Facades.** See Figure IV-3 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the Storefront building description of Sec. 4.08(A). | | | | |
| 11 | Minimum Transparency: Ground Story on Front Facades (%) | 70 | 60 | See Sec. 16.11 for transparency measurement. |
| | | No bays, 15 ft. wide sections, or any rectangular areas greater than 30% of a story's front facade may be without transparency | | |
| | | Ground-story transparency must extend min. 30 ft. around the corner down any street-side facades | | |
| 12 | Minimum Transparency: Upper Stories on Front Facades and All Stories on Side-Street Facades (%) | 20 | | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | | |
| 13 | Building Entrance (Min) | One per every 60 feet of front facade | | See Sec. 16.12 for measurements. |
| 14 | Entrance Type | Storefront | | See Sec. 4.12(C) for entrance types. |
| 15 | Ground-Story Elevation | Within feet of abutting public sidewalk elevation | | |
| 16 | Horizontal Divisions with Shadow Lines | Within 3 ft. of the top of the first story (running at least 80% of façade width) | | |
| 17 | Vertical Divisions with Shadow Lines | One per every 60 ft. of ground-story street facade | | |

# Sec. 4.09 General Buildings

## (A) Description

The General Building is a basic urban building, typically occupied by multiple residential units, offices and similar uses. General buildings usually have a central main lobby entrance. Parking is located in the rear with any attached garages entered from the rear of the building. Buildings vary in height depending on the district, with allowed half stories located within a pitched roof or in a visible basement.

## (B) Images

The images shown in Figure IV-4 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

## (C) Building Regulations

### (1) General Regulations

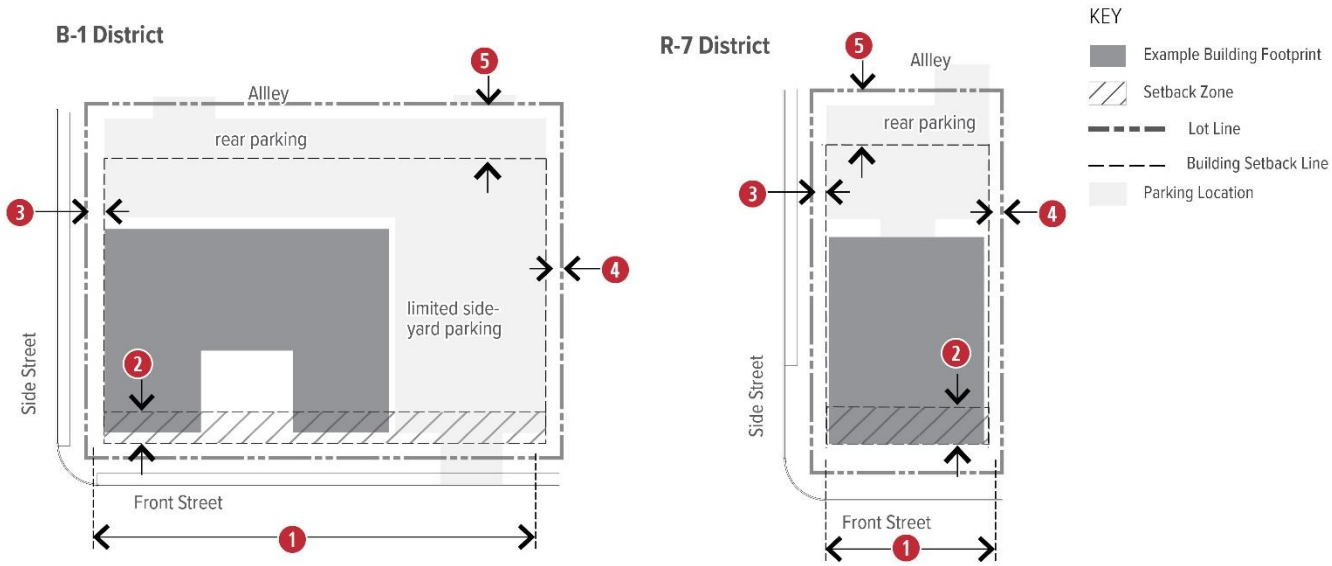
See Sec. 4.06 for regulations applicable to all building types.

### (2) Regulations Specific to General Buildings

The following tables and illustrations establish regulations specific to General Buildings.

Figure IV-4: General Building Examples

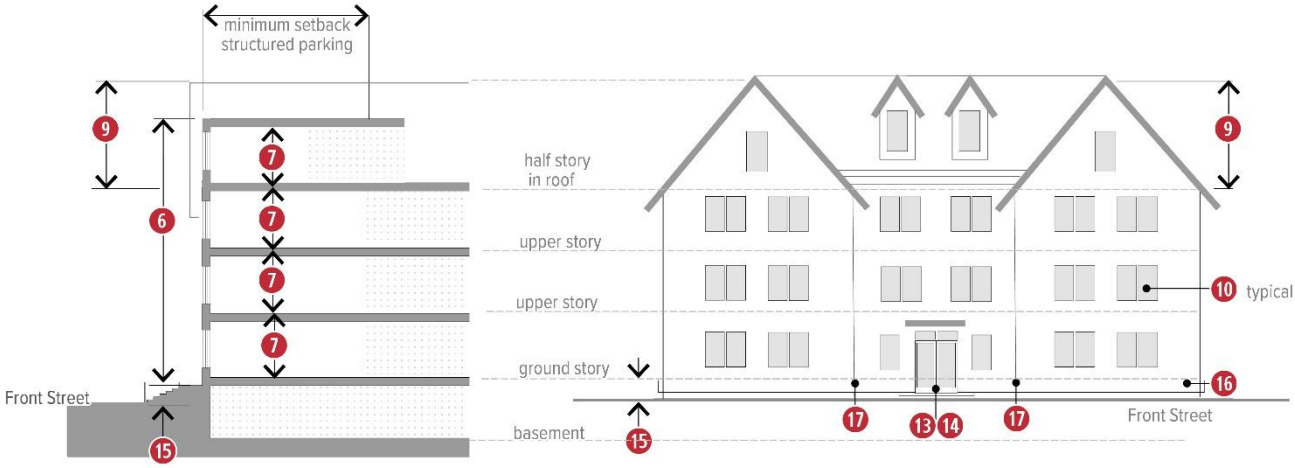
Figure IV-5: General Building Siting




| | | | Districts | | |
|---|---|---|---|---|---|
| | | | B-1 | R-7 | Additional/References |
| **Building Siting.** See Figure IV-5 | | | | | |
| 1 | Minimum Front Streetwall (%) | | 65 | – | See Sec. 16.10(C) for additional information on courtyards abutting the build-to zone. |
| | Maximum Building Width (ft.) | | – | 120 | |
| 2 | Front Street Build-to Zone (ft.), minimum to maximum | | 5 to 20 | 10 to 25 | |
| 3 | Minimum Side-Street Setback (ft.) | | 5 | 10 | |
| 4 | Minimum Side Setback (ft.) | | abutting R district: 5<br>abutting non-R district: 0 or 5 | abutting R district: 10<br>abutting non-R district: 5 | |
| 5 | Minimum Rear Setback (ft.) | | 20 | 20, except 5 abutting rail ROW. | |
| | Minimum Outdoor Open Space | | 50 sq. ft. per unit | 100 sq. ft. per unit | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-6 | | | | | |
| 6 | Overall Height (stories) | Min<br>Max | 1<br>3.5 | 2<br>3.5 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements. Total overall building height may not exceed 46 feet. |
| 7 | Upper-Story Height (ft.) | Min<br>Max | 8.5<br>11 | | |
| **Roofs.** See Figure IV-6 | | | | | |
| 9 | Allowed Roof Types | | Flat, parapet, pitched; tower allowed | Flat, parapet, pitched | See Sec. 4.12(D) for additional information on roof design. |

| | | Districts | | |
|---|---|---|---|---|
| | | B-1 | R-7 | Additional/References |
| **Street Facades**. See Figure IV-6 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the General building description of Sec. 4.09(A). | | | | |
| 10 | Minimum Transparency: Street Facades (%) | 20 | | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No 15-foot wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | | |
| 13 | Building Entrance (Min) | One per every 120 feet of front facade | | See Sec. 16.12 for measurements. |
| 14 | Entrance Type | Stoop | Stoop, porch | See Sec. 4.12(C) for entrance types. |
| 15 | Ground-Story Elevation (ft) | Between 0 and 2.5 above grade or between 2.5 and 4 with a visible-basement half-story | | |
| 16 | Horizontal Divisions with Shadow Lines | Within 3 ft. of the top of the first story or any basement (running at least 80% of façade width) | | |
| 17 | Vertical Divisions with Shadow Lines | One per every 90 ft. of ground-story street facade | | |

Figure IV-6: General Building Height and Street Facades



# Sec. 4.10 Row Buildings

## (A) Description

The Row Building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk. Parking is located in the rear yard with either detached garages or attached garages entered from the rear of the building.

## (B) Images

The images shown in Figure IV-7 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

## (C) Building Regulations

### (1) General Regulations

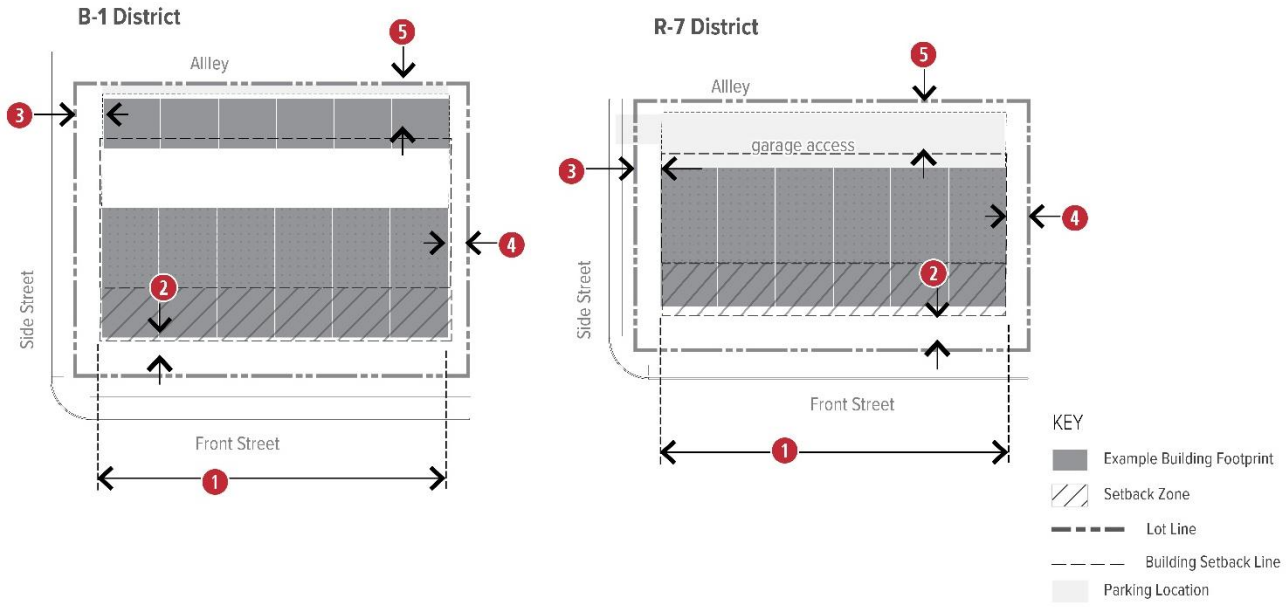
See Sec. 4.06 for regulations applicable to all building types.

### (2) Regulations Specific to Row Buildings

The following tables and illustrations establish regulations specific to Row Buildings.

Figure IV-7: Row Building Examples

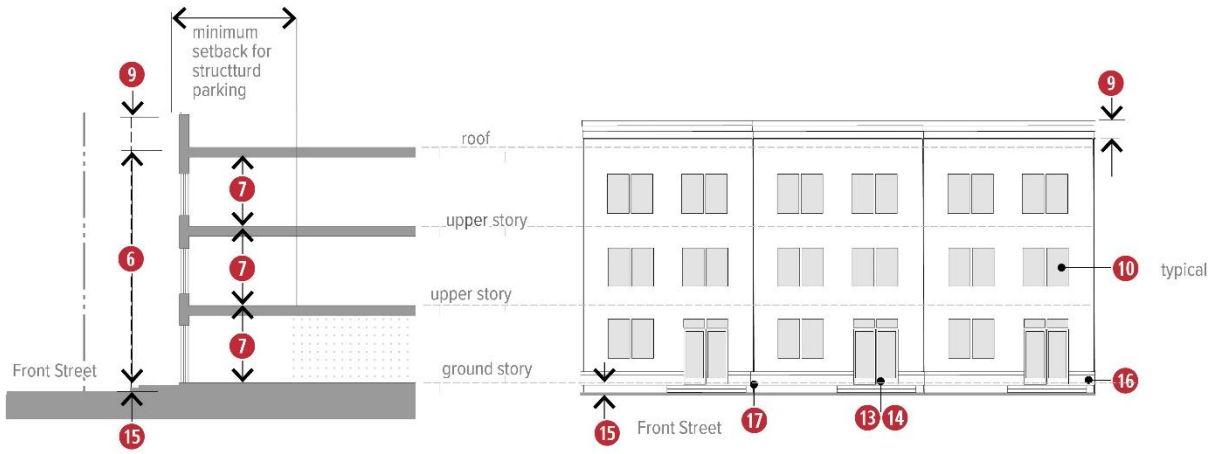
Figure IV-8: Row Building Siting




| | | Districts | |
|---|---|---|---|
| | | B-1 and R-7 | Additional/References |
| **Building Siting.** See Figure IV-8 | | | |
| 1 | Maximum Building Width (units) minimum<br>maximum | 2<br>8 | |
| | Maximum Building Width (ft.) | 160 | |
| 2 | Minimum Front Setback (ft.) | 10 | |
| 3 | Minimum Side-Street Setback (ft.) | 10 | |
| 4 | Minimum Side Setback (ft.) | 5 | |
| 5 | Minimum Rear Setback (ft.) | 20 | |
| | Minimum Outdoor Open Space | 100 sq. ft. per unit | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-9 | | | |
| 6 | Overall Height (stories) Min<br>Max | 2<br>3.5 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements. Total overall building height may not exceed 42 feet. |
| 7 | Upper-Story Height (ft.) Min<br>Max | 8.5<br>12 | |
| **Roofs.** See Figure IV-9 | | | |
| 9 | Allowed Roof Types | Flat, parapet, pitched; tower allowed, maximum one per building | See Sec. 4.12(D) for additional information on roof design. |

| | | Districts | |
|---|---|---|---|
| | | B-1 and R-7 | Additional/References |
| **Street Facades.** See Figure IV-9 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the Row building description of Sec. 4.10(A). | | | |
| 10 | Minimum Transparency (%) | 20 | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | |
| 13 | Building Entrance Location | One per unit on front facade | See Sec. 16.12 for measurements. |
| 14 | Entrance Type | Stoop, porch | See Sec. 4.12(C) for entrance types. |
| 15 | Ground-Story Elevation (in.) | Between 0 and 30 above grade or between 30 and 48 with a visible-basement half-story | |
| 16 | Horizontal Divisions with Shadow Lines | Within 3 ft. of the top of the first story or any basement (running at least 80% of façade width) | |
| 17 | Vertical Divisions with Shadow Lines | One per unit on front facade | |

Figure IV-9: Row Building Height and Street Facades



# Sec. 4.11 Detached Houses

## (A) Description

A detached house is a principal residential building that: (i) contains only one dwelling unit; (ii) is located on a single lot; and (iii) is not attached to any other dwelling units.

## (B) General Intent

### (1) Existing Detached Houses

Although the R-7 district is primarily intended to accommodate and promote the development of Row Buildings and General Buildings, it is recognized that the district includes many detached houses that were constructed before the adoption of this zoning ordinance. In order to ensure that owners of these existing properties do not encounter unnecessary regulatory or procedural obstacles when improvements are proposed on such properties, detached houses established before the effective date of Sec. 1.03 and additions and improvements to such properties are permitted as of right.

### (2) New Detached Houses

New detached houses may not be constructed in the R-7 district unless such construction is approved in accordance with the special use permit procedures of Sec. 14.04.

## (C) Building Regulations

### (1) General Regulations

Detached houses are exempt from compliance with the regulations of Sec. 4.06 (Regulations Applicable to all Building Types).

### (2) Regulations Specific to Detached Houses

All new detached houses and additions and improvements to existing detached houses are subject to compliance with the lot and building regulations that apply to detached houses in the R-5 district (see Sec. 2.05).

# Sec. 4.12 Building Design

## (A) Applicability

The building design regulations of this section (Sec. 4.12) apply to principal buildings in the downtown districts. Modifications to stated design regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design meets the intent of the subject design standard.

## (B) Façade Materials

### (1) Intent

These facade materials regulations are intended to ensure the use of high-quality, durable, weather-resistant, exterior grade materials on the majority of finished building surfaces, while permitting a wider range of materials for building details. High-quality materials help improve how well buildings weather, reduce material failure rate, require lower maintenance, have a longer life cycle and sense of permanence, and maintain longer term value. They are also intended to maintain and enhance the physical character of the village's downtown area.

### (2) Major Facade Materials

Major facade materials are intended to serve as the primary surface material of street facades.

#### (a) Minimum Amount

Allowed major facade materials, listed in Table IV-3, must be applied to a minimum of 65% of all street facades, not including window and door openings and trim.

#### (b) Simplicity of Facade Materials

A single major facade material must be used for each building facade segment.

#### (c) Side and Rear Facades

Side and rear facades not visible from any street or civic space may use an approved minor facade material as a major material.

#### (d) Corners

Major facade materials must extend around the corner of the street facade to a side or rear facade a distance of at least 12 inches.

#### (e) Original Facade Materials

Where brick or stone is an existing building's original major facade material, the original brick or stone may be maintained if in good condition or repaired, or the brick or stone may be replaced by new brick or stone. A different major material may not be installed over the original brick or stone.

### (3) Minor Facade Materials

A maximum of 35% of street facades, not including window and door openings and trim, may be composed of minor facade materials (see Table IV-4).

### (4) Accents and Details

Additional materials are allowed for building accents and details (see Table IV-5). Such materials are not included in measuring facade surface areas.

### (5) Pitched Roof Materials

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, ceramic tile, engineered wood, slate or equivalent quality material.

### (6) Material Grade

All doors, windows, and hardware used on the exterior of Storefront and General buildings must be of commercial-grade quality.

### (7) Material Installation

The following material installation requirements are intended to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

#### (a) Changes in Facade Materials

Changes in facade materials, whether major materials or minor materials, should occur mainly at concave (inner) corners or changes in facade planes.

#### (b) Materials Hierarchy

A hierarchy of materials must be maintained on the building facade, where "heavier", articulated unit materials (brick, concrete masonry units, stone) are located at the base of the facade and "lighter", constant surface materials with fewer seams (stucco, panels) are located above those on the facade.

#### (c) Shadow Lines on Surfaces

Shadow lines must delineate changes in materials with solid materials of a thickness that is greater than 1.5 inches. For example, cast stone elements or brick may be offset or wood trim may be layered and offset to create a shadow.

Table IV-3: Allowed Major Facade Materials by Building Type [minimum 65% of facade]

| | Major Facade Material (alphabetical) | Storefront & General Buildings | Row Buildings |
|---|---|---|---|
| A | Brick<br>full dimensional, economy, unit, face brick | A | A |
| B | Concrete Masonry Units<br>architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equal), "stone" face, "hewn stone", rock cut | A | A |
| C | Fiber Cement Board<br>finished lap siding, board & batten, or shingles | – | A |
| D | Stone<br>natural, units | A | A |
| E | Wood<br>treated, painted or stained lap siding, shingles, board & batten | – | A |

**KEY:** A = Allowed -- = Not allowed

Table IV-4: Allowed Minor Facade Materials [maximum 35% of facade]*

| | Minor Facade Material (alphabetical) | Storefront & General Buildings | Row Buildings | Limitations |
|---|---|---|---|---|
| | Concrete Surfaces<br>finished, stained, painted, treated | L | L | Below ground story & first 3 feet of ground story only |
| F | Concrete Masonry Units<br>minimum 3" depth, split-faced, burnished/ground face, glazed, or honed | A | – | – |
| G | Glass<br>curtain wall | A | A | – |
| H | Metal Architectural<br>architectural panel, cladding system (steel, titanium, zinc) | L | L | Allowed major masonry material is required at grade up to 2 feet and adjacent to entrances |
| I | Stucco<br>cement-based, 2-3 layer hard coat, synthetic, or with elastomeric finishes | L | L | Only 2nd or higher stories |
| | Terra Cotta or Ceramic<br>tiles or panels | A | A | – |
| | Vinyl & PVC Siding<br>minimum .040 inch thickness | – | A | – |
| J | Wood, Composite<br>lap siding, shingles, board & batten, rainscreen system | A | A | – |

**KEY:** A = Allowed L = Limited -- = Not allowed

* All major facade materials allowed on the building type (see Table IV-3) may be used for minor facade materials, unless expressly stated otherwise.

Figure IV-10: Facade Materials

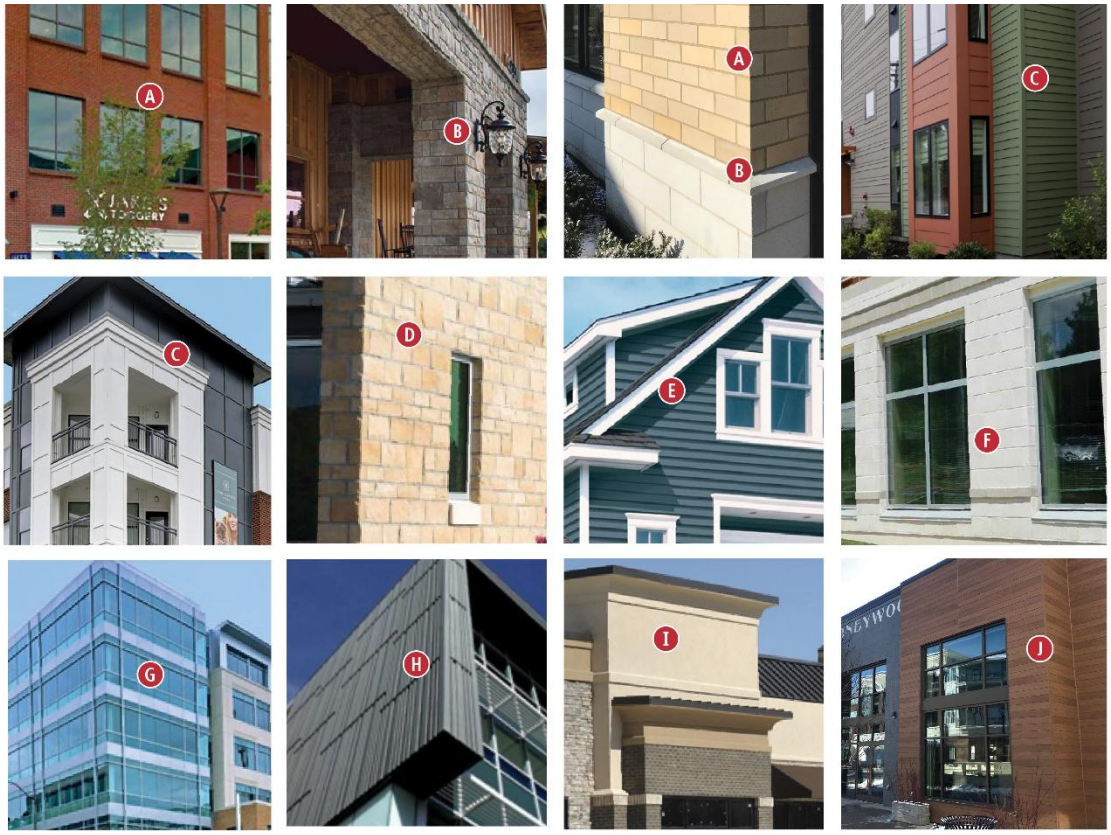


**Table IV-5: Allowed Detail & Accent Materials**

All allowed major and minor facade materials may be used for details, trim, and accents.

| | |
|---|---|
| K | **Concrete Details**<br>precast stone ornamentation, lintels, sills, banding, columns, beams |
| | **Fiber Cement Details**<br>trim, soffits |
| L | **Metal Details**<br>trim,soffits, ornamentation, lintels, beams, columns |
| | **Wood and Wood Composite Details**<br>painted/treated trim, soffits, other approved details |
| M | **Vinyl Details**<br>limited to soffits, window trim; minimum .04 inches thick |

### (C) Entrance Types

Entrance types provide the transition between the public sidewalk in front of the building into the ground story of the building. Each front entrance must meet the requirements of one of the entrance types permitted by applicable building type regulations.

#### (1) Storefront Entrances

Storefront entrance types are intended to provide at or close to grade access between the store and adjacent sidewalk creating a high level of permeability. See Figure IV-11.

##### (a) Recessed Entrance

Where the sidewalk outside the storefront is less than 7 feet in width, measured perpendicular to the facade, entrances must be recessed as follows:

i. The door must be recessed between 3 and 8 feet deep, measured from the facade.

ii. The maximum width of the recess is 10 feet.

##### (b) Transparency

A minimum amount of ground-story storefront glass is required for some building types.

i. The storefront entrance must meet the minimum transparency requirements.

ii. The glass must turn the corner of the recessed entry as shown in Figure IV-11.

iii. Transom windows above doors and storefront windows are encouraged.

iv. See Sec. 4.12(E)(1) for general window regulations.

#### (2) Bulkhead

Where a bulkhead is incorporated, the maximum height is 30 inches. A bulkhead is the lower set of panels or low wall upon which the storefront windows rest. See Figure IV-11. The bulkhead may be constructed of wood, metal, concrete, spandrel glass, or masonry. Concrete masonry units may not be exposed. See Sec. 4.12(B) for allowed facade materials.

#### (3) Stoop Entrance Type

A stoop is a small, open platform that may include a permanent canopy or roof cantilevered off the building. See Figure IV-12. Stoops must comply with minimum building code standards for landings.

#### (4) Porch Entrance Type

A porch is an open raised, platform with a perimeter railing or wall and a porch supported by columns. See Figure IV-13.

(a) Porches must be at least 5 feet deep and 8 feet wide.

(b) Porches must meet the minimum and maximum story height for the building type and may be 2 stories in height to provide a second porch off the second floor.

Figure IV-11: Storefront Entrance Example

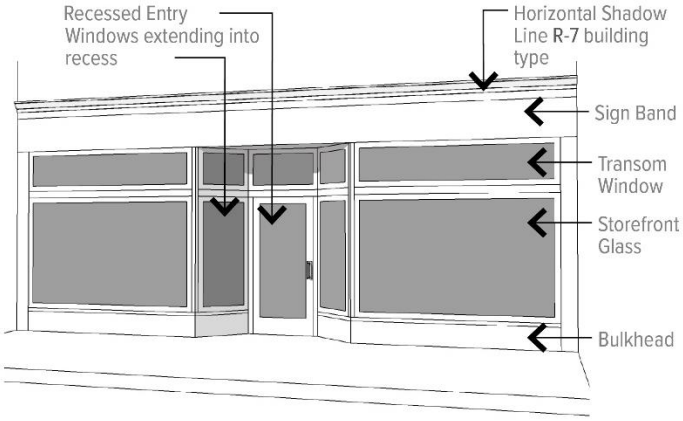



Figure IV-12: Stoop Entrance Example

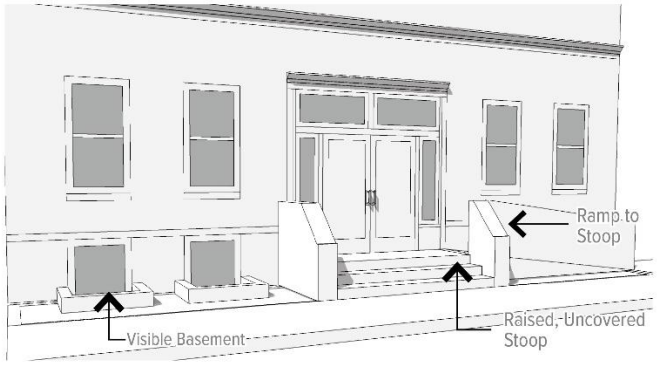
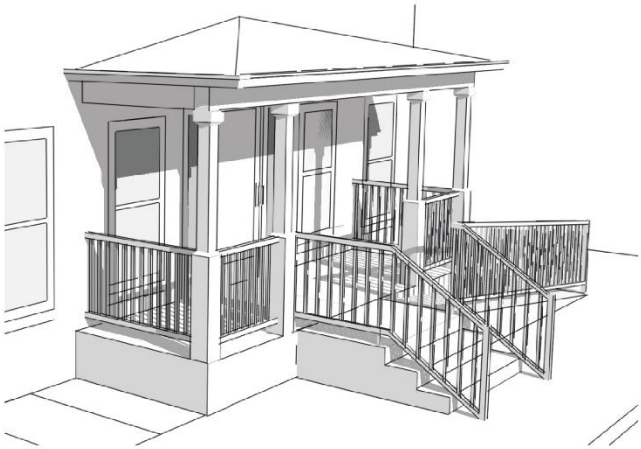



Figure IV-13: Porch Entrance Example



## (D) Roof Types

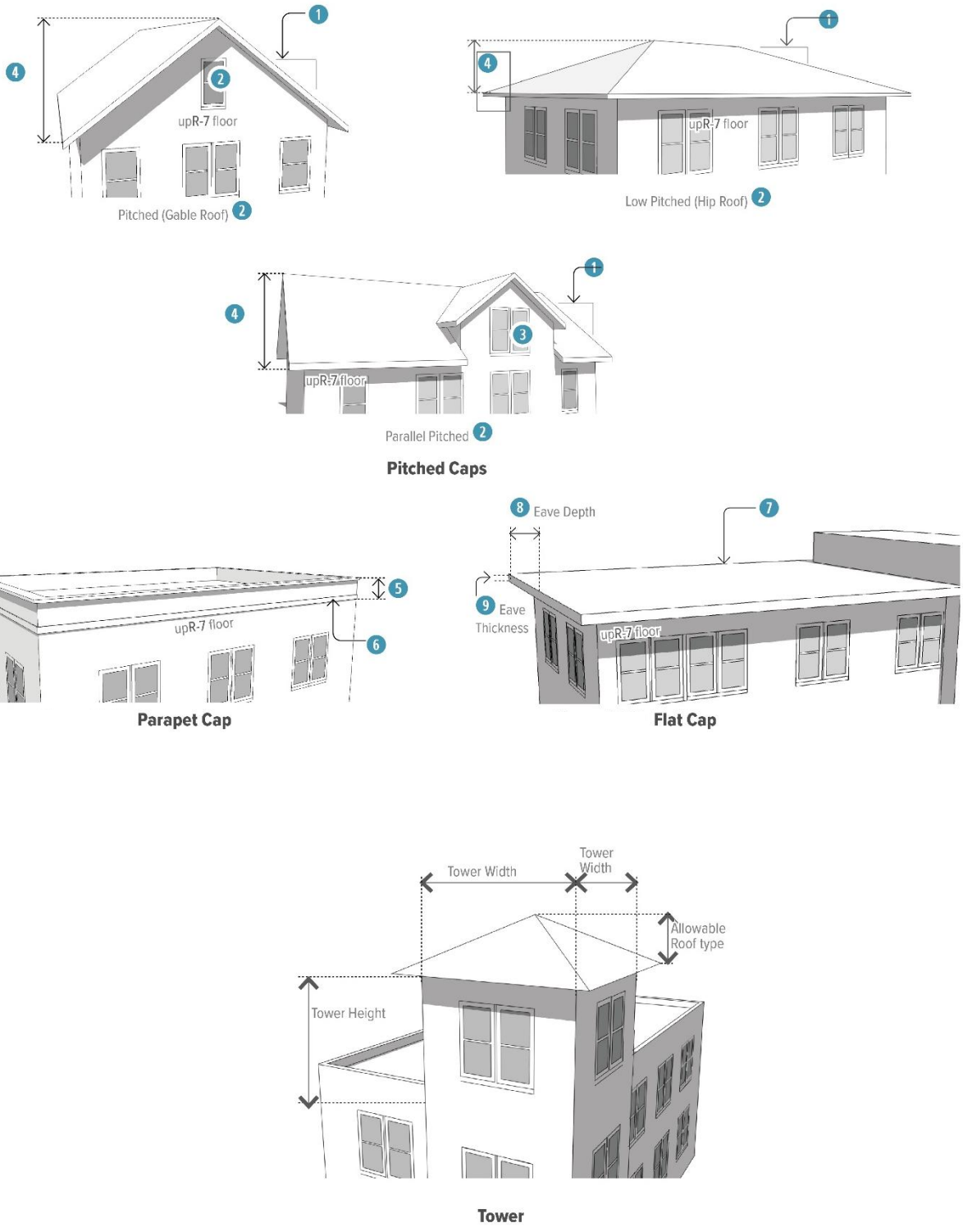
Roof type regulations are intended to ensure that buildings have a clearly defined cap consistent with traditional roof types found within the downtown area. The major components of any roof must meet one of the roof types allowed by the building type (see Table IV-5). The roof design is required where the roof is visible from any street.

Roofs for bay or bow windows, entrance canopies, and dormers are not required to meet a cap type. Any combination of allowed roof types is allowed.

Table IV-5: Roof Regulations

| | | |
|---|---|---|
| **General Roof type Regulations** | | |
| Occupiable Space | | Occupiable space is not allowed in any cap except for pitched roof type and tower. |
| Terraces, Green Roofs, Rooftop Gardens, Other Similar Outdoor Rooftop Facilities | | Allowed on any roof, unless otherwise stated. Any unenclosed permanently roofed area is a story and when visible from any public way, the cover must comply with a roof type. The tower may be applied to these outdoor areas. |
| **Pitched Roofs** | | |
| 1 | Minimum Permitted Pitch<br>Maximum Permitted Pitch | 6:12; 3:12 allowed above 3 stories<br>16:12 |
| 2 | Permitted Configurations | Hipped, gabled, gambrel and butterfly roofs are allowed |
| 3 | Ridgelines Parallel to Front Facade | Where the parallel ridgeline longer than 100 feet, a gabled end is required on the front facade and one dormer is required for every 15 feet of parallel ridgeline. |
| 4 | Maximum Cap Height | Single story: no more than 1.5 times the height of the upper story<br>2 or more stories: no more than the height of the upper story |
| **Parapet Roofs** | | |
| 5 | Parapet Height (feet) | Min. 2; max. 6 |
| 6 | Horizontal Divisions | A shadow line must define the parapet from the upper stories of the building and must also define the top of the parapet, for at least 80% of the width of each facade |
| **Flat Roofs** | | |
| 7 | Configuration | No visible slope from the street and eaves required on along all street-facing facades. |
| 8 | Minimum Eave Depth (in.) | 14, measured from the building facade to the outside edge of the eave |
| 9 | Minimum Eave Thickness (in.) | 8, measured at outside edge of the eave, from the bottom to the top of the eave |
| **Towers** (i.e., vertical element in addition to the roof type) | | |
| 7 | Degree of Enclosure | A tower occurring on a street facade must be fully enclosed. Any interior building tower may be partially or fully enclosed. A fully open structure, such as a rooftop pergola is not a tower. |
| 8 | Quantity | One tower, located within 15 feet of any street facade, is permitted on any building, and one additional tower is allowed. located a minimum of 30 feet from any street facade. |
| | Max. Tower Footprint (sq. ft.) | 48 |
| 9 | Maximum Height | Maximum tower height is the equivalent of floor height of the building to which the tower is applied. Height is measured from the top of the uppermost floor of the building to the top of the tower, not including the tower roof. |
| | | A tower allows up to one additional story of height within the tower footprint to any building type where permitted and is not included in the overall maximum height of the building allowed by the building type. |
| 9 | Tower Roof | The tower must be roofed by a roof type defined in this section. |

Figure IV-14: Roof Types




## (E) Facade Elements

The façade regulations of this section along with the building type regulations in Sec. 4.08 through Sec. 4.10, are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect the scale and physical character of the village.

### (1) Windows

Windows on all street and other front facades of all buildings must be constructed consistent with the following requirements:

#### (a) Amount

Each building must meet the transparency requirements that apply to the subject building type. Transparency is the measurement of the percentage of a facade that windows and doors with highly transparent, low-reflectance glass.

#### (b) Recessed

All windows, with the exception of ground story storefront systems and glass curtain wall systems, must be recessed with the glass a minimum of 2 inch from the masonry facade surfaces material or adjacent trim or 1 inch on other materials.

#### (c) Vertical Orientation

Street facade windows must be vertically oriented. A bank of abutting vertically oriented windows is acceptable.

Figure IV-15: Vertically Oriented Windows

#### (d) Visibility Through Glass

Reflective glass and glass block are prohibited on street-facing building facades. Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25, unless required by state law or local energy or building codes.

#### (e) False Windows

The use of false or faux windows, where the window is visible from the exterior with no opening from the interior is prohibited on a front facade.

### (2) Removable Awnings and Canopies

Removable awnings and canopies attached to buildings must be constructed consistent with the requirements of this section. See Figure IV-16 for examples of awnings.

#### (a) Material

All awnings and removable canopies must be canvas or metal. Plastic awnings are prohibited.

**(b) Shape**
Dome, waterfall, and convex awnings are prohibited.

**(c) Lighting**
Backlighting is allowed only on metal awnings.

**(d) Structures**
Frames must be metal and wall mounted. Support poles from the ground are prohibited except where the awning is over 8 feet in depth and utilized for outdoor eating areas or lobby entrances.

Figure IV-16: Awning Examples

Metal Awning

Canvas Awning

**(e) Canopies and Light Shelves**
Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are allowed and not intended to be regulated by this section.

**(f) Clearance**
All portions of any awning or canopy must provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.

**(g) Signs**
Refer to Article XI for regulations governing signs on awnings and canopies.

**(3) Balconies**
Balconies on street-facing building facades are subject to the requirements of this subsection.

**(a) Size**
Balconies must be a minimum of 4 feet deep and 5 feet wide.

**(b) Facade Coverage**
No more than 35% of any street-facing building façade may be covered by balconies. The balcony area is calculated by drawing an imaginary rectangle on the facade elevation around the following: the platform or floor of the balcony; any rails, walls, columns, or indentations; and any ceiling, roof, or upper balcony.

**(c) Platform**
The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any street or public way must be finished.

**(d) Front Setback Requirement**
When the balcony is located within the front build-to zone of the lot, the portion of the facade behind the balcony is exempt from meeting the maximum build-to zone setback.

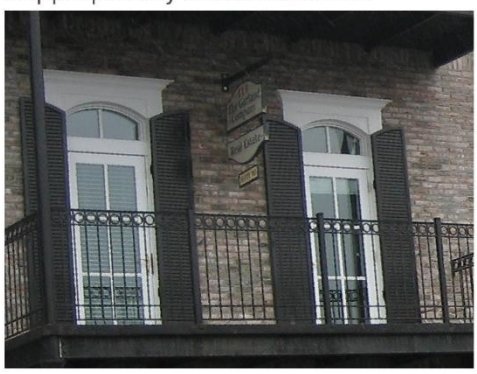
**(4) Shutters**
When shutters, whether functional or not, are utilized on a street or other front facade of any building type, the shutters must meet the following requirements. See Figure IV-17.

**(a) Size**
All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.

**(b) Materials**
Shutters must be wood, metal, composite or engineered woods, or fiber cement.

Figure IV-17: Shutter Examples

Inappropriately Scaled Shutters.



**(5) Security Grills & Bars**

**(a)** Exterior bars and security grills are prohibited on any street facade opening.

**(b)** Security grills must be fully retractable and located completely within the interior of the building. When retracted, the grills must not be visible from the exterior of the building.

### (6) Principal Entryway

See Figure IV-18 for examples of defined principal entryways. Principal entrances to all buildings or units, except storefronts, must be clearly delineated through one or more of the following design features:

#### (a) Roof or Canopy

The entryway is covered by a roof or canopy differentiating it from the overall building roof type.

#### (b) Porch

The entryway is through a porch, minimum 5 feet by 8 feet in size. A porch is a raised, permanently roofed structure, transitioning from the public sidewalk into the building.

#### (c) Sidelights and Transom

Sidelights or transom windows are included around the entryway.

#### (d) Extended Articulation

The entryway is included in a separate bay of the building that extends up at least 2 stories.

#### (e) Other

Other methods of articulating the principal entryway may be approved at the time of site plan approval.

Figure IV-18: Principal Entryways

## (F) Building Articulation

See Figure IV-19 for examples of building facade variety.

### (1) Building Variety

Street and front facades 120 feet in length or longer must be varied in segments less than or equal to the required vertical division in the building type street

facade regulations. Each facade segment must vary by at least one of the following:

**(a)** The proportion of recesses and projections within the build-to zone;

**(b)** The location of the entrance and window placement, unless storefronts are utilized;

**(c)** Roof type, plane, or material, unless otherwise stated in the building requirements;

**(d)** Building height.

### (2) Articulation of Stories

Stories must be articulated on street and other front facades, as follows:

#### (a) Fenestration

Fenestration or window placement on street facades must be organized by stories in accordance with applicable building type facade transparency regulations.

#### (b) Shadow Lines

Minimum shadow lines are required for different building types. Additional horizontal shadow lines and lintels over openings may be used to delineate stories.

#### (c) Taller Spaces

Spaces exceeding the allowable floor-to-floor heights of the building type must be articulated as multiple stories on the street facade.

Figure IV-19: Building Articulation

## (G) Mechanical Equipment

Mechanical and utility equipment and appurtenances are necessary for any building, but can have a negative visual impact and detract from the quality of the design of a building. The purpose of these regulations is to ensure that the visual impact of mechanical and utility equipment and appurtenances is considered during the design phase of the building and minimized to the extent practicable.

**(1) "Mechanical Equipment" Defined**

Regulations that refer to "mechanical equipment," include HVAC systems, boilers, condensers, transformers, generators, vents, meters, ducts, and similar any mechanical equipment or utility appurtenance. Solar and wind energy systems are not included.

**(2) Rooftop Mechanical Equipment**

See Figure IV-20. Any rooftop mechanical equipment must be concealed from view at street level or be:

**(a)** Incorporated into the roof design consistent with the applicable roof type standards of Sec. 4.12(D).

**(b)** Set back a minimum of 10 feet from any street or public way facade.

**(c)** Painted to blend with the structural roof and limit its visibility, to the extent practicable (unless screened from street-level view by a parapet).

**(3) Mechanical Equipment on Street Facades**

See Figure IV-20.. Mechanical equipment and utility appurtenances may not be located on any street facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade must be located consistent with the following standards:

**(a) Street Façade**

The mechanical equipment may be located on a street facade only if the following requirements are met:

i. The equipment is located on a surface perpendicular (and not parallel) to the adjacent street. The zoning administrator may approve the location of appurtenances on surfaces parallel to the street if all other requirements of this section are met and no other option is available.

ii. The equipment extends from the facade surface no more than 3 inches; and

iii. The equipment is screened from the sidewalk by landscape, railings, other facade walls, or other designs.

**(b) Air Vents or Grills**

Air vents and grills may be successfully incorporated into storefront window systems, provided the transparency requirements are met by the actual windows in the system.

**(c) Alignment**

Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on all submitted elevations for village approval.

**(d) Material Coordination**

To the extent practicable, facade-mounted mechanical appurtenances must be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored fiber cement panels than a textured, darker surface such as brick.

**(4) Mechanical Equipment on Other Horizontal Surfaces**

Mechanical equipment, such as electrical transformers and air conditioners, located on the ground, decks, or horizontal surfaces other than the roof must be located consistent with the following standards:

### (a) No Encroachment

Mechanical equipment may not extend into any right-of-way or easement, unless otherwise approved by the planning and zoning commission.

### (b) Allowed Yard Location

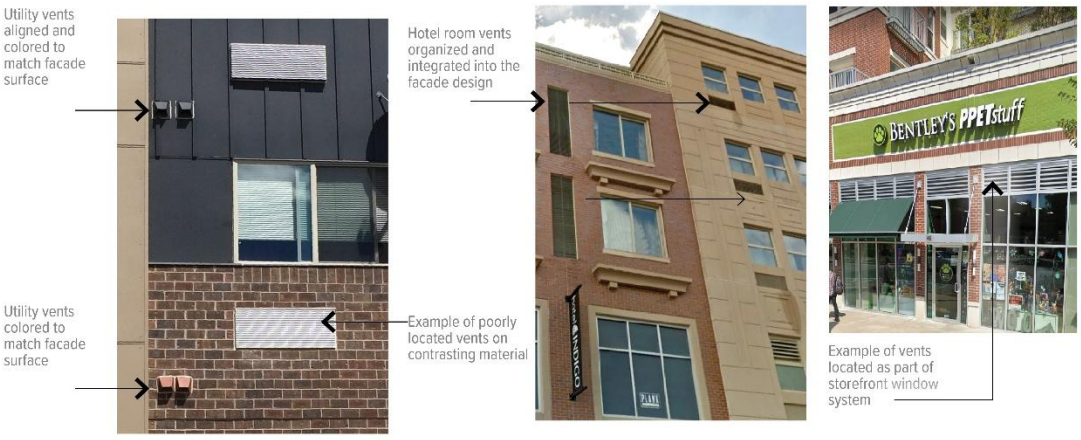
i. Mechanical equipment and appurtenances may not be located in the front street yard, except when no other option exists, as determined by the zoning administrator.

ii. Mechanical equipment may be approved in the side street yard, provided the equipment is screened from the street in accordance with the screening requirements of this section.

iii. Mechanical equipment may be located in any rear or side yard.

Figure IV-20: Mechanical Equipment

Rooftop Utilities Screened from the Public Way by a Parapet




Utility Appurtenances located on Facades

Examples of Poorly Located Utility Appurtenances on Front Streets

**(c) Screening from Streets, Open Spaces, or Civic Spaces**
All equipment must be screened from view from any streets, open space, or civic space, as follows:

i. Screening walls must be consistent with the building design, colors, and materials.

ii. Where only landscaping is used for screening, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the large planting bed design.

**(5) Street Frontage or Front Yard Location**
Equipment located in a street yard or other front yard may be approved only if all of the following are met:

**(a)** The applicant demonstrates that the equipment cannot be located in a rear or interior side yard.

**(b)** Equipment may be located in a front street yard only if the applicant demonstrates that the equipment cannot be located in a side street yard.

**(c)** No other utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.

**(d)** The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the required sight vision clearance at intersections.

**(e)** The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See Figure IV-20. for examples of poorly located, unscreened equipment on front streets.

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# Article V Special Purpose Zoning


Sec. 5.01 B-3, Resort District ..... V-1
Sec. 5.02 P/I, Public and Institutional District ..... V-2
Sec. 5.03 PD, Planned Development Overlay (Obsolete District) ..... V-3
Sec. 5.04 PUD, Planned Unit Developments ..... V-4


## Sec. 5.01 B-3, Resort District

### (A) Purpose

The B-3 district is primarily intended to accommodate lodging, office, research, and recreational uses in a unified development setting, as well as secondary retail, residential and service uses to serve the overall development. The district is also intended to encourage innovations and variety in type, design and arrangement of uses and buildings. Because of the intensity of development permitted in the B-3 district, it is generally intended to be applied only on sites abutting one or more arterial streets.

### (B) Uses

**(1)** Principal uses are allowed in the B-3 district in accordance with the use regulations of Sec. 6.01.

**(2)** In addition to those principal uses allowed, the following uses (as defined in Sec. 6.02) are expressly permitted as secondary uses in the B-3 district provided they do not exceed 20% of the gross floor area of the building in which they are located and are accessed only by arterial roads or interior roadways within the development:

- **(a)** Catering Service;
- **(b)** Community Assembly;
- **(c)** Consumer Service, other than tattoo and body piercing services;
- **(d)** Day Care Center;
- **(e)** Eating and Drinking Place;
- **(f)** Entertainment, Participant (Indoor);
- **(g)** Entertainment, Spectator;
- **(h)** Financial Service (but not Alternative Financial Service Establishments);
- **(i)** Retail Sales, Indoor; and
- **(j)** Uses similar to the above permitted secondary uses, subject to the review by the planning and zoning commission and approval by the village board.

### (C) Lot and Building Regulations

The lot and building regulations of Table V-1 apply to all principal uses and principal buildings in the B-3 district, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table V-1: B-3 District Lot and Building Regulations

| Lot and Building Regulations | District |
|---|---|
| | B-3 |
| Minimum Site Area (acres under unified control) | 40 |
| Residential Development (requires special use approval) | R-4 district lot and building regulations apply |
| Nonresidential Development | |
| Minimum Lot Width (feet) | 75 |
| Minimum Building Setbacks (feet) | |

| Lot and Building Regulations | District |
|---|---|
| | B-3 |
| Abutting any R District or Arterial Street | 50 [1] |
| Front/Street (non-arterial) Side | 50 |
| Interior Side | 25 |
| Rear | 50 [2] |
| **Minimum Separation Between Buildings on Same Site** (feet) | 30 |
| **Maximum Floor Area Ratio** | 0.50 |
| **Maximum Building Height** (feet) | 125 |

**Table V-1 Notes:**

[1] Plus 2 feet for each foot of building height over 45 feet.

[2] Reduced to 25 feet when abutting the M district.

**(D) Previously Approved B-3 Zoning**

B-3-zoned properties in existence on the effective date specified in Sec. 1.03 are subject to all regulations and conditions of the development plan approved at the time the B-3 zoning was established on the subject property.

**(E) Future B-3 District Amendments**

After the effective date specified in Sec. 1.03, all proposals to establish a new B-3 zoning district or amend previously approved plans or boundaries of an existing B-3 district must be processed as a concurrent application for a B-3 zoning map amendment and planned unit development (PUD) approval. See the zoning map amendment procedures Sec. 14.02; and the PUD approval procedures of Sec. 5.04(C).

**(F) Other Relevant Regulations**

Uses and structures in the B-3 zoning district may be subject to other regulations and standards, including the following:

**(1) Parking**
See Article IX.

**(2) Landscaping**
See Article X.

**(3) Signs**
See Article XI.

**(4) Nonconformities**
See Article XIII.

## Sec. 5.02 P/I, Public and Institutional District[4]

**(A) Purposes**

The Public and Institutional (P/I) zoning district is intended to accommodate public and institutional uses, as identified in Table VI-1. The P/I district is further intended to help avoid the problems inherent in treating public and institutional uses and buildings as permitted or special uses in zoning districts that are primarily intended to accommodate other (dissimilar) types of uses and buildings. The P/I district is a site-specific zoning classification that may be applied to small areas throughout the village.

**(B) Uses**

Uses are allowed in the P/I district in accordance with the use regulations of Sec. 6.01.

[4] Proposed new district.

**(C) Lot and Building Regulations**

The lot and building regulations of Table V-2 apply to all principal uses and principal buildings in P/I districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table V-2: P/I Lot and Building Regulations

| Lot and Building Regulations | District |
|---|---|
| | P/I |
| Minimum Lot Area (square feet) | 7,800 |
| Minimum Lot Width (feet) | 50 |
| Minimum Building Setbacks (feet) | |
| Front/Street Side | 25 |
| Interior Side | |
| Abutting R District | 10 |
| Abutting Non-R District | 5 |
| Rear | 20 |
| Minimum Separation of Buildings on Same Lot (feet) | 20 |
| Maximum Building Height (feet) | 45 [1] |

**Table V-2 Notes:**

[1] Buildings occupied by public or institutional uses ~~Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district,~~ may be erected to a height not exceeding ~~60 feet, and churches and temples may be erected to a height not exceeding~~ 75 feet if the building is set back from each ~~yard~~ minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise ~~provided~~ applicable in the subject zoning district ~~in which the building is located~~.

**(D) Other Relevant Regulations**

Uses and structures in the P/I zoning district may be subject to other regulations and standards, including the following:

**(1) Parking**
See Article IX.

**(2) Landscaping**
See Article X.

**(3) Signs**
See Article XI.

**(4) Nonconformities**
See Article XIII.

## Sec. 5.03 PD, Planned Development Overlay (Obsolete District)

**(A)** Land classified in a PD overlay zoning district on the effective date specified in Sec. 1.03 will continue to be classified in the PD overlay district. Existing planned developments (PDs) are subject to compliance with approved plans for such development and all planned development agreements entered into between the developer and the village at the time of approval unless and until the subject PD overlay designation is removed through the zoning map amendment process.

**(B)** Any PD rezoning applications in process on the effective date specified in Sec. 1.03 may, at the applicant's option, be reviewed wholly under the PD regulations and procedures in effect immediately preceding the effective date specified in Sec. 1.03 or under wholly under the PUD regulations and procedures of this zoning ordinance (see Sec. 5.04).

**(C)** No applications to establish new PD overlay zoning districts or to expand the boundaries of existing PD overlay zoning districts may be accepted for processing after the effective date specified in Sec. 1.03.

**(D)** Amendments to existing PDs must be processed in accordance with the development plan procedures of Sec. 14.03.

## Sec. 5.04 PUD, Planned Unit Developments

### (A) Purpose

Planned Unit Developments (PUDs) are included in this zoning ordinance as a distinct category of special use in all zoning districts. A PUD is intended to allow the relaxation of otherwise applicable substantive requirements of this zoning ordinance based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory approach recognizes that traditional zoning regulations, which may be useful in protecting the character of substantially developed and stable areas, may impose inappropriate regulations and rigidities upon the development or redevelopment of areas that lend themselves to an individual, planned approach. PUDs are intended to result in enhanced public benefits, commensurate with the degree of development flexibility provided. Examples of the types of development that may be appropriate for PUD approval include the following:

**(1) Provision of Open Space and/or Enhanced Protection of Natural Resource Areas**
Developments that provide or preserve open space amenities and/or offer enhanced protection of natural resources and sensitive natural resource areas.

**(2) Energy Conservation/Sustainability**
Developments that achieve very high levels of energy conservation or that otherwise help reduce greenhouse gases and fossil fuel use.

**(3) Housing Variety**
Developments that offer a range of housing options and include a variety of lifestyle choices to meet the needs of different age groups, income levels, and household types.

**(4) Mixed- and Multi-use Developments**
Developments that contain a complimentary mix of residential and nonresidential uses or that provide for a range of complementary land use types.

### (B) Objectives

Different types of PUDs will achieve different planning goals. In general, however, PUDs should include elements that further some or all of the following objectives:

**(1)** A creative approach to the use of land and related physical facilities that results in better development, design and amenities;

**(2)** An efficient use of land resulting in more efficient provision of utilities, streets, buildings, transportation systems and other facilities;

**(3)** Innovation of development so that the growing demands of the population may be met by greater variety in type, design and lay-out of buildings and uses;

**(4)** A unified and compatible design of buildings, structures and site improvements that are compatible with surrounding areas and that include attractive, high-quality architecture, landscaping lighting and signage;

**(5)** The protection and enhancement of open space amenities and natural resource features;

**(6)** The incorporation of sustainable development features, including green infrastructure practices in landscapes and parking areas, to maximize the

aesthetic and water quality benefits of best practices in stormwater management; and

**(7)** Overall consistency with the comprehensive plan and other relevant policies and planning goals of the village.

### (C) PUD Approval Procedures

**(1)** The zoning administrator is authorized to determine whether a proposed development must be processed as a PUD.

**(2)** A PUD is a special use in all zoning districts and requires special use approval in accordance with the procedures of Sec. 14.04. In addition to special use approval, a PUD requires approval of a development plan and a site plan in accordance with the procedures of Sec. 14.03.

**(3)** An application for approval of a PUD must include a developer's statement of intent. This is a statement from the applicant that describes the proposed development and uses of the property, describes how the proposed development meets one or more of the objectives for PUDs, and describes how the proposed development provides greater benefits to the village than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development and uses with (a) the standards and regulations of the base zoning district, (b) the other applicable development standards and regulations contained in this zoning ordinance, (c) the standards and regulations for public improvements and other infrastructure, and (d) the comprehensive plan.

**(4)** PUDs require approval of an ordinance by the board of trustees. The approved PUD ordinance must be signed by applicant as an acknowledgment of the approval and as an acknowledgment of any conditions imposed on the development and use of the property. The village must record the approved and fully-executed PUD ordinance against title to the property.

**(5)** The PUD ordinance may approve the development of the property in phases, provided that the development plan has been approved for the entire development and all of its phases, and provided that a site plan has been approved for each phase. The PUD ordinance may impose deadlines for the commencement and/or completion of construction of the PUD, including any phase of development.

### (D) Regulations and Standards Eligible for Deviations

A PUD must generally conform to the use and other regulations of the zoning district in which the property is located, as well as the other regulations of this zoning ordinance. However, the board of trustees may approve deviations from such zoning regulations as part of the PUD approval process when such deviations are determined to be in the public interest. Specifically, the board of trustees may approve principal and accessory use types that are not allowed in the underlying zoning district as a means of accommodating mixed-use developments, housing diversity, and unique economic development opportunities when such uses are determined to be in the public interest. The board of trustees may also approve deviations from the standards, regulations, and requirements found in other chapters of the village code when such deviations are determined to be in the public interest.

### (E) Conditions on PUD Approval

The board of trustees may approve conditions on PUD approval as part of the PUD approval ordinance. Such conditions may be imposed when necessary to prevent or minimize adverse impacts to the surrounding area or to the public; to ensure compatibility with the surrounding development and uses; to ensure compatibility and compliance with the general purposes, goals, and objectives of this zoning ordinance,

other ordinances and regulations of the village, and the comprehensive plan; and to ensure compliance with the standards for PUDs set forth in this article.

### (F) Standards for PUD Approval

A PUD may be approved only if the planning and zoning commission and the board of trustees find that the proposed development substantially meets the standards for special uses and the standards set forth in this section. Notwithstanding the foregoing, the board of trustees may approve a PUD that does not strictly comply with such standards if the board of trustees finds that the application of such standards to the proposed development would not be in the public interest and that the benefits provided by the proposed development outweigh strict compliance with such standards. The standards for PUD approval are as follows:

**(1)** The entire property of the PUD is under single ownership or under unified control to ensure that the property will be developed as a unified whole.

**(2)** Except for such deviations that are specifically set forth in the PUD ordinance, the development complies with the regulations of the zoning district in which it is located and complies with the other zoning regulations applicable to the development.

**(3)** Deviations from allowable uses, zoning bulk regulations, other zoning regulations, and other ordinances and regulations of the village, if any, will enhance the quality of the development, will not cause substantial adverse impacts on surrounding properties, and are in the public interest.

**(4)** The development will be provide for (a) adequate connection to and service from the village's water system, (b) adequate stormwater management facilities, (c) adequate streets and/or means of safe access to public streets and sidewalks; (d) adequate connection to and service from the sanitary sewer system; (e) adequate connection to and service from necessary utilities; and (f) adequate service by such other facilities which are deemed necessary to serve the development.

**(5)** The dominant use within the proposed PUD is consistent with the recommendations of the comprehensive plan.

**(6)** The development provides sufficient open space and/or preservation of natural resources or provides other amenities to offset the lack of open space.

**(7)** The development is in the public interest, will provide a public benefit, and will not unreasonably strain public services or facilities.

# Article VI Principal Uses


Sec. 6.01 Allowed Uses ..... VI-1
Sec. 6.02 Use Classification System ..... VI-5
Sec. 6.03 Residential Use Group ..... VI-6
Sec. 6.04 Commercial Use Group ..... VI-7
Sec. 6.05 Warehouse & Distribution ..... VI-16
Sec. 6.06 Manufacturing and Industry Use Group ..... VI-17
Sec. 6.07 Public and Institutional Use Group ..... VI-19
Sec. 6.08 Other Use Group ..... VI-21


## Sec. 6.01 Allowed Uses

### (A) Table of Allowed Uses

Uses are allowed in accordance with Table VI-1.

### (B) Interpreting the Use Table

#### (1) Use Classification System

Uses are listed in the first column of Table VI-1. This zoning ordinance classifies uses into groups, categories, and subcategories, which are defined in this article.

#### (2) Permitted Uses

Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with all applicable supplemental use regulations (see Sec. 6.01(B)(5)).

#### (3) Special Uses

Uses identified with an "S" may be allowed if approved in accordance with the special use procedures of Sec. 14.04. Special use uses are subject to compliance with all applicable supplemental use regulations (see Sec. 6.01(B)(5)).

#### (4) Uses Not Allowed

Uses identified with an "–" are not allowed. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in Sec. 6.02(D)) to fall within any defined use category are also not allowed.

#### (5) Supplemental Use Regulations

Supplemental regulations that apply to some uses are identified by bracketed footnotes (e.g., [1]) or by a cross-reference in the final column of Table VI-1. Compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special use approval.

#### (6) Accessory Uses

Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special use, subject to compliance with all applicable accessory use regulations of Article VII.

Table VI-1: Table of Allowed Uses

| Uses | Districts | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP<br>Category<br>Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | |
| **RESIDENTIAL** | | | | | | | | | | | | | | | | | | | |
| **Household Living** | | | | | | | | | | | | | | | | | | | Sec. 6.03(A)(2) |
| Detached House | P | P | P | P | P | P | – | S | – | – | – | S | – | – | – | – | – | – | |
| Semi-detached House | – | – | – | – | P | P | – | – | – | – | – | S | – | – | – | – | – | – | |
| Attached House | – | – | – | – | P | P | – | P | – | S | – | S | – | – | – | – | – | – | |
| Two-unit House | – | – | – | – | P | P | – | – | – | – | – | S | – | – | – | – | – | – | |
| Mixed-Use Residential | – | – | – | – | – | – | – | – | P [2] | P | – | S | – | – | – | – | – | – | |
| Multi-Unit Building | – | – | – | – | P | P | – | P | – | P | – | S | – | – | – | – | – | – | |
| Assisted Living Residence | – | – | – | – | – | – | P | – | – | – | – | – | – | – | – | – | – | – | |
| **Group Living** | | | | | | | | | | | | | | | | | | | |
| Community Residence, Family | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | – | – | – | – | – | – | – | – | – | – | – | |
| Community Residence, Group | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | – | – | – | – | – | – | – | – | – | – | – | |
| Nursing Home | – | – | – | – | S [3] | S [3] | S [3] | – | – | – | – | – | – | – | – | – | – | – | |
| Other Group Living | S | S | S | S | S | S | S | S | – | – | – | S | S | – | – | S | S | S | |
| **COMMERCIAL** | | | | | | | | | | | | | | | | | | | |
| **Animal Service** | | | | | | | | | | | | | | | | | | | |
| Boarding or Shelter | – | – | – | – | – | – | – | – | – | – | S [4] | S | S | – | – | S | P | – | |
| Grooming Service | – | – | – | – | – | – | – | – | S | S | P | – | S | – | – | – | – | – | |
| Veterinary | – | – | – | – | – | – | – | – | S [5] | S [5] | S [4] | – | S | S | – | – | – | – | |
| Other Animal Service | – | – | – | – | – | – | – | – | – | – | S | S | S | – | – | P | P | – | |
| **Consumer Service** | | | | | | | | | | | | | | | | | | | |
| Business Support Service | – | – | – | – | – | – | – | – | P | P | P | – | P | – | – | – | P | – | |
| Maintenance and Repair Service | – | – | – | – | – | – | – | – | S | P | P | – | P | – | – | – | P | – | |
| Personal Improvement Service | – | – | – | – | – | – | – | – | S [10] | P | P | P | P | – | – | – | P | – | |
| Health and Fitness Service | – | – | – | – | – | – | – | – | P | P | P | – | P | S | S | S | P | – | |
| Instructional Service | – | – | – | – | – | – | – | – | S | P | P | – | – | S | S | – | S | – | |
| Business Training | – | – | – | – | – | – | – | – | – | – | S | S | – | S | S | P | P | – | |
| Tattoo or Body Piercing Service | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.04(B)(3) |
| Other Consumer Service | – | – | – | – | – | – | – | – | S | S | S | S | S | – | – | – | P | | |
| **Day Care Center** | – | – | – | – | – | – | – | – | S | P | P | – | P | P | P | – | P | – | Sec. 6.04(C)(2) |
| **Day Care Home** | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | – | – | – | – | – | – | – | – | |
| **Eating and Drinking Place** | | | | | | | | | | | | | | | | | | | |
| Bar or Tavern | – | – | – | – | – | – | – | – | S [8] | S [8] | – | – | S | – | – | – | – | – | |
| Craft Alcoholic Beverage Dispenser | – | – | – | – | – | – | – | – | S [8] | S [8] | S [8] | – | S [8] | – | – | – | – | – | |
| Restaurant | – | – | – | – | – | – | – | – | P | P | P | – | P | – | S | – | – | – | |
| Tobacco or Vape Lounge | – | – | – | – | – | – | – | – | – | – | S [8] | – | – | – | – | – | – | – | |
| Other Eating and Drinking Place | – | – | – | – | – | – | – | – | – | – | S | – | S | – | S | – | – | – | |
| **Entertainment, Participant** | | | | | | | | | | | | | | | | | | | |
| Arcade (non-video gaming) | – | – | – | – | – | – | – | – | – | – | S [8] | – | S | – | – | – | – | – | |
| Video Gaming, Accessory | – | – | – | – | – | – | – | – | – | – | P | P | P | – | P | – | P | – | Sec. 6.04(F)(3)(a) |
| Video Gaming Cafe | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | Sec. 6.04(F)(3)(b) |
| Other Participant Ent., Indoor | – | – | – | – | – | – | – | – | – | – | P | P | S | – | – | – | – | – | |
| Participant Ent., Outdoor | – | – | – | – | – | – | – | – | – | – | S | P | S | – | – | – | – | – | |
| **Entertainment, Spectator** | | | | | | | | | | | | | | | | | | | |
| Indoor | – | – | – | – | – | – | – | – | S | S | S | – | S | – | – | – | s | S | |
| Outdoor | – | – | – | – | – | – | – | – | – | – | S [13] | – | S | – | – | – | – | s | |
| **Financial Service** | | | | | | | | | | | | | | | | | | | |
| Bank, Credit Union or Savings & Loan | – | – | – | – | – | – | – | – | S | S | S | P | S | S [9] | S | – | – | – | |
| Alternative Financial Service Est. | – | – | – | – | – | – | – | – | S | S | S | – | – | – | – | – | – | – | |
| **Funeral and Mortuary Service** | – | – | – | – | – | – | – | – | – | S | S | – | – | – | – | – | – | – | |
| **Lodging** | – | – | – | – | – | – | – | – | S | P | P | P | P | – | S | – | – | – | |

| Uses | Districts | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP<br>Category<br>Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | |
| **Office** | | | | | | | | | | | | | | | | | | | |
| Business or Professional Office | – | – | – | – | – | – | – | – | S [10] | P | P | P | S | P | P | P | P | – | |
| Medical Office | – | – | – | – | – | – | – | – | P | P | P | P | P | P | P | – | – | – | |
| Research Service | – | – | – | – | – | – | – | – | – | – | P | P | S | P | P | P | P | – | |
| **Parking, Non-Accessory** | – | – | – | – | – | – | – | S | – | S | S | – | S | – | – | S | P | – | |
| **Parking, Off-site Nonresidential** | S | S | S | S | S | S | – | S | S | S | – | – | – | – | – | – | – | S | Sec. 6.04(L) |
| **Parking, Off-site Auto Dealer** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | – | – | Sec. 6.04(N) |
| **Retail Sales** | | | | | | | | | | | | | | | | | | | |
| Indoor | – | – | – | – | – | – | – | – | P | P | P | – | P | – | – | P | S | – | |
| Outdoor | – | – | – | – | – | – | – | – | – | – | S | – | S | – | – | S | S | – | |
| Firearms Sales | – | – | – | – | – | – | – | – | – | – | P [11] | – | P [11] | – | – | – | S | – | Sec. 6.04(O)(3) |
| Tobacco and Vape Product Sales | – | – | – | – | – | – | – | – | – | – | S [8] | – | – | – | – | – | – | – | |
| Used Goods Sales | – | – | – | – | – | – | – | – | S | S | P | – | P | – | – | S | S | – | |
| **Self-service Storage Facility** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | S | – | |
| **Sexually Oriented Business** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.04(Q)(3) |
| **Vehicle Sales and Service** | | | | | | | | | | | | | | | | | | | |
| Fueling Station | – | – | – | – | – | – | – | – | – | S | S [4] | – | S [4] | – | – | – | P | – | |
| Minor Repair and Maintenance | – | – | – | – | – | – | – | – | – | S | S | – | S | – | – | P | P | – | |
| Sales or Rentals | – | – | – | – | – | – | – | – | – | – | S | – | – | – | – | – | S [12] | – | |
| Body and Paint Shop | – | – | – | – | – | – | – | – | – | – | S [13] | – | S | – | – | – | S | – | |
| **WAREHOUSE & DISTRIBUTION** | | | | | | | | | | | | | | | | | | | |
| **Warehouse/Logistics** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | |
| **Data Center** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | S | P | – | |
| **MANUFACTURING & INDUSTRY** | | | | | | | | | | | | | | | | | | | |
| **Building Service** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | P | – | |
| **Catering Service** | – | – | – | – | – | – | – | – | – | – | – | – | P | – | S | S | P | – | |
| **Craft Alcoholic Beverage Producer** | – | – | – | – | – | – | – | – | – | – | S | – | S | – | – | S [7] | S [7] | – | |
| **Crematorium** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Artisan Manufacturing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | |
| **Limited Manufacturing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | |
| **High-Impact Manufacturing & Industry** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Industrial Service** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | P | – | |
| **Recyclable Material Drop-off Facility** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Recyclable Material Processing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Junk or Salvage Yard** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | |
| **PUBLIC & INSTITUTIONAL** | | | | | | | | | | | | | | | | | | | |
| **Community Assembly** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | P | – | – | S | |
| **Community Garden** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | – | P | – | P | |
| **Governmental Use** | S | S | S | S | S | S | S | S | S | S | S | P | S | S | S | P | S | S | |
| **Hospital** | S | S | S | S | S | S | – | – | – | – | – | – | – | – | – | – | – | S | |
| **Library or Cultural Exhibit** | S | S | S | S | S | S | S | – | S | S | S | – | – | – | – | – | – | S | |
| **Parks and Recreation** | | | | | | | | | | | | | | | | | | | |
| Community Park | S | S | S | S | S | S | S | – | – | – | – | S | – | – | – | S | – | S | |
| Neighborhood Park | P | P | P | P | P | P | P | – | – | – | – | P | – | – | – | P | – | P | |
| **Religious Assembly** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | P | – | – | S | |
| **Safety Service** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | |
| **School** | P | P | P | P | P | P | – | – | – | – | – | S | – | – | – | – | – | S | |
| **Infrastructure or Utility, Major** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | |
| **Infrastructure or Utility, Minor** | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| **OTHER** | | | | | | | | | | | | | | | | | | | |
| **Cannabis Business Establishment** | | | | | | | | | | | | | | | | | | | |
| Cannabis Cultivation Center | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Adult Use Cannabis Dispensary | – | – | – | – | – | – | – | – | – | – | S | – | S | – | – | – | S | – | Sec. 6.08(A)(3) |

| Uses | Districts | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP<br>Category<br>Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | |
| Medical Cannabis Dispensary | – | – | – | – | – | – | – | – | – | – | S | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Craft Grower | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Infuser | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Processor | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Transporter | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| **Drive-through Facility** | – | – | – | – | – | – | – | – | – | – | S | S | S | S | S | – | – | – | Sec. 6.08(B) |
| **Off-premises Outdoor Advertising Sign** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S [14] | – | Sec. 11.04 |
| **Planned Unit Development** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | Sec. 5.04 |
| **Temporary Sales** [15] | – | – | – | – | – | – | – | – | P | P | P | P | P | P | P | P | S [14] | – | |
| **Wireless Telecommunications Facility** | | | | | | | | | | | | | | | | | | | |
| Cell Tower | – | – | – | – | – | – | – | – | – | – | – | – | S | – | – | – | S | S | Article VIII |
| Building-Mounted Cell Antenna | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Article VIII |
| Tower-Mounted Cell Antenna | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Article VIII |

**Table VI-1 Notes:**

[1] Subject to the following:

(A) Proof of all required state licenses and certifications must be provided before occupancy;

~~(B) A certificate of zoning compliance must be obtained before occupancy;~~

(B) A separate bedroom is required for any support staff residing on the premises on a full-time basis;

(C) All other applicable codes and ordinances must be met; and

(D) An initial building inspection is required before occupancy, and annual inspections are required thereafter.

[2] Household living is permitted in the B-1(A) district only if located above the ground-floor:

[3] Requires minimum lot area of 20,000 square feet in R districts.

[4] Buildings and outdoor areas associated with such use are prohibited within 100 feet of an R-zoned lot.

[5] Permitted by right if no more than 1,000 square feet (gross floor area) and if all buildings and outdoor areas associated with such use are located at least 100 feet from any R-zoned lot. Otherwise, special use approval is required.

[6] Subject to the following:

(A) Proof of all required state licenses and certifications must be provided before occupancy; and

(B) A certificate of zoning compliance must be obtained before occupancy; and

(B) All other applicable codes and ordinances must be met.

[7] The indoor seating areas of such businesses are limited to no more than 50% of the total floor area of the premises, and outdoor seating areas are limited to no more than 50% of the total floor area of the interior seating area. Any outdoor seating areas must comply with applicable regulations of Sec. 7.20(B) and Chapter 10 of the village code.

[8] Buildings and outdoor areas associated with such use are prohibited within 1,000 feet of a school.

[9] May not occupy more than 30% of the total floor area of the building in which it is located. The building must have a gross floor area of at least 15,000 square feet and no more than 19,000 square feet. The lot on which it is located must have an area of at least 60,000 square feet.

[10] Permitted by-right only when located above the ground-floor of the building. Otherwise, special use approval is required.

[11] Only when accessory to a retail or sporting goods store containing at least 45,000 square feet of gross floor area.

[12] Only when located on lot contiguous with existing vehicle sales use under same ownership. Not allowed within 300 feet of R-zoned lot.

[13] Buildings and outdoor areas associated with such use are prohibited within 500 feet of R-zoned lot.

[14] Not allowed within 300 feet of R-zoned lot. All operations must be screened from view of abutting lots and rights-of-way in accordance with Sec. 10.07.

[15] Permit required in accordance with village code Chapter 22, Article XI.

## Sec. 6.02 Use Classification System

This section establishes and describes the use classification system used to categorize principal uses in this zoning ordinance.

### (A) Use Groups

This zoning ordinance classifies principal land uses into major groupings (described in Sec. 6.02(D)(1) through Sec. 6.08). These major groupings are referred to as "use groups." The groups are as follows:

**(1)** Residential. See Sec. 6.03.

**(2)** Commercial. See Sec. 6.04.

**(3)** Warehouse and Distribution. See Sec. 6.05.

**(4)** Manufacturing and Industry. See Sec. 6.06.

**(5)** Public and Institutional. See Sec. 6.07.

**(6)** Other. See Sec. 6.08.

### (B) Use Categories

Each use group is further divided into more specific "use categories." Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered, and typical site conditions.

### (C) Use Subcategories

Some use categories are further broken down to identify more specific "use subcategories."

### (D) Classification of Uses

#### (1) General Authority

The zoning administrator is authorized to classify uses on the basis of the use group, category, and subcategory descriptions of this article. When a use cannot be readily classified into a use group, category, or subcategory, the zoning administrator is authorized to determine the most similar and thus most appropriate use group, category, or subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use group, category, and subcategory descriptions provided in this article. The zoning administrator is also authorized to refer the similar use determination to the planning and zoning commission for a decision. In making similar use determinations, decision-making bodies must consider:

**(a)** The types of activities that will occur in conjunction with the use;

**(b)** The types of equipment and processes to be used;

**(c)** The existence, number and frequency of residents, customers, or employees;

**(d)** Parking demands associated with the use; and

**(e)** Other factors deemed relevant to a use determination.

#### (2) Hybrid Uses

When the use of a property involves multiple principal uses, the zoning administrator is authorized to categorize each separate principal use in the group, category, or subcategory that provides the most exact, narrowest and appropriate "fit." Such "hybrid" uses are allowed only when the zoning of the subject property allows all the principal uses occurring on the property.

## Sec. 6.03 Residential Use Group

This use group includes uses that provide living accommodations for one or more persons. The residential use categories are as follows.

### (A) Household Living

#### (1) Use Category Description

The household living use category is characterized by a single household occupying a dwelling unit that is self-contained, with facilities for cooking, eating, sleeping, and sanitation. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

#### (2) Subcategories

Household living uses must occupy a residential building type that is permitted in the subject zoning district. Residential building types (use subcategories) are as follows:

**(a) Detached House**

A principal residential building that: (i) contains only one dwelling unit; (ii) is located on a single lot; and (iii) is not attached to any other dwelling units.

**(b) Semi-detached House**

A principal residential building that is occupied by 2 side-by side dwelling units separated by a common or abutting wall with visually unifying above-ground structural elements. Each dwelling unit has its own external entrance.

**(c) Attached House**

A principal residential building that is occupied by 3 or more dwelling units each located on its own lot with a common or abutting wall along the dwelling units' shared lot lines and includes physically unifying horizontal structural elements. Each dwelling unit has its own external entrance.

**(d) Two-unit House**

A principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units must be located on separate floors (one above the other).

**(e) Mixed-Use Residential**

A principal building occupied by nonresidential uses generally on the ground-floor and one or more dwelling units generally above the ground floor.

**(f) Multi-Unit Building**

A principal residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

**(g) Assisted Living Residence**

A multi-unit residential building in which sleeping accommodations are provided for 3 or more unrelated adults, at least 80% of whom are 55 years of age or older, and where the following services are provided for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident in a way that promotes self-direction and participation in decisions that emphasize independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in a residential surrounding.

### (B) Group Living

#### (1) Use Category Description

The group living use category is characterized by residential occupancy of a building or any portion of a building by a group other than a household. Examples of group living uses include community residences, convents, monasteries, nursing homes, homeless centers, and emergency protective shelters. Group living uses typically provide communal kitchen/dining facilities.

#### (2) Subcategories

The group living use category expressly includes the following subcategories:

##### (a) Community Residence

A detached house shared by persons with disabilities who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Detached houses shared by persons who are 60 years of age or older are also classified as community residences. Community residences do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration. There are 2 types of community residence uses:

i. Family Community Residence: A community residence occupied by 8 or fewer unrelated persons, plus professional support staff.

ii. Group Community Residence: A community residence occupied by 9 to 15 unrelated persons, plus professional support staff.

##### (b) Nursing Home

A “long-term care facility,” as defined in 210 ILCS 45/1-113, that provides skilled nursing care.

##### (c) Other

Group living uses not otherwise categorized into a specific group living use subcategory.

## Sec. 6.04 Commercial Use Group

The commercial use group includes uses that are primarily engaged in providing a business service to consumers or involve the selling, leasing, or renting of merchandise to consumers. The commercial use categories are as follows.

### (A) Animal Service

#### (1) Use Category Description

Uses that provide goods and services for care of domesticated household pets.

#### (2) Subcategories

The animal service use category expressly includes the following subcategories:

##### (a) Boarding or Shelter

Keeping or care of more than 2 dogs, cats or other household domestic pets over one year of age in return for remuneration or for the purpose of sale. Examples include shelters, boarding kennels, pet day care establishments, pet adoption centers, dog training centers, and animal rescue shelters.

##### (b) Grooming Service

Establishments that provide grooming services for dogs, cats, and similar small animals without providing boarding or veterinary services.

**(c) Veterinary**
Animal hospitals and veterinary clinics.

**(d) Other**
Animal service uses not otherwise categorized into a specific animal service use subcategory.

## (B) Consumer Service

### (1) Use Category Description
Uses that provide services to individuals or small businesses within completely enclosed buildings.

### (2) Subcategories
The consumer service use category expressly includes the following subcategories:

**(a) Business Support Service**
Establishments that provide personnel services, printing, copying, package delivery drop-off, photographic services or communication services to businesses or consumers. Examples include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, and photo developing labs.

**(b) Maintenance and Repair Service**
Establishments that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Examples include laundry and dry-cleaning pick-up shops, laundromats, tailors, shoe repair, picture framing shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments.

**(c) Personal Improvement Service**
Establishments that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, and day spas.

**(d) Health and Fitness Service**
Uses that provide physical fitness and similar personal well-being services. Typical uses include health clubs, yoga studios, martial arts studios, gymnastics studios, and similar participant-based health and fitness establishments.

**(e) Instructional Service**
Establishments that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, language or similar activities. Also includes artist studios, and photography studios.

**(f) Business Training**
Establishments and facilities, including classrooms, providing vocational, trade, business or professional training services.

**(g) Tattoo or Body Piercing Service**
Establishments that provide tattoo or body piercing services, as defined in defined in 410 ILCS 54/1.

**(h) Other**
Consumer service uses not otherwise categorized into a specific consumer service use subcategory.

#### (3) Supplemental Use Regulations

Tattoo and body piercing service uses may not be located within 1,000 feet of another tattoo or body piercing service use or within 1,000 feet of a cemetery; school; forest preserve; governmental institution; hospital; park or recreation use; library or cultural exhibit; religious assembly use; or R-zoned lot, as measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot occupied by the tattoo or body piercing service use to the nearest property line of the R-zoned lot or the nearest property line of the lot occupied by an existing use for which distance separation is required under this section.

### (C) Day Care Center

#### (1) Use Category Description

Uses providing care, protection and supervision for more than 8 children (under 12 years of age) or any number of adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed childcare centers, preschools, nursery schools, head-start programs, after-school programs, and adult day care facilities. The use category does not include day care homes or homes for pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.

#### (2) Supplemental Use Regulations

Outdoor activity areas associated with day care center uses must be fenced and screened from view of abutting properties with evergreen plant material with a minimum height of 4 feet.

### (D) Day Care Home

#### (1) Use Category Description

A state licensed facility operated in a residential dwelling that provides care, protection and supervision for 8 or fewer children under 12 years of age at any one time apart from their parents or legal guardians, for less than 24 hours per day. For purposes of this description, the number of children include the permanent occupant's natural, foster or adopted children. The use category description does not include babysitting services that receive only children from a single household.

### (E) Eating and Drinking Place

#### (1) Use Category Description

Establishments that prepare and serve food or beverages for on- or off-premises consumption.

#### (2) Subcategories

The eating and drinking place use category expressly includes the following subcategories:

##### (a) Bar or Tavern

Uses that cater primarily to adults, 21 years of age and older and that sell and serve alcoholic beverages as their principal business. Typical bar uses include bars, taverns, nightclubs, and similar establishments that are not more classified.

##### (b) Craft Alcoholic Beverage Dispenser

A craft alcoholic beverage manufacturer that specializes in serving alcoholic beverages produced on-site to patrons in on-site indoor or outdoor seating areas. Beverages produced may be for sale to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted.

**(c) Restaurant**
An establishment principally involved in serving food for on- or off-premises consumption. Typical examples of restaurant uses include restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops. Service of alcoholic beverages is permitted in association with a restaurant use as long a food service remains the principal activity.

**(d) Tobacco or Vape Lounge**
An establishment primarily engaged in retail sales of tobacco and vape products for on-site consumption or that is otherwise primarily engaged in allowing on-site consumption of tobacco and vape products. Examples include hookah bars/lounges and cigar bars/lounges.

**(e) Other**
Eating and drinking place uses not otherwise categorized into a specific eating and drinking place use subcategory.

**(3) Supplemental Use Regulations**

**(a) Outdoor Seating and Dining Areas**
Outdoor seating and dining areas are subject to the regulations of Sec. 7.20(B).

**(F) Entertainment, Participant**

**(1) Use Category Description**
Uses that provide gathering places in which members of the public may actively engage in recreation and entertainment activities. Participant entertainment uses may provide incidental food and beverage service. Typical uses include bowling centers, billiard halls, arcades, escape houses, trampoline centers, rock climbing centers, driving ranges, and miniature golf courses. Restaurants or cafes in which board games are available for use by patrons are not regulated as participant entertainment.

**(2) Subcategories**

**(a) Arcade**
An establishment occupied by 6 or more operational electrical or mechanical (non-gaming) amusement devices, such as pinball machines, electronic games, mechanical grab machines, and similar devices.

**(b) Video Gaming, Accessory**
The ownership, placement, maintenance, operation or use of a video gaming terminal as an accessory use in a public place, fraternal organization, or veterans' establishment, as defined by the *Video Gaming Act* (230 ILCS 40/1 et seq.).

**(c) Video Gaming Café**
An establishment that sells or otherwise provides alcoholic beverages for on-premises consumption in conjunction with video gaming pursuant to the *Illinois Video Gaming Act*.

**(d) Other Indoor**
Participant entertainment uses conducted within a completely enclosed building that are not otherwise categorized into a specific participant entertainment use subcategory.

**(e) Outdoor**
Participant entertainment uses conducted in whole or in part outside of a completely enclosed building.

### (3) Supplemental Use Regulations

#### (a) Video Gaming, Accessory

Video gaming is allowed only as an accessory use to an allowed principal use. Despite any nonconformity provisions to the contrary contained in Article XIII or elsewhere in this zoning ordinance:

i. A new owner of an existing establishment in a B-1(A) and B-1 zoning district with video gaming as an accessory use may continue to operate that accessory use if the new owner otherwise qualifies for and receives a village liquor license for that accessory use and qualifies for and receives a state video gaming license, and

ii. An existing establishment in a B-1(A) and B-1 zoning district with video gaming as an accessory use may expand its structure, expand its interior area where video gaming terminals are located, change the interior area where video gaming terminals are located and/or expand the number of video gaming terminals on the premises, provided that such actions comply with all other village ordinances and regulations and comply with all state laws and regulations.

#### (b) Video Gaming Cafe

Despite any nonconformity provisions to the contrary contained in Article XIII or elsewhere in this zoning ordinance:

i. A new owner of an existing video gaming cafe may continue to operate that use if the new owner otherwise qualifies for and receives a village liquor license for the use and qualifies for and receives a state video gaming license, and

ii. An existing video gaming cafe may expand its structure, expand its interior area where video gaming terminals are located, change the interior area where video gaming terminals are located, and/or expand the number of video gaming terminals on the premises, provided that such actions comply with all other village ordinances and regulations and comply with all state laws and regulations.

## (G) Entertainment, Spectator

### (1) Use Category Description

Uses that provide gathering places in which members of the public entertainment, sports, or similar activities. Typical uses include theaters, cinemas, auditoriums and stadiums.

## (H) Financial Service

### (1) Use Category Description

Uses engaged in the exchange, lending, borrowing and safe-keeping of money.

### (2) Subcategories

The financial service use category includes the following subcategories:

(a) Banks, credit unions, and savings and loans; and

(b) Alternative financial service establishments, which are:

i. Pawnshops and pawn brokers (as defined in 205 ILCS 510);

ii. Establishments that provide (vehicle) title-secured loans or payday loans (as defined in 815 ILCS 122) and similar services;

iii. Community currency exchanges (as defined in 205 ILCS 405/1); and

iv. Establishments primarily engaged in buying gold or other precious metals (e.g., cash-for-gold businesses).

**(3) Exceptions**

Automatic teller machines that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see Article VII).

### (I) Funeral and Mortuary Service

**(1) Use Category Description**

An establishment in which the dead are prepared for burial and in which wakes and funerals may be held. Funeral and mortuary service uses may include facilities for embalming and the performance of other services used in the preparation of the dead for burial; the storage of caskets, funeral urns and other related funeral supplies; and memorial service seating and viewing areas.

**(2) Exception**

Crematoriums are classified in the manufacturing and industry use group (see Sec. 6.06(D)).

### (J) Lodging

**(1) Use Category Description**

Hotel and motels that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests.

### (K) Office

**(1) Use Category Description**

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services.

**(2) Subcategories**

The office use category includes the following subcategories:

**(a) Business Office**

Office uses for companies and organizations. Examples include corporate offices, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and organizations.

**(b) Medical Office**

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, physical therapists, chiropractors and non-traditional medical or well-being therapies. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use category, as are medical and dental laboratories, unless otherwise expressly indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

**(c) Research Service**

An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such

external impacts are classified in the "limited manufacturing" use category (see Sec. 6.06(F)).

### (L) Parking, Non-Accessory

Off-street parking spaces that are not provided to comply with minimum off-street parking requirements and that are not provided exclusively to serve occupants of or visitors to a particular use, but rather are available to the public at-large. A parking facility that provides both accessory and non-accessory parking is classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use.

### (M) Parking, Off-site Nonresidential

#### (1) Use Category Description

Accessory parking spaces serving nonresidential uses located on another (off-site) lot.

#### (2) Supplemental Use Regulations

Off-site, accessory parking serving a nonresidential use may be approved as a special use in an R district when:

**(a)** The use to be served by the accessory parking is located on a lot abutting the R-zoned lot on which the parking is to be located;

**(b)** A dense landscape screen is provided to visually screen the parking spaces from abutting R-zoned lots; and

**(c)** No parking spaces are located within the required front setback area of the R-zoned lot and the front setback area is maintained and landscaped with grass, shrubs, and trees.

### (N) Parking, Off-site Auto Dealer

#### (1) Use Category Description

Off-site parking and storage of automobile inventory for locally franchised automobile dealerships.

#### (2) Supplemental Use Regulations

Off-site auto dealer parking is subject to the following supplemental use regulations:

**(a)** The lot on which the off-site auto dealer parking is to be located must have a minimum area of 150,000 square feet.

**(b)** The off-site auto dealer parking may not reduce required off-street parking below the minimum required for any uses that occupy the lot on which the off-site auto dealer parking is located.

**(c)** The off-site auto dealer parking use must be adequately screened from view and situated so as to not adversely affect surrounding properties.

**(d)** Customer visits to the off-site auto dealer parking area are prohibited.

**(e)** Automobile repairs, automobile sales, and other automobile dealership activities (other than parking of automobiles) is prohibited on the site of the off-site auto dealer parking area.

**(f)** Loading and unloading of automobiles from automobile carriers on the site of the off-site auto dealer parking is prohibited.

**(g)** Approval may be granted only after review of a plan showing the location and orientation of automobile inventory parking upon the property, the maximum number of spaces for automobile inventory parking, and such other information as may be relevant to the request.

### (O) Retail Sales

#### (1) Use Category Description

Uses involving the sale, lease, or rental of new or used goods to the ultimate consumer, including those that sell or otherwise provide pharmaceuticals, groceries, sundry goods, convenience goods, consumer shopping goods, household goods, plants, flowers, or hardware.

#### (2) Subcategories

##### (a) Indoor

Retail sales uses (except those more specifically defined) in which any outdoor sales area does not exceed 5% of the gross floor area of the principal building on the lot.

##### (b) Outdoor

Retail sales uses (except those more specifically defined) in which any outdoor sales or display area exceeds 5% of the use's total gross floor area. Typical uses include outdoor plant nurseries, garden centers, equipment rental centers, lumber yards, home improvement warehouses, and farmers markets.

##### (c) Firearms Sales

Any use engaged in retail sales or distribution of firearms, whether as a principal use or accessory use.

##### (d) Tobacco and Vape Product Sales

A retail sales use that derives more than 50% of its sales from the sale of tobacco and vape products for off-site consumption.

##### (e) Used Goods Sales

A retail sales use principally involved in selling used (pre-owned) goods. Used goods sales do not include pawnshops or pawn brokers (see Sec. 6.04(H)).

#### (3) Supplemental Use Regulations

##### (a) Firearms Sales

All firearms sales uses are subject to the following supplemental regulations:

i. The seller must possess and maintain all required federal and/or state firearms licenses, as well as a village business license. Seller must provide copies of required federal and/or state firearms licenses to the village with it business license application and each annual renewal application.

ii. The seller must comply with all federal, state, and local laws and regulations.

iii. Firearms must be maintained in a secured location so that access is controlled solely by the seller and not accessible to the general public.

iv. The display of firearms in any window display or other, non-secured display area is expressly prohibited. No variance may be granted to allow such display.

v. Hours of operation for the sales of firearms are limited to 6:00 a.m. to 10:00 p.m.

vi. Firearms sales as an accessory use to a retail or sporting goods store are restricted to no more than 5% of the total floor area of the retail or sporting goods store.

vii. Special use approval for a firearms sales uses in the M district may be approved only if such use is separated by at least: 1,000 feet from a school; 300 feet from a public park, and 100 feet from any R-zoned lot. Minimum required separation distances must be measured in a straight line, without regard to intervening structures or objects, from the nearest lot line of the lot occupied by the firearms sales use to nearest lot line of lot occupied by the protected use or R-zoned lot.

### (P) Self-service Storage Facility

#### (1) Use Category Description

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle noncommercial vehicles.

### (Q) Sexually Oriented Business

#### (1) Use Category Description

An adult bookstore, adult motion picture theater, or adult entertainment cabaret.

#### (2) Subcategories

The sexually oriented business use category includes the following subcategories:

##### (a) Adult Bookstore

An establishment having, as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities" or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

##### (b) Adult Entertainment Cabaret

An establishment offering to its patrons, as entertainment, any live exhibition or display, or any theatrical or other live performances that include topless or go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any persons singing, reading, posing, modeling or serving food or beverages, where such exhibition, performance, display or dance is intended to sexually arouse the entertainer or the patrons, or where the attire of persons involved is such as to expose specified anatomical areas.

##### (c) Adult Motion Picture Theater

An enclosed building, regardless of its seating capacity, that is used to present for public view on the premises, films, movies, previews, trailers or advertisements that are distinguishable by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

#### (3) Supplemental Use Regulations

Sexually oriented businesses are subject to the adult use regulations of Chapter 22, Article VIII of the village code as well as the following additional regulations:

(a) Sexually oriented business uses may not be established on lots located within:

i. 500 feet of a property occupied by an existing neighborhood or community park;

ii. 500 feet of property occupied by an existing school;

iii. 500 feet of property occupied by an existing religious assembly use;

iv. 1,000 feet of property occupied by another existing sexually oriented business use; or

v. 200 feet of an R-zoned lot.

**(b)** All required separation distances must be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot occupied by the sexually oriented business use to the nearest property line of the R-zoned lot or the nearest property line of the lot occupied by an existing use for which distance separation is required under this section.

### (R) Vehicle Sales and Service

#### (1) Use Category Description

Uses that provide for the sale, rental, maintenance, or repair of new or used motor vehicles and recreational vehicles.

#### (2) Subcategories

The vehicle sales and service category includes the following subcategories:

**(a) Fueling Station**

Uses primarily engaged in retail sales of conventional or alternative vehicle fuels for personal vehicles, and in which any repair service is incidental. Fueling stations may not include outdoor motor vehicle storage, motor vehicle sales or rentals, or open sales lots. Fleet vehicle fueling facilities and truck stops are part of the “Commercial Vehicle Repair and Maintenance” specific use type.

**(b) Minor Repair and Maintenance**

Uses that repair, install, or maintain the mechanical or electrical components of motor vehicles or that wash, clean, or otherwise protect the exterior or interior surfaces of such vehicles. Examples include oil change businesses; tire sales, repair and installation businesses; auto mechanics, and car washes.

**(c) Sales or Rentals**

Uses that provide for the sale or rental of new or used motor vehicles. Typical examples include automobile dealers and car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as vehicle sales and rental uses but are instead considered accessory parking.

**(d) Body and Paint Shop**

Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means.

## Sec. 6.05 Warehouse & Distribution

The warehouse and distribution use group includes uses that store or distribute goods in large quantities, principally to serve commercial or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods, and personal items is included. The warehouse and distribution use categories are as follows.

### (A) Warehouse/Logistics

#### (1) Use Category Description

Indoor storage of goods, products and materials or receipt of bulk products and separation and distribution of those products to another warehouse/logistics

facility or to individual end-user consumers. A warehouse/ logistics use may include value-added services between a supplier and its customers such as breaking down of large orders from a single source into smaller orders (break-bulk functions), product mixing, sorting, packaging, cross-docking, order fulfillment, order returns, the consolidation of several orders into one large order for distribution to several recipients or vice versa but may not include retail or manufacturing uses.

#### (B) Data Center

##### (1) Use Category Description

A building used primarily for the storage, management, processing, and transmission of digital data and that houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

## Sec. 6.06 Manufacturing and Industry Use Group

The manufacturing and Industry use group includes establishments involved in manufacturing, processing, fabrication, packaging, or assembly of goods or the servicing of industrial or commercial machinery, equipment, products or by-products. Uses in this group may include related-business and professional offices and research and development offices as accessory uses.

#### (A) Building Service

##### (1) Use Category Description

Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of premises. Typical uses include janitorial, landscape maintenance, carpet cleaning, chimney sweeps, extermination, plumbing, electrical, HVAC, roofing, and similar services. Also includes businesses engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products.

#### (B) Catering Service

##### (1) Use Category Description

Businesses primarily engaged in the preparation and delivery of food and beverages for off-site consumption by groups.

##### (2) Supplemental Use Regulations

The following supplemental use regulations apply to catering services in the O/R district:

**(a)** Principal business activities are limited to the preparation and delivery of food and beverages for off-site consumption by clients;

**(b)** Such use may not reduce required off-street parking below minimum requirements for any other use that occupies the subject property;

**(c)** Commercial vehicles used for business operations and stored on-site when not in use are allowed as approved in the special use approval, including, but not limited to:

i. Vehicles must be stored in a designated area;

ii. Vehicle count may not be increased by more than 20% without an amendment to special use approval;

iii. Vehicles must be operable with current registration;

iv. Vehicles may not be used to store/warehouse products or materials for a period longer than 72 hours;

v. Vehicles must be parked in standard parking stalls and may not encroach into other stalls or required drives and aisles; and

vi. Oversized vehicles are prohibited.

### (C) Craft Alcoholic Beverage Producer

#### (1) Use Category Description

A business that specializes in the production and distribution of craft alcoholic beverages produced on or off-site. Such businesses may sell craft alcoholic beverages from the brewery's storage tanks to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted.

### (D) Crematorium

#### (1) Use Category Description

An establishment providing for the on-site incineration of corpses.

### (E) Artisan Manufacturing

#### (1) Use Category Description

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no discernible adverse impacts on surrounding properties.

### (F) Limited Manufacturing

#### (1) Use Category Description

Uses that process, fabricate, assemble, treat, test, or package parts or products without the use of explosive or petroleum materials, unless approved by a special use permit. Uses in this category do not involve the assembly of large equipment and machinery and have limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic. ~~Uses include artisanal manufacturing activities, such as the on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no or limited negative external impacts on surrounding properties.~~

### (G) High-Impact Manufacturing & Industry

#### (1) Use Category Description

Manufacturing and industry uses that regularly generate substantial land use impacts in terms of hazardous operations or that generate significant external impacts in terms of noise, vibration, odor, hours of operation, and truck and commercial vehicle traffic, as determined by the zoning administrator.

#### (2) Supplemental Use Regulations

High-impact manufacturing and industry uses may be approved only if operations are conducted in accordance with state regulations and such additional regulations as might be required by the village, and provided that operations are located not less than 500 feet from an R district and are screened from view by an earth berm and an opaque fence or wall with a minimum height of 7 feet.

### (H) Industrial Service

#### (1) Use Category Description

Businesses engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products. Typical uses include: welding

shops; machine shops; industrial tool repair; and laundry, dry-cleaning and carpet cleaning plants.

#### (I) Recyclable Material Drop-off Facility

##### (1) Use Category Description

An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Recyclable commodities are limited to non-hazardous, nonspecial, homogeneous, nonputresable materials such as dry paper, glass, cans or plastic. Does not include general construction or demolition debris facilities, as defined in 415 ILCS 5/3.160, and/or transfer stations, as defined by 415 ILCS 5/3.500.

#### (J) Recyclable Material Processing

##### (1) Use Category Description

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

#### (K) Junk or Salvage Yard

##### (1) Use Category Description

A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

## Sec. 6.07 Public and Institutional Use Group

This use group includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public and institutional use categories are as follows.

#### (A) Community Assembly

##### (1) Use Category Description

The community assembly use category includes gathering places for group assembly that are not primarily centered on religious or spiritual matters or on commercial activities. Typical uses include fraternal organizations, private (member-based) clubs, senior centers, and community centers. The community assembly use category does not include uses classified as participant or spectator entertainment uses (see Sec. 6.04(F) and Sec. 6.04(G), respectively).

#### (B) Community Garden

##### (1) Use Category Description

An area less than one acre in area that is managed and maintained by an individual or group to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

#### (C) Governmental Use

##### (1) Use Category Description

Uses related to the administration of local, state or federal government services or functions that are not otherwise identified by a use category or subcategory.

#### (D) Hospital

##### (1) Use Category Description

Uses providing inpatient medical or surgical services. Hospitals may also provide outpatient treatment.

### (E) Library or Cultural Exhibit

#### (1) Use Category Description

Curation, preservation or exhibition of objects in one or more of the arts and science; gallery exhibition of works of art; or collections of books, manuscripts, and similar materials operated by a public or quasi-public agency.

### (F) Parks and Recreation

#### (1) Use Category Description

Recreational, social or multi-purpose uses associated with public parks and open spaces, including neighborhood parks, community parks, public and private golf courses, tennis clubs, and open space areas.

#### (2) Subcategories

##### (a) Community Park

A public park designed to serve a group of neighborhoods or geographic areas defined by major trafficways. Community parks provide larger or more costly facilities that cannot be accommodated in neighborhood parks.

##### (b) Neighborhood Park

A small public park accessed by neighborhood residents primarily by walking or bicycle.

### (G) Religious Assembly

#### (1) Use Category Description

Places of religious assembly or worship of religions recognized by the Illinois Attorney General and/or Internal Revenue Service. This use category includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage.

### (H) Safety Service

#### (1) Use Category Description

Establishments that provide fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

### (I) School

#### (1) Use Category Description

Public and private schools at the primary, elementary, middle school or high school level providing basic, compulsory education.

### (J) Infrastructure or Utility, Major

#### (1) Use Category Description

Public utility and Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), and utility-scale water storage facilities, such as water towers and reservoirs.

### (K) Infrastructure or Utility, Minor

#### (1) Use Category Description

Public utility and Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations;

electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

## Sec. 6.08 Other Use Group

This group includes uses that do not fit into the use categories established in Sec. 6.03 through Sec. 6.07 or that require more specific regulation than other use categories.

### (A) Cannabis Business Establishment

#### (1) Use Category Description

A cannabis craft grower, cannabis cultivation center, adult use cannabis dispensary, medical cannabis dispensary, cannabis infuser. cannabis processor, or cannabis transporter licensed by the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) and administrative rules promulgated thereunder.

#### (2) Subcategories

The cannabis business establishment category includes the following subcategories:

##### (a) Cannabis Cultivation Center

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport or perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

##### (b) Adult Use Cannabis Dispensary

A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire adult use cannabis from cannabis business establishments for the purpose of dispensing cannabis pursuant to and in accordance with the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and administrative rules promulgated thereunder.

##### (c) Medical Cannabis Dispensary

A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from cannabis cultivation centers, or, subject to applicable law, any cannabis business establishment, for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational material to registered qualifying patients. For purposes of this definition, "qualified patient" has the meaning ascribed to that term in the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).

##### (d) Cannabis Craft Grower

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to perform necessary activities to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a registered cannabis dispensary or for use at a cannabis processing facility.

##### (e) Cannabis Infuser

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product for sale at a registered cannabis dispensary.

**(f) Cannabis Processor**
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product for sale at a registered cannabis dispensary.

**(g) Cannabis Transporter**
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, in accordance with the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and administrative rules promulgated thereunder.

### (3) Supplemental Use Regulations

**(a)** Cannabis business establishments may not be established on lots:

i. Within 1,000 feet of property occupied by an existing school;

ii. Within 300 feet of property occupied by an existing neighborhood or community park; or

iii. Within 100 feet of an R-zoned lot.

**(b)** All required separation distances must be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot occupied by the cannabis business establishment to the nearest property line of the R-zoned lot or the nearest property line of the lot occupied by an existing use for which distance separation is required under this section. However, adult use cannabis dispensaries measure the distance from an R-zoned lot from the portion of the building or outdoor area associated with such use.

## (B) Drive-through Facility

### (1) Use Category Description

An establishment that by design, physical facilities, service procedures, or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in motor vehicles, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space designated for curbside pickup. Typical uses include drive-through restaurants, drive-through banks, and drive-through pharmacies. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-through facilities if they meet the criteria for classification as an accessory use (see Article VII).

## (C) Off-premises Outdoor Advertising Sign

### (1) Use Category Description

A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered elsewhere than upon the lot where the subject sign is located.

## (D) Planned Unit Development

### (1) Use Category Description

A planned Unit Development (PUD) is a special zoning category. See Sec. 5.04 for a description and applicable regulations.

### (E) Wireless Telecommunications Facility

#### (1) Use Category Description

Cell towers, cell antennas, equipment, equipment buildings and other facilities used in the transmission and reception of radio or electromagnetic signals authorized by the Federal Communications Commission. This use category does not include receive-only antennas, amateur ("ham") radio antennas or towers, or small wireless facilities, as defined in 50 ILCS 835.

#### (2) Subcategories

The wireless telecommunications facility use category includes the following subcategories:

##### (a) Cell Tower

A freestanding structure intended to support antennas and related equipment that is used to transmit and/or receive wireless telecommunications signals, including stealth, monopole, guyed and lattice construction structures. Includes ancillary equipment, buildings and/or structures and fencing.

##### (b) Cell Antenna, Building-Mounted

A physical device that is attached to a building or other non-tower structure through which commercial wireless telecommunications signals authorized by the Federal Communications Commission are transmitted and received.

##### (c) Cell Antenna, Tower-Mounted

A physical device that is attached to a cell tower through which commercial wireless telecommunications signals authorized by the Federal Communications Commission are transmitted and received.

#### (3) Supplemental Use Regulations

Wireless telecommunications facilities are subject to the regulations of Article VIII.

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# Article VII Accessory and Temporary Uses


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## Sec. 7.01 Accessory Uses and Structures Generally

The regulations of this section apply to all accessory uses and structures in all zoning districts unless otherwise expressly stated in this zoning ordinance.

### (A) Allowed

Accessory uses and accessory structures are allowed only in connection with lawfully established principal uses and principal structures. Allowed accessory uses and structures are limited to those expressly regulated in this article as well as those that, in the determination of the zoning administrator, satisfy all of the following criteria:

**(1)** They are customarily found in conjunction with the subject principal use or principal structure;

**(2)** They are subordinate and clearly incidental to the principal use of and the principal structure on the subject property; and

**(3)** They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use or principal structure;

**(B) Time of Construction and Establishment**

**(1)** Accessory uses may be established only after the principal use of the property is in place.

**(2)** Accessory structures may be established concurrently with the principal structure or after the principal structure has been established. They may not be established before construction of the principal structure has commenced.

**(C) Location**

Unless otherwise expressly authorized by provisions of this ordinance, accessory uses and structures must be located on the same lot as the principal use or principal structure to which they are accessory or on an abutting lot in common ownership with the lot occupied by the principal use or principal structure.

**(D) Ownership**

Accessory uses and accessory structures must be under the same ownership and control as the principal use or principal structure.

**(E) Building Separation**

Accessory buildings must be separated from principal buildings and all other accessory buildings by a minimum distance of 10 feet.

## Sec. 7.02 Residential Accessory Uses and Structures Generally

The regulations of this section apply to residential accessory uses and structures in all R zoning districts unless otherwise expressly stated in this zoning ordinance.

**(A) Number and Size of Accessory Buildings**

**(1) General**

**(a)** One detached garage is allowed on any R-zoned lot.

**(b)** In addition to a detached garage (if present) a maximum of 2 additional (non-garage) detached accessory buildings are allowed on an R-zoned lot.

**(c)** The total aggregate "footprint" (i.e., ground level coverage) of all accessory buildings on a lot may not exceed 1,250 square feet.

**(2) Small Building Exemption**

Small storage cabinets and sheds are exempt from the 2-building limit and combined building footprint limitations established in Sec. 7.02(A)(1)(b) and Sec. 7.02(A)(1)(c), and are exempt from all permitting, lot coverage, and accessory building separation requirements of this zoning ordinance, provided that:

**(a)** No more than 2 such small buildings qualify for such exemption;

**(b)** Each small building has a footprint of no more than 12 square feet; and

**(c)** Such small buildings are not placed on a permanent foundation.

**(B) Location**

**(1)** Accessory buildings are allowed in rear yards and street side yards. They are allowed in front yards but not within the required front setback area. Accessory buildings are prohibited in interior side yards.

**(2)** All accessory buildings and roofed structures must be set back at least 5 feet from all side and rear lot lines, unless otherwise expressly stated in this article or in Sec. 7.04 (Table VII-1). For accessory buildings in street side yards of reversed corner lots, the minimum street setback for an accessory building is 50% of the front yard that exists on the lot abutting to the rear of the reversed corner lot. If the abutting lot to the rear is vacant, the 50% minimum must be calculated on the basis of the abutting lot's required front setback.

**(C) Height**

Accessory buildings may not exceed ~~one story or 15 feet in height~~ 18 feet in height or the height of the principal building on the lot, whichever is less.

## Sec. 7.03 Nonresidential Accessory Uses and Structures Generally

The regulations of this section apply to nonresidential accessory uses and structures in all zoning districts unless otherwise expressly stated in this zoning ordinance.

**(A) Special Use Approval**

Nonresidential accessory buildings are allowed only if approved in accordance with the special use procedures of Sec. 14.04.

**(B) Number**

No more than one nonresidential accessory building is permitted on any lot unless approved at the time of special use approval.

**(C) Location**

**(1)** Accessory buildings are prohibited in front and street side yards.

**(2)** Accessory buildings are subject to compliance with the principal building setback regulations of the subject zoning district except as otherwise expressly stated in this article. All other accessory structures must be set back at least 5 feet from interior side lot lines and 10 feet from rear lot lines unless otherwise expressly stated in this article.

**(3)** Accessory buildings are prohibited in drainage easements and utility easements.

~~(1)~~**(4)** Accessory structures are prohibited in required landscape areas and required parking spaces unless such location is expressly approved at the time of site plan approval.

**(D) Height**

Unless otherwise approved at the time of special use approval, nonresidential accessory buildings may not exceed 20 feet in height or the height of the principal building on the lots, whichever is less.

**(E) Design**

Nonresidential accessory buildings must:

**(1)** Be placed on a permanent foundation or improved surface;

**(2)** Be constructed with materials that have a similar appearance to those used on the principal building; and

**(3)** Comply with the foundation landscape requirements of Sec. 10.07(D)(3).

## Sec. 7.04 Accessory Structures in Setbacks

~~Yards and s~~Setbacks in all zoning districts must remain unobstructed and unoccupied from the ground to the sky except as indicated in Table VII-1 or otherwise expressly stated in this zoning ordinance. See also Sec. 12.05 for sight vision triangle requirements.

Table VII-1: Allowed ~~Yard and~~ Setback Encroachments and Obstructions

| Obstruction/Encroachment | | ~~Yard/~~Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| (1) | Accessory dwelling unit, detached (See also Sec. 7.05) | No | No | Yes |
| (2) | Awning or canopy (attached to principal building) projecting no more than one foot into interior side setback or 3 feet into any other setback | Yes | Yes | Yes |
| (3) | Arbor or trellis (freestanding) | No | No | Yes |
| (4) | Arbor or trellis (attached to principal building) | Yes | Yes | Yes |
| (5) | Air conditioner compressor, heat pump, or back-up power generator (See also Sec. 7.06, | No | Yes | Yes |

| Obstruction/Encroachment | | ~~Yard~~/Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| | Sec. 7.16), and Sec. 7.17) | | | |
| (6) | Antenna and tower, amateur radio (see also Sec. 7.08) | No | No | Yes |
| (7) | Antenna, ground-mounted satellite dish (see also Sec. 7.08) | No | No | Yes |
| (8) | Antenna, building-mounted satellite dish (see also Sec. 7.08) | No | Yes | Yes |
| (9) | Antenna and tower, wireless telecommunications | (See for Article VIII for regulations) | | |
| (10) | Balcony, projecting no more than 5 feet into a rear setback and no more than 3.5 feet into a street setback | Yes | No | Yes |
| (11) | Bay window, as defined in Sec. 17.06, not exceeding ~~50~~20% of the ~~width of the room~~ building façade of which it is a part and projecting no more than 3 feet into setback | Yes | Yes | Yes |
| (12) | Chimney (attached to principal building) projecting no more than 1.5 feet into setback | Yes | Yes | Yes |
| (13) | Clothesline | No | Yes | Yes |
| (14) | Deck | No | No | Yes |
| (15) | Driveway (see Sec. 9.07(A) for residential driveway regulations) | Yes | Yes | Yes |
| (16) | Dumpster enclosure ~~trash bins, liquid petroleum or compressed natural gas containers and storage facilities not otherwise identified, not exceeding 100 square feet in area, may be permitted if screened or fenced on no less than three sides and the open side not visible from a public street~~ | No | Yes | Yes |
| (17) | Eave or gutter, projecting no more than 4 feet into a street or rear setback and no more than 2 feet into an interior side setback | Yes | Yes | Yes |
| (18) | Fallout shelter or other type of underground emergency shelter, (attached to principal building or freestanding), no closer than 10 feet to any lot line | No | No | Yes |
| (19) | Fence (see also Sec. 7.11) | Yes | Yes | Yes |
| (20) | Fire escape, open or enclosed, projecting into a street setback no more than 5 feet and projecting into an interior side setback no more than 3.5 feet | Yes | Yes | Yes |
| (21) | Fireplace or grill, freestanding masonry (see also Sec. 7.12) | No | No | Yes |
| (22) | Firewood stack ~~storage pile shall not be located in any setback or easement. A firewood pile shall~~ not to exceed 4 feet in height~~, shall be neatly stacked, and shall be comprised of raw, untreated lumber. If firewood is stored in an accessory structure, the structure shall not exceed six feet in height at ground level~~ | No | Yes | Yes |
| (23) | Flagpole~~, not to exceed the maximum height allowed in the zoning district in which they are located, but in no event greater than 60 feet.~~ (see also Sec. 7.13) | Yes | Yes | Yes |
| (24) | Garage or carport (detached, freestanding)~~, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance~~ (see also Sec. 7.15) | No | Yes | Yes |
| (25) | Gazebo | No | No | Yes |
| (26) | Greenhouse, hoop house, or similar garden structure ~~customary yard buildings not exceeding 144 square feet in area~~ | No | No | Yes |
| (27) | Hen coop | No | No | Yes |
| (28) | Kitchen, outdoor (freestanding or attached to principal building) ~~up to 144 square feet in area~~ (see also Sec. 7.12) | No | No | Yes |
| (29) | Lawn furniture, such as benches, sundials, birdbaths and similar household yard/landscape features | Yes | Yes | Yes |
| (30) | Loading space | No | Yes | Yes |
| (31) | Ornamental light standard (see also Sec. 12.01) | Yes | Yes | Yes |
| (32) | Parking, nonresidential ~~open-air~~ (on an approved ~~driveway~~surface) | No | Yes | Yes |
| (33) | Patio | No | No | Yes |
| (34) | Pergola | No | No | Yes |
| (35) | Playhouse or tree house no closer than 10 feet to any lot line | No | No | Yes |
| (36) | Porch, covered and open on at least 3 sides, projecting no more than 8 feet into required setback | Yes | No | Yes |
| (37) | Rain barrel | Yes | Yes | Yes |

| Obstruction/Encroachment | | ~~Yard~~/Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| (38) | Residential recreational structures, private ~~Playground equipment~~ | No | ~~Yes~~No | Yes |
| (39) | Sidewalks and walkways | Yes | Yes | Yes |
| (40) | Sign, subject to all applicable sign regulations of Article XI | Yes | Yes | Yes |
| (41) | Sill, belt course, cornice or other ornamental features of the principal building, projecting no more than one foot into required setback | Yes | Yes | Yes |
| (42) | Solar energy system, building-mounted (see Sec. 7.22(B)) | Yes | Yes | Yes |
| (43) | Solar energy system, ground-mounted (see Sec. 7.22(C)) | No | No | Yes |
| (44) | Sports court or other paved recreation area | No | No | Yes |
| (45) | Steps and landings (at-grade or raised) for access to and from a principal or accessory building or in gardens or terraces (whether covered or uncovered) | Yes | Yes | Yes |
| (46) | Swimming pool clubhouse facility (accessory to multi-unit residential) ~~in R-4 or R-5 district~~ | No | Yes | Yes |
| (47) | Swimming pool, private (see also Sec. 7.23) | No | No | Yes |
| (48) | Trees, shrubs and other plants | Yes | Yes | Yes |
| (49) | Wind energy conversion system~~-powered electrical generators, with special use only, and with special conditions reviewed by the electrical commission.~~ (see also Sec. 7.27) | No | No | Yes |
| (50) | Utility buildings and equipment in nonresidential zoning districts (subject to site plan approval) | No | Yes | Yes |
| (51) | Wheelchair ramp or lift needed to meet any federal, state or local accessibility regulations | Yes | Yes | Yes |
| (52) | Window well, projecting no more than 3 feet into required setback (maximum of 3 feet into any required setback but no closer than 5 feet from the property line, nor encroach into any drainage and/or utility easement) | Yes | Yes | Yes |

## Sec. 7.05 Accessory Dwelling Units (ADUs)

### (A) Purpose

**(1)** The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.

**(2)** Accessory dwelling units ("ADU") help advance the village's housing and land use goals and policies by:

**(a)** Accommodating additional housing units while preserving the physical character of existing neighborhoods;

**(b)** Allowing efficient use of the village's housing stock and infrastructure;

**(c)** Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;

**(d)** Providing a means for residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and

**(e)** Promoting a broader range of accessible and more affordable housing.

### (B) General Regulations for all ADUs

All accessory dwelling units must comply with the regulations of this subsection.

**(1) Zoning District Regulations**

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this section.

**(2) Where Allowed**

Accessory dwelling units are allowed only on lots occupied by a detached house.

**(3) Number**

No more than one accessory dwelling unit is allowed per lot.

**(4) Methods of Creation**

An accessory dwelling unit may be created through any of the following methods:

**(a)** Converting existing area within the interior of the principal dwelling unit (e.g., attic or basement) to an ADU;

**(b)** Adding floor area to an existing principal dwelling unit to accommodate an ADU;

**(c)** Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;

**(d)** Converting space within a detached accessory building; or

**(e)** Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.

**(5) Location of Entrances**

Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street, unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created. Detached ADUs are exempt from this regulation.

**(6) Size**

The floor area of an ADU may not exceed the floor area of the principal dwelling unit on the subject lot or 850 square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of "floor area":

**(a)** Garage areas;

**(b)** Basement areas where the ceiling height measured from the floor is less than 7 feet; and

**(c)** Any other areas of the building where the floor-to-ceiling height is either less than 7 feet or not accessible by a stairway.

**(7) Parking**

No additional parking is required for an accessory dwelling unit. Existing required parking for the principal dwelling unit must be maintained or replaced on-site.

**(8) Building Permit Approval**

Before the issuance of a building permit for the construction of any new accessory dwelling unit, plans must be reviewed and approved by the building official to determine compliance with all applicable building and life safety codes.

**(C) Regulations for Detached ADUs and Building Additions**

The regulations of this subsection apply to all detached buildings and building additions proposed to be occupied by ADUs.

**(1) Exterior Finish Materials**

The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the principal dwelling unit.

**(2) Roof Pitch**

The roof pitch must be the same as the predominant roof pitch of the principal dwelling unit.

**(3) Trim**

Trim on edges of elements on the building addition to the principal dwelling unit or the accessory building occupied by the ADU must be the same in type, size and location as the trim used on the principal dwelling.

**(4) Entrances**

Entrances to ADUs occupying detached accessory structures may not face the nearest side or rear property line unless there is an alley abutting that property line.

**(5) Setbacks**

A detached accessory dwelling unit must be set back at least 10 feet from the rear lot line and located at least 10 feet behind the principal dwelling. This required ten-foot separation distance must be free of structures except that it may include walkways, patios, decks and similar structures that do not exceed thirty inches in height above finished grade.

**(6) Height**

The maximum allowed height of a detached accessory dwelling unit is 18 feet or the height of the principal dwelling building, whichever is less.

## Sec. 7.06 Air Conditioner Compressors and Heat Pumps

Central air conditioner (AC) compressors, heat pumps, and similar HVAC equipment are prohibited in front and street side yards.

## Sec. 7.07 Animals

Accessory uses may not include the keeping, propagation or culture of pigeons, rabbits, livestock, horses or other traditional farm animals or non-companion animals, except as regulated and permitted in Chapter 14 of the village code.

## Sec. 7.08 Antennas

### (A) Satellite Dish Antennas

**(1)** Building-mounted satellite dish antennas up to one meter in diameter are permitted as accessory structures in all zoning districts. The building-mounted installation:

**(a)** May not exceed the maximum allowable building height of the subject district or more than 3.5 feet above the top of the building on which it is attached, whichever is less; and

**(b)** May not project into a required street setback and may not project more than 3.5 feet into a required side or rear setback.

**(2)** Ground-mounted satellite dish antennas up to 5 feet in diameter and 5 feet in height are permitted as accessory uses in all zoning districts. Ground-mounted satellite dish antennas must be located in the rear yard and must be set back at least 10 feet from all lot lines.

### (B) Amateur Radio Facilities

Amateur radio towers and antennas are allowed as accessory structures subject to the following regulations.

**(1)** Amateur radio towers are prohibited in street yards and interior side yards.

**(2)** Amateur radio towers are subject to a maximum overall height limit of 60 feet above grade. Tower height may exceed 60 feet if approved in accordance with special use procedures of Sec. 14.04. Special use approval may be granted only if the board of trustees determines, based on evidence provided by the applicant, that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the FCC.

**(3)** Antennas must be mounted on an approved noncombustible tower and may not extend more than 15 feet laterally from the tower.

**(4)** Antennas and supporting electrical and mechanical equipment must be grey or neutral in color and include U.L. approved lightning protection.

### (C) Roof-mounted Receive-Only Antennas

Roof-mounted receive-only antennas are permitted in all zoning districts, provided they do not exceed a height of 5 feet above the roofline.

## Sec. 7.09 Donation Drop Boxes

### (A) Where Allowed

Donation drop boxes may only be placed on properties occupied by an active principal use located in a B-2, C-1, M-1, M, or P/I zoning district.

### (B) Permits

A permit must be obtained from the zoning administrator prior to the placement of a donation drop box outside of a principal building. Applications for a permit to construct or locate a donation drop box must include at least the following:

**(1)** Proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.

**(2)** A site plan drawn to scale of the lot upon which the donation drop box is to be located, showing the proposed location of donation drop box.

**(3)** Plans and specifications of the donation drop box including the dimensions (height, width, depth) of the box, elevations, configuration, foundation and any additional information required by the zoning administrator.

### (C) Number

No more than one donation drop may be located on any lot or parcel, regardless of whether it is occupied by a single tenant or multiple tenants (e.g., shopping center).

### (D) Location

Donation drop boxes must be located on a paved surface. They are prohibited in the following locations:

**(1)** A public right-of-way

**(2)** A required front or side street setback;

**(3)** A required parking space;

**(4)** A driveway, drive aisle, crosswalk or public sidewalk;

**(5)** Within 5 feet of a fire hydrant;

**(6)** On a private sidewalk or walkway if such location would obstruct a minimum 5-foot clear zone for sidewalk users; or

**(7)** Any location that would result in a driveway or street visibility obstruction for pedestrians or motorists. See also Sec. 12.05.

### (E) Height and Size

A donation drop may not exceed 6 in height or 20 square feet in ground coverage area.

### (F) Signs

Signs on a donation drop box may not exceed 3 square feet per side (of box). All donation boxes must contain contact information in at least one-inch letter height on the front of the box indicating the name, address, email, and phone number of the permittee and operator.

### (G) Maintenance

(1) Donation drop boxes must be maintained in good condition and appearance with no structural damage, holes, or visible rust and be kept free of graffiti.

(2) All areas around the box mut be free of debris and be serviced regularly to prevent overflow of donations or the accumulation of debris or other material. All donations mut be placed in the donation drop box. No donations may be left outside of the donation drop box.

(3) Upon telephone or email notification from the village that materials are being placed outside of the donation drop box, the owner of the property on which the donation drop box is located has 24 hours to remove said materials. Failure to do so is a violation of this zoning ordinance. Three violations of this section constitute grounds for immediate revocation of the permit.

### (H) Revocation of Permit

Any permit granted pursuant to the provisions of this section is subject to revocation for cause by the zoning administrator. Upon revocation of the permit, the donation drop box must be immediately removed.

## Sec. 7.10 Electric Vehicle Charging Stations

### (A) General

(1) Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses to lawfully established principal uses in all zoning districts.

(2) Public EV charging stations are permitted as accessory uses to lawfully established principal nonresidential uses in all zoning districts.

### (B) Parking

Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.

### (C) Equipment

Vehicle charging equipment must be designed and located to not impede pedestrian, bicycle, or wheelchair movement or the creation of safety hazards on sidewalks. Vehicle charging equipment may not be located within required landscape areas unless expressly approved by the zoning administrator.

## Sec. 7.11 Fences

Fences are allowed as accessory structures in all districts, subject to compliance with the following regulations.

### (A) General

The general regulations of this subsection apply to all fences.

#### (1) Public Safety

Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using streets, sidewalks or driveways. Fences may not be constructed in a way that would impede the natural flow of storm water (drainage).

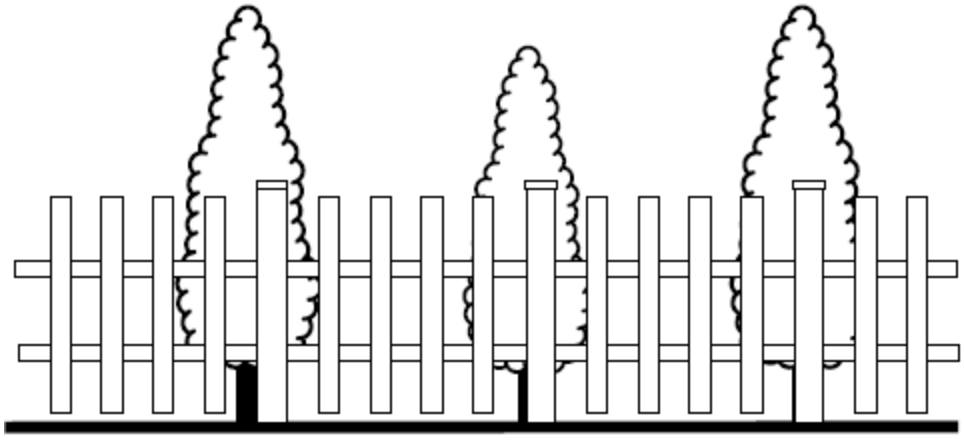
#### (2) Structural Elements

All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.

**(3) Open-Design Fences**

"Open-design" fences must be designed and constructed so that at least 50% of the fence's surface area, including posts and cross supports, consists of regularly distributed openings affording direct views through the fence.

Figure VII-1: Open-Design Fence (Example)



**(4) Electrified or Barbed Wire Fences**

Electrified or barbed wire fences are regulated in accordance with section 58-23 of the village code.

~~Fence posts shall be set below grade a minimum of 36 inches.~~

**(B) Residential and Downtown Districts**

Fences in residential zoning districts (see Sec. 2.01) and downtown zoning districts (see Sec. 4.01) are subject to the general regulations of Sec. 7.11(A) and the regulations of this subsection.

**(1) Front Yards**

Fences are allowed in front yards of lots in residential and downtown districts. Front yard fences in residential and downtown districts may not exceed 30 inches in height except as follows:

**(a)** Front yard fences may be up to 3 feet in height if they are open-design fences.

**(b)** Front yard fences may be up to 4 feet in height if they are constructed of wrought iron, aluminum, or other metal material and at least 80% of the fence's surface area, including posts and cross supports, consists of regularly distributed openings affording direct views through the fence.

**(c)** Front yard fences on lots abutting an arterial street may be up to 6 feet in height if such fence is set back at least 5 feet from the lot line abutting the street.

**(d)** Side yard fences up to 6 feet in height may encroach up to 10 feet into the required front setback or match the front wall of the principal building, whichever results in a smaller encroachment into the required front setback.

**(2) Street Side Yard Fences**

Fences are in street side yards of lots in residential and downtown districts must comply with the front yard fence regulations of Sec. 7.11(B)(1), except that fences up to 6 feet in height are allowed in street side yards when:

**(a)** The fence is behind the principal structure and set back at least ~~15~~ 5 feet from the street side lot line;

(b) The fence complies with all applicable sight vision triangle requirements of Sec. 12.05.

**(3) Interior Side and Rear Yards**
Fences are allowed in interior side and rear yards lots in residential and downtown districts. Such fences may not exceed 6 feet in height.

**(C) Business, Employment and Special Purpose Districts**[5]
Fences in the business and employment zoning districts established in Sec. 3.01, the B-3 zoning district (see Sec. 5.01), and the P/I zoning district (see Sec. 5.02) are subject to the general regulations of Sec. 7.11(A) and the regulations of this subsection.

**(1) Street Yards**
Open-design fences are allowed in street yards. Such fences may not exceed 7 feet in height unless approved through the special use process of Sec. 14.04.

**(2) Interior Side and Rear Yards**
Fences are allowed in interior side and rear yards. Such fences may not exceed 7 feet in height unless approved through the special use process of Sec. 14.04.

## Sec. 7.12 Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor)

Freestanding, masonry fireplaces grills, fire pits, outdoor kitchens (typically a masonry structure with a cooktop, oven, plumbing, cabinets, and countertop) are allowed only in rear yard areas and are subject to the following regulations:

**(A)** All structures must be set back at least 10 feet from side and rear lot lines.

**(B)** All fireplaces, grills and cooking appliances must be set back from combustible materials as recommended by the appliance/equipment manufacturer or 10 feet, whichever is greater.

**(C)** Chimneys associated with fireplaces, grills, or outdoor kitchens may not exceed 18 feet in height. Other components of an outdoor kitchen may not exceed 5 feet in height.

**(D)** Firepits must be set back from structures as recommended by the appliance/equipment manufacturer or 15 feet, whichever is greater

## Sec. 7.13 Flagpoles

Flag poles must be setback from lot lines a minimum distance equal to the height of the pole and sited so that the flag does not extend beyond any lot line. Flagpoles are subject to the maximum allowed building height regulation of the subject zoning district.

## Sec. 7.14 Fleet Vehicle Storage

**(A)** The storage of light-duty motor vehicles owned or operated by a business or organization for commercial purposes is allowed as an accessory use in O/R-1, O/R, B-2, C-1, M-1, M, B-1, and B-1(A) districts, subject to the regulations of this section.

**(B)** The storage of oversized vehicles (i.e., exceeding the length, width, or required vertical clearance of a standard parking stall) and heavy-duty vehicles (e.g., semi-trucks, tractor-trailers, buses, etc.,) is prohibited.

**(C)** Only vehicles operated in conjunction with an allowed principal use of the property may be stored.

[5] This differs from the literal wording in existing 4.05(E), which seems to allow tall fences within nonresidential front yards but limit them in street side yards.

**(D)** Fleet vehicle storage areas are limited to a maximum of 2 vehicles, unless approved in accordance with the special use procedures of Sec. 14.04.

**(E)** Fleet vehicle storage areas must be screened from view of public rights-of-way.

**(F)** Fleet vehicles must be parked in parking stalls or entirely within an enclosed building. Parking spaces provided to meet the minimum off-street parking requirements of Sec. 9.02, may not be used for fleet vehicle storage.

**(G)** All fleet vehicles must comply with applicable village code provisions, including Chapter 78.

## Sec. 7.15 Garages and Carports

**(A)** A maximum of one detached garage or one detached carport is allowed per lot in R zoning districts.

**~~(A)~~(B)** Detached garages and carports are subject to the general accessory building setback and location requirements of Sec. 7.02(B) except that detached garages in the R-3 district require a minimum 3-foot setback from side lot lines.

**(C)** Garages and carports may not exceed ~~one story or 15 feet in height~~ 18 feet in height or the height of the principal building on the lot, whichever is less.

**~~(B)~~(D)** See also the residential driveway regulations of Sec. 9.07(A).

## Sec. 7.16 Generators

Natural gas or propane generators used solely for purposes of standby (emergency backup) electrical power are permitted in all zoning districts subject to the following regulations:

**(A)** Generators may not be located in the required front, interior side, or street setbacks. Generators may project up to 10 feet into the required rear setback, provided that the equipment is within 5 feet of the side or rear wall of the building. Generators must be installed to mitigate noise impacts.

**(B)** Generators must be enclosed by a sound attenuation box or cabinet that does not exceed 30 square feet in area or 5 feet in height. Any noise reducing mufflers provided by the manufacturer must be utilized.

**(C)** Generator boxes or cabinets must be screened from view of public rights-of-way and abutting lots.

## Sec. 7.17 Geothermal Heat Exchange Systems

### (A) General

Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.

### (B) Location

**(1)** Underground equipment, piping and devices may be located in yard areas but may not be located in any public easement or right-of-way.

**(2)** Above-ground equipment is prohibited in front and street side yards.

## Sec. 7.18 Home Occupations

### (A) Description

Home occupations are jobs or professions conducted wholly or partly from a residential dwelling. They are allowed as accessory uses to any residential use.

**(B) Purpose**

The home occupation regulations of this section are intended to allow Westmont residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

**(C) Exemptions**

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., day care homes) are not subject to home occupation regulations.

**(D) Allowed Uses**

The home occupation regulations of this section establish performance standards for home occupations rather than listing specific uses allowed as home occupations. Uses that comply with the regulations of this section are allowed as of right unless otherwise expressly stated.

**(E) Prohibited Uses**

The following uses are expressly prohibited as home occupations:

**(1)** Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);

**(2)** Catering services;

**(3)** Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;

**(4)** Firearms sales;

**(5)** Taxi, limo, van or bus services;

**(6)** Tow truck services;

**(7)** Taxidermists;

**(8)** Rental equipment or supply businesses;

**(9)** Restaurants;

**(10)** Funeral or interment services;

**(11)** Animal care, grooming or boarding businesses; and

**(12)** Any use involving the use or storage of vehicles, products, parts, machinery, plants or landscape material, or similar items outside of a completely enclosed building; and

**(13)** Any use that does not comply with the regulations of this section.

**(F) Regulations**

**(1)** Home occupations must be accessory and subordinate to the principal residential use of the property ~~and may not occupy more than 25% of a single story of the floor area of the principal dwelling unit~~.

**(2)** At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.

**(3)** No more than 2 clients or customers may be present at any one time on the site of a home occupation. Family members of the client or customer are not counted towards the 2-person limit.

**(4)** A maximum of one nonresident employee is allowed. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor,

business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

**(5)** Home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within ~~the principal residential dwelling unit~~a completely enclosed building.

**(6)** External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an ~~illuminated~~ sign.

**(7)** Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.

**(8)** Home occupations that produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Westmont are prohibited. Home occupations must be operated so as not to create or cause a nuisance.

## Sec. 7.19 Manufacturing Accessory Uses

Accessory uses limited to fabricating, processing, assembling, warehousing, or distributing of materials, goods, or products may be approved as a special use in the O/R district, subject to the following regulations:

**(A)** Accessory operations may not exceed more than 25% of gross floor area of the principal use.

**(B)** Existing building construction must support the accessory use as designed without substantial alterations beyond building and fire code requirements to accommodate the accessory use.

**(C)** Automotive and/or vehicle assembly, repair, maintenance and service uses are prohibited.

**(D)** Refuse must be completely contained within a dumpster surrounded by a trash enclosure and screened with landscape materials.

**(E)** Allowed accessory use may not reduce required off-street parking below minimum requirements for principal uses that occupy the subject property.

**(F)** Accessory uses may not involve the assembly of large equipment and machinery and has limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.

**(G)** Fleet vehicle storage is subject to the regulations of Sec. 7.14:

## Sec. 7.20 Outdoor Accessory Uses

### (A) Outdoor Display Areas

The regulations of this section apply to areas used for accessory outdoor displays of merchandise.

**(1)** Outdoor display areas are allowed only on sites occupied by a principal nonresidential use and may be used solely for the display of goods or merchandise sold or offered by the principal use.

(2) Outdoor display areas are subject to all applicable setback regulations that apply to the principal building on the lot.

(3) Outdoor display areas on corner lots must be confined to a single frontage.

(4) Merchandise or other items may be displayed only during hours of operation of the principal use.

(5) Outdoor display areas may not interfere with pedestrian or automobile traffic on the subject lot or on public rights-of-way, and may not interfere with the enjoyment or operation of adjacent properties and uses.

### (B) Outdoor Storage Areas

Outdoor storage areas may be allowed in the M-1 district if approved in accordance with the special use procedures of Sec. 14.04. Such areas are subject to the following regulations:

(1) Outdoor storage areas may be used solely for the storage of goods or merchandise allowed in association with the principal use;

(2) Outdoor storage areas are subject to all applicable setback regulations that apply to the principal building on the lot;

(3) Outdoor storage areas must be screened from view of abutting lots and rights-of- by an opaque fence or wall or evergreen plant material with a minimum height of 6 feet; and

(4) Outdoor storage areas are subject to the nuisance provisions of the village code (see Chapter 38, Article III).

### (C) Outdoor Seating and Dining Areas

Outdoor seating and dining areas accessory to eating and drinking place uses are subject to the following regulations when they are located on private property and contain more than 4 seats:

(1) Outdoor seating and dining areas must comply with principal building setback regulations of the subject zoning district.

(2) A perimeter fence is required around portions of the outdoor seating and dining area that do not abut the building. Required fences must be metal (e.g., wrought iron or aluminum) and at least 4 feet in height. Chain link fences are prohibited.

~~(1)~~(3) Outdoor seating and dining areas are subject to the foundation planting requirements of Sec. 10.07(D)(3).

### (D) Other Outdoor Accessory Uses

To accommodate customary business practices in association with an allowed principal use, other accessory outdoor uses may be approved through the special use procedures of Sec. 14.04. In acting on requests for approval of such outdoor accessory uses, the board of trustees is authorized to impose conditions deemed necessary to ensure protection of and compatibility with the surrounding area.

## Sec. 7.21 Recreational Vehicles

### (A) Recreational Trailers and Motor Homes

(1) No more than one recreational trailer or motor home may be stored or parked outside of an enclosed building on any lot occupied by a ~~residential dwelling unit~~detached house, semi-detached house, or two-unit house.

(2) All recreational trailers and motor homes stored or parked outside of an enclosed building must have valid and current state license plates.

(3) Recreational trailers and motor homes may not be permanently affixed to the ground as a principal building or accessory structure.

(4) Recreational trailers and motor homes may not be occupied for dwelling purposes.

(5) Except as allowed by Sec. 7.21(B), parking and storage areas for recreational trailers and motor homes may not be located within the front setback or in front of the existing building line and must be surfaced with asphalt, concrete, or gravel.

**(B) Temporary Parking**

Temporary parking of recreational trailers and motor homes is permitted in the front yard of any lot occupied by a detached house, semi-detached house, or two-unit house~~residential dwelling unit~~ only for purposes of loading and unloading, cleaning, and/or parking for temporary guests. Such temporary parking is limited to a maximum of 3 consecutive days.

**(C) Boats**

(1) No more than one boat (no exceeding 24 feet in length) may be stored or parked outside of an enclosed building on any lot occupied by a detached house, semi-detached house, or two-unit house~~residential dwelling unit~~, and only when a recreational trailer or motor home is not stored outdoors on the same lot.

(2) Allowed parking and storage areas for boats and boat trailers may not be located within the front yard area and must be surfaced with asphalt, concrete, or gravel.

## Sec. 7.22 Solar Energy Systems

**(A) General**

Solar energy systems are allowed as an accessory use in all zoning districts, subject to compliance with the regulations of this section and all applicable building and electrical code requirements.

**(B) Building-Mounted Solar Energy Systems**

Building-mounted solar energy systems are subject to the following regulations.

(1) Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.

(2) Systems mounted on principal buildings may encroach up to 2 feet into interior side and rear setbacks.

(3) On pitched roof buildings, solar energy systems may not extend more than 2 feet above the roofline or above peak of the roof, whichever is less. On flat roof buildings, solar energy systems may not extend more than 6 feet above the roofline or more than one foot for each foot that the system is set back from the outermost edge of the roof, whichever is greater. Increased height may be granted through the special use approval process.

**(C) Ground-Mounted Solar Energy Systems**

(1) Ground-mounted solar energy systems are allowed only in rear yard areas. They must be set back at least 3 feet from side and rear lot lines.

~~(1)~~(2) Ground-mounted solar energy systems may not exceed 6 feet in height in residential districts or 7 feet in height in any other zoning districts. Increased height may be granted through the special use approval process.

## Sec. 7.23 Swimming Pools and Hot Tubs

The regulations of this section apply to private, accessory swimming pools and hot tubs in residential zoning districts.

**(A)** A barrier (fence, wall, structure wall, or combination thereof) must be erected around swimming pools and hot tubs, as required by the building code and other applicable ordinances.

**(B)** Swimming pools and hot tubs are prohibited in street yards.

**(C)** Swimming pools and hot tubs must be set back at least 7 feet from interior side and rear lot lines.

**(D)** In-ground swimming pools and hot tubs may not be located within 10 feet of the principal building unless engineering plans for protecting the principal structure's foundation are submitted to and approved by the village.

~~Temporary sales Multiple outdoor sales Temporary Christmas tree sales not to exceed 45 days; garden and landscaping supplies not to exceed 90 days with between each sale and be sponsored by local business owners on their property; and other commodities not to exceed 30 days with an interval of 60 days between each sale, and be related to the normal lines of commodities generally sold by sponsoring business owners on their property.~~[6]

## Sec. 7.24 Temporary Storage Units

Temporary storage units are allowed in accordance with the regulations of this section.

**(A)** A permit must be obtained from the zoning administrator before placement of any temporary storage unit. ~~The permit fee shall be $25.00.~~

**(B)** A temporary storage unit may be placed only upon a driveway or parking lot, provided the placement in a parking lot does not impede the flow of traffic and its location is approved by zoning administrator. Temporary storage units may not be placed within the public right-of-way.

**(C)** No more than one temporary storage unit is allowed on an R-zoned lot. Temporary storage units on R-zoned lots may not exceed 16 feet in length or 8 feet in width.

**(D)** Temporary storage units may remain in place for a maximum of ~~15~~ 30 days per calendar year. If a dwelling unit on the subject lot has been damaged by natural disaster or act of God, the zoning administrator is authorized to grant time extensions of otherwise applicable temporary storage unit time limits~~An extension may be requested, in writing, to the director of municipal services, or his/her designee, for no more than ten days provided good cause is shown. No person shall place a temporary storage pod upon their property for more than two such periods per year.~~

**(E)** Only non-toxic, non-flammable~~, personal property~~ material may be stored in a temporary storage unit.

**(F)** Temporary storage units may not be used for conducting business, selling merchandise or property, or human or animal occupancy.

~~Any person violating any provision of this section shall be subject to a fine of up to $750.00 per violation for each day that a violation continues. Violations include, but are not limited to, failure to obtain a permit prior to using a temporary storage pod, improper placement of a temporary storage pod, exceeding the maximum time period for use of the temporary storage pod, and storage of materials not allowed by this section~~.

[6] Not necessary; temporary sales regulated in accordance with Village Code Chapter 22, Article XI.

## Sec. 7.25 Tents

Any person proposing to erect and use a tent must complete a tent permit application, receive approval of the tent permit application, and pay the required tent permit fee before erecting the tent. The village's tent guidelines, which are incorporated herein by reference, govern the erection, placement, and use of tents.

## Sec. 7.26 Vending Machines

Outdoor vending machines are allowed as an accessory use to a principal nonresidential use only if located entirely underneath a weather-protected canopy connected to the principal building on the lot. See also Chapter 22, Article VII of the village code.

## Sec. 7.27 Wind Energy Conversion Systems (WECSs)

### (A) General

Small wind energy conversion systems are allowed as an accessory structure in all zoning districts, subject to compliance with the regulations of this section and all applicable building and electrical code requirements.

### (B) Location

**(1)** Ground-mounted wind energy conversion systems are allowed only in rear yard areas. They must be set back a distance equal to at least the tower's height, excluding the turbine blades, from interior side and rear lot lines and all principal buildings on the subject property. For purposes of this provision, tower height is the height above grade of the vertical tower of the WECS, exclusive of rotor blades.

**(2)** Building mounted wind energy conversion systems are subject to the same setbacks that apply to the building on which they are mounted.

### (C) Height

**(1)** Ground-mounted wind energy conversion systems, including turbine blades, may not exceed the maximum (principal) building height that applies in the subject zoning district. The lowest point of any vertical axis, exposed turbine blade must be at least 10 feet above the ground immediately beneath the moving element.

**(2)** Building-mounted wind energy conversion systems are not subject to the maximum building height regulations of the subject zoning district but may not extend more than 6 feet above the roofline of any building in an R district or more than 15 feet above the roofline of a building in any other (non-R) district.

**(3)** Increased system height may be granted through the special use approval process.

### (D) Removal

Both ground-mounted and building-mounted wind energy conversion systems must be disassembled and removed from the property when non-functional or when not actively used for a period of 90 consecutive days or more.

# Article VIII Wireless Telecommunications Facilities[7]


Sec. 8.01 Purpose ..... VIII-1
Sec. 8.02 Applicability ..... VIII-1
Sec. 8.03 Freestanding Wireless Telecommunications Towers ..... VIII-1
Sec. 8.04 Cell Antennas ..... VIII-6


## Sec. 8.01 Purpose

The regulations of this article provide regulations for wireless telecommunication facilities, including freestanding wireless telecommunications towers ("cell towers") and building- and tower-mounted cell antennas. The village recognizes the value of wireless telecommunications and the public's need for its safety, convenience and productivity. The village also recognizes the need to comply with the Telecommunications Act of 1996, as amended from time to time, and recognizes that the village's zoning and other regulations may not prohibit or have the effect of prohibiting wireless telecommunication facilities within the village and may not unreasonably discriminate among providers or functionally equivalent services. However, the village must weigh the public benefit of wireless telecommunications against the need of the village to protect land uses from the potential adverse impacts, including, but not limited to, adverse visual impacts, of wireless telecommunication facilities. The village desires specifically to keep the erection of new cell towers to a minimum and to maximize the use of existing cell towers. To that end, the village encourages new cell antennas to be located on existing buildings, existing structures, or existing cell towers. Additionally, the village encourages the co-location of cell antennas whenever possible.

## Sec. 8.02 Applicability

The regulations of this article apply to all wireless telecommunications facilities, as defined in Sec. 6.08(E). The regulations do not apply to any of the following:

**(A)** Amateur radio antennas;

**(B)** Receive-only antennas, including satellite dish antennas; or

**(C)** Small wireless facilities, as defined in 50 ILCS 835.

## Sec. 8.03 Freestanding Wireless Telecommunications Towers

### (A) Where Allowed

**(1)** New or reconstructed cell towers and any enlargements or re-configurations of an existing cell tower are allowed only as indicated in Table VI-1.

**(2)** Applicants requesting approval of a special use for a cell tower must demonstrate that it complies with the regulations of this article and special use criteria of Sec. 14.04(H).

**(3)** Cell towers are expressly prohibited in designated wetlands and floodplains.

### (B) Setbacks and Yards

**(1)** Cell towers must be set back at a distance equal to the height of the tower from any lot line and from any principal building on the lot, excluding telecommunications equipment sheds and other accessory structures.

[7] This article has been reorganized and edited, with no substantive changes from existing ordinance.

**(2)** Cell towers with designed break-away features may be allowed to have a setback less than the height of the tower if such a reduced setback is expressly approved as part of the special use permit.

**(3)** Cell towers and all related cell antennas, equipment and buildings are allowed in the rear yard or side yard only. They are expressly prohibited in front yards and side yards abutting a street.

**(C) Location on Lots with Existing Principal Uses:**

**(1)** Cell towers may be located on a lot with an existing principal use as long as all other requirements of this article are met.

**(2)** Cell towers may be located within an easement area on a lot or parcel of record.

**(D) Separation Distances Between Cell Towers**

Any new proposed cell tower greater than 50 feet in height must maintain a separation distance of at least 1,500 feet from any other existing cell tower. Any new proposed cell tower that is 50 feet in height or less must maintain a separation distance of at least 500 feet from any other existing cell tower.

**(E) Height**

The height of a proposed cell tower must be the minimum height required to fill a significant gap in coverage, but in no event may the height exceed 150 feet. The burden is on the applicant to justify the proposed height of the proposed cell tower.

**(F) Extensions**

Lateral extensions or arms on cell towers are discouraged. If proven by an applicant to be necessary for co-location purposes or other valid reasons, such lateral extensions or arms may not exceed 12 feet in length.

**(G) Landscaping, Fencing and Equipment Structures**

**(1)** The base of cell towers must be screened and protected by a 6-foot tall solid, privacy-style fence with locked gate. The required fence may not conflict with any setback or sight triangle requirements. The required fence must be screened by shrubs or evergreen trees with an ultimate height of at least 4 feet and planted at an initial height of at least 2 feet. The required fence and landscaping must be continuously maintained and repaired or replaced as necessary.

**(2)** Equipment and structures associated with a cell tower:

**(a)** Must be located at the base of the tower structure and within the required 6-foot tall solid fence;

**(b)** May not exceed 144 feet in area;

**(c)** May not exceed 15 feet in height; and

**(d)** Any proposed generator must comply with all applicable regulations of the village, including, but not limited to, fire code regulations, and may require appropriate sound mitigation measures.

**(H) Cell Tower Construction**

**(1)** New cell towers are discouraged, and necessary cell antennas must be located on existing structures or co-located on existing cell towers whenever possible. When an applicant is able to demonstrate that location on existing structures or co-location on existing cell towers is not feasible, then new cell towers may be approved.

**(2)** New cell towers must be able to accommodate at least 3 cell antenna arrays of separate licensed telecommunication carriers, unless a smaller stealth tower is

proposed and co-location is not feasible, and must be of one of the following types of construction, listed in order of preference:

**(a)** Stealth towers;

**(b)** Monopole towers; or

**(c)** Guyed towers or lattice towers.

**(3)** The applicant must demonstrate the need for the proposed type of cell tower construction and must demonstrate why preferred alternatives are not feasible.

### (I) Illumination and Lighting

Cell towers may not be artificially illuminated except as may be required for minimum security and human safety purposes (at or around ground level) or as required by the Federal Aviation Administration. Ground-level buildings, equipment and fencing may contain be illuminated only as necessary for security and human safety purposes and must be downcast and shielded to prevent spillover light beyond the lot lines of the subject property.

### (J) Color and Concealment

**(1)** Cell towers must be painted or otherwise colored a neutral color that blends as much as possible with the existing landscape and surrounding structures.

**(2)** Where reasonably feasible based on the cell tower construction, all cables and equipment (excluding cell antennas) must be enclosed within the tower and not visible (excluding ground equipment and structures). Any approved exterior cables and equipment located on a cell tower must be painted or otherwise colored to match the color of the cell tower.

### (K) Signs and Advertising

**(1)** The use of any portion of a cell tower for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is expressly prohibited.

**(2)** Minimal announcement signs, such as "no trespassing", are permitted on the fence surrounding the cell tower.

**(3)** A sign listing the name and phone number to contact the owner. manager and/or licensed wireless carrier is required and must be provided on the gate of the fence enclosing the cell tower and related structures and equipment.

### (L) Licensed Wireless Carriers

Cell towers will only be considered when constructed for one or more licensed wireless carriers, who must co-sign the village's zoning application, and who must locate on the proposed cell tower. Towers must be constructed to accommodate a minimum of 3 co-located carriers, unless a smaller stealth tower is proposed and co-location is not feasible. Cell towers for which there are no specific licensed wireless carriers proposed are expressly prohibited.

### (M) Maintenance

The applicant must continuously maintain the appearance and structural integrity of the cell tower.

### (N) Application Requirements

In order to request a special use permit for a cell tower, the applicant must complete the village's zoning application. In addition to providing all information required by the zoning application, an applicant must also submit the following documentation and evidence. Failure of the applicant to submit any of the following information constitutes grounds for denial of the special use request:

**(1)** A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of the FCC license of the proposed licensed wireless carrier who will utilize the cell tower.

**(2)** A commitment of a licensed wireless carrier to locate on the proposed cell tower, signed by the licensed wireless carrier.

**(3)** A certification signed by the applicant and supported by evidence explaining why existing cell towers or locations on existing structures cannot satisfy the needs and requirements of the applicant instead of constructing a new cell tower. This certification must list all existing towers, facilities and reasonably-potential structures within a 2- mile radius of the proposed cell tower site. Reasons for not co-locating a needed cell antenna on an existing cell tower or on an existing structure may include, but not be limited to the following:

- **(a)** There are no existing towers or suitable structures within a 2-mile radius of the proposed cell tower;
- **(b)** Existing cell towers or structures do not have sufficient structural strength to support the proposed cell antennas and related equipment, and modifications to such existing cell towers or structures are economically unfeasible or unfeasible from an engineering standpoint;
- **(c)** The location of the proposed cell antennas and equipment on an existing cell tower or structure would cause undue radio frequency interference with other existing equipment located within the immediate vicinity that cannot be unreasonably prevented;
- **(d)** Unwillingness of the owners of existing cell towers or structures to entertain a reasonable co-location proposal; or
- **(e)** Existing cell towers or structures do not provide an acceptable location for requisite coverage for the applicant's communication network.

**(4)** A description of the type of construction of the cell tower proposed. If a preferred construction type is not being utilized (e.g., stealth tower), a certification signed by the applicant must be provided with evidence demonstrating all factors to justify the type of construction method proposed.

**(5)** A certification supported by evidence and signed by the applicant justifying the height of the proposed cell tower. In this regard, the applicant must utilize the lowest height possible in order to obtain the requisite coverage for the applicant's communication network.

**(6)** A site plan, drawn to scale, depicting the details of the proposed cell tower (including all cell antennas, cables, equipment, ground structures or buildings. and ground equipment), the site boundaries, existing structures on the site, existing structures on neighboring properties (or such other nearby properties if within the height of the proposed tower), parking and access roads, and the zoning of immediately adjacent properties.

**(7)** A landscape plan, drawn to scale, depicting the required fencing and required and other proposed landscaping on the site.

**(8)** Color elevations of the proposed cell tower (including accessory buildings or structures, fencing, landscaping, etc.), including a color perspective drawing or photo simulation from at least 2 locations (at 180-degree increments) from between 200 to 600 feet away from the cell tower showing the relationship of the cell tower against the massing of surrounding structures, trees, and other intervening land masses.

**(9)** A written statement summarizing how the proposed cell tower meets the requirements for a special use permit.

**(10)** A certification signed by the applicant, supported by evidence, demonstrating a significant coverage gap for the proposed licensed carrier and demonstrating how the proposed cell tower at the proposed location and at the proposed height will substantially close the significant coverage gap and provide needed cellular service. In this regard, 100% coverage is not the goal and occasional dead spots or areas of noncoverage are deemed acceptable in determining whether there is substantial coverage.

**(11)** A certification signed by the applicant that the proposed cell tower may not interfere with any public safety communication.

**(12)** A signed report from a structural engineer certifying that the proposed cell tower meets all of the structural loading and wind loading requirements of applicable national standards. Included in this report, or attached as a separate report, must be a certification that the soils of the site are suitable for the construction of the proposed cell tower.

**(13)** Such other information, documents and evidence as reasonably required by the village or as deemed necessary by the applicant. If a special use permit is approved, the applicant must obtain a building permit before construction and additional information will be required at that time.

### (O) Other Regulations

**(1)** In addition to complying with all other applicable regulations of this article, cell towers must also comply with all other applicable sections of this zoning ordinance, all other ordinances and codes of the village, and all other applicable federal and state laws and regulations.

**(2)** In the event of a conflict between the provisions of this article and the other provisions of this zoning ordinance or other ordinances and codes of the village, the provisions of this article govern unless determined otherwise by the board of trustees.

**(3)** Upon approval of a special use permit, the applicant must obtain a building permit and any other required permits before commencing construction of the cell tower.

### (P) Abandonment, Removal and Bond

**(1)** If the use of all cell antennas and other permitted antennas or devices on a cell tower is discontinued or abandoned, or if such cell antennas or other permitted antennas or devices become non-operational, the applicant must immediately notify the village of such discontinued/abandoned use or non-operability. If such discontinued use/non-operation continues for a consecutive period of at least 12 months, the cell tower is deemed abandoned and the entire cell tower and all related equipment and structures must be promptly demolished and removed, and the site must be restored, at the applicant's expense. The applicant must obtain a demolition permit within 60 days of such abandonment and must demolish and remove the cell tower and all related equipment and structures, and restore the site, within 60 days after receiving the demolition permit. If the applicant fails to cause the timely demolition and removal of the abandoned cell tower and all related equipment and structures, and restore the site, the village may cause such demolition, removal and site restoration pursuant to its police powers and on grounds of public safety, health and welfare and recover its costs of demolition, removal and restoration from the applicant. The village may use any bond posted by the applicant to cover its demolition, removal and restoration costs. Upon the abandonment of the cell tower, the special use for such cell tower automatically terminates.

**(2)** Upon approval of a special use permit, and as a condition for issuance of a building permit, the property owner, or the applicant on behalf of the property

owner, must post either a cash bond, surety bond, or letter of credit in favor of the village to cover the reasonable costs of demolition and removal of the cell tower upon the abandonment of the cell tower, along with site restoration costs, in the event of the failure of the applicant to demolish and remove the cell tower and restore the site within the time parameters set forth in this article. The property owner, or the applicant on behalf of the property owner, must submit evidence demonstrating the reasonable amount of the demolition, removal and restoration costs, and thus justifying the amount of the bond to be posted. The village may require a bond or letter of credit in a greater amount than proposed by applicant upon evidence justifying a greater amount. If the amount of the bond is insufficient to cover the village's demolition. removal and restoration costs, the village may recover the deficiency from the applicant.

## Sec. 8.04 Cell Antennas

### (A) Building-mounted Cell Antennas

#### (1) Where Allowed

Building-mounted cell antennas are permitted as an accessory use on buildings in all zoning districts, as long as such cell antennas comply with all other applicable provisions of this article. Co-location on existing cell towers is strongly preferred over locating cell antennas on buildings.

#### (2) Location on Building

Cell antennas must be roof-mounted. The height of proposed cell antennas may not exceed the height required to fill a significant gap in coverage, and in no event may the height of such cell antennas and related equipment exceed 15 feet above the building's height. The burden is on the applicant to justify the height of the proposed cell antenna.

#### (3) Associated Equipment

Equipment associated with a cell antenna must be roof-mounted where feasible. Where an applicant demonstrates that roof-mounted equipment is not feasible, ground-mounted equipment is allowed. Ground-mounted equipment is expressly prohibited in front yards and side yards adjoining a street and must be located in the rear yard or side yard only.

#### (4) General Regulations

Building-mounted antennas are subject to compliance with the general regulations for cell antennas, as indicated in Sec. 8.04(C).

### (B) Tower-mounted Cell Antennas

#### (1) Where Allowed

Tower-mounted cell antennas are permitted as an accessory use on existing cell towers and on cell towers that have received a special use permit as required by this article, provided that, in either case, such cell antennas comply with all other applicable provisions of this article.

#### (2) General Regulations

Tower-mounted antennas are subject to compliance with the general regulations for cell antennas, as indicated in Sec. 8.04(C).

### (C) General Regulations for All (Building- and Tower-Mounted) Cell Antennas

#### (1) Lateral Extensions

Lateral extensions or arms extending from a building or tower are discouraged. If proven by an applicant to be necessary for co-location purposes or other valid reasons, such lateral extension or arm may not exceed 12 feet in length and may

not extend beyond the width of the building or tower to which the cell antenna is mounted.

**(2) Equipment Screening**
Equipment structures associated with a cell antenna must be screened as follows:

**(a)** Roof-mounted equipment must be screened with a solid screen as approved by the zoning administrator;

**(b)** Ground-mounted equipment must be screened and protected by a solid fence at least 6 feet in height.

**(3) Illumination**
Cell antennas may not be artificially illuminated except as may be required for minimum security and human safety purposes (at or around ground level) or as required by the Federal Aviation Administration.

**(4) Color and Concealment**
All cables must be enclosed within a chase to the extent possible. All cell antennas and equipment on a building, to the extent reasonably practical, must be painted or otherwise colored to match the building or tower color, or must be painted or otherwise colored a neutral color.

**(5) Signs and Advertising**
The use of any portion of cell antennas for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is expressly prohibited.

**(6) Licensed Wireless Carriers**
Cell antennas will only be considered when constructed for one or more specific licensed wireless carriers, who must co-sign the village's building permit application.

**(7) Maintenance**
The applicant must continuously maintain the appearance and structural integrity of the cell antennas and related equipment and fencing/screening.

**(8) Other Regulations**
In addition to complying with all other applicable regulations of this article, cell antennas must also comply with all other applicable sections of this zoning ordinance, all other ordinances and codes of the village, and all other applicable federal and state laws and regulations. In the event of a conflict between the provisions of this article and the other provisions of this zoning ordinance or other ordinances and codes of the village, the provisions of this article govern unless determined otherwise by the board of trustees. An applicant must obtain a building permit and any other required permits before commencing construction of any cell antennas.

**(D) Application Requirements**
In addition to providing all information required for a building permit, an applicant must also submit the following documentation and evidence:

**(1)** A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of the FCC license of the proposed licensed wireless carrier who will utilize the cell antennas.

**(2)** A commitment of a licensed wireless carrier, signed by the licensed wireless carrier.

**(3)** For proposed building-mounted cell antenna: A certification signed by the applicant and supported by evidence explaining why existing cell towers or

locations on existing structures cannot satisfy the needs and requirements of the applicant instead of constructing a new cell tower. This certification must list all existing towers, facilities and reasonably-potential structures within a 2- mile radius of the proposed cell tower site. Reasons for not co-locating a needed cell antenna on an existing cell tower or on an existing structure may include, but not be limited to the following:

**(a)** There are no existing towers or suitable structures within a 2-mile radius of the proposed cell tower;

**(b)** Existing cell towers or structures do not have sufficient structural strength to support the proposed cell antennas and related equipment, and modifications to such existing cell towers or structures are economically unfeasible or unfeasible from an engineering standpoint;

**(c)** The location of the proposed cell antennas and equipment on an existing cell tower or structure would cause undue radio frequency interference with other existing equipment located within the immediate vicinity that cannot be unreasonably prevented;

**(d)** Unwillingness of the owners of existing cell towers or structures to entertain a reasonable co-location proposal; or

**(e)** Existing cell towers or structures do not provide an acceptable location for requisite coverage for the applicant's communication network.

**(4)** Color elevations of the proposed cell antenna as it will appear on either a tower or a building, as applicable.

**(5)** If new accessory buildings or structures, fencing, landscaping, or other improvements are proposed in conjunction with the cell antenna application, a site plan with elevations and a landscaping plan for these improvements is also required.

**(6)** A certification signed by the applicant, supported by evidence, demonstrating a significant coverage gap for the proposed licensed carrier and demonstrating how the proposed cell antennas at the proposed location and at the proposed height will substantially close the significant coverage gap and provide needed cellular service. In this regard, 100% coverage is not the goal and occasional dead spots or areas of noncoverage are deemed acceptable in determining whether there is substantial coverage.

**(7)** A certification signed by the applicant that the proposed cell antenna may not interfere with any public safety communication.

**(8)** A signed report from a structural engineer certifying that the tower or building, along with the proposed cell antenna, meets all of the structural loading and wind loading requirements of applicable national standards.

**(9)** Such other information, documents and evidence as reasonably required by the village or as deemed necessary by the applicant.

### (E) Abandonment and Removal Cell antennas

If the use of a cell antenna on a tower or building is discontinued or abandoned, or if such cell antenna becomes non-operational, the applicant must immediately notify the village of such discontinued/abandoned use or non-operability. If such discontinued use/non-operation continues for a consecutive period of at least 12 months, the cell antenna is deemed abandoned and the cell antenna and all related equipment and structures must be promptly demolished and removed, and the site restored, at the applicant's expense. The applicant must obtain a building permit within 60 days of such abandonment and must remove the cell antenna and all related equipment and structures, and restore the site, within 60 days after receiving the building permit. If the

applicant fails to cause the timely removal of the abandoned cell antenna and all related equipment and structures, and restore the site, the village may cause such removal and site restoration pursuant to its police powers and on grounds of public safety, health and welfare and recover its costs of removal and restoration from the applicant. The Village may use any bond posted by the applicant to cover its removal and restoration costs.

## Sec. 8.05 Microcell Networks

**(A)** The zoning administrator is authorized to approve installation of cable microcell networks that operate using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technologies that do not require the use of wireless telecommunications towers.

**(B)** Signal transmissions may not interfere with any village or other governmental radio signals, including, police, fire, emergency dispatch and public works signals.

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# Article IX Parking


Sec. 9.01 General ..... IX-1
Sec. 9.02 Minimum Parking Requirements ..... IX-2
Sec. 9.03 Calculation of Required Parking ..... IX-4
Sec. 9.04 Parking Exemptions and Reductions ..... IX-5
Sec. 9.05 Location of Off-Street Parking ..... IX-7
Sec. 9.06 Use of Required Off-Street Parking Areas ..... IX-7
Sec. 9.07 Parking Area Design ..... IX-8
Sec. 9.08 Accessible Parking ..... IX-10
Sec. 9.09 Stacking Spaces for Drive-Through Facilities ..... IX-10
Sec. 9.10 Off-Street Loading ..... IX-11


## Sec. 9.01 General

### (A) Purpose

The regulations of this article are intended to help ensure provision of off-street motor vehicle parking facilities in rough proportion to the generalized demands of different land uses. By requiring such facilities, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from excessive motor vehicle parking. The provisions are also intended to provide flexible methods of responding to the transportation and access demands of various land uses in different areas of the village.

### (B) Applicability

#### (1) General

Unless otherwise expressly stated, the regulations of this article apply to all zoning districts and uses.

#### (2) New Uses and Development

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

#### (3) Enlargements and Expansions

(a) Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.

(b) In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address a lawful, existing parking deficit.

#### (4) Change of Use

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds by 20% or more the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance.

**(5) Existing**
Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

**(6) Damage or Destruction**
When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is re-established, off-street parking and loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time the damage or destruction occurred or the minimum established in Sec. 9.02, whichever is less.

## Sec. 9.02 Minimum Parking Requirements

Except as otherwise expressly stated in this zoning ordinance, off-street motor vehicle parking spaces must be provided in accordance with Table IX-1. See Sec. 9.04 for an explanation of exemptions and allowed reductions of minimum motor vehicle parking requirements.

Table IX-1: Minimum Motor Vehicle Parking Requirements

| Use | Minimum Number of Spaces Required<br>Motor Vehicle Spaces |
|---|---|
| **RESIDENTIAL** | |
| **Household Living** | |
| Detached House | No minimum (See also Sec. 9.07(A)) |
| Attached House | No minimum (See also Sec. 9.07(A)) |
| Semi-Detached House | No minimum (See also Sec. 9.07(A)) |
| Two-Unit House | 2 per dwelling unit; not to exceed 4 per dwelling unit |
| Multi-Unit Building | |
| 0-1 bedrooms | 1 per dwelling unit |
| 2 bedrooms | 1.5 per dwelling unit |
| 3+ bedrooms | 2 per dwelling unit |
| **Group Living** | |
| Community Residence, Family | 2 |
| Community Residence, Group | 1 per employee |
| Nursing Home | 1 per 5 beds + 1 per employee |
| **COMMERCIAL** | |
| **Animal Service** | |
| Boarding or Shelter | 1 per employee |
| Veterinary | ~~0.25 per seat~~3.33 per 1,000 sq. ft. |
| **Consumer Service** | |
| Business Support Service | 2.5 per 1,000 sq. ft. |
| Maintenance and Repair Service | 2.5 per 1,000 sq. ft. |
| Personal Improvement Service | 2.5 per 1,000 sq. ft. |
| Health and Fitness Service | 2.5 per 1,000 sq. ft. |
| Instructional Service | 2.5 per 1,000 sq. ft. |
| Business Training | 1 per 7 students+ 1 per employee |
| **Day Care Center** | 0.5 per employee |
| **Day Care Home** | None |
| **Eating and Drinking Place** | |
| Bar or Tavern | 0.33 per seat |
| Craft Alcoholic Beverage Distributor | 10 per 1,000 sq. ft. seating area + 1 per employee |
| Restaurant | 10 per 1,000 sq. ft. |
| Tobacco or Vape Lounge | 2.5 per 1,000 sq. ft. |
| **Entertainment, Participant** | |
| Arcade | 10 per 1,000 sq. ft. |
| Video Gaming | 10 per 1,000 sq. ft. |
| Video Gaming Cafe | 10 per 1,000 sq. ft. |
| Other Participant Ent., Indoor | 2.5 per 1,000 sq. ft. |
| Participant Ent., Outdoor | 2.5 per 1,000 sq. ft. |
| **Entertainment, Spectator** | |
| Indoor | 0.20 per seat |
| Outdoor | 0.20 per seat |
| **Financial Service** | |

| Use | Minimum Number of Spaces Required |
|---|---|
| | Motor Vehicle Spaces |
| Bank, Credit Union or Savings & Loan | 2.5 per 1,000 sq. ft. |
| Alternative Financial Service Est. | 3.33 per 1,000 sq. ft. |
| **Funeral and Mortuary Service** | 0.20 per seat |
| **Lodging** | |
| Hotel/Motel | 1 per guest room, plus parking required for restaurant/bar |
| **Office** | |
| Business or Professional Office | 2.5 per 1,000 sq. ft. |
| Medical Office | 3.33 per 1,000 sq. ft. |
| Research Service | 2.5 per 1,000 sq. ft. |
| **Parking Non-accessory** | No minimum |
| **Parking, Off-Site Nonresidential** | No minimum |
| **Parking, Off-Site Auto Dealer** | No minimum |
| **Retail Sales** | |
| Firearms Sales | 2.5 per 1,000 sq. ft. |
| Tobacco and Vape Product Sales | 2.5 per 1,000 sq. ft. |
| Other Retail, Indoor | 2.5 per 1,000 sq. ft. |
| Other Retail, Outdoor | |
| **Self-Service Storage** | 0.1 per storage unit + 0.5 per employee |
| **Sexually Oriented Business** | 10 per 1,000 sq. ft. |
| **Vehicle Sales and Service** | |
| Fueling Station | 1 per pump island, plus 2.5 per 1,000 sq. ft. of retail |
| Minor Repair and Maintenance | 3 per repair bay + 0.5 per employee |
| Sales or Rentals | 1.67 per 1,000 sq. ft. |
| Body and Paint Shop | 3 per repair bay + 0.5 per employee |
| **WAREHOUSE & DISTRIBUTION** | |
| **Warehouse/Logistics** | 0.5 per employee |
| **Open (outdoor) Storage** | 0.5 per employee |
| **Data Center** | 0.5 per employee |
| **MANUFACTURING & INDUSTRY** | |
| **Building and Industrial Service** | 0.5 per employee |
| **Catering Service** | 0.5 per employee |
| **Craft Alcoholic Beverage Producer** | 0.5 per employee, plus 1 space per 100 sq ft of interior seating area |
| **Artisan Manufacturing** | 0.5 per employee |
| **Limited Manufacturing** | 0.5 per employee |
| **Recyclable Material Drop-off Facility** | 0.5 per employee |
| **Recyclable Material Processing** | 0.5 per employee |
| **Junk or Salvage Yard** | 0.5 per employee |
| **PUBLIC & INSTITUTIONAL** | |
| **College or University** | 1 per 7 students |
| **Community Garden** | No minimum |
| **Hospital** | 1 per bed |
| **Library or Cultural Exhibit** | 1 per 600 sq. ft. |
| **Parks and Recreation** | Determined in accordance with Sec. 9.03(G) |
| **Religious Assembly** | 0.2 per seat |
| **Safety Service** | Determined in accordance with Sec. 9.03(G) |
| **School** | |
| Elementary or Jr. High | 1 per employee |
| Sr. High | 1 per 7 students + 1 per employee |
| **Infrastructure or Utility, Major** | 0.5 per employee |
| **Infrastructure or Utility, Minor** | No minimum |
| **OTHER** | |
| **Cannabis Business Establishment** | |
| Cannabis Cultivation Center | 0.5 per employee |
| Adult Use Cannabis Dispensary | 2.5 per 1,000 sq. ft. |
| Medical Cannabis Dispensary | 2.5 per 1,000 sq. ft. |
| Cannabis Craft Grower | 0.5 per employee |
| Cannabis Infuser | 0.5 per employee |
| Cannabis Processor | 0.5 per employee |
| **Drive-Through Facility** | No minimum |

| Use | Minimum Number of Spaces Required<br>Motor Vehicle Spaces |
|---|---|
| Off-Premises Outdoor Advertising Sign | No minimum |
| Wireless Telecommunications Facility | |
| Cell Tower | No minimum |
| Building-Mounted Cell Antenna | No minimum |
| Tower-Mounted Cell Antenna | No minimum |

## Sec. 9.03 Calculation of Required Parking

The following rules apply when calculating the required number of off-street parking spaces:

### (A) Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 9.04(D), lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

### (B) Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half is rounded down to the next lower whole number, and any fraction of one-half or more is rounded up to the next higher whole number.

### (C) Area Measurements

Unless otherwise expressly stated, all floor area-based (square footage) parking requirements must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions must be taken from the outside of the exterior walls of the building.

### (D) Bench Seating

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements.

### (E) Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

### (F) Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with Sec. 9.03(G).

### (G) Establishment of Other Parking Ratios

The zoning administrator is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use determination (as described in Sec. 6.02(D)) and on parking data provided by the applicant or information otherwise available to the zoning administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, area, type of

activity and location. Parking studies must document the source of all data used to develop recommended requirements.

## Sec. 9.04 Parking Exemptions and Reductions

### (A) B-2 and C-1 Districts

#### (1) Requirement for 3 or Fewer Parking Spaces

When the application of minimum motor vehicle parking requirements for uses in the B-2 or C-1 zoning districts results in a requirement of 3 or fewer spaces, such parking spaces need not be provided.

#### (2) Multi-Tenant Centers

The following off-street parking regulations apply to multi-tenant centers existing in the B-2 or C-1 zoning district as of December 17, 2020:

**(a)** The number of off-street parking spaces currently provided on the property occupied by the multi-tenant center is deemed conforming for all uses.

**(b)** New uses in an existing multi-tenant center may use the existing off-street parking provided on the property and are not required to obtain a variance for off-street parking.

**(c)** Once an existing multi-tenant center is demolished or destroyed by more than 50% of the building's fair market value, the conforming status of existing off-street parking is no longer valid.

**(d)** ~~When the floor area of an existing multi-tenant center is increased by more than 400 square feet (gross floor area) off-street parking spaces must be provided to serve the additional floor area. New multi-tenant centers and e~~Expansions of existing multi-tenant centers must provide off-street parking in the minimum amount of one off-street parking space for every 250 gross square feet of new or expanded building area, regardless of the type of use.

~~No new use within a multi-tenant center that is constructed or expanded after December 17, 2020 requires a variance from the off-street parking requirements so long as the minimum number of off-street parking spaces were provided upon such new construction or expansion.~~

### (B) B-1(A) and B-1 Districts

The following off-street parking regulations apply in B-1(A) and B-1 zoning districts:

**(1)** Proposed uses on lots with existing buildings as of December 17, 2020, are not required to provide off-street parking. ~~The off-street parking currently provided by existing permitted and special uses in existing buildings as of December 17, 2020 is deemed conforming, even if zero off-street parking spaces are provided.~~ If the existing building is enlarged by more than 400 square feet, off-street parking spaces must be provided for the expanded portion of the building in accordance with Sec. 9.04(B)(2). Parking is not required for the existing portion of the building.

**(2)** New buildings and building expansions constructed after December 17, 2020, must provide off-street parking at the rate of at least one space per 400 square feet of nonresidential gross floor area and at least ~~1.25~~ 1.1 spaces per residential dwelling unit.

~~Any proposed new building or expansion of an existing building constructed after December 17, 2020, and which is in compliance with the off-street parking regulations set for in subsections (b), (c), (d) and (e) above, as applicable, regardless of whether a variance for off-street parking is granted, once constructed, shall be deemed to have sufficient off-street parking for all uses for as long as the building and/or expansion remains on the lot.~~

(3) Existing off-street parking provided on a lot in the B-1(A) and B-1 district may not be removed or reduced unless such removal is approved as part of an approved site plan for the lot.

~~(4) If a variance is granted from the off-street parking requirements of Sec. 9.04(B)(2), as a presumed condition of such variance, the applicant must pay to the village a fee in lieu of providing required off-street parking in the amount of $5,000 for each off-street parking space for which a variance was granted.~~

~~(a) The amount of the fee due in lieu of required off-street parking must be calculated by the applicant and set forth in the variance application.~~

~~(b) If a variance is granted from the off-street parking regulations, such fee must be added to the building permit fee and be paid by the applicant as a condition of receiving the building permit.~~

~~(c) All fees in lieu of off-street parking received by the village must be placed into a parking fund established by the village and must be used by the village to acquire property for public parking, to construct new public parking facilities, or to make improvements to existing public parking facilities to serve uses in the B-1 district.~~

## (C) Car-Share Service

For nonresidential uses that are required to provide 12 or more motor vehicle parking spaces and for residential or mixed-use projects that are required to provide 24 or more motor vehicle parking spaces, the number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space reserved for use by village-approved car-share program for use by a car-share vehicle. The off-site parking area may be under separate ownership only if a legal instrument, approved by the village attorney, guaranteeing access to the parking for the shared parking users is provided.

## (D) Shared Parking

### (1) General

Shared parking refers to the practice of 2 or more users who need parking at different times to agree to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect of large paved areas, and improving community appearance.

### (2) Eligibility

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different times of peak parking demand, subject to approval by the zoning administrator.

### (3) Submittal Requirements and Methodology

(a) Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:

i. The names and addresses of the uses and of the owners or tenants proposed to share the parking;

ii. The location and number of parking spaces that are being shared;

iii. A shared parking analysis;

iv. A legal instrument approved by the village attorney guaranteeing access to the parking for the shared parking users.

(b) The required shared parking analysis must be based on the latest edition of the Urban Land Institute (ULI) shared parking model or be prepared by a

traffic engineer or transportation planner with demonstrated expertise in transportation and parking demand.

**(c)** The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough to accommodate the average anticipated demands of such uses.

**(4) Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of Sec. 9.05(B).

## Sec. 9.05 Location of Off-Street Parking

**(A) General**

Except as otherwise expressly stated in this zoning ordinance, required off-street parking spaces must be located on the same lot as the building or use they are required to serve.

**(B) Off-site Parking**

**(1) When Allowed**

The zoning administrator is authorized to allow all or a portion of required off-street parking for nonresidential uses to be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces may not be located off site.

**(2) Location**

Off-site parking areas must be located within a 600-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.

**(3) Required Zoning**

Off-site parking lots are allowed only:

**(a)** In zoning districts that permit non-accessory parking;

**(b)** In zoning districts that allow the principal use to be served by the off-site parking spaces; or

**(c)** In other zoning districts when approved in accordance with the special use procedures of Sec. 14.04.

**(4) Control of Off-site Parking Area**

The property to be occupied by off-site parking spaces must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal instrument, approved by the village attorney, guaranteeing access to the parking for the shared parking users is provided.

## Sec. 9.06 Use of Required Off-Street Parking Areas

**(A)** Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.

**(B)** Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials. No motor vehicle repair work of any kind is permitted in a required parking space.

**(C)** Required spaces may be used for electric vehicle charging.

## Sec. 9.07 Parking Area Design

### (A) Residential Driveways

Driveways serving detached houses, semi-detached houses, attached houses, and two-unit houses, whether leading to a garage, carport or other vehicle parking space, ~~single-family dwelling units~~ must be improved with a hard-surface pavement or concrete approved by the zoning administrator and comply with the following regulations:

**(1)** Residential driveways must be at least 9 feet and no more than 22 feet in width at any point, including paver bricks and other impervious material added to the sides of the driveway. Residential driveways may include a reasonable flair at the street and at the garage and may include a reasonable turning area at or near the garage, subject to approval by the zoning administrator.

**(2)** Residential driveways may not cover more than 40% of the front yard area and must be set back at least 3 feet from interior side lot lines.

**(3)** Residential driveways are permitted on only one side of the principal building.

**(4)** Residential driveways must be constructed in compliance with village standards and specifications.

### (B) Stall Size

**(1)** Required motor vehicle parking spaces must be at least ~~10~~ 9 feet in width and ~~20~~ 18 feet in depth, exclusive of access drives and aisles, except as otherwise expressly stated in this section. ~~In parking areas where curbs or permanent wheel stops have been installed, 2 feet of the parking stall depth beyond the curb or wheel stop may be counted as part of the required stall depth if that area is unobstructed and not part of another parking stall, drive aisle, or sidewalk.~~

**(2)** Accessible spaces must comply with dimensional standards of the Illinois Accessibility Code.

~~Where parking of a long-term duration (4 hours or more) is expected, the standard dimensions for a parking space may be reduced by up to 1 foot in width and 2 feet in length.~~

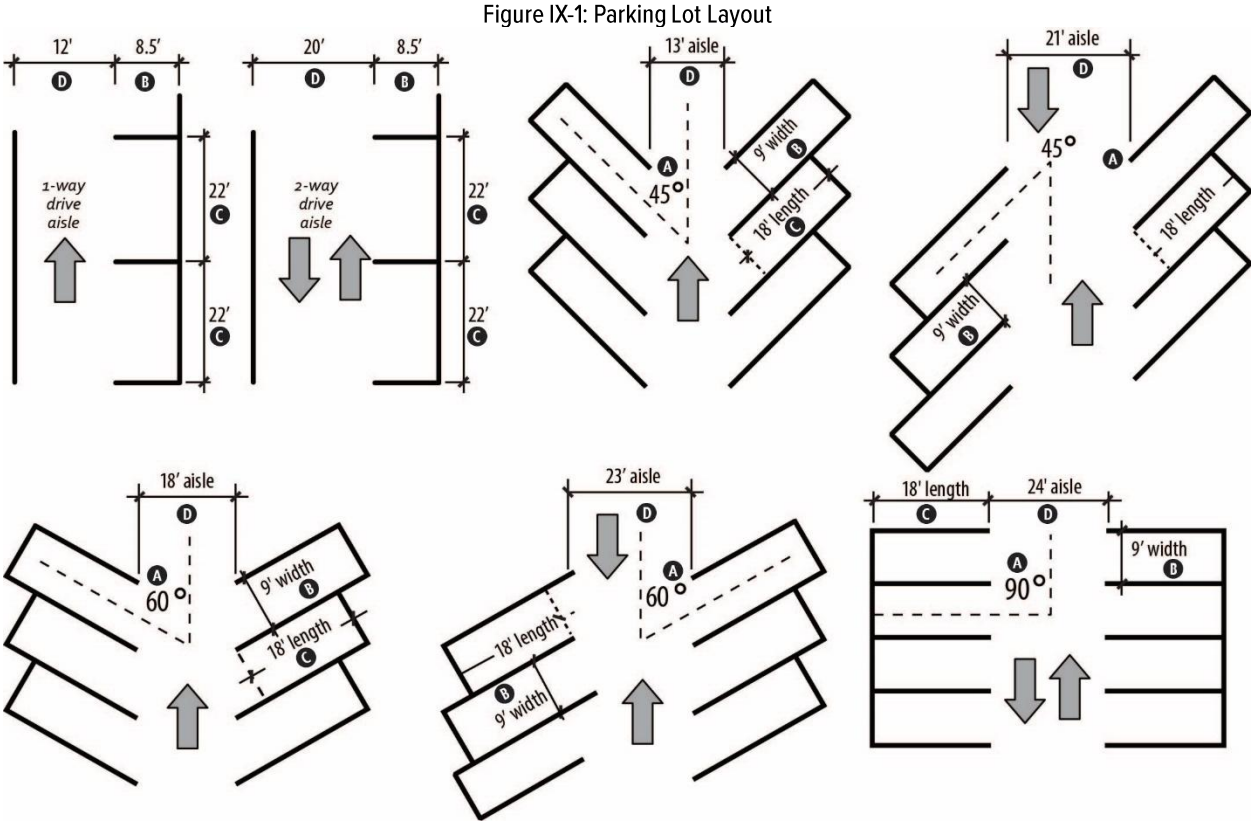
### (C) Parking Lot Layout

Parking areas containing 4 or more motor vehicle parking spaces must be designed and marked in accordance with the dimensional standards of Table IX-2, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table IX-2 may be interpolated from the layouts shown, as approved by the zoning administrator.

Table IX-2: Parking Lot Layout
(Dimensions in Feet)

| Ⓐ Stall Angle | Ⓑ Stall Width (ft) | Ⓒ Stall Depth (ft) | Ⓓ 1-Way Aisle Width (ft) | Ⓓ 2-Way Aisle Width (ft) | Vertical Clearance (ft) |
|---|---|---|---|---|---|
| 0° | 8.5 | 22.0 | 12.0 | 20.0 | 7.0 |
| 45° | 9.0 | 18.0 | 13.0 | 21.0 | 7.0 |
| 60° | 9.0 | 18.0 | 18.0 | 23.0 | 7.0 |
| 90° | 9.0 | 18.0 | 24.0 | 24.0 | 7.0 |

Figure IX-1: Parking Lot Layout




**(D) Curbs**

Concrete, barrier-type curbs must be provided for all parking lots containing ~~5~~ 4or more motor vehicle parking spaces. This includes driveways accessing such parking areas.

**(E) Surfacing**

All off-street parking areas containing 4 or more motor vehicle parking spaces must be surfaced with a dustless, all-weather surface unless otherwise expressly stated. Pervious pavement or pervious pavement systems are allowed subject to approval by the village engineer. Parking area surfacing must be completed prior to initiation of the use to be served by the parking, provided that the zoning administrator is authorized to approve the use of parking areas improved with a gravel base for a period of up to 180 days for temporary uses or when seasonal conditions prevent installation of permanent surfacing.

**(F) Construction**

Parking lots containing 4 or more motor vehicle parking spaces must be constructed in accordance with the Illinois Department of Transportation's Standard Specifications for Road and Bridge Construction, as supplemented by other specifications contained in the Village of Westmont Standard Specifications.

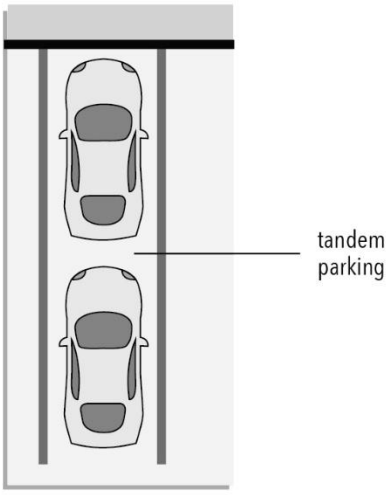
**(G) Pavement Marking**

All motor vehicle parking spaces within parking areas containing 4 or more motor vehicle parking spaces must be designated in some manner such as by pavement marking, curbs, bumper blocks, or some other method as approved by the Village Engineer, except that pavement marking of parking areas for multi-unit residential buildings containing fewer than 5 dwelling units is not required. Pavement marking must comply with the Illinois Department of Transportation's Standard Specifications for Traffic Control Items. Pavement markings (lines) must be yellow or white with a minimum width of 3 inches.

### (H) Tandem Parking

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces serve the same dwelling unit. In all other cases, parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall width of 9 feet and a minimum depth of 36 feet.

Figure IX-2: Tandem Parking




### (I) Landscaping and Screening

See Sec. 10.07(D)(4) and Sec. 10.07(D)(5).

### (J) Lighting

See Sec. 12.01.

## Sec. 9.08 Accessible Parking

The number, location and design of accessible parking spaces for persons with disabilities must be provided in accordance with the Illinois Accessibility Code. Accessible parking spaces and access areas provided to satisfy Illinois Accessibility Code requirements count toward satisfying the minimum parking requirements of Sec. 9.02.

## Sec. 9.09 Stacking Spaces for Drive-Through Facilities

### (A) Spaces Required

In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table IX-3. Decision-making bodies are authorized to require the provision of additional stacking spaces as part of the special use process when such additional spaces are deemed necessary to ensure that stacked vehicles do not obstruct traffic on adjacent streets or pose safety hazards for motorized or non-motorized travel.

Table IX-3: Drive-through Stacking Space Requirements

| Use | Minimum Spaces (per lane) |
|---|---|
| Automated teller machine | 2 (measured from ATM) |
| Bank | 4 (measured from teller or service area) |
| Car wash, customer-operated | 2 (measured from vehicle entrance) |
| Car wash, automated or attendant hand wash | 4 (measured from vehicle entrance) |
| Drug store | 3 (measured from service window) |
| Restaurant (drive-through lane) | 5 (measured from order board) |
| Restaurant (remote order pick-up lane) | 2 (measured from service window) |
| Consumer Service (e.g., dry cleaning drop-off) | 3 (measured from service window) |
| Other | As determined by the zoning administrator |

**(B) Dimensions**

Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

**(C) Location and Design**

**(1)** Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking or ingress and egress from the street.

**(2)** All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows may not be located between the principal building and the front street.

**(3)** Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots and screened in accordance with the parking lot screening regulations of Sec. 10.07(D)(5)(c).

**(4)** Each drive-through facility must have an escape lane with a minimum width of 10 feet to allow other vehicles to pass those waiting to be served. A drive aisle may serve as the escape lane if it meets the requirements of this section. Escape lane requirements can also be waived during the special use approval process when the applicant demonstrates that such a waiver will not result in an adverse effect on public safety or customer convenience.

**(D) Pedestrian Access**

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

## Sec. 9.10 Off-Street Loading

### (A) General

All uses that regularly receive materials or merchandise carried by trucks or large delivery vehicles must provide off-street loading facilities in accordance with the regulations of this section.

### (B) Location

**(1)** All required off-street loading spaces must be located on the same lot as the use to be served. All vehicle maneuvering and loading/unloading operations must occur on private property and not interfere with or create safety hazards for motorized or non-motorized circulation.

**(2)** Loading spaces may not be located in any street yard or within 25 feet of the nearest point of intersection of any two streets. Unenclosed off street loading areas may not be located within 25 feet of any abutting R-zoned lot.

### (C) Access

Off-street loading spaces must be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movements.

### (D) Surfacing

All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the village engineer.

### (E) Spaces Required

Off-street loading spaces must be provided in accordance with the Table IX-4.

Table IX-4: Off-Street Loading Space Requirements

| Use Type | Min. Loading Spaces Required | Min. Size (feet) | Min. Vertical Clearance (feet) |
|---|---|---|---|
| **Commercial, Industrial, Public/Civic** | | | |
| Under 20,000 square feet | None | NA | NA |

| Use Type | Min. Loading Spaces Required | Min. Size (feet) | Min. Vertical Clearance (feet) |
|---|---|---|---|
| 20,000–49,999 square feet | 1 | 10 x 35 | 12 |
| 50,000+ square feet | 2 + 1 per additional 50,000 | 12 x 65 | 15 |
| **Residential** | | | |
| Under 50 dwelling units | None | NA | NA |
| 50+ dwelling units | 1 + 1 per additional 50 units | 10 x 35 | 12 |

# Article X Tree Preservation and Landscaping


Sec. 10.01 Jurisdiction ..... X-1
Sec. 10.02 Landscape Plans, Tree Surveys, and Tree Preservation Plans ..... X-1
Sec. 10.03 Permit Issuance ..... X-1
Sec. 10.04 Tree Preservation and Replacement ..... X-2
Sec. 10.05 Tree Protection ..... X-2
Sec. 10.06 Penalties and Tree Replacement Requirements ..... X-3
Sec. 10.07 Landscape Regulations ..... X-4


## Sec. 10.01 Jurisdiction

All construction activity that is subject to the site plan approval procedures of Sec. 14.05 is subject to the tree preservation and landscape regulations of this Article X as well as the heritage tree regulations of Chapter 80, Article III of the village code.

## Sec. 10.02 Landscape Plans, Tree Surveys, and Tree Preservation Plans

Applications for construction as described in Sec. 10.01 must include the following materials in a form acceptable to the village and as further described herein. The village's review of such plans and materials may include an inspection of the site and referral of the application to other appropriate administrative departments or agencies for review and recommendation.

### (A) Landscape Plan

Applicants must provide the village with a landscape plan at the time of site plan review. Such plans must indicate the locations of existing trees to be preserved, utilities and utility easements, building pads, retention/detention basins, proposed contours, and all required and proposed landscape features. Required landscape plans must be prepared by a professional landscape architect or landscape designer in accordance with village requirements.

### (B) Tree Survey

The zoning administrator is authorized to require a tree survey with the landscape plan. Otherwise, tree surveys are required prior to permit issuance and approval. Tree surveys must include information on all existing trees with a diameter at breast height (DBH) of 4 inches or greater. Information must indicate the location, size, species and condition of each tree, as well as existing and proposed structures, improvements, utilities, driveways, and contours at one-foot intervals.

### (C) Tree Preservation Plan

The zoning administrator is authorized to require a tree preservation plan with the landscape plan. Otherwise, tree preservation plans are required prior to permit issuance and approval. Tree preservation plans must identify those trees to be protected with a tree protection detail labeled on the tree survey. The plan must indicate the location, size, species and condition of each tree to be protected, as well as proposed structures, improvements, utilities, driveways, and contours at one-foot intervals. The tree preservation plan must also identify all protective measures to be taken to avoid construction damage to protected trees (i.e., pumping concrete, crown or root pruning).

## Sec. 10.03 Permit Issuance

No permit for construction, as described in Sec. 10.01, may be issued until such time that a tree preservation and landscape plan is approved by the village.

## Sec. 10.04 Tree Preservation and Replacement

All zoning and permit applications for construction, as described in Sec. 10.01, are subject to the tree preservation and replacement requirements of this section

**(A)** It is unlawful for any person to remove, injure, or undertake any procedure that will cause death or substantial damage to any tree protected by this article or other provisions of the village code.

**(B)** All trees within construction areas or areas where future construction is expected must be protected until otherwise stated upon approval of a submitted tree survey, tree preservation plan, and landscape plan.

**(C)** At least 50% of existing trees with a DBH of 4 inches or more, as shown on the required tree survey, are required to be replaced within all construction areas. If the property cannot accommodate the replacement trees, the village may allow payment as approved by the village forester, equal to the cost that would have been incurred, to purchase and install replacement trees elsewhere. The village must use such collected funds to purchase and plant trees elsewhere within the village. Trees required to be planted by the landscape regulations of Sec. 10.07 may be counted toward this replacement requirement.

**(D)** It is unlawful for any person to remove, injure, or undertake any procedure that will cause death or substantial damage to any tree in construction areas or areas where future construction is expected before approval of a submitted tree survey, tree preservation plan, and landscape plan. Trees that are removed before approval of the tree survey and landscape plan will be valued on a tree-for-tree basis and will be required to be replaced within the construction area after construction has commenced. If the property cannot accommodate the replacement trees, the village may require payment as approved by the village, equal to the cost that would have been incurred, to purchase and install replacement trees elsewhere. The village must use such collected funds to purchase and plant trees elsewhere within the village.

**(E)** The village retains jurisdiction to ensure compliance with this section and is authorized to issue a stop-work order for noncompliance. A stop-work order issued pursuant to this section may not be removed except by the village.

## Sec. 10.05 Tree Protection

**(A)** Whenever construction, as described in Sec. 10.01, affects trees and their root zones on a given parcel or on adjacent parcels, all appropriate tree protection measures must be taken. The applicant must consider and the village may require, the following specific protective measures for all development, or work requiring a permit, on properties with trees subject to regulation. Violation will result in the stoppage of all work and fines each day for each separate violation until corrections have been made to the satisfaction of the village.

**(1)** Protective fencing is required for and must be shown on the required tree preservation plan for all trees required or proposed to be preserved within 15 feet of any construction or construction material or construction equipment storage, including trees on adjacent properties. The entire parkway, except for the access point, must be properly fenced off from sidewalk to curb. All required protective fencing must be in place and approved by the village before a demolition permit will be issued. All fencing must remain in place during the entire construction period. All tree protective fencing must be of a snow fence design at least 4 feet in height unless otherwise approved by the village. All fencing must be secured to metal posts driven into the ground and spaced no further than 10 feet apart. Fencing may not be removed or relocated unless authorized in writing by the village. The general contractor is responsible for the construction, erection, and

maintenance of tree protection fencing in accordance with the conditions of the building permit around tree preservation areas. The approved tree preservation plan must be available on the building site before work commences and always during construction of the project. The general contractor is responsible for giving written notice of the tree preservation plan to all contractors or subcontractors before they enter the site.

**(2)** Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required for preservation of existing trees. These measures must be indicated on the tree preservation plan.

**(3)** During construction all reasonable steps must be taken to prevent the destruction or damaging of trees required or proposed to be preserved (including their root zones). No vehicle or equipment may be driven nor parked within the tree protection zone.

**(4)** During construction, unless otherwise authorized by the approved tree preservation plan, no excess soil, additional fill, equipment, liquids, or construction debris, may be placed within the root zone of any tree that is required to be preserved in its present location.

**(5)** During the construction period, no attachments, fences or wires, other than approved materials for bracing, guying or wrapping, may be attached to any tree that is required or proposed to preserved.

**(6)** All measures must be taken to maintain the health of trees which are transported to the site.

**(7)** Because construction damage to trees can sometimes take months or years before becoming apparent, any violation of the tree preservation specifications will be construed to result in a damaged or injured tree. In the event that a tree is damaged or injured, the contractor has the option to remove and replace the tree as specified in this article or post a bond for a period of 3 years for the associated cost of mitigating construction damage within the 3-year period (pruning or removal and replacement). After the construction process is completed, contractors have no responsibility for trees that have been protected throughout the entire construction process and in accordance with the approved tree protection plan.

**(B)** The village retains jurisdiction to ensure compliance with this section and is authorized to issue a stop-work order for noncompliance. A stop-work order issued pursuant to this section may not be removed except by the village.

## Sec. 10.06 Penalties and Tree Replacement Requirements

Failure to comply with an approved tree preservation plan or removal of protected trees before approval of a tree preservation plan is subject to the following penalties and remedies. When issuing a permit authorizing the removal of a tree, the village may require the property owner to replace all trees removed in accordance with the following minimum standards.

**(A)** If any tree subject to preservation under this article (Article X) is removed within one year prior to any zoning or permit application, to the extent possible, the removed trees must be included in the tree replacement requirements described herein.

**(B)** Any tree that is designated for preservation is removed during construction activities must be replaced with a new tree of approved species with a minimum DBH equal to the removed tree. If the property cannot accommodate one or more of the required replacement trees, then the village may require payment as approved by the village, equal to the cost that would have been incurred, in order to purchase and install replacement trees elsewhere. The village must then use such collected funds to purchase and plant trees elsewhere within the village.

**(C)** If a tree, that is to be preserved according to the approved tree preservation plan, is damaged or injured by other than natural causes to the extent that it is likely to die or become diseased, or if it constitutes a hazard to persons or property, it must be removed and replaced with a tree of approved species with a minimum DBH equal to the removed tree. If the property cannot accommodate one or more of the required replacement trees, then the village may require payment as approved by the village, equal to the cost that would have been incurred, in order to purchase and install replacement trees elsewhere. The village must then use such collected funds to purchase and plant trees elsewhere within the village.

**(D)** Species of trees replacement trees must be approved by the village before planting.

## Sec. 10.07 Landscape Regulations

~~The planting of trees and beautification of the village is essential to the quality of life for Westmont and its residents. Improved landscapes can increase property values, improve air quality, residents will have a more positive view of their surroundings and the 'heat island' effect on the urban environment can be reduced. It is the intent of this article to make Westmont more beautiful and a healthier place to live. Landscapes with diversity and seasonal interest are encouraged.~~

### (A) Purpose

The landscape regulations of this section establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this zoning ordinance and to help:

**(1)** Maintain and enhance the village's appearance;

**(2)** Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;

**(3)** Reduce the impacts of noise and glare.

**(4)** Maintain and improve air quality;

**(5)** Protect surface water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;

**(6)** Moderate heat by providing shade;

**(7)** Encourage wise use of water resources;

**(8)** Encourage preservation and replacement of existing trees and landscaping; and

**(9)** Encourage greater use of low-impact development practices.

### (B) Principles

The landscape regulations of this section will be interpreted, administered and enforced in accordance with the following general principles:

**(1)** Preservation of existing, healthy trees and shrubs is a top priority and is strongly encouraged.

**(2)** Trees, shrubs, groundcover and turf must be the primary sources of landscaping and must be installed and maintained to reduce stormwater runoff and ensure safe visibility at intersections and points of vehicular access.

**(3)** The design of landscape areas to promote low-impact development practices (e.g., bioretention basins, rain gardens, filter strips, and grassed swales) is strongly encouraged and may be used to satisfy the landscape regulations of this zoning ordinance, subject to compliance with all applicable stormwater management standards.

**(4)** The alternative compliance provisions of Sec. 10.07(G) are intended to accommodate creativity in landscape and screening design and address site-specific barriers that prevent strict compliance with the regulations of this chapter.

## (C) Residential Landscape Requirements

### (1) Applicability

The residential landscape regulations of this subsection apply to all residential development except for detached houses and multi-unit residential buildings. (Note: detached houses are exempt from landscape regulations and multi-unit residential buildings are subject to the nonresidential landscape regulations of Sec. 10.07(D).

**(a)** In front, side and rear yards, at least 2 shrubs with a minimum height of 24 inches at the time of planting, must be planted for every 10 linear feet of foundation along the portion of the building facing a public or private street.

**(b)** In addition to the above, at least 2 of the following requirements must also be satisfied:

i. Planting or preservation of at least one shade tree with a minimum caliper size of 3 inches for each 100 linear feet of building foundation, or portion thereof, along the front and corner side yards; and/or

ii. Planting or preservation of at least 2 understory trees with a minimum caliper size of 3 inches for each 100 linear feet of building foundation, or portion thereof, along the front and corner side yards; and/or

iii. Planting or preservation of at least 2 evergreen trees with a minimum height of 6 feet for each 100 linear feet of foundation, or portion thereof, along the front and side yards.

**(c)** Planting beds must be covered with ground cover or mulch.

**(d)** Tree planting in private areas must be done in a solar-conscious design, emphasizing the benefits of shade during the summer months and warming sunlight in the winter.

## (D) Nonresidential and Multi-Unit Residential Landscape Requirements

### (1) Applicability

The nonresidential and multi-unit residential landscape regulations of this subsection apply to all residential development and all multi-unit residential development, and mixed-use (residential + nonresidential) development.

### (2) General Site Landscape

**(a)** At least 50% of the unimproved ground area ~~open space~~ on a site must be landscaped with trees, shrubs, turf or ground cover plants.

**(b)** At least one tree must be planted per 500 square feet of ~~lot~~ site area required to be landscaped. One-third of the trees mut be evergreens with a minimum height of 6 feet, one-third of the trees must be understory varieties with a minimum height of 6 feet or a minimum caliper size of 3 inches, and one-third of the required trees must be canopy trees with minimum caliper size of 3 inches.

**(c)** At least one shrub must be planted per 50 square feet of ~~lot~~ site area required to be landscaped. Required shrubs must be at least 2 feet in height at time of planting. ~~and 3 feet for shrubs with a mature height 5 feet or more.~~

### (3) Foundation Plantings

#### (a) General

Foundation planting beds with a minimum width of 6 feet must be provided on all sides of the ~~main structure~~ principal building except where sidewalks or driveways lead to building entries, garages, or loading docks. Foundation plantings must be comprised of a combination of canopy trees, understory trees, evergreen trees, shrubs, ground covers, and flowers. Planting beds must be covered with groundcover plants or mulch.

#### (b) Street-Facing Facades

At least 2 shrubs with a minimum height of 2 feet at the time of planting must be planted for every 10 linear feet of foundation wall along street-facing facades of the principal building. In addition, at least 2 of the following must also be provided within street yard areas adjacent to street-facing principal building facades:

i. One canopy tree with a minimum caliper size of 3 inches for each 100 linear feet of building foundation wall, or portion thereof; and/or

ii. Two understory trees with a minimum caliper size of 3 inches for each 100 linear feet of building foundation wall, or portion thereof; and/or

iii. Two evergreen trees with a minimum height of 6 feet for each 100 linear feet of building foundation, or portion thereof.

~~Tree planting in private areas should be done in a solar conscious design, emphasizing the benefits of shade during the summer months and warming sunlight in the winter.~~

### (4) Parking Lot Interiors

#### (a) Purpose

The interior parking lot landscape regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of large paved areas and provide shade for parked vehicles and pedestrians.

#### (b) Applicability

Unless otherwise expressly stated, the interior parking lot landscape regulations of this section apply to all the following:

i. The construction of a new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;

ii. The construction or installation of any new parking lot containing 4 or more parking spaces; and

~~i.~~iii. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 20%.

#### (c) Parking Lot Landscape Islands

All parking lots containing 20 or more parking spaces must provide landscape islands, as follows:

i. All rows of parking that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row.

ii. When more than 20 parking stalls are located in a single row, at least one landscape island must be provided between each 20 parking stalls. The location of such landscape islands may be modified at the time of landscape plan approval based on site-specific design considerations,

provided that the total number of landscape islands may not be reduced below one island per 20 parking spaces.

iii. Required landscape islands must be at least 8 feet in width, as measured from the back of curb to back of curb, with a minimum area of 150 square feet when located in a single row of parking spaces or 300 square feet when located within a double row of facing parking spaces.

**(d) Required Trees**

i. For pavement areas of up to 6,000 square feet in area, at least one canopy tree with a minimum ~~DBH~~ caliper size of 3 inches must be provided for every 1,500 square feet of pavement area.

ii. For pavement areas exceeding 6,000 square feet in area, at least one canopy tree with a minimum caliper size ~~DBH~~ of 3 inches must be provided for each additional 3,000 square feet of pavement area.

iii. At least 50% of the required trees or at least one tree per required landscape island, whichever is greater, must be installed within the interior of the parking lot, as opposed to areas along the parking lot perimeter.

**(5) Parking Lot Perimeters**

**(a) Purpose**

The parking lot perimeter landscape regulations of this section are intended to help mitigate the visual and operational impacts of parking lots when such areas are adjacent to streets or residential zoning districts.

**(b) Applicability**

Unless otherwise expressly stated, the interior parking lot landscape regulations of this section apply to all the following:

i. The construction or installation of any new parking lot containing more than 4 off-street motor vehicle parking spaces; and

ii. The expansion of any existing parking that results in the addition of 4 or more off-street motor vehicle parking spaces, in which case the perimeter landscape requirements of this section apply only to the entire parking lot.

**(c) Required Screening**

i. Parking lots must be screened from view of abutting R-zoned lots by an opaque fence or wall not less than ~~4~~ 6 feet in height plus at least one evergreen tree per 25 linear feet of fence or wall. Required evergreen trees must be at least 6 feet in height at time of planting.~~a landscape planting strip with a minimum width of 4 feet in accordance with the following, or on an alternate arrangement as approved by the board of trustees. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis within the planting strip.~~

ii. Parking lots must be screened from view of abutting streets by shrubs or evergreen trees planted to form a continuous visual barrier (hedge) at least 3 feet in height or by an opaque wall with a minimum height of 2.5 feet and a maximum height of 3 feet. Walls used to satisfy these screening requirements must be constructed of brick, stone, cast stone, formed concrete or similar durable, low-maintenance materials, as approved by the zoning administrator. ~~On the street lot line, a planting screen not less than 3 feet in height shall be installed, unless said screen~~

~~interferes with the corner visibility triangle which requires a maximum height of less than 24 inches. Such planting screen shall be adjacent to the parking area. Suitable landscaping and groundcover shall be provided and maintained on a continuing basis between the screen fence and curb line. Planting screens, or hedges, fences or walls shall not exceed 2 feet in height where location is such that sight lines are necessary for vehicular movement across pedestrian ways.~~

## (E) Landscape Materials and Design

### (1) Landscaping with Required Landscape Areas

All required landscape areas are required to be covered with ground cover plants or mulch. Alternatives that comply with the village's best management practices for stormwater are also allowed.

### (2) Existing Trees and Vegetation

Existing non-invasive trees may be counted toward satisfying the landscaping and screening regulations of this article if they are located within the subject area and they comply with applicable plant height and size requirements of this article.

### (3) Plant Selection

**(a)** Only trees and shrubs listed on the recommended tree and shrub list of Appendix A may be used to satisfy the minimum landscape requirements of this section, provided that the zoning administrator is authorized to permit the use of other species if such species are non-invasive and not listed as "not recommended" on the species list in Appendix A.

**(b)** Trees and plant material must comply with the specifications found in American Standards for Nursery Stock (ASNS).

### (4) Curbs and Vehicle Barriers

Landscaped areas in or abutting parking lots must be protected by concrete curbing, anchored wheel stops, or other durable barriers approved by the zoning administrator. Alternative barrier designs that provide improved infiltration or storage of stormwater are encouraged. Curbs protecting landscape areas may be perforated, have gaps or otherwise be designed to allow stormwater runoff to pass through.

### (5) Sight Vision Triangles

Placement of trees and landscape material is subject to the sight vision triangle regulations of Sec. 12.05.

### (6) Installation

**(a)** All landscaping must be installed in a sound manner and in accordance with accepted landscape planting practices.

**(b)** Newly planted trees may not be staked or guyed unless they are unable to stand upright without support. Any staking and guying materials must be removed within one year of installation.

### (7) Maintenance

The property owner, occupant, tenant and respective agent of each, if any, are jointly and severally responsible for the maintenance and protection of all required landscaping, in accordance with the following regulations:

**(a)** Landscaping must be kept reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.

**(b)** Landscaping must be mowed or trimmed in a manner and at a frequency appropriate to the use of the material and species on the site so as not to

detract from the appearance of the general area. Growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise.

**(c)** All landscaping must be maintained to minimize property damage and public safety hazards, including removal of invasive species, dead or decaying plant material, and removal of low-hanging branches next to sidewalks and walkways obstructing street lighting.

**(d)** All pruning must be done in accordance with ANSI A300 (part 1) "Standards for Tree Care Operations—Pruning." Tree topping is prohibited. Crown reduction pruning may be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree planting requirements.

**(e)** Failure to maintain landscaping in accordance with the approved landscape plan is a violation of this ordinance.

~~(a)~~**(f)** Refer to Chapter 86 of the village code for regulations governing weeds.

## (F) Detention Area Landscaping

**(1)** The Village of Westmont is committed to improving and enhancing the environment and quality of life in Westmont. Native landscaping and the naturalization of detention basins contribute greatly to the improvement of the local environment. The village encourages the implementation of these "Best Management Practices" (BMP's) wherever possible and practical. The benefits include:

- **(a)** Filtration and removal of nutrients and other contaminants from stormwater runoff;
- **(b)** Reduction of erosion and sedimentation;
- **(c)** Reduction of pollution, resulting from less mowing activity;
- **(d)** Reduction of long-term maintenance costs;
- **(e)** Reduction of congregating nuisance waterfowl on sites;
- **(f)** Provide habitat for local wildlife;
- **(g)** Help meet the goals of the National Pollution Discharge Elimination System (NPDES) Phase II of the Clean Water Act.

**(2)** The design and installation of "BMP's" must be performed by a practitioner with at least 5 years of experience in the practice of native landscaping or ecological restoration.

**(3)** Native plants require a longer establishment period than turf grass and therefore, the developer will be required to provide a management and maintenance bond with services for a period of no less than 3 years. Upon the completion and acceptance of the 3-year maintenance period, responsibility for long-term maintenance will be assumed by the owner of the development or the homeowners association.

**(4)** Long-term maintenance will require controlled burns as the primary management tool and be required at least once every 3 years. Spot herbicide application may also be employed where burning is not effective in controlling invasive species. All persons employed or contracted to perform a controlled burn must have the proper certification and insurance and be responsible for acquiring the necessary Open Burn Permit through the Illinois Environmental Protection Agency (IEPA). The Westmont Police and Fire Departments must be notified of the controlled burn at least 2 weeks before the activity.

## (G) ~~Waivers~~Alternative Compliance

~~The village may waive minimum landscape requirement and the requirement for a landscape plan if the petitioner demonstrates that one or more of the following conditions are satisfied.~~

### (1) Applicability and Approval Criteria

To accommodate creativity in landscape design and to allow for flexibility in addressing site-specific development and redevelopment challenges, alternative compliance landscape plans, sealed by a landscape architect licensed to practice in the State of Illinois, may be approved at the time of site plan approval. In order to approve an alternative compliance landscape plan, the applicable decision-making body must determine that one or more of the following conditions or opportunities are present:

~~(H)~~(a) The subject site has sufficient mature trees and vegetation to meet the intent of the landscape regulations of this article and plans to properly protect existing trees or vegetation and protection measures will be carried out properly throughout the entire construction process.

~~(I)~~(b) Installing plant material to the full extent required by the regulations of this article would compromise the health, vitality, or ecology of the existing vegetation on the site, or on neighboring sites.

(c) The subject site has space limitations, an unusual shape or other factors that make strict compliance with applicable landscaping and screening regulations impossible or impractical;

(d) Physical conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this section;

(e) Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or

(f) Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscape regulations of this section.

~~(a) Significant open space or vistas would be negatively impacted by the installation of the required plants.~~

### (2) Variances

Requests to waive or vary the applicable landscape regulations of this article that do not qualify for approval of an alternative compliance landscape plan must be processed as variances, in accordance with the procedures of Sec. 14.06.

# Article XI Signs[8]


Sec. 11.01 General ..... XI-1
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## Sec. 11.01 General

### (A) Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

**(1)** To support the desired character of the village, as expressed in adopted plans, policies, and regulations;

**(2)** To promote an attractive visual environment;

**(3)** To encourage the effective use of signs as a means of communication for businesses, organizations, and individuals;

**(4)** To provide a means of way-finding for visitors and residents;

**(5)** To provide for reasonable business identification, advertising, and communication;

**(6)** To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the village and its residents, property owners and visitors;

**(7)** To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;

**(8)** To minimize the possible adverse effects of signs on nearby public and private property; and

**(9)** To provide broadly for the expression of individual opinions through the use of signs on private property.

### (B) Scope and Applicability

All signs within the village are subject to the regulations of this article and all other applicable provisions of this zoning ordinance.

### (C) Content Neutrality; Substitution of Noncommercial Messages

Any sign allowed under this article may contain, in lieu of any other sign message or copy, any lawful noncommercial message if the sign complies with all applicable size, height, location, and other requirements of this article. The purpose of this "substitution" provision is to prevent any inadvertent favoring of commercial speech

[8] This article has been reorganized and edited. Content-based regulations have been removed.

over noncommercial speech, or the favoring of any one noncommercial message over any other noncommercial message.

## Sec. 11.02 Prohibited Signs

The following signs and sign characteristics are expressly prohibited in the village unless otherwise expressly stated in this zoning ordinance:

**(A)** Signs for which any required permit has not been issued or that are posted or maintained in violation of the sign regulations of this article;

**(B)** Signs in, on or above any street, alley, park, parkway, sidewalk or other public place, except as expressly allowed under the provisions of this article;

**(C)** Roof signs;

**(D)** Signs that project above the building wall unless designed as an architectural element such as a marquee;

**(E)** Search lights, strobe lights, rotating beacon lights, flashing lights, and blinking lights that are visible from public right-of-way, except as otherwise expressly allowed by this article or required by law;

**(F)** Off-premises outdoor advertising signs other than those expressly permitted within 660 feet of the right-of-way of Route 83 (Kingery Highway) or U.S. Route 34 (Ogden Avenue);

**(G)** Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

**(H)** Signs that interfere with an opening required for ventilation, except that signs may cover transom windows when not in violation of building and fire prevention codes;

**(I)** Signs affixed directly to a tree, utility pole or traffic control device;

**(J)** Signs attached to fences except as permitted for construction signs in Sec. 11.03(C);

**(K)** Projecting signs except as permitted under Sec. 11.05(D);

**(L)** Abandoned signs (see Sec. 11.08);

**(M)** Balloons, inflatables, feather signs, banner signs, and similar wind-driven devices, unless otherwise expressly allowed by provisions of this zoning ordinance;

**(N)** Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device or that makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists;

**(O)** Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;

**(P)** Signs that violate the sight vision triangle regulations of Sec. 12.05;

**(Q)** Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way;

**(R)** Lighting around the border of a window or outlining an architectural element or feature of a building or other structure, except for temporary holiday lighting and seasonal decorations using unshielded low-intensity lamps typical of holiday displays; and

**(S)** Signs that are obscene or that when considered as a whole predominantly appeal to prurient interest.

## Sec. 11.03 Sign Exceptions[9]

The following signs are not counted as signs for purposes of determining the number of signs or sign area on a lot. Such signs are subject to the regulations of Sec. 11.02, Sec. 11.07, and Sec. 11.08 as well as the following:

### (A) Driveway and Parking Lot Signs

(1) One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may not exceed 9 square feet in area or 6 feet in height.

(2) Off-street parking areas may display signs within parking lots. Such signs must be oriented to be visible by parking lot users and may not exceed 6 square feet in area or 6 feet in height.

### (B) Real Estate Signs

One temporary real estate sign is allowed per street frontage. Such signs may not exceed:

(1) 32 square feet in area or 8 feet in height on lots occupied by nonresidential uses or buildings containing 3 or more dwelling units; or

(2) 9 square feet in area or 6 feet in height on lots occupied by fewer than 3 dwelling units.

### (C) Construction Signs

(1) One temporary construction sign is allowed per street frontage. Such signs may not exceed:

(a) 32 square feet in area or 8 feet in height on lots occupied by nonresidential uses or buildings containing 3 or more dwelling units; or

(b) 9 square feet in area or 6 feet in height on lots occupied by fewer than 3 dwelling units.

(2) Construction signs may be attached to construction fences.

### (D) ~~Bulletin Board~~ Static Changeable Message Board Signs

One static changeable ~~bulletin~~ message board sign is permitted per lot ~~occupied by a public or institutional use~~. Such signs may not exceed 32 square feet in area.

### (E) Fuel Pump Signs

One sign (including and electronic display) is permitted on per fuel pumps and electric vehicle charging station. Such signs may not exceed 2 square feet in area per pump or charging station. Operational and payment instructions on the face of the pump or station are exempt from this sign area limitation.

### (F) Drive-Through Signs

Drive-through signs are permitted in conjunction with drive-through uses, as follows:

#### (1) Number and Size

(a) A maximum of one primary drive-through sign and one secondary drive-through sign is allowed per drive-through lane.

(b) Primary drive-through signs may not exceed 50 square feet in area.

(c) Secondary drive-through signs may not exceed 12 square feet in area.

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[9] Several of the exceptions included in Sec. 11.11 of the current ordinance are content-based, which should be avoided. These provisions, along with accompanying definitions, are intended to make the regulations more content-neutral.

**(d)** Signs on vertical (vehicle height) clearance barriers are not counted as signs if they contain no commercial message.

**(2) Visibility**
Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

## (G) Sandwich Board Signs

**(1)** Sandwich board signs are permitted only in B-1(A), B-1, B-2, B-3, C-1, R-4, R-5, ~~and~~ R-6, and R-7 districts.

**(2)** One sandwich board sign is permitted per business, subject to location and separation distance or additional allowances specific to the districts listed below.

**(3)** Sandwich board signs may not exceed 8 square feet per side or 4 feet in height.

**(4)** Sandwich board signs must be removed and stored indoors when the establishment is not open for business.

**(5)** Sandwich board signs must be professionally made and maintained in good condition.

**(6)** Sandwich board signs must be of an A-frame design and properly weighted so as not to create a windblown hazard.

**(7)** Sandwich board signs may not have any protruding nails, tacks, wires or sharp metal edges.

**(8)** Sandwich board signs must be located on the ground and not be attached to any structure or person.

**(9)** Sandwich board signs must be set back at least 15 feet from any vehicular private drives or entries, may not obstruct or impede traffic flow.

**(10)** A minimum separation distance of 25 feet between any other commercial signage must be maintained, including freestanding temporary signs.

**(11)** Sandwich board signs are permitted on private sidewalks (except in B-1(A) and B-1 districts where they are permitted on public and private sidewalks), provided that the signs must be located entirely or partially on the sidewalk in front of the business, allowing for at least 5 feet of continuous sidewalk clearance.

**(12)** Sandwich board signs are prohibited in parking lots, parking spaces or vehicular drives.

## (H) Window Signs

Window signs, including but not limited to "open" ~~of paper or similar materials are allowed as sign exceptions. Such window signs may not~~ covering no more than 40% of the total window area are allowed as sign exceptions. ~~and may not create a safety hazard to customers, employees, pedestrians, or traffic.~~ Window border lighting is prohibited, as stated in Sec. 11.02(R).

## (I) Pennants

Pennants may be attached to private light poles in nonresidential districts. No more than one pennant is permitted on each light pole and such signs may not exceed 4 square feet in area. Pennant signs must be attached with a rigid frame that does not allow for wind movement.

## (J) Temporary Signs and Banners

**(1)** In nonresidential districts, temporary signs and banners ~~conducted by or on behalf of an on-premises business, business commodity, business service or for-profit entertainment shall be permitted with a permit~~ may be approved, subject to the following conditions:

**(a)** A maximum of one temporary sign is permitted per business per display period.

**(b)** The maximum display period may not exceed 30 days.

**(c)** Temporary signs may be displayed for no more than 60 days each calendar year per business. Any display of a temporary sign counts towards the maximum number of days for the business.

**(d)** Temporary signs may not exceed 32 square feet in area. They may be freestanding or attached to the leased frontage of the building.

**(e)** For multi-tenant centers, only one freestanding temporary sign is permitted per street frontage at any time.

**(f)** Freestanding signs must be at least 5 feet from property lines and 15 feet from any driveways. They may not exceed 8 feet in height.

~~**(g)** Temporary special event signs may not be used concurrently with a sandwich board sign for the same business.~~

### (K) Special Event Signs

Special event signs and banners ~~or posters publicizing approved special events sponsored in whole or in part by the village~~ located in, on or over the public right-of-way~~. Such signage shall~~ require ~~the~~ approval by ~~of~~ the board of trustees as part of the special event permit approval and ~~shall be~~ are subject to time, place and size restrictions imposed by the board of trustees. Board of trustees-approved special event signs are not subject to the sign regulations of this article unless otherwise expressly stated at the time of approval.

### (L) Grand Opening Event Signs

Grand opening event signs are permitted in business and employment districts in association with a business opening in a new space. Such signs are subject to the following regulations:

**(1)** Grand opening event signs are allowed for a maximum duration of 14 consecutive calendar days, beginning on the first day that the business is open to the public. Any temporary signs in place before or after this grand opening event sign period are subject to the special event sign regulations of Sec. 11.03(K);

**(2)** The following types of signs are allowed as grand opening event signs:

**(a)** Wall-mounted temporary banners;

**(b)** Flags;

**(c)** Freestanding temporary banners; and

**(d)** Feather signs.

**(3)** No more than 4 total grand opening event signs are allowed. No more than 2 of the 4 allowed signs may be feather signs, and no more than one of the 4 allowed signs may be freestanding temporary banner signs.

**(4)** Wall-mounted temporary banner signs may not exceed 32 square feet in area.

**(5)** Individual freestanding temporary banner signs and feather signs may not exceed 32 square feet in area or exceed 8 feet in height. Both types of signs must be set back at least 5 feet from lot lines and at least 15 feet from the edge of any on- or off-site driveway.

**(6)** Signs on motor vehicles are expressly prohibited as grand opening event signs.

**(7)** The zoning administrator is authorized to order the removal of any grand opening signs that are deemed a danger to the public health, safety, or welfare, or that are in violation of any zoning ordinance or village code requirements. Failure to immediately remove such signs is a violation of this zoning ordinance.

**(8)** Grand opening event signs are exempt from otherwise applicable window sign area limits (see Sec. 11.03(H)) for the 14-day period during which these grand opening event sign provisions apply.

### (M) Other Sign Exceptions

The following additional signs are also allowed as sign exceptions:

**(1)** Signs erected and maintained pursuant to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right ~~and signs erected by not-for-profit organizations located within the village and which are funded in whole or in part by the village, and which promote such organizations. For such not-for-profit organization signs, the advance approval of the board of trustees is required as to the time, location and size of such signage~~;

**(2)** Flags that do not contain a commercial message (flags that contain a commercial message are regulated as signs);

**(3)** Up to 6 wall plaques and wall signs that are not illuminated or are directly illuminated and that do not exceed 4 square feet in area per sign;

**(4)** Signs within completely enclosed buildings, unless otherwise expressly stated in this zoning ordinance;

**(5)** Labels and notices on equipment or structures, provided the label or notice does not exceed 15 square inches in area; and

**(6)** Temporary signs with a noncommercial message. Such signs may not exceed:

**(a)** 12 square feet in area or 5 feet in height on lots occupied by nonresidential uses or buildings containing 3 or more dwelling units; or

**(b)** 4 square feet in area or 5 feet in height on lots occupied by fewer than 3 dwelling units.

## Sec. 11.04 Allowed Signs

Signs are allowed in accordance with the regulations of Table XI-1.

Table XI-1: Allowed Signs

| SIGN TYPE | General Standards | | | | | | | | | Sign Illumination | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Affixed to Wall | | Freestanding Signs | | | | | | Type of Illumination [3] | | | Max. Intensity [1] | |
| | Maximum Total Sign Area (all signs; sq. ft.) | Permitted (P) or not (–) | Max. projection from wall (in) | Permitted (P) or not (–) | Height Max. (Grade to Top) | Height Min. (Grade to Bottom) | Min. Street Setback | Min. Interior Side Setback | | Reflecting | Radiating | Permitted Color | Footlamberts (at light source) | Footcandles (at sign face) |
| **IDENTIFICATION** | | | | | | | | | | | | | | |
| **Residential Uses** | | | | | | | | | | | | | | |
| Lots with single dwelling unit | 1 | P | 18 | P | None | None | None | None | | P | – | White | — | 20 |
| Lots with 2 to 3 dwelling unit | 1 | P | 18 | P | None | None | None | None | | P | – | White | — | 20 |
| Lots with more than 3 dwelling units | 0.5 per dwelling-max. 30 | P | 18 | P | 8 | 1 | 10 | 10 | | P | – | White | — | 20 |
| **Commercial and Employment Uses** | | | | | | | | | | | | | | |
| B-1(A) and B-1 districts | 2.0 per linear foot of building façade [5] | P | 18 | P | 16 | 4 | 5 | 5 | | P | P | Any [12] | 100 | 30 |

| SIGN TYPE | General Standards | | | | | | | | Sign Illumination | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Affixed to Wall | | Freestanding Signs | | | | | Type of Illumination [3] | | | Max. Intensity [1] | |
| | | | | | Height | | | | | | | | |
| | Maximum Total Sign Area (all signs; sq. ft.) | Permitted (P) or not (–) | Max. projection from wall (in) | Permitted (P) or not (–) | Max. (Grade to Top) | Min. (Grade to Bottom) | Min. Street Setback | Min. Interior Side Setback | Reflecting | Radiating | Permitted Color | Footlamberts (at light source) | Footcandles (at sign face) |
| B-2, C-1, O-R and O-R/1 Districts | 2.0 per linear foot of building facade [4][5] | P | 18 | P | 16 [8] | 4 | 5 | 5 | P | P | Any | 100 | 30 |
| B-3 district | Wall-300 Ground-150 | P | 18 | P | 16 | 4 | 5 | 5 | P | P | Any | 100 | 30 |
| M-1 and M districts | 1.0 per linear foot of building facade | P | 18 | P | 16 | None | 5 | 10 | P | P | Any | 100 | 30 |
| **Public and Institutional Uses** | 0.1 per linear foot of lot width | P | 18 | P | 15 | None | 15 | 15 | P | – | White | — | 30 |
| **Off-street Parking Lot** | 0.3 per linear foot of lot width – max. 20 | – | – | P | 10 | 3 | 5 | 10 | P | – | White | — | 30 |
| **Other Uses** | As approved by the Board of trustees | | | | | | | | | | | | |
| **SPECIAL SIGNS AND DEVICES** | | | | | | | | | | | | | |
| **Traffic & Public Safety Signs** | As required by the Chief of Police | | | | | | | | | | | | |
| **Off-Premises Advertising Signs [2]** | 200 [10] | – | – | P | 20 [9] | None | 5 [11] | – [11] | P | – | White | — | 20 |

**Table XI-1 Notes:**

[1] Intrinsic brightness may not exceed 50 footcandles per square inch or 10 per square inch if visible from an R district. Illumination levels on R-zoned lots may not exceed one-tenth of a footcandle.

[2] This provision applies only to signs located within 660 feet of the right-of-way of Ill. Route 83 (Kingery Highway) and U.S. Route 34 (Ogden Avenue). Maximum height is measured from grade at centerline of right-of-way.

[3] Where reflecting, radiating or other illumination of signs is permitted:

(a) Light may not be projected toward or onto properties located in an R district.

(b) Any illumination in the line of vision of approaching vehicular traffic may not resemble any authorized traffic sign.

(c) Flashing, blinking, ~~incandescent~~ or stroboscopic lights are prohibited.

(d) Gooseneck reflectors and lights are permitted on permanent signs; provided, however, that any such reflectors or lights must be installed in such a manner that the direct rays of light are concentrated on the sign and are shielded or otherwise constructed to prevent glare upon streets or adjacent properties.

[4] In multi-tenant centers with independent outdoor entrances to individual units, each unit is allowed a sign on the leased frontage.

[5] Notwithstanding the maximum gross sign area standards, all business and office buildings have an assumed minimum facade width of 30 linear feet. If multiple enterprises occupy the 30-foot frontage, each must proportionately share the allowable maximum gross sign area allowance.

[6] RESERVED

[7] RESERVED

[8] Maximum height of freestanding signs located within 660 feet of the right-of-way of Illinois Route 83 (Kingery Highway) is 20 feet, measured from grade at centerline of right-of-way.

[9] Maximum height measured from grade or elevation of the site on which the sign is to be placed.

[10] The maximum gross sign area of off-premises advertising signs is counted toward the total sign area allowed in the applicable zoning district and the total number of signs permitted on any premises.

[11] Off-premises advertising signs must also comply with all rear and side yard setbacks of the applicable zoning district.

[12] In B-1(A) and B-1 districts, interior illuminated box (panel) signs with translucent faces are prohibited. Box signs are permitted only when they have a completely opaque (screened) ~~material~~ backgrounds and backlighting that highlights only individual letters, symbols, or logos.

## Sec. 11.05 Additional Regulations for Specific Sign and Site Types

### (A) Wall Signs

**(1)** A maximum of one wall sign is permitted for each business except on corner lots, where businesses are permitted a maximum of one wall sign per street-facing building frontage.

**(2)** Wall signs must be oriented to the street, except as follows:

**(a)** When a business or building has a primary entrance oriented to an internal parking lot rather than a primary street, permitted wall sign allowances are calculated based on the building frontage facing the parking lot.

**(b)** If the portion of the building that faces the street is considered the rear of the building, but has been architecturally designed with the same material integrity as the front facade, then one additional sign facing the street frontage is permitted; however, the rear building frontage does not ~~contribute~~ count when calculating ~~to~~ the allowed gross sign area permitted on the site.

**(c)** In B-1(A) and B-1 districts, when access for patrons is provided from the rear of the principal building, one additional wall sign is permitted; however, the rear building frontage does not count when calculating the allowed gross sign area permitted on the site.

**(3)** All new wall signs must be individual letter signs, with each letter ~~either~~ mounted independently on the wall or attached to a typical raceway. Square or rectangular-shaped ~~C~~cabinet or box type signs are expressly prohibited as wall signs. One small cabinet sign may be used as a component of a wall sign that is composed primarily of individual letters, provided that the cabinet sign component:

**(a)** Does not exceed 20% of the area of the individual letter components of the sign;

**(b)** Is not square or rectangular; and

**(c)** Reflects the design of the individual letter sign components in terms of color and shape.

### (B) Freestanding Signs

**(1)** A maximum of one freestanding sign is permitted on each lot except on corner lots, where a maximum of one freestanding sign is permitted per street frontage with driveway access to the street. Except as otherwise expressly stated in this section, this limit applies to single-tenant and multi-tenant centers. Any subdivided outlots within multi-tenant centers are allowed a maximum of one freestanding sign.

**(2)** In the O/R district, additional freestanding wayfinding signs are allowed as follows:

**(a)** One additional freestanding wayfinding sign is permitted per each entrance into the property/development with a maximum of 4 additional freestanding wayfinding signs for the entire property.

**(b)** Freestanding wayfinding signs may not exceed 35 square feet in area or 10 feet in height.

**(c)** Freestanding wayfinding signs must be set back at least 25 feet from all property lines.

~~(d) Graphics: Graphics are limited to tenant names and logos, addresses, directional symbols and architectural elements associated with the development.~~

**(3)** The maximum sign area for an individual freestanding sign is a portion of the permitted maximum sign area of all signage as determined by the frontage (see Table XI-1) and may account for no more than 50% of overall allowed signage, except as follows:

**(a)** When only one freestanding sign is installed on a corner lot (when multiple freestanding signs are permitted), the cumulative frontage for each street may be used for calculations; however signage may only account for up to 35% of overall allowed signage.

**(b)** Multi-tenant centers are permitted a maximum gross sign area equal to 50% of the lot frontage or 200 square feet per sign, whichever is less.

**(4)** All freestanding signs must be constructed with a base that is at least 50% as wide as the overall sign width up to 8 feet in height, or 75% when permitted to be taller; pole signs are prohibited.

**(5)** Freestanding signs must be separated by a distance of at least 10 feet from any other sign.

**(6)** Freestanding signs must prominently display the building addresses (with numerals) that are a minimum height of 6 inches.

**(7)** All newly constructed freestanding signs must be landscaped in accordance with the following regulations and approved as part of a landscape plan for the subject property:

**(a)** Freestanding sign must have a minimum landscaped area of 5 feet around the base of the sign.

**(b)** 75% of the landscape bed must be planted with vegetation.

**(c)** Vegetation must include shrubs, ornamental grasses and perennials that provide year-round interest.

**(d)** Plantings must be large enough to conceal the base of the sign.

**(e)** Freestanding signs in parking areas must be surrounded by bollards or a masonry barrier.

**(f)** All plantings must be continuously maintained and replaced as necessary.

### (C) Electronic Message Board Signs

**(1)** Electronic message board signs are permitted as of right in B-2, B-3, C-1, O/R, O/R-1, ~~and~~ M-1, M, and P/I districts, provided that such signs require special use permit approval when the subject lot's street yard or interior side yard abuts an R-zoned lot.

**(2)** Electronic message board signs may be approved by special use permit in R districts when located on lots occupied by public or institutional uses subject to compliance with all applicable regulations of this article. ~~Electronic message board sign messages for educational, governmental and religious uses may advertise for the on-site use and may advertise for community events within the village.~~

**(3)** Electronic message board signs are expressly prohibited in B-1(A) and B-1 zoning districts.

**(4)** The electronic message board component of a sign may not comprise more than 40% of a freestanding sign's total allowable sign face area, or 75% if the freestanding sign is in a monument style (not a pole sign).

**(5)** Electronic message board signs may not display flashing, animation, illusion of movement, or similar displays.

**(6)** Live or pre-recorded video is prohibited.

**(7)** Messages must instantaneously change; no transitions are allowed.

**(8)** Messages may not change more than once every 5 seconds.

**(9)** Electronic message board signs are subject to compliance with maximum light intensity and illumination regulations of this article.

~~**(10)** Text and numeral displays on electronic message board signs must appear with a solid black background.~~

~~**(11)**~~**(10)** The electronic message board sign module must include dimmer controls that can be adjusted to meet village light emission standards. Proof of such sign module controls must be provided.

### (D) Projecting Signs

Projecting signs are permitted only in B-1(A) and B-1 districts, subject to the following regulations:

**(1)** A maximum of one projecting sign is permitted per each ground-floor business abutting a street-facing building or building wall facing an off-street parking area where customer access is also available. When a business occupies a corner frontage and is permitted 2 signs, the business may elect for a single corner projecting sign installed at 45 degrees at the corner.

**(2)** Projecting signs may not exceed 6 square feet in area, or 10 square feet for a corner-mounted projecting sign.

**(3)** Projecting signs must be mounted to ensure a minimum clearance of 8 feet measured from the bottom of the sign to the sidewalk or grade above which the sign extends.

**(4)** Projecting signs may not be placed higher than 15 feet above grade, and sign structure and light fixtures may not extend higher than 18 feet above grade. No portion of the sign, structure or lighting may exceed the height of the building or architectural first-floor facade. Projecting signs may not obstruct windows or accessways.

**(5)** Projecting signs may not extend or project more than 3 feet from building facade.

**(6)** External illumination, internally illuminated individual channel letter signs, and bare bulb signs are permitted as projecting signs. Internally illuminated box signs are permitted when accessory to a primary sign and letters/sign copy must be dimensional. Sign lighting must be designed to prevent light spillage and glare onto any adjacent R-zoned property or public right-of-way. External light fixtures may not extend beyond 2 feet from the centerline of the sign.

**(7)** Projecting signs that encroach over public property or right-of-way, require a license agreement between the village and property and/or business owners. Such agreement requires the owner to specifically acknowledge responsibility for any injury or property damage caused by the sign encroachment, agrees to indemnify the village, and provide proof of insurance. The zoning administrator is authorized to execute all such agreements on behalf of the village, utilizing a form agreement prepared by the village attorney.

### (E) Fueling Stations and Vehicle Sales Establishments

**(1)** The total gross area of signs on lots occupied by fueling stations or vehicle sales establishments (auto dealerships) may not exceed 0.5 square feet per linear foot of street frontage.

**(2)** Fueling stations are allowed one additional wall (canopy) sign in addition to permitted wall signs; however, all signs are counted when determining compliance with applicate total sign area limits. Canopy signs may not face a residential district.

**(3)** Vehicle sales establishments are allowed one additional wall sign in addition to permitted wall signs; however, all signs are counted when determining compliance with applicate total sign area limits.

## Sec. 11.06 Construction Standards

**(A)** All signs and other advertising structures must be designed and constructed in accordance with the building code (Chapter 18) and all other applicable ordinances of the village.

**(B)** Signs may not be painted on the wall of a building or adhered to the wall of a building with glue or mastic. Wall signs may not be secured with wire, strips of wood or nails.

**(C)** All new freestanding sign structures must be properly engineered. No building permit may be granted or plans approved for any new freestanding sign structure unless such plans are prepared by an Illinois licensed architect or structural engineer. The requirement for plans to be prepared by an Illinois licensed architect or structural engineer may be waived by the zoning administrator.

**(D)** The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semi-transparent material. Any glass forming a part of any sign must be safety glass or plate glass at least 0.25 inches thick. Any single piece or pane of glass with an area or more than 3 square feet must be wired glass.

**(E)** Any movable part of a sign such as the cover of a service opening must be securely fastened by chains or hinges.

**(F)** Signs must be constructed with rigid materials. Vinyl and fabric are considered temporary signs and are expressly prohibited as permanent signs.

**(G)** Every sign must identify the date of installation, the permit number and the voltage of any electrical apparatus.

## Sec. 11.07 Maintenance

**(A)** All signs together with their supports, braces, guys and anchors must be kept in good repair and must be maintained to comply with the standards established in this zoning ordinance and all other applicable ordinances.

**(B)** It is the duty of the owner of the lot or premises on which signs are located to maintain sign and the area around such signs in neat, clean, sanitary and inoffensive condition and to keep the area free and clean of all debris, junk and other materials and substances that would tend to create a condition detrimental to the public health, safety and welfare.

~~If the zoning administrator find that any sign or other structure regulated in this article is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this article or other applicable regulations of the village, the zoning administrator must give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with applicable regulations within 10 days of such notice, the zoning administrator may request the village attorney to apply to a court of competent jurisdiction for an order that the violation be abated and that such sign be removed or altered to comply at the expense of the permittee or owner of the property upon which it is located, or to take whatever other action to enforce this ordinance as may be permitted by law. The economic development director shall refuse to issue a permit to any permittee or owner who refused to pay costs so assessed.~~

## Sec. 11.08 Abandoned Signs

Any sign that no longer advertises a bona fide business conducted, or a product sold is considered abandoned and must be removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. This provision does not apply to signs displaying a noncommercial message.

## Sec. 11.09 Nonconforming Signs

See Sec. 13.05.

## Sec. 11.10 Permits

**(A)** Except as otherwise provided in this zoning ordinance, it is unlawful for any person to erect, enlarge, alter or maintain a sign without first obtaining a permit for such sign from the community development department.

**(B)** Permit fees must be calculated in accordance with the building permit fee schedule of section 18-487. Temporary signs and banners require a flat fee of $25.00 per display period.

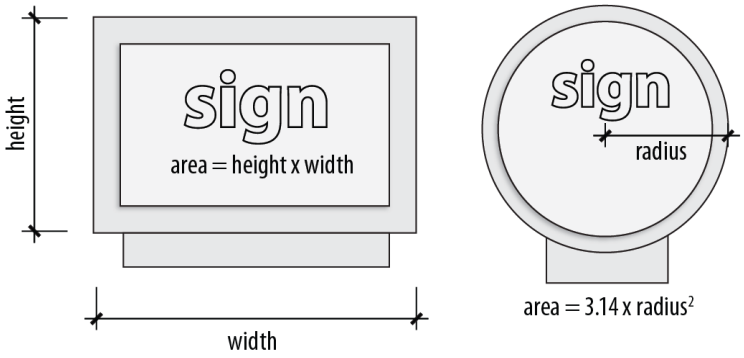
## Sec. 11.11 Sign-Related Measurements

### (A) Sign Area

#### (1) Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame, box or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.

Figure XI-1~~XI-1~~: Sign Area Measurement (Signs in Cabinets or Frames)




#### (2) Channel (Individual) Letter Signs

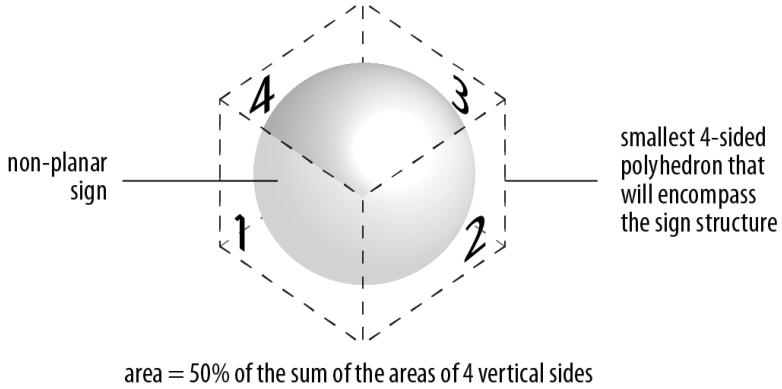
The area of a sign comprised of individual letters or elements attached directly to a building wall is determined by calculating the area of the smallest rectangle that can be drawn around the letters or elements.

Figure XI-2: Sign Area Measurement (Individual Letter Signs)

**(3) Non-Planar Signs**

Spherical, free-form, sculptural or other non-planar sign area is measured as 50% of the sum of the areas using only the 4 sides of the smallest 4-sided polyhedron that will encompass the sign structure. Signs with greater than 4 polyhedron faces are expressly prohibited.

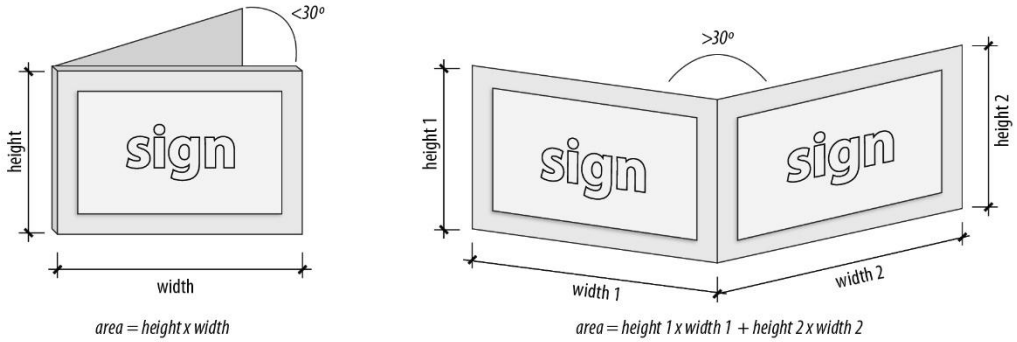
Figure XI-3: Non-Planar Sign Measurement




**(4) Multi-Sided Signs**

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, each sign face is counted as a separate sign. If the size of one sign face is larger than another, the size of the largest sign face is the area of the sign.

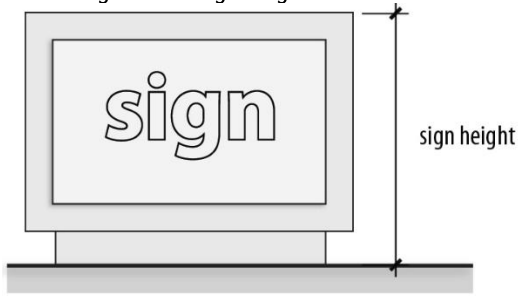
Figure XI-4: Multi-Sided Signs




**(B) Sign Height**

The height of a sign is measured as the vertical distance from ground level to the top of the sign. The sign height includes the sign base.

Figure XI-5: Sign Height Measurement




### (C) Building Frontage

Many of the sign regulations of this article are based on building frontage. The following rules govern the measurement of building frontage.

**(1)** For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the exterior building wall that: (1) is adjacent to a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. Allowed wall sign area for a building that has 2 or more building frontages must be calculated on the basis of each individual building frontage.

**(2)** On buildings housing more than one tenant where each tenant has their own outside entrance, a tenant's building frontage is the exterior building wall (or walls) that directly abut the tenant's interior floor space and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant with 2 or more building frontages must calculate the permitted sign area on the basis of each individual building frontage.

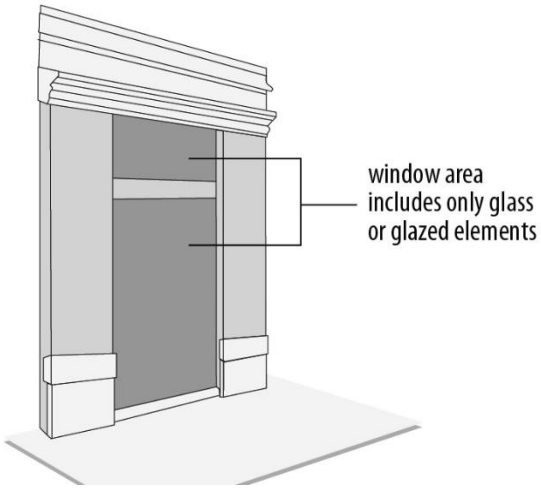
**(3)** Regardless of the height, number of stories, or number of tenants in a building, building frontage is determined by one measurement of the horizontal length of the wall at finished grade. Building walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.

**(4)** As an alternative to the allocation of permitted sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to the various tenants upon receipt and approval by the zoning administrator of written authorization from the building's owner or authorized management firm. In no instance may the total combined sign area for all signs exceed the maximum allowed sign area for the individual building frontages, as determined in accordance with building frontage measurement rules of this section.

### (D) Window Area

The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area. Limits on window coverage apply to each individual window and door. The area of a window sign is based on the entire outer dimensions of the sign, regardless of whether the sign includes see-through mesh or other transparent or semi-transparent material.

Figure XI-6: Measurement of Window Area



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# Article XII General Development Regulations


Sec. 12.01 Outdoor Lighting..... XII-1
Sec. 12.02 Underground Utilities..... XII-5
Sec. 12.03 Street Access..... XII-5
Sec. 12.04 Outdoor Storage of Junk and Debris..... XII-6
Sec. 12.05 Sight Vision Triangles..... XII-6


## Sec. 12.01 Outdoor Lighting[10]

### (A) Purposes

The outdoor lighting regulations of this section are intended to help ensure safe and adequate lighting; provide for the efficient use of energy; and reduce the impacts of sky glow, nuisance lighting, and glare on nearby areas.

### (B) Applicability and Exemptions

The outdoor lighting regulations of this section apply to all outdoor lighting except the following:

**(1)** Outdoor lighting on lots occupied by detached houses, semi-detached houses, or two-unit houses;

**(2)** Illuminated signs;

**(3)** Emergency lighting used by police, fire fighting, or medical personnel;

**(4)** Traffic control devices or streetlights installed by the village or other governmental entity;

**(5)** Aviation safety lights required by the FAA (e.g., warning lights on radio, communication and navigation towers);

**(6)** Spotlighting of official government flags if the spotlighting is contained within the area of the flag;

**(7)** Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety or welfare;

**(8)** Outdoor lighting used for a village-approved temporary use or event;

**(9)** Lighting fixtures with a light output of no more than 1,500 lumens; and

**(10)** Temporary holiday lighting and seasonal decorations using typical unshielded low-intensity lamps.

### (C) Prohibited Lighting

The following types of outdoor lighting are prohibited:

**(1)** Any lighting that could interfere with the safe movement of motor vehicles, bicycles, or pedestrians on public or private streets;

**(2)** Laser, strobe, and or flashing light sources or any similar high-intensity light;

**(3)** Mercury vapor and low-pressure sodium lighting; and

**(4)** Tower lighting, unless required by the Federal Aviation Administration (FAA).

[10] These outdoor lighting regulations are all new.

### (D) Lighting Types and Efficiency

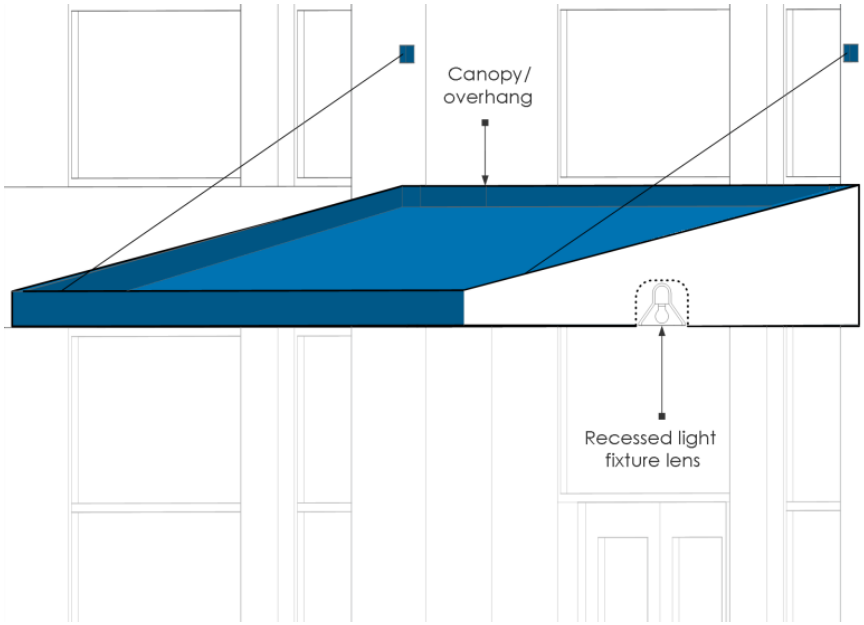
**(1)** Light sources must be color-correct types such as Halogen, LED, or metal halide.

**(2)** All lighting must have a nominal correlated color temperature (CCT) of no greater than 3,000 degrees Kelvin.

### (E) Canopy Lighting

Light fixtures installed in canopies, pavilions, drive-through bays, or similar structures must be flush-mounted or recessed above the lower edge of the canopy and equipped with flat lenses that do not project below the canopy ceiling. The canopy fascia may not be internally illuminated.

Figure XII-1: Canopy Lighting

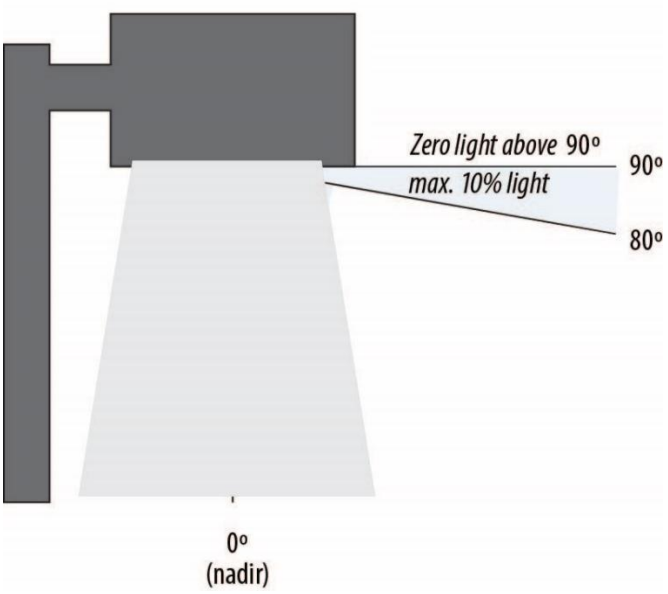



### (F) Arrangement and Shielding

**(1)** All lighting fixtures, except motion detector-activated lighting, must be fully shielded so that the lighting element is not visible to an observer at any property line, as measured 5 feet above grade (see Figure XII-4 for examples)

**(2)** Light-producing elements must be shielded with full cutoffs so that no light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir.

Figure XII-2: Ful Cutoff Light Fixture

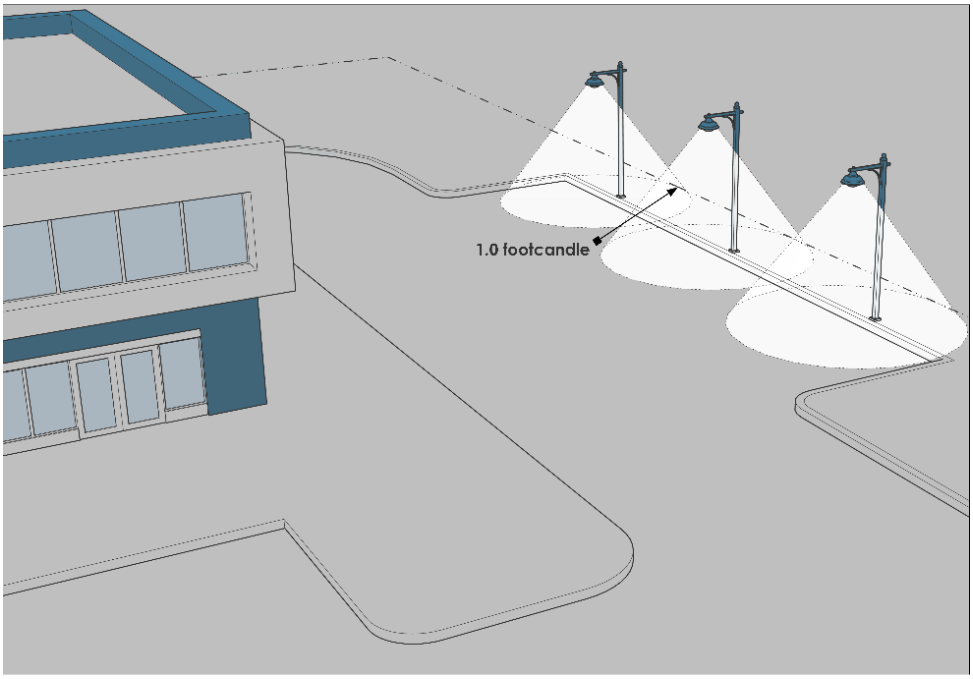



**(3)** A light fixture may cast light upward only if all upward light is reflected back down by a canopy, roof, or similar feature.

### (G) Light Trespass

Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting a residential zoning district or 1.0 foot-candle when abutting any other zoning district or public right-of-way.

Figure XII-3: Light Trespass Along Property Line




### (H) Lighting Plans

#### (1) General

Outdoor lighting plans demonstrating compliance with the regulations of this section are required with the submittal of a site plan for new or replacement

outdoor lighting. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

**(a)** A lighting plan that complies with the fixture height lighting plan requirements of Sec. 12.01(H)(2); or

**(b)** A photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with Sec. 12.01(H)(3).

### (2) Option 1: Fixture Height Standard Lighting Plan

Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

#### (a) Information Required

Fixture height standard lighting plans must include at least the following:

i. A scale drawing of the site with all outdoor lighting locations shown;

ii. Fixture specifications, including catalog cut-sheets or generic standards;

iii. Pole type and height of fixture;

iv. Lamp type and size; and

v. Fixture mounting and orientation.

#### (b) Maximum Fixture Heights

Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any R-zoned lot or public right-of-way, as established in Table XII-1:

Table XII-1: Maximum Fixture Heights

| Distance from R-Zoned Lot or Public ROW (feet) | Maximum Fixture Height (feet) |
|---|---|
| 0 – 50 | 16 |
| 50.01 – 250 | 20 |
| More than 250 | 35 |

### (3) Option 2: Photometric Study Lighting Plan

Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in enough detail to demonstrate that all applicable outdoor light regulations will be met. The photometric study must include at least the following:

**(a)** A scale drawing of the site with all outdoor lighting locations shown;

**(b)** Fixture specifications, including catalog cut-sheets or generic standards;

**(c)** Lamp type and size;

**(d)** Fixture mounting heights, mounting orientation, and tilt angles if applicable; and

**(e)** A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

## (I) Measurement of Illumination

**(1)** For purposes of administration and enforcement, light levels must be measured with a direct-reading light meter, calibrated at least annually.

**(2)** The meter's sensor must be located at the top of the any fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line

if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized.

**(3)** Measurements must be made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings must be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by night sky and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

Figure XII-4: Light Fixture Examples

## Sec. 12.02 Underground Utilities

For all new construction, electric power transmission and telephone lines, and other appurtenant installations, other than transformers and street lights, must be installed underground. For all electrical upgrades and remodeling projects, such service may remain overhead.

## Sec. 12.03 Street Access

All buildings must be on a lot with frontage on a public street or a permanent access easement with a minimum width of 30 feet.

## Sec. 12.04 Outdoor Storage of Junk and Debris

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts. For the purposes of interpretation, open storage is any storage not contained completely within a building or structure enclosed on all sides by walls and by a solid roof on the top.

## Sec. 12.05 Sight Vision Triangles

### (A) General

Sight visibility triangles are designated areas located near streets, alleys and driveway intersections that must remain free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All properties must maintain sight visibility triangles at non-signalized intersections, as described in this section. See also Sec. 70-7 of the village code.

**(1)** Sight visibility triangles shall be provided on all corners at the intersection of any street with another street, an alley or a driveway.

**(2)** Within sight visibility triangles, unobstructed sight lines and cross visibility must be maintained between a height of 3 feet and 8 feet above the curb.

**(3)** No structure, object, or vegetation may be placed or maintained in a manner that impedes the visibility from a street, alley or driveway of oncoming traffic from any direction on the intersecting public street.

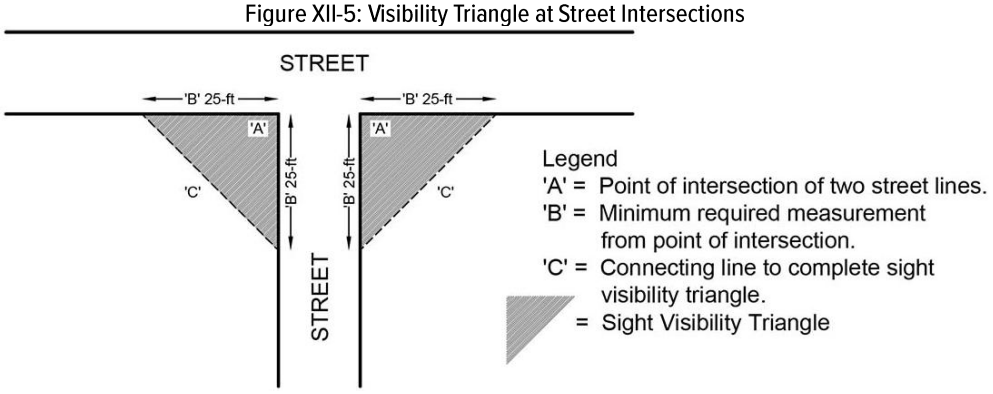
### (B) Sight Visibility Triangle Areas

The required sight visibility triangle area is based on the type of intersection, as follows:

#### (1) Intersection of Streets

The sight visibility triangle at the intersection of two streets is formed with 2 sides 25 feet in length along the abutting street rights-of-way lines (illustrated by the letter "B" in Figure XII-5), measured from their point of intersection (illustrated by the letter "A" in Figure XII-5), and the third side being a line connecting the ends of the other 2 sides, illustrated by the letter "C" in in Figure XII-5.[11]

Figure XII-5: Visibility Triangle at Street Intersections



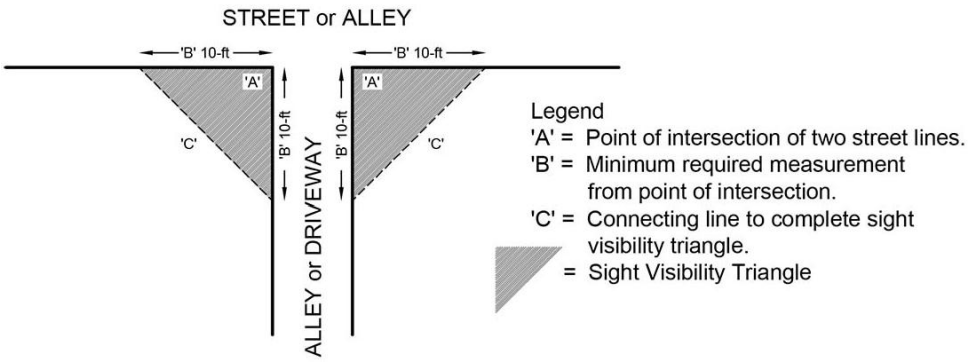

#### (2) Intersection of an Alley and a Street or a Driveway and a Street

The sight visibility triangle at the intersection of an alley and a street or a driveway and a street is formed on both sides of the alley or driveway with 2 sides of each triangle being 10 feet in length along the abutting street right-of-way lines, measured from their point of intersection, illustrated by the letter "A" in Figure

[11] Currently, 55 feet at all street intersections and alley and street intersections.

XII-6, and the third side being a line connecting the ends of the other 2 sides, illustrated by the letter "C" Figure XII-6.

Figure XII-6: Visibility Triangle at Alley and a Street and Driveway and a Street Intersections




## (C) Exemptions

The following are exempt from the sight visibility regulations of this section:

**(1)** The B-1 and B-1(A) districts are exempt from the sight visibility triangle regulations of this section, provided that other engineering and design methods are implemented to ensure visibility and safety, as reviewed and approved at the time site plan review.

**(2)** Governmental signage and governmental sign posts in the right-of-way.

**(3)** Fire hydrants, benches, and traffic control devices in the right-of-way.

**(4)** Utility poles and one utility transmission or control device in the right-of-way.

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# Article XIII Nonconformities


Sec. 13.01 General ..... XIII-1
Sec. 13.02 Nonconforming Lots ..... XIII-2
Sec. 13.03 Nonconforming Uses ..... XIII-2
Sec. 13.04 Nonconforming Structures ..... XIII-4
Sec. 13.05 Nonconforming Signs ..... XIII-5
Sec. 13.06 Nonconforming Development Features ..... XIII-5


## Sec. 13.01 General

### (A) Purpose

The regulations of this article govern nonconforming lots, uses, structures, and signs that were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this zoning ordinance. These regulations are intended to ensure that ~~zoning ordinance establishes separate zoning districts, each of which is an appropriate area for the location of the structures and uses in that district. It is necessary and consistent with the establishment of those districts that~~ any nonconformities ~~nonconforming structures and uses which~~ that adversely affect the orderly development and taxable value of other property ~~in the district~~ not be permitted to continue without restriction. This article provides for the regulation of nonconformities ~~of lawfully established nonconforming structures and uses~~ and specifies those circumstances and conditions under which ~~those nonconforming structures and uses shall be~~ such nonconformities are ~~permitted~~ allowed to continue. ~~Nonconforming structures and uses established illegally shall be removed or discontinued immediately and shall be subject to enforcement action by the village for the failure to do so.~~

### (B) Determination of Nonconformity Status

The burden of ~~establishing the legality of a nonconformity under the provisions of this article~~ proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) is the responsibility of the property owner or the operator of the use. The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the owner or operator. Such evidence may include historical documents, including building permits, lawfully recorded plats, aerial photography, professional registrations or licenses, utility billing records, leasing records, advertisements, listings in telephone or business directories, and notarized affidavits affirming the date of lawful establishment of nonconformity.

### (C) Authority to Continue

Any nonconformity that existed on the effective date specified in Sec. 1.03 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this article unless otherwise expressly stated.

### (D) Repairs and Maintenance

**(1)** Nonconformities must be maintained to be safe and in good repair.

**(2)** Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.

### (E) Changes in Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

### (F) Regulations in Other Sections

Some nonconforming situations are more specifically regulated in other sections of this zoning ordinance. If any of these more specific regulations conflict with the nonconformity regulations of this article, the more specific regulations found in other sections of this zoning ordinance govern.

## Sec. 13.02 Nonconforming Lots

### (A) Description

A nonconforming lot is a lot that was lawfully created in accordance with any applicable lot area, lot width, and lot depth regulations in effect at the time of the lot's establishment but that because of the adoption of new or amended regulations does not comply with currently applicable lot area, lot width, or lot depth regulations.

### (B) Regulations

**(1)** A nonconforming lot in an R district may be used as a building site for a single detached house and related accessory uses, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width.

**(2)** Nonconforming lots in non-R districts may be used as a building site for any use allowed in the subject zoning district, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width.

**(3)** Any lot of record at the time of adoption of this zoning ordinance which contains a minimum lot width of 50 feet or greater may be used, developed or redeveloped without a variance provided all other provisions of this zoning ordinance are met.

**(4)** Any lot of record at the time of adoption of this zoning ordinance that contains a minimum lot width of less than 50 feet or which does not meet the minimum lot area requirements of this zoning ordinance may only be used, developed or redeveloped after obtaining a variance.

## Sec. 13.03 Nonconforming Uses

### (A) Description

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that because of the adoption of new or amended regulations is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.

### (B) Authority to Continue

**(1)** Any nonconforming use of all or part of a structure, or any nonconforming use of land not involving a structure or involving an accessory structure may be continued as long as it remains otherwise lawful, subject to the requirements of this section. ~~Expansion of a lawfully existing nonconforming use is prohibited as set forth in subsection (C) of this section.~~ The continuation of such nonconforming use must be for the exact same use as originally established, and variances of such use are not permitted. For example, and without limitation, a lawfully existing nonconforming general practice doctor's office may not be changed to and continued as a nonconforming emergency care facility or a dentist's office; a lawfully existing facility that repairs small engines may not be changed to and continued as a nonconforming facility that repairs other products; a lawfully existing outdoor storage use of lumber on land may not be changed and continued for the nonconforming outdoor storage use of other products.

**(2)** A ~~The lawfully existing~~ nonconforming accessory use ~~of land that is accessory to the use of a principal structure~~ must cease when the principal use ~~of the principal structure~~ of the subject property ceases.

**(3)** Residential accessory uses are permitted on lots occupied by a nonconforming residential use, subject to the accessory use regulations of Article VII.

**(4)** Residential accessory structures are permitted on lots occupied by a nonconforming residential use, subject to the accessory structure regulations of Article VII and the lot coverage regulations that apply in the zoning district in which such residential use is a permitted use.

### (C) Repair and Maintenance

Normal maintenance and incidental repair or replacement, and installation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided that the other requirements of this article are met.

### (D) Expansion

**(1)** A nonconforming use may not be extended, expanded, enlarged or increased in intensity. Such prohibited activity includes:

**(a)** Expansion of such use to any structure or land area other than that occupied by such nonconforming use at the time such use became nonconforming.

**(b)** Expansion of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use at the time such use became nonconforming.

**(c)** Operation of such nonconforming use in such a manner that conflicts with, or further conflicts with any requirement or standard established for the district in which such use is located.

### (E) Relocation

A structure that is devoted in whole or in part to a nonconforming use may not be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and use complies with all regulations of the zoning district in which such structure and use are located after being relocated. A nonconforming use of land may not be relocated in whole or in part to any other location on the same or any other lot, unless such use complies with all regulations of the zoning district in which such use of land is located after being relocated.

### (F) Change in Use

A nonconforming use of a structure or land may not be changed to any other use other than a use permitted in the zoning district in which such structure or land is located. When such nonconforming use has been changed to a permitted use, it may only be used thereafter for a use permitted in the zoning district in which it is located. See also Sec. 13.03(B).

### (G) Abandonment or Discontinuance

When a nonconforming use of all or part of a structure or land is discontinued or abandoned for a period of 180 consecutive days, such use may not thereafter be re-established or resumed. Any subsequent use of such structure or land after such discontinuation or abandonment must comply with the regulations of the subject zoning district.

### (H) Damage or Destruction

**(1)** If a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of more than 50% of the fair market value of the structure immediately before such damage or destruction, such structure may

not be restored unless such structure and the use thereof complies with all regulations of the zoning district in which such structure and use are located.

**(2)** When such damage or destruction is 50% or less of the fair market value of the structure immediately before the damage, such structure may be repaired and reconstructed and used for the same use as it was before the damage or destruction, provided that a building permit is secured within 180 days of the date of partial damage or destruction and restoration is started within 365 days of the date of the partial damage or destruction and is diligently pursued to completion in accordance with the requirements for permits contained in Chapter 18 of the village code. The zoning administrator is authorized to extend these deadlines for good cause shown. The failure to commence and complete restoration of a partially destroyed or damaged structure in accordance with these regulations will result in the loss of nonconforming status.

**(3)** The burden is on the property owner to prove the fair market value of the damaged or destroyed structure by providing an appraisal from a licensed appraiser that is ~~not less than~~ no more than 2 years old, or by other means acceptable to the zoning administrator.

## Sec. 13.04 Nonconforming Structures

### (A) Description

A nonconforming structure is any structure, other than a sign, that was lawfully established but that because of the adoption of new or amended regulations no longer complies with applicable lot and building regulations or other structure-oriented dimensional or locational requirements of this zoning ordinance.

### (B) Authority to Continue

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the regulations of article.

### (C) Repairs and Alterations

Normal repairs, enlargements and improvements may be made to a nonconforming structure, provided that repairs, enlargements and improvements do not create an additional nonconformity or increase the degree of the existing nonconformity. For example, a structure with a nonconforming front setback may be expanded to the rear as long as the rear expansion complies with the applicable rear setbacks and other zoning regulations. However, a structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that a residential dwelling unit with a nonconforming front setback may be expanded vertically though the addition of a second story if such addition matches the original building footprint. No structural enlargements may be made in or to a structure, all or substantially all of which is designed and intended for a use not permitted in the subject zoning district. The zoning administrator is authorized to determine the extent of allowed normal repairs, enlargements and improvements.

### (D) Relocation

A nonconforming structure may not be moved, in whole or in part, to any other location on the same or any other lot unless every portion of such structure and the use thereof is designed and used or intended for a use permitted in the district in which it is (re)located, and further such structure mut comply with the other regulations of the subject zoning district and all other applicable regulations of this zoning ordinance.

### (E) Damage or Destruction

**(1)** A nonconforming structure that is destroyed or damaged by any means to the extent of 50% or more of the structure's fair market value immediately before the

damage was sustained, may not be restored unless such structure complies with all regulations of the subject zoning district.

**(2)** If a nonconforming structure is damaged to the extent of less than 50% of the structure's fair market value, such structure may be repaired and reconstructed as it was before the damage or destruction, provided that ~~no restoration is allowed unless~~ a building permit is secured within 180 days of the date of partial damage or destruction and restoration is started within 365 days of the date of the partial damage or destruction and is diligently pursued to completion in accordance with the requirements for permits contained in Chapter 18 of the village code. The zoning administrator is authorized to extend these deadlines for good cause shown. The failure to commence and complete restoration of a partially destroyed or damaged structure in accordance with these regulations will result in the loss of nonconforming status and such structure must thereafter be removed and the site cleaned.

**(3)** The failure to timely commence restoration of a partially destroyed or damaged nonconforming structure, and/or the failure to diligently pursue restoration to completion, results in the loss of the legal, nonconforming status of such structure

**(4)** The burden is on the property owner to prove the fair market value of the damaged or destroyed structure by providing an appraisal from a licensed appraiser that is ~~not less than~~ no more than 2 years old, or by other means acceptable to the zoning administrator.

## Sec. 13.05 Nonconforming Signs

### (A) Description

Any sign that was lawfully established but that because of the adoption of new or amended sign regulations no longer complies with the sign regulations of this zoning ordinance.

### (B) Regulations

**(1)** Ordinary repairs and maintenance, including the removal and replacement of outer sign panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.

**(2)** Individual panels on multi-panel monument signs on the site of multi-tenant ~~shopping centers~~ centers may be changed to reflect tenant changes.

**(3)** Repairs or alterations that increase the size or height of a nonconforming sign are expressly prohibited.

**(4)** Nonconforming signs may not be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to regulations applicable to the new location.

**(5)** If a nonconforming sign structure or cabinet is abandoned or discontinued for a continuous period of 365 days or more, it must be removed, and any subsequent sign must conform to sign regulations of Article XI.

~~These provisions do not apply to signs granted s by the board of trustees.~~

## Sec. 13.06 Nonconforming Development Features

### (A) Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure, nonconforming use or nonconforming sign—that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more applicable

zoning regulations. Common examples are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping, screening or lighting regulations.

**(B) Regulations**

Nonconforming development features may remain except as otherwise expressly stated in this zoning ordinance, but the nature and extent of nonconforming development features may not be increased.

# Article XIV Review and Approval Procedures


Sec. 14.01 Common Procedures ..... XIV-1
Sec. 14.02 Zoning Ordinance Text and Zoning Map Amendments ..... XIV-5
Sec. 14.03 Development Plans ..... XIV-7
Sec. 14.04 Special Uses ..... XIV-11
Sec. 14.05 Site Plans ..... XIV-14
Sec. 14.06 Variances ..... XIV-18
Sec. 14.07 Zoning Verification Letters ..... XIV-22
Sec. 14.08 Certificates of Occupancy ..... XIV-23
Sec. 14.09 Appeals ..... XIV-23


## Sec. 14.01 Common Procedures

### (A) Applicability

The common provisions of this section apply to all the review and approval procedures in this article unless otherwise expressly stated.

### (B) Review and Decision-making Authority (Summary Table)

Table XIV-1 provides a summary of the review and approval procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table XIV-1: Review and Decision-making Authority Summary Table

| Procedure | Staff | Planning and Zoning Commission | Board of Trustees |
|---|---|---|---|
| Zoning Ordinance Text & Map Amendments | ☐ | < ☑ > | ■ |
| Planned Unit Developments | | | |
| PUD Development Plans | ☐ | < ☑ > | ■ |
| Minor Development Plan Amendment | ☐ | ■ | – |
| PUD Site Plans | ■ | – | – |
| Special Uses | ☐ | < ☑ > | ■ |
| Site Plans | | | |
| Major Site Plans | ☐ | ☑ | ■ |
| Administrative Site Plans | ■ | – | – |
| Variances | ☐ | < ☑ > | ■ |
| ~~Zoning Certificates~~ | ■ | – | – |
| Zoning Verification Letters | ■ | – | – |
| ~~Certificates of Occupancy~~ | ■ | – | – |
| Appeals of Administrative Decisions | ☐ | < ■ > | – |

☐ = Review | ☑ = Recommendation | ■ = Final Decision | < > = Public hearing

### (C) Applications and Fees

#### (1) Owner-initiated Applications

Whenever the provisions of this zoning ordinance allow the filing of an application by the owner of the subject property, that application must be filed by a person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest that may become a freehold interest, an option to purchase, or any exclusive possessory interest that is specifically enforceable on the land described in the application or by the property owner's authorized agent.

**(2) Pre-application Meetings**

**(a) Purpose**

Pre-application meetings provide an early opportunity for staff and applicants to discuss the procedures, standards and regulations required for approval under this zoning ordinance. Pre-application meetings include all direct correspondence between staff and the applicant including in-person and online meetings, emails, and phone calls.

**(b) Applicability**

Pre-application meetings are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.

**(c) Scheduling**

In-person and online pre-application meetings must be scheduled with the zoning administrator.

**(3) Form of Application**

Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the zoning administrator.

**(4) Filing Fees and Deposits**

**(a) General**

All applications must be accompanied by an application fee and such deposits for reimbursable out-of-pocket expenses as described in this section. No action may be taken on such applications until the fee has been paid and required deposits made unless the board of trustees waives otherwise applicable requirements.

**(b) Escrow Deposits**

Any applicant who files an application requiring review by the planning and zoning commission must, in addition to meeting all other application requirements, fund an escrow account with the village to secure and cover reimbursement to the village for the reasonable fees of third-party consultants to the village who provide professional consulting services on any matter pertaining to the applicant's application. The applicant must complete a development escrow agreement in such form as prescribed by the zoning administrator. The zoning administrator is authorized to reasonably determine the amount of the escrow deposit required based on the complexity of the proposed development and the nature and extent of consulting services anticipated. If the escrow deposit is depleted and additional consultant reviews are required, the applicant must replenish the escrow account in such amount as reasonably determined by the zoning administrator before further consultant reviews are performed. The zoning administrator must promptly refund to the zoning applicant any deposit remaining in an escrow account after the completion of all consultant reviews.

**(D) Application Completeness, Accuracy and Sufficiency**

**(1)** An application required under this zoning ordinance will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by all required fees and deposits.

**(2)** The zoning administrator must make a determination of application completeness within a timely manner.

**(3)** If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's deficiencies. Notice of an incomplete application may be provided by personal service, electronic mail, or first-class mail.

**(4)** No processing of incomplete applications will occur. When application deficiencies are corrected, the application must be placed in the first available processing cycle. If the deficiencies are not corrected by the applicant within a time period specified by the zoning administrator, the application will be deemed to have been withdrawn.

**(5)** Complete applications must be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.

**(6)** The zoning administrator may require that applications or plans be revised before being placed on an agenda for possible action if the zoning administrator determines that:

**(a)** The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations;

**(b)** The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations.

### (E) Application Processing Cycles

Officials responsible for accepting applications, after consulting with review and decision-making bodies, are authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

### (F) Public Hearing Notice

#### (1) Newspaper Notice

Notice of public hearings required under the provisions of this article must be published in a newspaper of general circulation in the village at least 15 days before and no more than 30 days before the public hearing. Required notices must include at least the following information:

**(a)** An address or legal description of the property that is the subject of the hearing, along with the property's permanent index number;

**(b)** A summary of the nature of the application; and

**(c)** The time and place of the hearing.

#### (2) Courtesy Notice

In addition to notice required by the Illinois Compiled Statutes, the village may provide, as a matter of practice, several types of courtesy notice. Failure to provide any form of courtesy notice that is not required by state law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

**(a) Mailed Notice**

i. Unless otherwise directed by the zoning administrator, whenever the provisions of this article require mailed notice, the applicant must provide mailed notice to owners of the subject property and all owners of property within 250 feet of the property lines of the subject property, as measured from the property line to property line, but excluding public

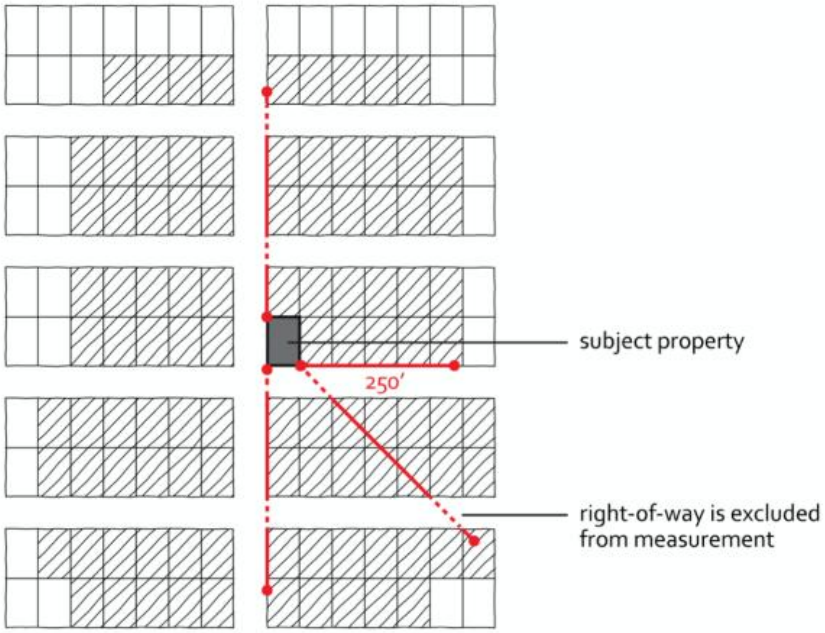
rights-of-way (i.e., rights-of-way are not counted in calculating the required notification radius). See Figure XIV-1

ii. Such notices must be deposited in the U.S. mail at least 15 days before but no more than 30 days before the scheduled public hearing.

iii. Mailed notices must include the time and place of the public hearing; the address of the property that is the subject of the public hearing; the name and address of the applicant; and a brief statement describing the matter to be considered in the public hearing.

iv. The zoning administrator is authorized to specify the source of property ownership information and to specify the means by which applicants demonstrate compliance with mailed notice requirements.

Figure XIV-1: Calculation of Mailed Notice Radius




### (b) Posted Notice (Signs)

i. Whenever the provisions of this article require posted notice signs, the community development department must post or require that the applicant post at least one sign on each public street frontage of the property that is the subject of a public hearing.

ii. Required signs must be posted at least 15 days before the hearing in a location that is clearly visible from all abutting public rights-of-way. Posted notice signs must include the name of the village, a statement indicating that the property will be the subject of an upcoming public hearing, an indication of where additional information may be obtained, and any additional information required by the zoning administrator. ~~The applicant must reimburse the village for expense incurred in posting signs before final disposition of the zoning matter.~~

## (G) Hearing Procedures

(1) The body conducting a required public hearing is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

**(2)** Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.

**(3)** If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing.

**(4)** If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification.

### (H) Action by Review Bodies and Decision-Making Bodies

**(1)** In taking action under the procedures of this article, review and decision-making bodies must act by simple majority vote of a quorum, unless otherwise expressly stated in this zoning ordinance or statutes.

**(2)** Review and decision-making bodies may take any action that is consistent with:

**(a)** The regulations of this zoning ordinance;

**(b)** Any rules or by-laws that apply to the review or decision-making body; and

**(c)** The notice that was given.

**(3)** Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

### (I) Conditions of Approval

Decision-making bodies are authorized to impose reasonable conditions on approved applications to ensure that the proposed use or development meets the standards required for approval and that are reasonably necessary to protect the public health, safety, and general welfare.

### (J) Decision-Making Criteria; Burden of Proof or Persuasion

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

### (K) Required Time-frames for Action

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

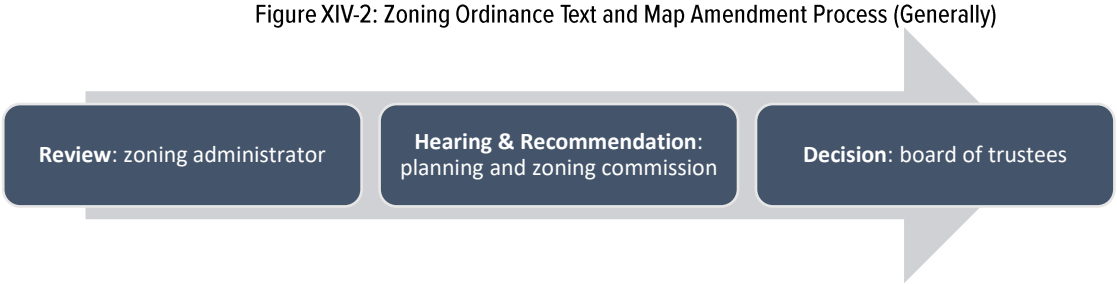
## Sec. 14.02 Zoning Ordinance Text and Zoning Map Amendments

### (A) Authority to File

**(1)** Amendments to the text of this zoning ordinance may be initiated by the board of trustees, the planning and zoning commission, the zoning administrator, or by an owner of property within the village.

**(2)** Amendments to the zoning map may be initiated by the board of trustees, the planning and zoning commission, or the owner of the property that is the subject of the proposed zoning map amendment.

Figure XIV-2: Zoning Ordinance Text and Map Amendment Process (Generally)




**(B) Application Filing**

Property owner-initiated applications for zoning map amendments must be filed with the zoning administrator.

**(C) Review—Zoning Administrator**

Upon initiation of a zoning text amendment or receipt of a complete application for a zoning map amendment, the zoning administrator must review the proposal and transmit relevant information to the planning and zoning commission before their public hearing on the proposed amendment.

**(D) Hearing and Recommendation—Planning and Zoning Commission**

The planning and zoning commission must hold a public hearing on the proposed amendment, with newspaper notice of the hearing provided in accordance with Sec. 14.01(F)(1). For zoning map amendments, mailed notice and posted notice of the hearing must also be provided in accordance Sec. 14.01(F)(2)(a) and Sec. 14.01(F)(2)(b), respectively. Following the public hearing, the planning and zoning commission must act to recommend that the proposed amendment be approved, approved with modifications, or denied and transmit its recommendation to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the amendment.

**(E) Final Action— Board of Trustees**

Following receipt of the planning and zoning commission's report and recommendation, the board of trustees must act to approve the proposed amendment, approve the proposed amendment with modifications or deny the proposed amendment. The board of trustees is also authorized to remand the proposed amendment to the planning and zoning commission for further consideration.

**(F) Review and Approval Criteria**

**(1) Zoning Ordinance Text Amendments**

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

**(a)** Whether the proposed text amendment is in conformity with the comprehensive plan;

**(b)** Whether the proposed text amendment is consistent with the purposes of this zoning ordinance; and

**(c)** Whether the proposed text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition or law.

**(2) Zoning Map Amendments**

**(a)** The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations

and decisions about zoning map amendments, review and decision-making bodies must consider at least the following factors:

i. The existing use and zoning of nearby property;

ii. The extent to which the particular zoning restrictions affect property values;

iii. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;

iv. The suitability of the subject property for its zoned purposes;

v. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;

vi. The value to the community of the proposed zoning map amendment; and

vii. The comprehensive plan.

**(b)** In acting on zoning map amendments, review and decision-making bodies are expressly authorized to recommend and approve a less intensive zoning district classification than the zoning district that was described in required public notices.

### (G) Protest Petitions

**(1)** If a valid protest petition is filed against any proposed zoning map amendment, passage of the zoning map amendment requires a favorable vote of two-thirds of the members of the board of trustees then holding office.

**(a)** A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately abutting or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered.

**(b)** A written protest petition opposing a zoning map amendment must be submitted to the zoning administrator at least 5 business days before the board of trustees' vote.

**(c)** When a written protest petition has been submitted, the protest petition must be served by the protestors upon the applicant and upon the applicant's attorney, if any, by certified mail at the address shown on the application.

## Sec. 14.03 Development Plans

### (A) Purpose

Development plans are required to accompany requests for PUD approval and PUD amendments and some property owner-initiated rezonings. They are optional with other property owner-initiated rezonings. Their purpose is to depict a property owner's generalized plan for the type, amount and physical character of development proposed on the subject property. By providing greater certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base rezoning and related decisions.

### (B) Applicability

#### (1) Mandatory

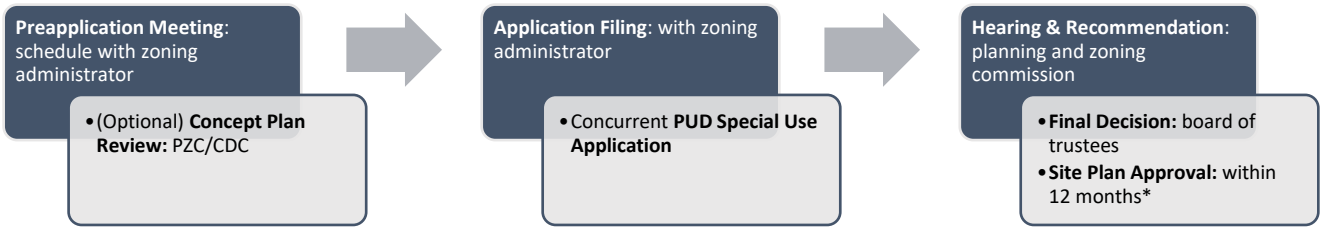
Development plans are required (mandatory) for special use requests for Planned Unit Development (PUD) approval and PUD amendments and for Resort District (B-3) zoning map amendments. They are also required for major amendments to

Planned Developments (PDs) that were established before the effective date specified in Sec. 1.03. In acting on mandatory development plans, the planning and zoning commission is authorized to recommend and the board of trustees is authorized to approve use and development limitations that comply with, are more restrictive than or, if permitted by the respective PUD, B-3, or PD provisions of this zoning ordinance, are less restrictive than the base zoning district regulations and otherwise applicable regulations of this zoning ordinance.

**(2) Optional**

Property owners may elect to submit a development plan with any zoning map amendment application. In acting on optional development plans, the planning and zoning commission is authorized to recommend and the board of trustees is authorized to approve use and development limitations that are at least as restrictive or are more restrictive than otherwise applicable regulations of this zoning ordinance. Optional development plans may not be used to obtain variances, exceptions , or other relief from otherwise applicable zoning ordinance regulations.

Figure XIV-3: Development Plan Approval Process (Generally)




*See Sec. 14.03(H)

## (C) Preapplication Meeting and Concept Plan

**(1)** Before filing an application for mandatory or optional development plan approval, a preapplication meeting is required in accordance with Sec. 14.01(C)(2).

**(2)** In addition to the preapplication meeting with community development department staff, the zoning administrator may require that applicants for development plan approval present a concept plan to the planning and zoning commission or community development committee for the purpose of obtaining guidance prior to formally filling an application. No notice is required for concept plan review. Opinions or advice provided during the preapplication and concept plan review stage are not binding with respect to any official action of the planning and zoning commission or board of trustees.

## (D) Application Filing

Complete applications for development plan approval must be filed with the zoning administrator at the same time as a zoning map amendment application for the subject property. The development plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed development without incurring undue cost. The development plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal. In order to permit the village and the applicant to proceed with some assurance, approval of the development plan binds the applicant and the village with respect to the following basic elements of development:

**(1)** Categories of uses to be permitted;

**(2)** General location of all land uses;

(3) Overall maximum density of residential uses and intensity of nonresidential uses;

(4) General building design;

(5) General location and extent of public and private open space, including recreational amenities;

(6) General location of vehicular and pedestrian circulation systems;

(7) Staging of development; and

(8) Nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

### (E) Requirements for Development Plan

The development plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed development without incurring undue cost. The development plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest stage possible. When submitting a development plan to the village, the applicant must also submit a preliminary plat of subdivision (if subdivision is required), a developer's statement of intent (if PUD approval is sought), and a statement demonstrating that the proposed development meets the standards for PUD approval (if PUD approval is sought), in addition to such other items required by this zoning ordinance or otherwise required by the zoning administrator. In order to permit the village and the applicant to proceed with some assurance, approval of the development plan binds the applicant and the village with respect to the basic elements of the development. Development plans must include, at a minimum, the following information:

(1) Categories of uses to be permitted;

(2) Location and approximate dimensions of buildings and structures on the property;

(3) Location of residential and/or nonresidential uses on the property.

(4) Overall maximum density of residential uses and/or intensity of nonresidential uses;

(5) General architectural style of proposed buildings and structures;

(6) General location and extent of public and private open space, including recreational amenities;

(7) General location of vehicular and pedestrian circulation systems and off-street parking;

(8) Location and identification of adjacent public and private streets that will serve the development;

(9) General location and extent of stormwater management facilities;

(10) General layout of water main, water line extensions, sanitary sewer, and sanitary sewer line extensions;

(11) General layout of proposed drainage and utility easements on the property;

(12) Nature, scope, and extent of landscaping proposed for the development;

(13) Nature, scope, and extent of public improvements and public dedications or contributions to be provided by the applicant;

(14) Information about the zoning and uses of adjoining properties; and

(15) Staging of the development.

### (F) Hearing and Recommendation—Planning and Zoning Commission

The planning and zoning commission must hold a public hearing to consider the proposed development plan and zoning map amendment or other request, with notice of the hearing provided in accordance with the newspaper notice, mailed notice, and posted notice sign provisions of Sec. 14.01(F)(1), Sec. 14.01(F)(2)(a), and Sec. 14.01(F)(2)(b), respectively. Following the public hearing, the planning and zoning commission must act to recommend that the proposed development plan and map amendment or other request be approved, approved with modifications or conditions, or denied and transmit its recommendations to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the development plan and zoning map amendment.

### (G) Final Action—Board of Trustees

**(1)** Following receipt of the planning and zoning commission's recommendation, the board of trustees must act to approve the proposed development plan and zoning map amendment or other request, approve the proposed development plan and map amendment with modifications or conditions, or deny the proposed development plan and map amendment or other request. The board of trustees may also may remand the matter to the planning and zoning commission for further consideration.

**(2)** Development plans and accompanying zoning map amendments may be approved by a simple majority vote, except as stated in Sec. 14.02(G).

### (H) Requirement for Filing of Site Plan

**(1)** Unless a longer time period or a phasing plan is approved at the time of approval of a mandatory development plan, a complete application for site plan approval must be filed within 12 months of the date of mandatory development plan approval. If an application for site plan approval is not filed within the time required, no further site plans may be approved for the project until the subject property owner has filed the original or amended development plan for re-review and reconsideration by the planning and zoning commission and board of trustees. Such re-review and reconsideration must follow the mandatory development plan review procedures of this zoning ordinance. Following re-review and reconsideration, the planning and zoning commission is authorized to recommend and the board of trustees is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the planning and zoning commission and board of trustees:

**(a)** An extension of time for filing a site plan

**(b)** An amendment to the approved mandatory development plan; or

**(c)** Rezoning to another zoning district in accordance with the zoning map amendment procedures of Sec. 14.02.

**(2)** The site plan filing deadline established in Sec. 14.03(H)(1) does not apply to optional development plans or PD district development plans approved before the effective date specified in Sec. 1.03. The site plan filing deadline established in Sec. 14.03(H)(1) does apply to any major amendments to mandatory development plans approved after the effective date specified in Sec. 1.03

### (I) Amendments to Approved Development Plans

#### (1) Minor Amendments

**(a)** The planning and zoning commission is authorized to approve amendments to approved development plans as minor amendments if the planning and zoning commission determines that substantial compliance is maintained

with the approved development plan. The following is a non-exhaustive list of changes that the zoning administrator may refer to the planning and zoning commission to be considered as minor amendments:

i. Any deviation expressly authorized at the time of development plan approval;

ii. The relocation or addition of customary accessory uses and structures;

iii. Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered;

iv. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered;

v. Modification of the internal circulation system that would not increase points of access from adjacent streets, change access to another street or increase projected traffic volumes;

vi. Modifications to approved signage, provided the size, location, number and type of signs is not substantially altered;

vii. Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan;

viii. Changes reducing the number of permitted dwelling units, the amount of nonresidential floor area or the area covered by buildings or paved areas; and

ix. Reductions in off-street parking or loading by more than 10% or one required space, whichever results in a greater reduction.

**(b)** In those cases when the board of trustees has expressly imposed a condition of development plan approval, any amendment of that board of trustees-imposed condition must be reviewed and approved by the board of trustees.

**(c)** If the planning and zoning commission determines that the proposed development plan amendment, if approved, will result in a significant departure from the approved development plan or otherwise significantly change the character of the subject area or that the cumulative effect of a number of minor amendments substantially alters the approved development plan, then the amendment must be deemed a major amendment to the development plan and processed as a new development plan following the development plan approval procedure of this section (Sec. 14.03), including all requirements for fees, notices and hearings.

### (2) Major Amendments

Any amendment to an approved development plan that is not authorized or approved as a minor amendment is considered a major amendment and must be processed as a new development plan following the development plan approval procedure of Sec. 14.03, including all requirements for fees, notices and hearings.

## Sec. 14.04 Special Uses

### (A) Intent

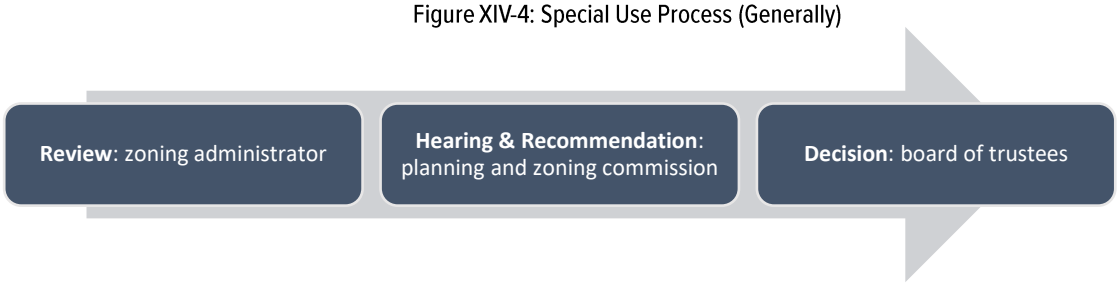
The special use approval procedures of this section are intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to

determine whether they will be compatible with surrounding uses and development patterns.

**(B) Authorized Special Uses**
Only those special uses expressly authorized in this zoning ordinance may be approved as special uses.

**(C) Authority to File**
Applications for special use approval may be filed only by the owner of the subject property or the owner's authorized agent.

Figure XIV-4: Special Use Process (Generally)




**(D) Application Filing**
Complete applications for special use approval must be filed with the zoning administrator. The zoning administrator is authorized to require that the applicant submit a site plan in conjunction with the special use application.

**(E) Review and Report—Zoning Administrator**
Following receipt of a complete application, the zoning administrator must review the application and transmit relevant information to the planning and zoning commission before their public hearing on the proposed special use.

**(F) Hearing and Recommendation—Planning and Zoning Commission**
The planning and zoning commission must hold a public hearing on the proposed special use, with notice of the hearing provided in accordance with the newspaper notice, mailed notice, and posted notice sign provisions of Sec. 14.01(F)(1), Sec. 14.01(F)(2)(a), and Sec. 14.01(F)(2)(b), respectively. Following the close of the public hearing, the planning and zoning commission must act to recommend that the proposed special use be approved, approved with conditions, or denied and transmit its recommendation, together with its findings of fact, to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the special use.

**(G) Final Action— Board of Trustees**
Following receipt of the planning and zoning commission's report and recommendation, the board of trustees must act to approve the proposed special use, approve the proposed special use with conditions or deny the proposed special use. The board of trustees is also authorized to remand the proposed special use application to the planning and zoning commission for further consideration.

**(H) Review and Approval Criteria**
No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village ordinances and regulations and that the applicant has presented evidence to support each of the following conclusions:

**(1)** That the proposed use or activity is expressly authorized in this zoning ordinance as a special use;

**(2)** That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

**(3)** That the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity;

**(4)** That approval of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

**(5)** That the proposed special use will be served by adequate utilities, access roads, parking, drainage and other important and necessary facilities, infrastructure and community services; and

**(6)** That the proposed special use complies with all applicable regulations of this zoning ordinance except as expressly approved in accordance with the procedures of this zoning ordinance.

### (I) Lapse of Approval

**(1)** Special use approval lapses and becomes void:

**(a)** Six months after the date of approval by the board of trustees, unless such special use is established within such period or the delay is due to construction or alteration of any structures in connection with the special use; or

**(b)** Twenty-four months after the date of approval by the board of trustees if any construction or alteration of any structures in connection with the special use is not substantially completed and the special use in not commenced within that time period.

**(2)** Upon written request and good cause shown, the zoning administrator is authorized to grant one extension of the time limitations set forth in this section for up to 6 months. Any additional extension requests require approval by the board of trustees.

### (J) Termination

**(1)** An approved special use automatically terminates upon the cessation of the special use for a consecutive period of 365 days or more. For purposes of this section, cessation of the special use means a failure to substantially operate the special use activity upon the property, whether by affirmative choice, bankruptcy, liquidation, foreclosure, eviction, or other reason. Cessation is not deemed to occur when the special use activity is temporarily halted due to the making of repairs or upgrades to the property when a building permit is obtained, when the nature of the repairs or upgrades makes the continued operation of the special use impractical, and when the repairs or upgrades are diligently pursued to completion.

**(2)** An approved special use also terminates upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the special use.

**(3)** The zoning administrator must provide written notice of special use termination to the subject property owner.

### (K) Transferability

Unless otherwise expressly indicated in the special use approval, approved special uses run with the land and are not affected by changes of tenancy, ownership, or management.

### (L) Amendments

Amendments to approved special uses must be processed as new special use applications, including all requirements for fees, notices and public hearings. However, the zoning administrator is authorized to approve the following:

**(1)** Any amendments expressly authorized as minor amendments at the time of special use approval;

**(2)** The addition of allowed accessory uses and structures; and

**(3)** Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the special use was approved and that are determined by the zoning administrator to not constitute major changes.

## Sec. 14.05 Site Plans

### (A) Purpose

This section establishes a procedure to ensure timely, competent review of site plans in order to determine whether proposed building and development activities comply with the regulations of this zoning ordinance and with other applicable regulations.

### (B) Applicability

~~Site plan review and approval, in accordance with the procedures of this section, is required before the issuance of a building permit for any structure located in an R-4, R-5, R-6, or any business and employment district established in Article III.~~ Unless otherwise expressly exempted under provisions of this zoning ordinance, site plan review and approval is required for all of the following:

**(1)** Construction or enlargement of a principal building occupied by 3 or more dwelling units or the addition of more than 1,000 square feet of impervious surface on any lot occupied by 3 or more dwelling units;

**(2)** Construction or enlargement of a principal building occupied by one or more nonresidential uses or the addition of more than 1,000 square feet of impervious surface on any lot occupied by a nonresidential use;

**(3)** Reconstruction or replacement of more than 50% of the street-facing façade of any principal building in a downtown zoning district; and

~~(1)~~**(4)** Any other use or activity for which site plan approval is expressly required under this zoning ordinance.

### (C) Authority to File

Applications for site plan approval may be filed only by the owner of the subject property or the owner's authorized agent.

### (D) Application Filing

Applications for site plan approval must be filed with the zoning administrator. Unless otherwise approved by the zoning administrator, complete applications for site plan approval must include an accurate dimensioned site plan with ~~,~~at least the following data and information, on one or more sheets:

**(1)** A graphic rendering of the existing conditions, depicting:

**(a)** All significant natural, topographical and physical features of the subject property including topographical contours at one-foot intervals;

**(b)** A tree survey;

**(c)** The location and extent of water bodies and courses, wetlands, and special flood hazard areas, floodplains, and floodways on or within 100 feet of the subject property;

**(d)** Existing drainage structures and patterns; and

**(e)** Soil conditions as they affect development.

**(2)** The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.

**(3)** Data concerning proposed structures and existing structures that will remain, including:

**(a)** Location, size, use and arrangement, including height in stories and feet;

**(b)** Where relevant, floor area ratio, gross floor area and net floor area;

**(c)** Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms;

**(d)** Building coverage and lot coverage; and

**(e)** Description of the calculation method utilized in computing all required statistics shown.

**(4)** Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width and depth of any structure.

**(5)** A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs and curb cuts; parking spaces, loading spaces and circulation aisles; sidewalks, walkways and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.

**(6)** All existing and proposed surface and sub-surface drainage and retention and detention facilities and existing and proposed water, sewer, gas, electric, telephone and cable communications lines and easements and all other utility facilities.

**(7)** Location, size and arrangements of all signs and outdoor lighting.

**(8)** Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

**(9)** Location, designation and total area of all usable open space.

**(10)** A detailed landscaping plan, showing location, size and species of all trees, shrubs and other plant material.

**(11)** An erosion control plan for the period during which construction will be taking place.

**(12)** Building elevations.

**(13)** Any other and additional data, information or documentation that the zoning administrator, planning and zoning commission, or board of trustees deems necessary for a full and competent consideration and disposition of the particular application.

## (E) Site Plan Review and Decision-Making Authority

Site plans required under this zoning ordinance are classified as either “major” site plans or “administrative” site plans, as follows:

### (1) Major Site Plans

Major site plans require review and recommendation by the planning and zoning commission and final review and decision-making by the board of trustees. Major site plan review is required for all of the following:

**(a)** Construction of any new building subject to site plan (see Sec. 14.05(B)) review that includes more than 10,000 square feet of gross floor area;

**(b)** Enlargement of any existing building subject to site plan review (see Sec. 14.05(B)) that results in the addition of more than 10,000 square feet of gross floor area;

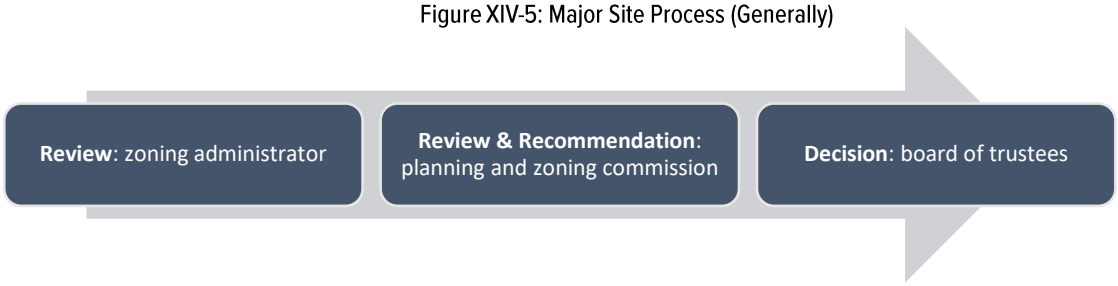
**(c)** Site plans that qualify as administrative site plans but which are referred by the zoning administrator for processing as a major site plan due to potential adverse impacts on neighboring properties, noncompliance with applicable zoning or other village regulations; and

**(d)** Any other activities for which major site plan approval is expressly identified in this zoning ordinance.

**(2) Administrative Site Plans**

Any site plan that is not classified as a major site plan is eligible for processing as an administrative site plan.

Figure XIV-5: Major Site Process (Generally)




## (F) Major Site Plan Review Process

### (1) Review and Report—Zoning Administrator

Following receipt of a complete application for major site plan review, the zoning administrator must review the site plan, forward to site plan application to other reviewers and agencies for review and comment and transmit relevant information to the planning and zoning commission before their consideration of the proposed site plan.

### (2) Meeting and Recommendation—Planning and Zoning Commission

The planning and zoning commission must hold a meeting on the proposed major site plan and act to recommend that the proposed major site plan be approved, approved with conditions, or denied and transmit its recommendation to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the major site plan

### (3) Final Action— Board of Trustees

Following receipt of the planning and zoning commission's report and recommendation, the board of trustees must act to approve the proposed major site plan, approve the proposed major site plan with conditions or deny the proposed site plan. The board of trustees is also authorized to remand the proposed major site plan application to the planning and zoning commission for further consideration.

## (G) Review and Approval Criteria

**(1)** Final action to approve or disapprove a proposed major site must be based on whether the new or modified improvements shown on the site plan, as proposed, comply with the regulations of this zoning ordinance and all other applicable village ordinances and regulations. In reviewing and acting on proposed major site plans, review and decision-making bodies may also consider and be guided in the reasonable exercise of their discretion by the following standards and criteria:

**(a)** Whether the proposed plans will protect the public health, safety, and welfare;

**(b)** Whether the proposed plans will avoid substantial injury to the value of other property in the area;

**(c)** Whether the proposed plans will provide for protection of community appearance and the function of the natural environment, including floodplains, soil and geologic characteristics, and preservation of vegetation;

**(d)** Whether the proposed plans comply with all applicable village and county stormwater regulations; and ~~will provide for the transmission, retention or detention of stormwater with such facilities installed in a manner that complements existing or proposed stormwater facilities, unless the board of trustees determines, upon recommendation of the public works director, that stormwater facilities are not necessary or that a cash contribution in lieu of installation of stormwater improvements would result in equal or superior stormwater management. If the board of trustees approves a cash contribution be made in lieu of installation of stormwater facilities, the public works director is authorized to determine the amount of such contribution, and such funds must be used to provide of stormwater facilities within the village.~~

~~**(d)**~~**(e)** Whether the proposed plans comply with adopted building and site design guidelines.

~~**(2)** Major site plan approval may not be denied unless the board of trustees determines that one or more of the foregoing standards are not satisfied. The reason for any such denial must be recorded in the proceedings of the board of trustees.~~

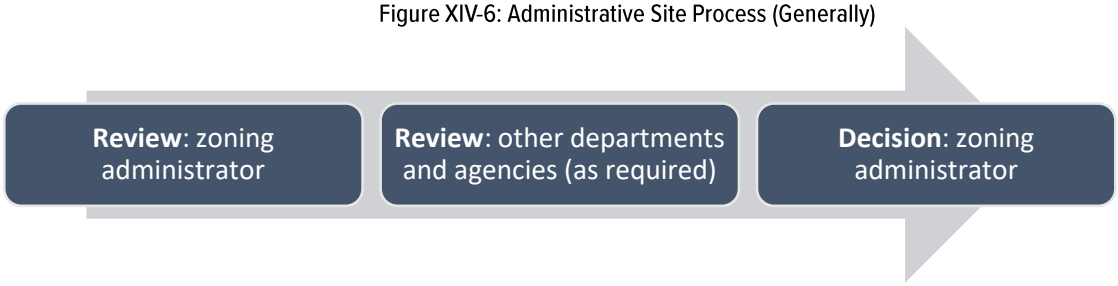
### (H) Administrative Site Plan Review Process

**(1)** Following receipt of a complete application for administrative site plan review, the zoning administrator must review the administrative site plan application and act to approve the site plan, approve the site plan with modifications, or disapprove the site plan. The zoning administrator is also authorized to refer a site plan that is otherwise eligible for processing as an administrative site plan for processing as a major site plan in accordance with Sec. 14.05(E)(1).

**(2)** The zoning administrator is authorized to forward administrative site plans to other village departments and other agencies for the purpose of receiving assistance with reviews.

**(3)** Final action to approve or disapprove a proposed administrative site plan must be based on whether the new or modified improvements shown on the site plan, as proposed, comply with the regulations of this zoning ordinance and all other applicable ordinances and regulations. The final action must be transmitted by the zoning administrator in writing to the applicant.

Figure XIV-6: Administrative Site Process (Generally)



**(I) Lapse of Approval**

**(1)** Once a major or administrative site plan has been approved, a building permit to carry out the proposed building or development activity must be obtained within 24 months, otherwise the site plan approval lapses and becomes void.

**(2)** Upon written request and good cause shown, the authorized decision-making authority for the subject site plan is authorized to grant extensions of the time limitations set forth in this section. Requests for extensions must be filed before site plan approval lapses and must be processed in accordance with the applicable site plan procedures of this section.

**(J) Continued Compliance**

An approved site plan governs all development and construction on the subject property. No permits or other approvals may be granted that are inconsistent with the approved site plan.

**(K) Termination**

An approved major or administrative site plan terminates upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the site plan.

**(L) Transferability**

Approved major or administrative site plans run with the land and are not affected by changes of tenancy, ownership, or management.

**(M) Amendments**

**(1)** Significant amendments to approved major or administrative site plans, as determined by the zoning administrator, must be processed as new site plan applications, including any applicable requirements for fees and meetings. However, the zoning administrator is authorized to approve minor amendments to approved major site plans without a formal application for amendment. Minor amendments include, but are not limited to:

**(a)** Any amendments expressly authorized at the time of major or administrative site plan approval;

**(b)** The addition of customary accessory uses and structures; and

**(c)** Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the site plan was approved and that are determined by the zoning administrator to not constitute major changes.

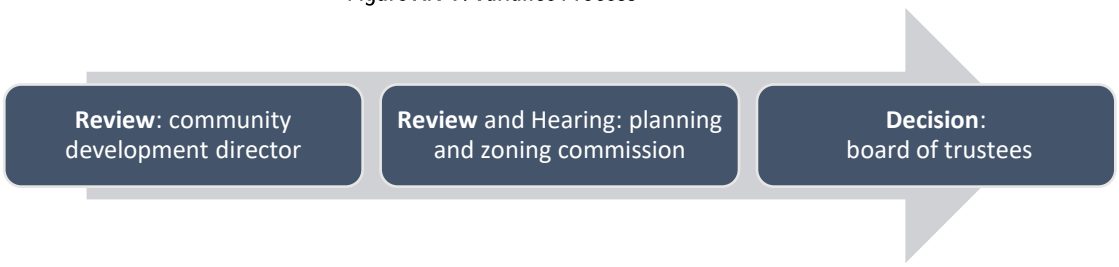
**(2)** Records documenting any approved minor site plan amendments must be maintained in the office of the zoning administrator.

## Sec. 14.06 Variances

**(A) Intent**

A variance is a grant of relief to a property owner from strict compliance with the regulations of this zoning ordinance. The intent of a variance is not to simply remove an inconvenience or general financial burden that may result from compliance with applicable zoning requirements. Variances are intended to help alleviate practical difficulties or particular hardships that would result from strict enforcement of the subject zoning ordinance requirements. They are intended to provide relief when the requirements of this zoning ordinance render property very difficult or impossible to put to reasonable use because of unique or special characteristics of the subject property or to address other hardships.

Figure XIV-7: Variance Process




**(B) Authorized Variances**

The board of trustees is authorized to grant a variance to any regulation in this zoning ordinance in accordance with the variance procedures of this section, except that the variance procedures of this section may not be used to do any of the following:

**(1)** Allow a principal or an accessory use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are expressly prohibited);

**(2)** Waive, modify, or vary any use classification;

**(3)** Waive, modify, or otherwise vary any of the review and approval procedures of this article; or

**(4)** Allow a sign, structure, feature, or activity that is expressly prohibited.

**(C) Authority to File**

Variance applications, including a written statement describing the practical difficulty or particular hardship that would result from denial of the variance request and written statements in response to each of the standards and review criteria in Sec. 14.06(H), must be filed by the owner of the subject property or the owner's authorized agent.

**(D) Application Filing**

Variance applications must be filed with the zoning administrator.

**(E) Review and Report—Zoning Administrator**

Following receipt of a complete application, the zoning administrator must prepare a report on the requested variance. The report must be transmitted to the planning and zoning commission before the required public hearing.

**(F) Review and Recommendation—Planning and Zoning Commission**

**(1)** Following receipt of a complete variance application, the planning and zoning commission must hold a public hearing to consider the requested variance, with notice of the hearing provided in accordance with the newspaper notice, mailed notice, and posted notice sign provisions of Sec. 14.01(F)(1), Sec. 14.01(F)(2)(a), and Sec. 14.01(F)(2)(b), respectively. Following the close of the public hearing, the planning and zoning commission must act to recommend that the requested variance be approved, be approved with conditions, or denied based on the standards and review criteria of Sec. 14.06(H). The planning and zoning commission must make its report promptly, together with its findings of fact, to the board of trustees.

**(2)** In recommending approval of a variance, the planning and zoning commission is authorized to recommend such conditions and restrictions as the commission determines to be necessary to ensure compliance with the standards of Sec. 14.06(H), to reduce or minimize the effect of the variance upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

**(3)** Each variance request must be considered by the planning and zoning commission on a case-by-case basis solely on the evidence presented by the applicant in the particular case.

### (G) Review and Final Decision—Board of Trustees

Following the public hearing before the planning and zoning commission, the variance request must be considered by the board of trustees. The board of trustees must act to approve the variance, approve the variance with conditions, or deny the variance. The board of trustees is also authorized to remand the proposed variance application to the planning and zoning commission for further consideration.

### (H) Standards and Review Criteria

No variance may be approved or recommended for approval unless authorized review and decision-making bodies have made findings of fact based upon the evidence provided by the applicant the variance being sought satisfies each of the standards set forth in this section (Sec. 14.06(H)).

#### (1) Particular Hardship or Practical Difficulty

The applicant must demonstrate that requiring strict compliance with the regulation for which a variance is sought would create a particular hardship or a practical difficulty.

#### (2) Unique Physical Condition

The applicant must demonstrate that the subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the subject lot rather than the personal situation of the current owner of the lot.

#### (3) Not Self-Created

The applicant must demonstrate that the unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner before acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action for which no compensation was paid.

#### (4) Denied Substantial Rights

The applicant must demonstrate that requiring strict compliance with the regulation for which a variance is sought would deprive the subject property owner of substantial rights commonly enjoyed by owners of other lots subject to the same regulation.

#### (5) Not Merely Special Privilege

The applicant must demonstrate that the alleged particular hardship or practical difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from use of the subject property.

#### (6) Zoning Ordinance and Comprehensive Plan

The applicant must demonstrate that the variance would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this zoning ordinance and the comprehensive plan.

#### (7) Essential Character of the Area

The applicant must demonstrate that the variance would not result in a use or development of the subject property that:

**(a)** Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity;

**(b)** Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;

**(c)** Would unduly increase the danger of flooding or fire;

**(d)** Would unduly tax public utilities, facilities, or services in the area; or

**(e)** Would endanger the public health or safety.

**(8) No Other Remedy**

The applicant must demonstrate that there is no means other than the requested variance by which the alleged hardship or practical difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

~~No variance may be approved or recommended for approval unless authorized review and decision-making bodies have made findings of fact based upon the evidence presented to it in each specific case that:~~

~~The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;~~

~~The plight of the owner is due to unique circumstances related to the subject property; and~~

~~The variance, if granted, will not alter the essential character of the area.~~

~~For purposes of interpreting and implementing the preceding variance standards and review criteria, review and decision-making bodies must take into consideration the extent to which the following facts, favorable to the applicant, have been established by evidence:~~

~~The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if strict compliance with applicable regulations was required.~~

~~The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.~~

~~The purpose of the variance is not based exclusively upon a desire to increase the property's financial value or remove a financial limitation.~~

~~The alleged difficulty or hardship has not been created by the owner of the property.~~

~~The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.~~

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

### (l) Lapse of Approval

**(1)** An approved variance lapses and becomes void 12 months after it is granted by the board of trustees, unless:

**(a)** A building permit for improvements directly related to the variance has been issued (if required); or

**(b)** The use or structure directly related to the variance has been lawfully established.

**(2)** Upon written request and good cause shown, the zoning administrator is authorized to grant one extension of the time limitations set forth in this section for up to 6 months. Any additional extension requests require approval by the board of trustees. All requests for extensions must be filed before the variance lapses.

**(J) Termination**

An approved variance terminates upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variance.

**(K) Transferability**

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

**(L) Amendments**

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices, and public hearings.

**(M) Reasonable Accommodation**

Notwithstanding any of the preceding zoning variance procedures of this section, the zoning administrator is authorized to issue a permit to the owner of a dwelling unit for the purpose of making the dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If issuance of the permit would otherwise require a variance, the permit is deemed to include the needed variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The zoning administrator is authorized to impose conditions on the permit, including limiting the duration of the permit to the time that the person with a disability lives or regularly uses the dwelling.

### ~~Zoning Certificates~~

~~No building permit or license pertaining to the use of structures or land may be issued by any officer or employee of the village unless an application for such permit has been examined by the zoning administrator and has affixed to it a certificate of the community development director that the proposed structure and uses comply with all of the provisions of this zoning ordinance.~~

~~It is unlawful to begin the construction of a new building, structure or sign, or to enlarge or alter or remove a building or structure that involves a change in use, without having received a zoning certificate.~~

~~All applications for zoning certificates must be accompanied by a survey of the lot, drawn to scale, showing the shape, area and dimensions of the lot to be built upon, the exact size and location on the lot of the existing buildings and accessory buildings, and the lines within which the new structures will be erected, all prepared by a registered surveyor. The plans must identify existing and proposed uses of each structure, the number of dwelling units or lodging rooms a building is designed to accommodate, location of driveways, and location and number of off-street parking and off-street loading spaces, and such other information with regard to the lot and neighboring lots and performance standards, as necessary to determine and provide for a determination that such plans comply with all applicable provisions of this zoning ordinance. A copy of such plans must be returned to the owner when such plans have been approved by the zoning administrator. The lot and location of the building must be staked out on the ground before any construction is started.~~

~~Construction or development authorized by a permit must begin within 6 months and must proceed with reasonable continuity until completion, the permit otherwise becoming invalid.~~

~~Any zoning certificate issued in conflict with the provisions of this zoning ordinance is null and void.~~

## Sec. 14.07 Zoning Verification Letters

Any person may request a zoning verification letter from the zoning administrator pertaining to property located within the village. A zoning verification letter provides verification of zoning-related information for

a particular property, including but not limited to, the zoning classification of the property, whether existing improvements comply with the bulk and development standards of the underlying zoning district, whether existing off-street parking meets minimum parking requirements, whether the existing use is lawful and conforming, and whether signs on the property are lawful and conforming. Zoning verification letter requests must be filed with the zoning administrator and be accompanied by the required filing fee.

## Sec. 14.08 Certificates of Occupancy

See Chapter 18, Article X of the village code.

~~Land may not be occupied or used in a manner different than the effective date specified in Sec. 1.03, and no structure erected or altered may be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy has been issued by the community development director stating that the structure or land improvement complies with all its plans and all the building and health laws and with the provisions of this zoning ordinance.~~

~~No change of use may be made in any structure or land improvement or part thereof, now or hereafter erected or altered, before an occupancy permit has been issued by the community development director, and no permit may be issued to make such change unless it is in compliance with all applicable provisions of this zoning ordinance. The provisions of this section are not intended to prevent the continuance of the present occupancy or use of any existing structure or land improvement, except as may be necessary for the safety of life and property.~~

~~No certificate of occupancy permit for a change of use in an existing structure or land improvement may be issued until the premises have been inspected and certified by the community development director to be in compliance with applicable requirements for the zoning district in which it is located.~~

~~Application for a certificate of occupancy must be made and issued within 10 days after the erection or alteration of the structure has been completed. A record of all certificates of occupancy must be kept on file in the office of the community development director, and copies must be furnished on request to any person having proprietary or tenancy interest in the land or structure affected.~~

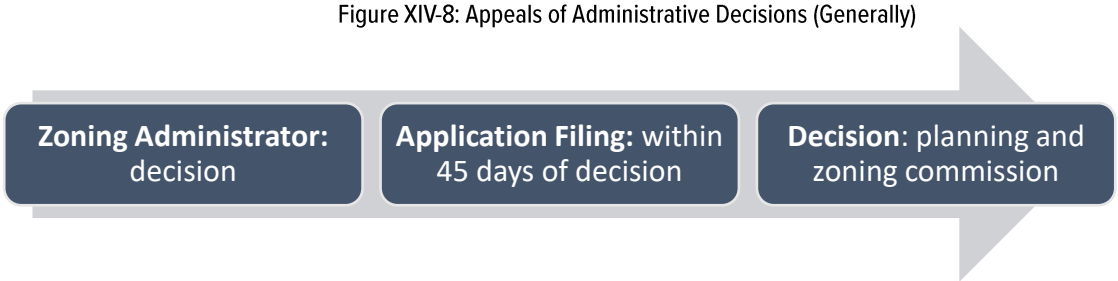
~~Pending the issuance of a regular certificate of occupancy, a temporary permit may be issued to be valid for a period of no more than 60 days during months of the year permitting exterior construction and not more than 180 days during other times of the year. Application for a temporary permit must be accompanied by a statement covering the items of work to be completed and the reasons the temporary permit is requested.~~

## Sec. 14.09 Appeals

### (A) Authority

The planning and zoning commission is authorized to hear and decide all appeals where it is alleged there has been an error in any final order, requirement, decision, or determination made by the zoning administrator in the administration, interpretation, or enforcement of this zoning ordinance. Such appeals must be processed in accordance with Illinois Compiled Statutes and the provisions of this section.

Figure XIV-8: Appeals of Administrative Decisions (Generally)




### (B) Right to Appeal

Appeals of administrative decisions may be filed by any person, firm or corporation aggrieved by the zoning administrator's decision or action. The planning and zoning

commission is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

### (C) Application Filing

**(1)** Appeals must be made by filing a notice of appeal with both the zoning administrator and with the planning and zoning commission. The notice of appeal must specify the decision that is being appealed and the grounds for the appeal.

**(2)** Appeals of administrative decisions must be filed within 45 days of the date of the decision being appealed.

### (D) Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the zoning administrator certifies to the planning and zoning commission, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the planning and zoning commission or by the circuit court based on due cause shown.

### (E) Record of Decision

Upon receipt of a complete notice of appeal, the zoning administrator must transmit to the planning and zoning commission the notice of appeal and information constituting the record related to decision being appealed.

### (F) Processing

**(1)** The planning and zoning commission must:

- **(a)** Fix a reasonable time for hearing the appeal;
- **(b)** Give due notice thereof to parties; and
- **(c)** Decide the appeal within reasonable time.

**(2)** Any party to the appeal may appear at the hearing in person or by an agent or by an attorney.

**(3)** In acting on the appeal, the planning and zoning commission has all the powers of the zoning administrator from whom the appeal is taken. The planning and zoning commission may affirm or reverse, wholly or in part, or modify the decision being appealed.

**(4)** The planning and zoning commission may adopt additional procedures and requirements with respect to hearings on appeals.

**(5)** All decisions made by the planning and zoning commission on appeals are considered final administrative determinations and are subject to judicial review only in accordance with applicable Illinois statutes.

# Article XV Administration and Enforcement

Sec. 15.01 Administration..... XV-1
Sec. 15.02 Enforcement.....XV-2

## Sec. 15.01 Administration

### (A) Generally

The administration of this zoning ordinance is hereby vested in:

**(1)** The zoning administrator;

**(2)** The planning and zoning commission; and

**(3)** The board of trustees.

### (B) Zoning Administrator

The community development director serves as the zoning administrator and has the authority to delegate zoning administration duties to other staff within the community development department. The zoning administrator has primary responsibility for administering and carrying out those powers and duties expressly identified in this zoning ordinance or those authorized by law, including the following:

**(1)** Interpreting and administering the provisions of this zoning ordinance;

**(2)** Conducting needed inspections of structures and uses of land to determine compliance with this zoning ordinance;

**(3)** Notifying persons responsible for violating this zoning ordinance;

**(4)** Taking appropriate actions to ensure compliance with this zoning ordinance and remedying violations of its provisions, including but not limited to:

**(a)** Ordering discontinuance of any illegal use of land or structures;

**(b)** Ordering removal of illegal structures and additions or alterations thereto;

**(c)** Ordering discontinuation of work being done in violation of zoning ordinance provisions;

**(5)** Maintaining permanent and current records related to this zoning ordinance, including all zoning maps, amendments, planned unit developments, special uses, and variances;

**(6)** Maintaining a record of permits and notices of violation and orders of discontinuances or removal for such time as necessary to ensure continuous compliance with zoning ordinance provisions;

**(7)** Receiving and processing all applications for permits and development approvals under this zoning ordinance;

**(8)** Providing technical assistance and support to the board of trustees, and the planning and zoning commission; and

~~**(1)**~~**(9)** Exercising other powers and performing other duties as specified or necessarily implied by the provisions of this zoning ordinance.

~~The powers and duties of the community development director in administration and enforcement of this zoning ordinance area as follows:~~

~~**(2)** Determine and enforce conformance with the regulations of this zoning ordinance;~~

~~**(3)** Issue zoning certificates and zoning verification letters;~~

~~**(4)** Issue certificates of occupancy;~~

~~(5) Conduct inspections of structures and uses of land as required;~~

~~(6) Maintain records of the administration and enforcement of this zoning ordinance including applications, processing and decisions for amendments, special uses, and variances;~~

~~(7) Maintain and update the official zoning map;~~

~~Initiate, direct and review, from time to time, a study of the provisions of this zoning ordinance, and make reports of his recommendations to the planning and zoning commission not less frequently than once a year.~~

~~(8) Upon authorization from the board of trustees, issue permits regulating the erection and use of temporary buildings for specific periods of time for purposes such as community, religious, eleemosynary, education, amusement, recreation and commercial; provided, however, that uses thereof are in conformance with all other ordinances and codes of the village;~~

~~(9) Provide and maintain public information facilities relative to all matters pertaining to this zoning ordinance; and~~

~~(10) Collect and administer zoning escrow deposits.~~

## Sec. 15.02 Enforcement

### (A) Violations

Unless otherwise expressly stated in this zoning ordinance or state law, any violation of a provision of this zoning ordinance—including any of the following—are subject to the remedies and penalties provided for in this zoning ordinance:

(1) To use land, buildings, or other structures in any way that is not consistent with the requirements of this zoning ordinance;

(2) To erect a building, sign, or other structure in any way not consistent with the requirements of this zoning ordinance;

(3) To establish or use a sign in any way not consistent with the requirements of this zoning ordinance;

(4) To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance without obtaining such required permits or approvals;

(5) To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under this zoning ordinance or under previous zoning regulations of the village in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;

(6) To violate the terms of any permit or approval granted under this zoning ordinance or under previous zoning regulations of the village or any condition imposed on the permit or approval;

(7) To obscure, obstruct or destroy any notice required to be posted under this zoning ordinance;

(8) To violate any lawful order related to this zoning ordinance issued by any authorized public official;

(9) To establish, maintain or conduct in any business, establishment or activity that causes or results in a nuisance by reason of dust, smoke, vibrations, fumes, noise or any other factor harmful to the general health and welfare; or

(10) To continue any violation after receipt of notice of a violation.

**(B) Continuing Violations**

Each day that a violation continues constitutes a separate violation of this zoning ordinance.

**(C) Remedies and Enforcement Powers**

The village has all remedies and enforcement powers allowed by law, including those established in Chapter 1, Article II of the village code (Administrative Code Hearing System), and the following:

**(1) Fines**

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this zoning ordinance may, upon conviction, be fined not less than $~~25~~ 75 nor more than $~~500~~ 750 for each offense.

**(2) Liens**

The village may file liens against a property for failure to pay levied fines or fees and to cover any expenses incurred by the village for remedying violations of this zoning ordinance, as authorized by law.

**(3) Withhold Permit**

**(a)** The zoning administrator may deny or withhold permits or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, approval, or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.

**(b)** The zoning administrator may also withhold all permits or other forms of authorization on any other land owned by the owner of land on which an uncorrected violation exists. This enforcement provision may be used regardless of whether the property for which the permit or other approval is sought is the property in violation.

**(c)** Instead of withholding or denying a permit or other authorization, the zoning administrator may issue such permit or grant such authorization subject to the condition that the violation be corrected.

**(4) Revoke Permits**

**(a)** A permit or other form of authorization required under this zoning ordinance may be revoked by the zoning administrator when the zoning administrator determines:

i. That there are unapproved significant, material departures from approved plans or permits;

ii. That the development permit was procured by false representation or was issued by mistake; or

iii. That any of the provisions of this zoning ordinance or approval previously granted by the village are being violated.

**(b)** Written notice of revocation must be served upon the owner, the owner's agent, or contractor, or upon any person employed in the construction of the building or structure for which such permit was issued. If no individual can reasonably be served with notice, the notice must be posted in a prominent location on the subject property.

**(5) Revoke Plan or Other Approval**

When a violation of this zoning ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the zoning administrator may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):

**(a)** Revoke the plan or other approval; or

**(b)** Condition its continuance on strict compliance with this zoning ordinance or the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the zoning administrator may reasonably impose.

**(6) Stop Work**

With or without revoking permits, the zoning administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning ordinance or of a permit or other form of authorization issued under this zoning ordinance or previous zoning regulations.

**(7) Injunctive Relief**

The village may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit or other form of authorization granted under this zoning ordinances or previous zoning regulations.

**(8) Forfeiture and Confiscation of Signs on Public Property**

Any sign installed or placed in the public right-of-way or on other public property, except in compliance with the regulations of this zoning ordinance will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this article, the village has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

**(9) Abatement**

The village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed before the violation.

**(10) Other Penalties, Remedies and Powers**

The village may seek such other penalties and remedies as are provided by law.

**(11) Continuation of Previous Enforcement Actions**

Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the village pursuant to previous valid ordinances and laws.

**(D) Remedies Cumulative**

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the village may exercise them in any combination or order.

**(E) Persons Subject to Penalties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies, and enforcement actions.

# Article XVI Measurements


Sec. 16.01 Lot Area ..... XVI-1
Sec. 16.02 Lot Area per Dwelling Unit ..... XVI-1
Sec. 16.03 Lot Width ..... XVI-1
Sec. 16.04 Building Width ..... XVI-1
Sec. 16.05 Build-to Zone ..... XVI-1
Sec. 16.06 Outdoor Open Space ..... XVI-1
Sec. 16.07 Setbacks ..... XVI-2
Sec. 16.08 Lot Coverage ..... XVI-6
Sec. 16.09 Lot Depth ..... XVI-6
Sec. 16.10 Streetwall Width ..... XVI-6
Sec. 16.11 Transparency ..... XVI-8
Sec. 16.12 Building Entrances ..... XVI-9
Sec. 16.13 Height ..... XVI-9


## Sec. 16.01 Lot Area

Lot area is measured as the total ground-level surface area contained within the property lines of a lot.

## Sec. 16.02 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on a lot. To determine the number of dwelling units allowed on a lot, divide the lot area by the minimum lot-area-per-unit requirement, and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

## Sec. 16.03 Lot Width

Lot width is measured as the horizontal distance between the side lot lines of a lot measured at the narrowest width between the ~~front yard line~~ minimum front setback and a point 30 feet to the rear of the minimum front ~~yard line~~setback. On cul-de-sac lots and similarly shaped lots, ~~the~~ lot width ~~shall be~~ is measured along a line tangent to and at the midpoint of the minimum front ~~yard~~ setback line. On lots located along an opposite shaped curve (i.e., pie-shaped lots or those narrowing toward the rear of the lot), ~~the~~ lot width ~~shall be~~ is measured along a line parallel to and 30 feet to the rear of a chord drawn between the opposite ends of the front ~~yard~~ setback line.

## Sec. 16.04 Building Width

Building width is measured as the horizontal measurement along the building facade that is generally parallel and facing the front lot line.

## Sec. 16.05 Build-to Zone

Build-to zones are defined by a minimum and a maximum setback generally parallel and measured from the street lot line or actual right-of-way line. Upper-story recessed balcony facades and courtyard facades are not required to be located within the build-to zone.

## Sec. 16.06 Outdoor Open Space

Minimum outdoor private space required per unit must be open air and available specifically for the use of the building occupants. The form of the space must meet one or a combination of the following:

**(A)** The space must be attached to the unit in the form of a patio, balcony, or terrace, located in any abutting yard, with a minimum dimension of 6 feet in any direction; or

~~(A)~~(B) The space must be common space for residents only in the form of one or more of the following: a garden, courtyard, roof deck, or terrace; each with a minimum dimension of 10 feet in any direction. Common space must be accessible and available to all occupants.

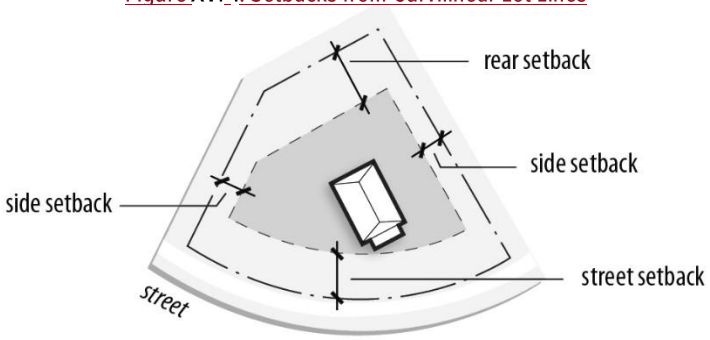
## Sec. 16.07 Setbacks

The minimum horizontal distance between ~~a street~~ lot line and the nearest wall of a building or other structure for which minimum setback applies~~side of a structure facing such street line~~.

### (A) General Rules of Measurement

(1) Required setbacks are measured from the applicable lot line or street right-of-way line. Setbacks from streets must be measured from the actual right-of-way line or from the proposed right-of-way as designated on the official map of the village or as established by county or state highway authorities, whichever results in a greater setback. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line.

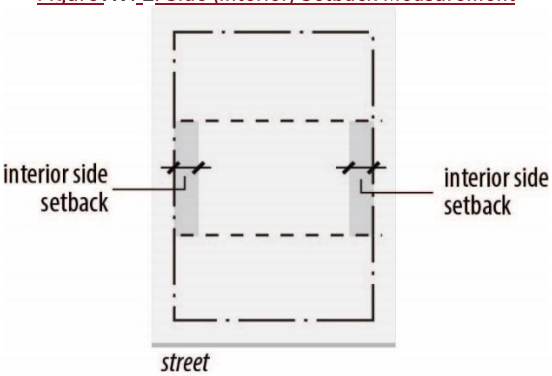
Figure XVI-1: Setbacks from Curvilinear Lot Lines




(2) Street setbacks are measured from the actual right-of-way line of the street (other than an alley).

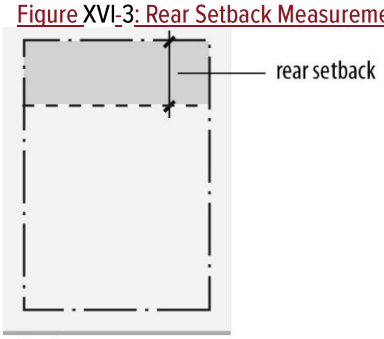
(3) Interior side setbacks are measured from a side lot line that does not abut a street. When there are multiple interior side lot lines, the zoning administrator is authorized to determine the setback regulations that apply (e.g., determining that a minimum front setback is required based on the orientation of streets and buildings in the immediate vicinity).

Figure XVI-2: Side (Interior) Setback Measurement



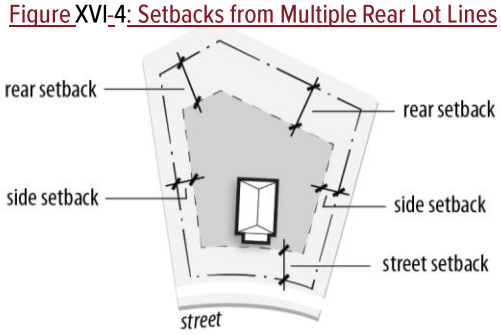

(4) Rear setbacks are measured from the rear lot line.

Figure XVI-3: Rear Setback Measurement



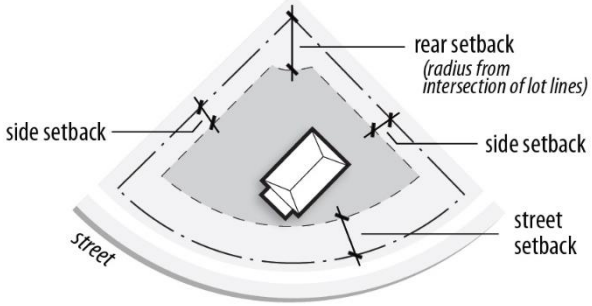

**(a)** When there are multiple rear lot lines, the rear setback must be measured from each rear lot line.

Figure XVI-4: Setbacks from Multiple Rear Lot Lines




**(b)** When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

Figure XVI-5: Rear Setback Measurement When There is No Rear Lot Line




**(c)** Double-frontage lots are subject to the measurement rules of Sec. 16.07(B).

## (B) Double Frontage Lots

The following measurement rules apply to double-frontage lots:

### (1) Abutting Lots Facing Same Direction

When abutting lots take primary access to the same street as the subject lot or are occupied by principal buildings that are oriented to the same street as the principal building on the subject lot, the front lot line is the lot line abutting the street that provides primary access to the subject lot or towards which the principal building on the subject lot is oriented, and the rear lot line is the lot line abutting the street on the opposite side of the subject lot. In such cases, the rear street yard is considered the rear yard.

### (2) Abutting Lots Facing Different Direction

When abutting lots take primary access to a different street that the subject lot or are occupied by principal buildings that are oriented to a different street than the principal building on the subject lot, both street lot lines on the subject lot are considered front lot lines. The required front setback must be provided from the lot line abutting the street that provides primary access to the subject lot or towards which the principal building on the subject lot is oriented. The required setback from the opposite front lot line must equal at least the average depth of the front building setbacks that exist on the abutting lots.

## (C) Contextual Setbacks

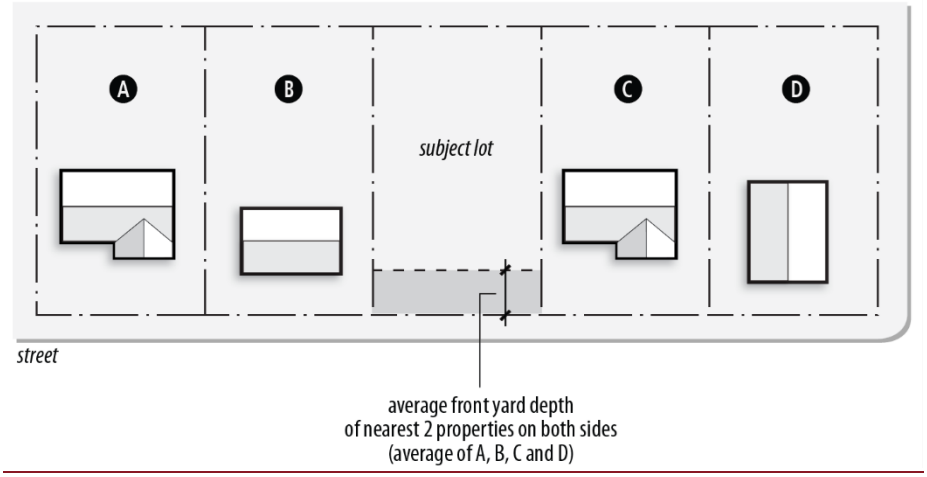
### (1) Applicability; Eligible House Types

The contextual setback provisions of this section apply only in R districts and only to the construction of a new detached house, attached house, semi-detached house, or two-unit house or to a street-facing addition to an existing detached house, attached house, semi-detached house, or two-unit house.

### (2) General

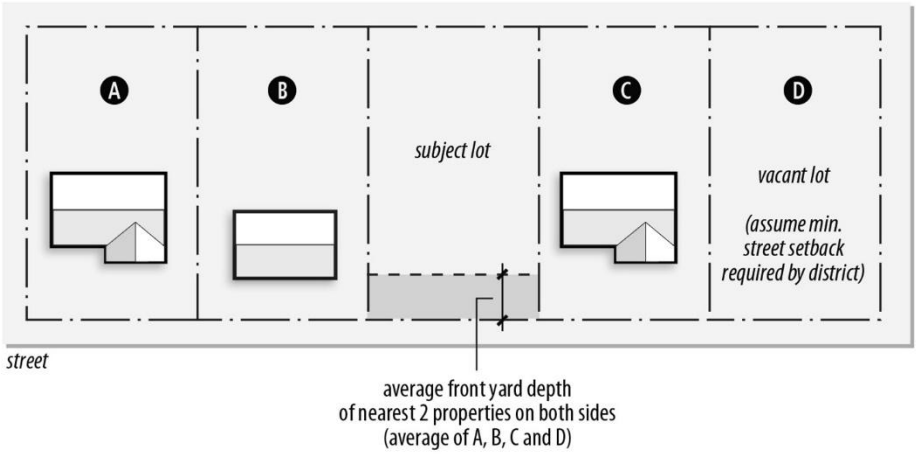
When existing buildings on one or more lots abutting a lot on which an eligible house type is proposed to be constructed or altered are closer to the street property line than the otherwise required street setback, additions to existing houses or construction of new houses on the subject lot may comply with the average (i.e., mean) street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement. See Figure XVI-6.

Figure XVI-6: Contextual Setbacks (1)



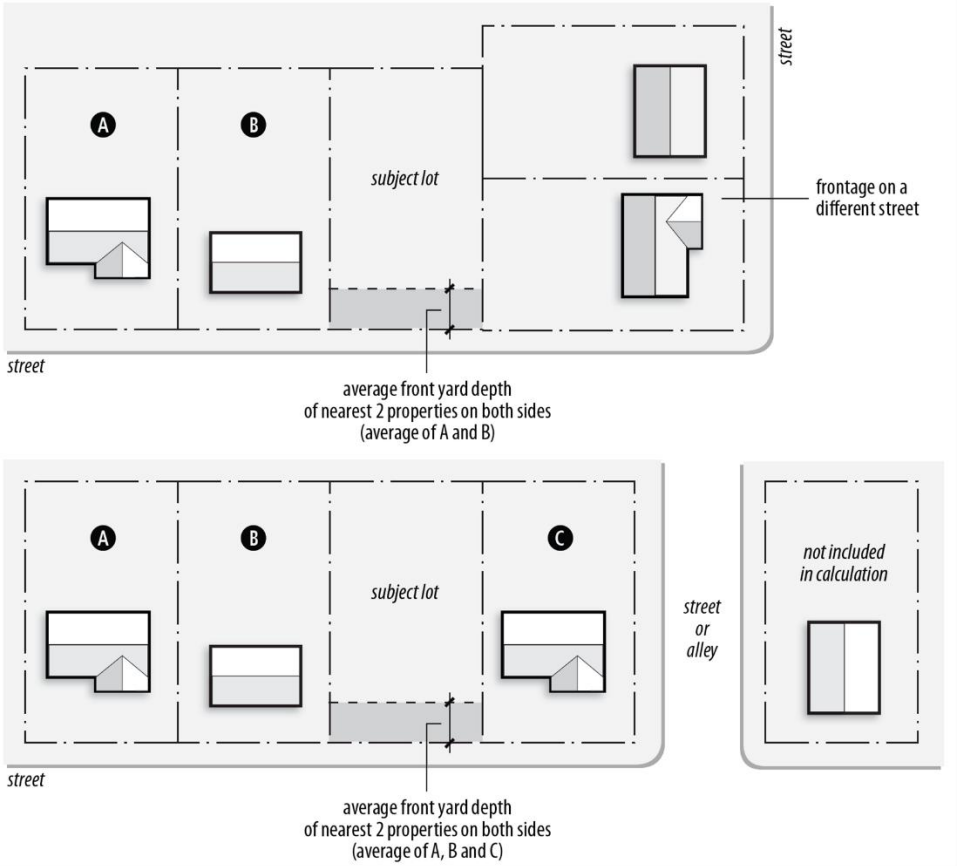

(3) If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Figure XVI-7.

Figure XVI-7: Contextual Setbacks (2)



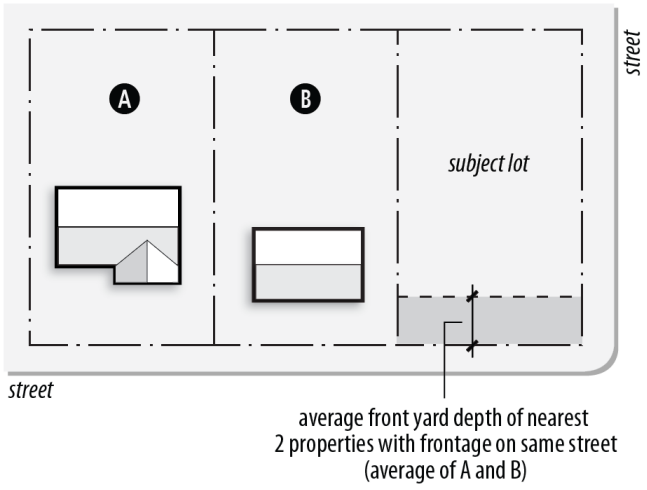

**(4)** Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley or that are not within an R zoning district may not be used in computing the average setback. See Figure XVI-8.

Figure XVI-8: Contextual Setbacks (3)



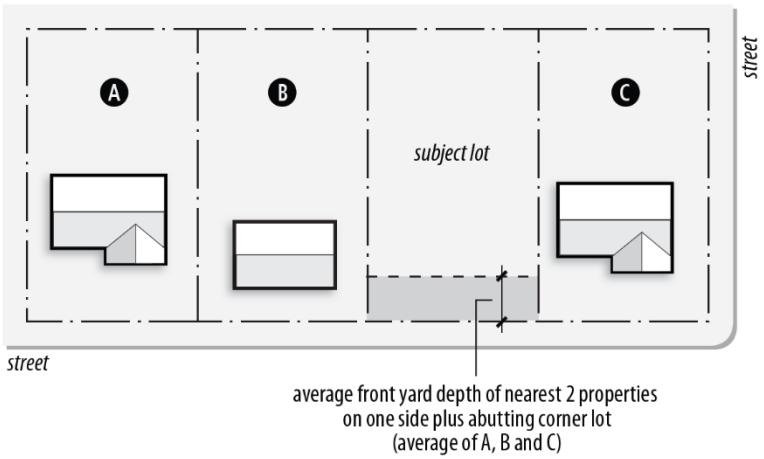

**(5)** When the subject lot is a corner lot, the average street yard depth must be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-9.

Figure XVI-9: Contextual Setbacks (4)




**(6)** When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth must be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-10.

Figure XVI-10: Contextual Setbacks (5)




~~(1)~~**(7)** These contextual setback provisions may not be used to reduce the setback of an attached garage unless such garage is set back at least 5 feet from the front façade of the principal building.

## Sec. 16.08 Lot Coverage

Lot coverage is measured as the percentage of a lot covered by ~~all~~ buildings, structures and permanent ~~hardscape~~ impervious surfaces~~improvements~~. Sheds and similar small accessory buildings that are not supported by a foundation or concrete slab and that do not exceed 12 square feet in area are not counted when calculating lot coverage.

## Sec. 16.09 Lot Depth

Lot depth is measured as the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the boundaries of the lot.

## Sec. 16.10 Streetwall Width

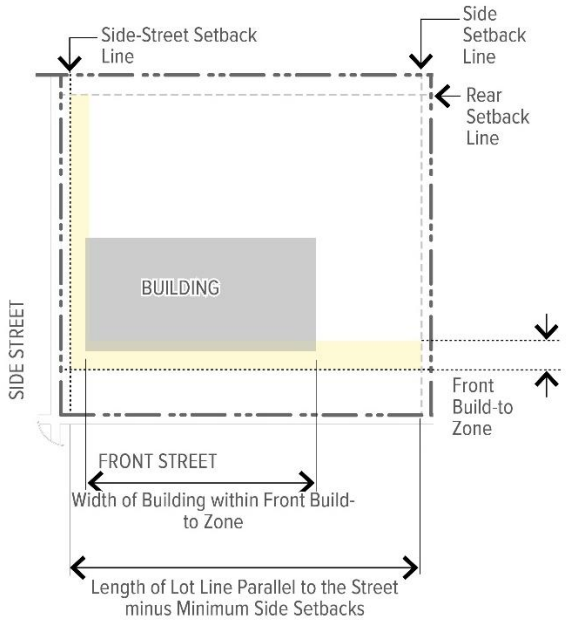
**(A)** Some building types in downtown zoning districts are subject to minimum front streetwall requirements. These regulations establish a minimum percentage of the

required build-to-zone that must be occupied by a building. Compliance with minimum front streetwall (percentage) requirements is calculated as follows:

$$\frac{\text{Width of Building Wall within Build-to Zone}}{\text{Length Front Lot Line – Minimum Required Side Setbacks}}$$

~~(A)~~**(B)** The streetwall being measured must meet the minimum height required for the subject building type.

Figure XVI-11: Streetwall Measurement




**(C)** Courtyards may be counted towards meeting minimum front streetwall requirements if such courtyards comply with all of the following:

**(1)** The courtyard must be located within the build-to zone. Courtyards on the interior or in the rear of the lot behind the front facade are not subject to the regulations of this subsection.

**(2)** The width of a courtyard at the street may not occupy more than 30% of a building's front façade.

**(3)** Parking is not allowed in a courtyard.

**(4)** Building frontages on courtyards must meet all regulations for street facades, including all the transparency and entrance regulations in the building type regulations and facade materials and facade element regulations.

**(5)** All ground surfaces in the front courtyard must be treated as either pedestrian paving or landscape bed. Pedestrian paving may include no more than 80% standard concrete.

**(6)** Buildings abutting the courtyard must have an entrance on the street.

**(7)** Landscape materials, such as trees in grates or planters and/or landscape beds, are required and at least one tree is required per courtyard.

**(8)** Fences or walls are required along at least 50% of the build-to zone to continue the building streetwall. Fences and walls may not be more than 50% opaque. Allowed fence materials include masonry and metal.

**(9)** Seating is required in the courtyard area, and at least one other amenity must be included. Amenities may include pergolas, trellises, catenaries, string overhead lighting, fountains, sculptures, murals, or similar features, as approved by the zoning administrator.

## Sec. 16.11 Transparency

Transparency is the measurement of the percentage of a facade that windows and doors with highly transparent, low-reflectance glass. Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25 unless required by state law or local energy or building codes.

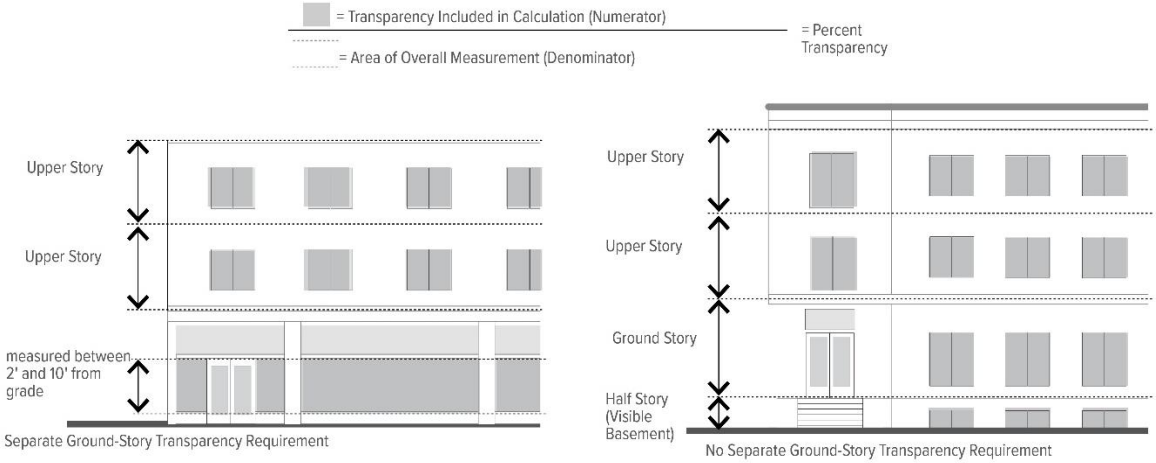
### (A) False Windows

The use of false or faux windows, where the window is visible from the exterior with no opening from the interior, to meet the transparency requirement is not allowed.

### (B) Measurement

Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below. See Figure XVI-12.

Figure XVI-12: Transparency Measurement




**(1)** Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors.

**(2)** The measurement may include the frame, mullions, and muntins, but may not include trim or casing.

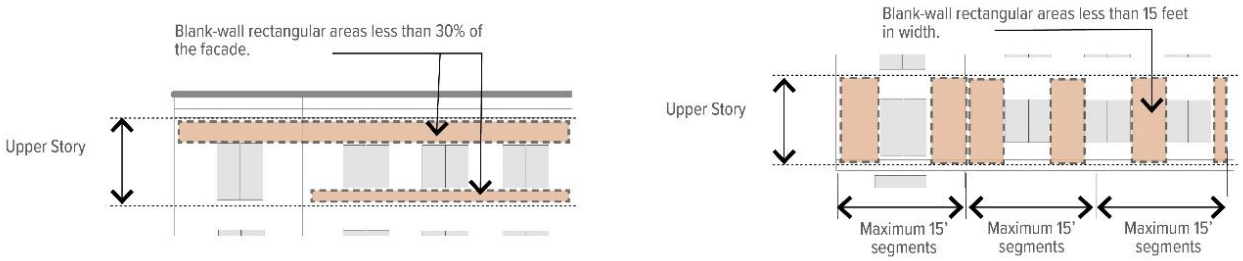
### (C) Blank Wall Segments

When stipulated by applicable building type regulations, blank wall segments on all facades must meet the following:

**(1)** No rectangular areas greater than 30% of a story's facade, as measured floor to floor, may be blank wall, without transparency. See Figure XVI-13.

**(2)** No horizontal segments of a story's facade greater than 15 feet in width may be blank wall, without transparency. See Figure XVI-13.

Figure XVI-13: Blank Wall Segments




**(D) Minimum Ground-Story Transparency**

When a separate minimum ground-story transparency is required per the building type regulations, ground-story transparency is measured between 2 feet and 10 feet from the average grade at the base of the facade.

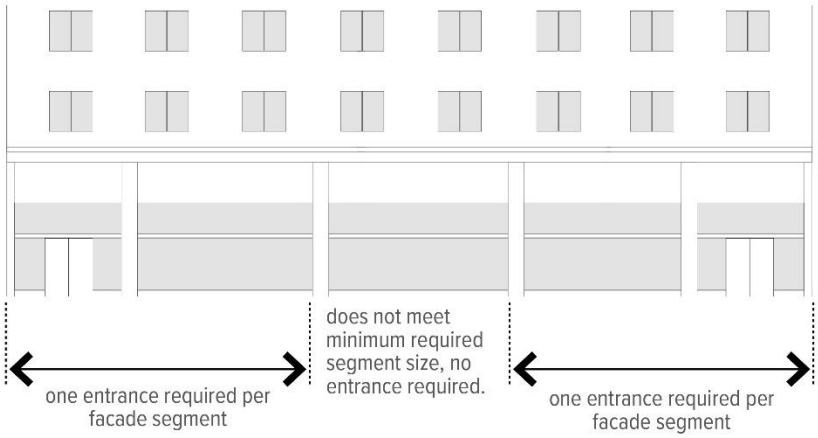
**(E) Half Stories**

All half-story facades located within the roof structure and within visible basements must meet the minimum required transparency for the facade.

## Sec. 16.12 Building Entrances

Entrances must be provided in accordance with the entrance location and number requirements established for the applicable building type and consistent with Figure XVI-14.

Figure XVI-14: Building Entrances




## Sec. 16.13 Height

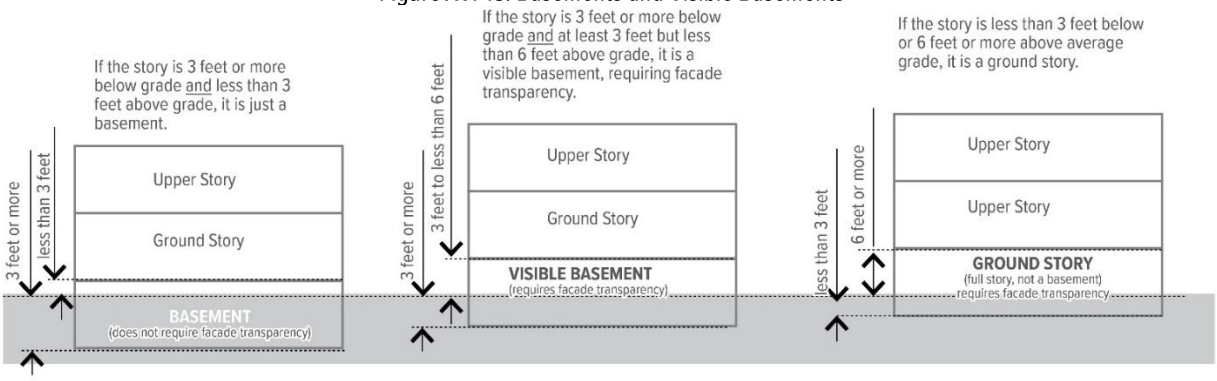
**(A) Measurement**

**(1)** Except as otherwise expressly stated, building height is measured as the vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. For the purpose of measuring height, grade is the existing or established grade at the building setback line midway between side lot lines.

**(2)** Whenever building height limits are expressed in stories, the following rules of measurement apply.

**(a)** Building height is measured in stories plus any visible basement, exposed basement, and roof type. See Figure XVI-16.

Figure XVI-15: Basements and Visible Basements



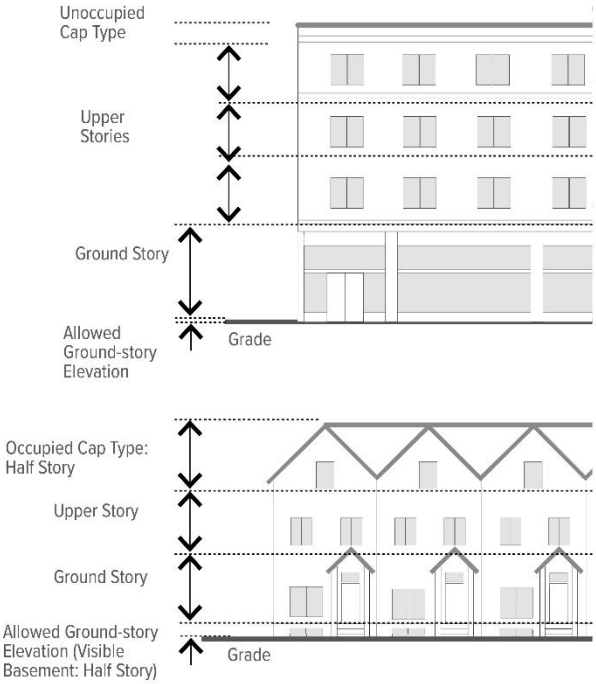

**(b)** Buildings must meet any applicable minimum height requirements along all front street facades and for a depth of at least 20 feet into the building.

**(c)** All building facades located within the street setbacks must meet applicable minimum building height requirements.

**(d)** Maximum height limits apply to the entire building.

**(e)** If a building has both a half-story within the roof and a half-story that is a visible basement, the combined height of the 2 half stories is considered one full story.

Figure XVI-16: Building Height Measurement (Stories)




**(f)** Any building may have a basement, unless expressly prohibited in this ordinance. Visible basements count as a half-story towards the minimum or maximum height of a building. Basements that are not visible basements do not count as a half-story.

**(g)** Each story is measured with a range of permitted floor-to-floor heights.

i. All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights

are required along a minimum of 80% of each facade's horizontal length for each story.

ii. When noted as a separate story height, the ground-story height must extend from the front street facade into the building a minimum of 20 feet. The remainder of the ground-story may meet either the front street frontage ground-story heights or the height range permitted for all stories.

iii. For single-story buildings and the uppermost story of a multi-story building, the floor-to-floor height is measured from the floor of the story to the ceiling, unless a specific height is provided for a single-story building.

iv. Spaces exceeding the maximum allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of street facades.

**(B) Exemptions**

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building; and chimneys, fire and parapet walls, water tanks or similar structures may be erected 15 feet above the height of the structure on which it is located even though the overall height may exceed the height limitation of the district in which it is located; however, such building appurtenances must be located or screened by parapet walls as to conceal their view when viewed from the adjoining street from an eye level height of 5 feet.

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# Article XVII Definitions


Sec. 17.01 General ..... XVII-1
Sec. 17.02 Abbreviations ..... XVII-1
Sec. 17.03 General Rules of Language and Ordinance Construction ..... XVII-1
Sec. 17.04 Use Definitions ..... XVII-1
Sec. 17.05 Measurement-Related Terms ..... XVII-1
Sec. 17.06 Definition of Words and Terms ..... XVII-1


## Sec. 17.01 General

Words and terms expressly defined in this zoning ordinance have the meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have their ordinary dictionary meaning.

## Sec. 17.02 Abbreviations

Abbreviations used in this zoning ordinance have the following meanings:

Table XVII-1: Abbreviations

| Abbreviation | Meaning |
|---|---|
| % | Percent |
| DU | Dwelling Unit |
| ft. | Feet (or foot) |
| ILCS | Illinois Compiled Statutes |
| In. | Inches (or inch) |
| max. | Maximum |
| min. | Minimum |
| no. | Number |
| NA (or N/A) | Not applicable (no requirement) |
| sq. ft. | Square feet |

## Sec. 17.03 General Rules of Language and Ordinance Construction

See Sec. 1.10 for general rules for interpreting the general language of this zoning ordinance.

## Sec. 17.04 Use Definitions

See Article VI for an explanation of the use categorization system used in this zoning ordinance and for use type definitions.

## Sec. 17.05 Measurement-Related Terms

See Article XVI for an explanation of various lot and building regulation terms, such as “lot area,” “building height,” “setbacks.”

## Sec. 17.06 Definition of Words and Terms

**Abut, Abutting**
Having a common property line or district line.

**Accessory Building**
A building that is incidental and subordinate to the principal building on the subject lot in terms of its size and purpose and that is customarily found in association with the principal building on the subject lot. Typical examples of accessory buildings include sheds, detached garages, and detached accessory dwelling units.

**Accessory Structure**
Any structure that is incidental and subordinate to the principal structure on the subject lot in terms of its size and purpose and that is customarily found in association with the principal structure on the subject lot. Typical examples of accessory structures include decks, pergolas, trellises, swimming pools, hot tubs,

flagpoles, and playground/recreational equipment. Accessory buildings are also considered to be accessory structures, although the regulations of this zoning code often distinguish between those that apply to accessory buildings versus the broader category of accessory structures.

**Accessory Use**
A use is incidental and subordinate to the principal use of the subject property and that meets the criteria established in Sec. 7.01(A).

**Agent**
A person duly authorized to act on behalf of the owner of the subject property.

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

**Adjoining**
Touching or contiguous, as distinguished from lying near or adjacent.

**Alley**
A right-of-way, with a width of not more than 24 feet that affords a secondary means of vehicular access to abutting properties. A street is not an alley.

**Alteration**
A change in size, shape, occupancy or use of a building or structure.

**Amateur Radio Facility**
Any tower or antenna used for non-commercial radio communications (transmission and reception) maintained by an FCC-licensed amateur radio operator.

**Animal, Companion**
Animals that are commonly kept by households as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on people; commonly live inside a residence in close proximity with humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals.

**Antenna**
An exterior transmitting or receiving device mounted on the ground or on a freestanding tower, building, or structure and used in communications that radiate or capture electromagnetic waves, microwaves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

**Antenna, Amateur Radio**
An antenna used for transmitting and receiving noncommercial shortwave or citizens-band radio communications maintained by a Federal Communications Commission-licensed amateur radio operator.

**Antenna, Broadcast Band, Receive-Only**
An antenna used for noncommercial reception of broadcast band radio, broadcast band television, or other broadcast band signals.

**Antenna, Satellite Dish, Receive-Only**
A parabolic, disc-type or micro-replay, "receive only antenna" designed to receive information by radio waves from a communication satellite and used for noncommercial purposes.

**Applicant**
The owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

**Awning**
A roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and

they may be raised or retracted to a position adjacent to the building.~~A roof-like mechanism, retractable in operation that projects from the wall of a building.~~

**Balcony**
Any roofed or unroofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include balconettes, otherwise known as Juliet balconies or false balconies.

**Base (Zoning) District**
Any zoning district that is not an overlay district.

**Basement**
A portion of a building having part but not more than one-half of its floor to ceiling height below grade. See also Sec. 16.13(A). ~~When a basement is used for storage, garages for use of occupants of the building, or other facilities common for the rest of the building, it is not counted as a story.~~

~~**Bedroom**~~
~~Shall have the following meaning and meet the following minimum requirements:~~

~~a. Each bedroom shall have walls that extend from floor to ceiling on all sides.~~

~~b. Each bedroom shall contain at least one closet.~~

~~c. Each bedroom shall have a door providing separation from the remainder of the dwelling unit.~~

~~d. Each bedroom shall be used primarily for sleeping purposes, and no kitchen, dining room, living room, hallway or uninhabitable space shall be used as a bedroom.~~

~~e. Each bedroom shall comply with all other codes and ordinances of the Village of Westmont.~~

**Basement, Visible**
A basement having more than 3 feet of its floor-to-ceiling height above the average finished grade of the adjoining ground.

**Bay Window**
A building projection that (1) is primarily comprised of a large window or series of windows; (2) is not supported by a building foundation beneath the window; and (3) has glazing over at least 33% of its vertical surface area.

**Bioretention**
The use of soil and plants to remove pollutants from stormwater runoff.

**Block Face~~Street Frontage~~**
All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property fronting on one side of the street between an intersecting street and the end of such dead-end street.

**Board of Trustees**
The President and Board of Trustees of the Village of Westmont, Illinois.

~~**Buildable Area (for the Purpose Of Measuring Lot Width)**~~
~~See definition of lot width.~~

**Building**
A structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and that is permanently affixed to the land. When any portion thereof is completely separated from every other portion by a party wall, then such portion is deemed to be a separate building.

**Building, Principal**
A non-accessory building in which the principal use of the lot is conducted.

**Building, Completely Enclosed**
A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

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

**Building, Detached**
A building surrounded by open space.

**Building, Height**
See Sec. 16.10(A).

**Building Materials**
Dimension lumber, millwork, cabinets and other building materials, including milling, planning, jointing or manufacturing of millwork.

~~**Bulk**~~
~~The term used to indicate the size and setback of buildings or structures, and the location of same with respect to one another, and includes the following:~~

~~(a) Size and height of buildings;~~

~~(b) Required setbacks and yards and the location of exterior walls;~~

~~(c) Floor area ratio;~~

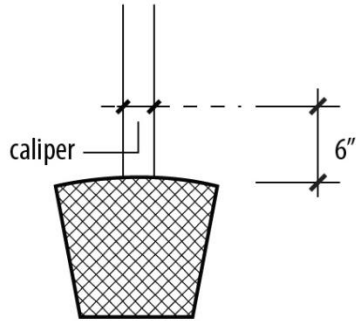
~~(d) Open space allocated to buildings; and~~

~~(e) Lot area and lot width.~~

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

Caliper
The diameter of the tree trunk measured at a point 6 inches above the root ball or soil level.

Figure XVII-1: Caliper (Tree) Measurement




~~**Capacity**~~
~~The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety, or as may be determined by the local fire and safety code.~~

**Carport**
A roofed passenger motor vehicle shelter that is open (without enclosing walls) on 2 or more sides and that has vehicle access provided by a driveway.

**Car-share Program**
A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. Car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

**Cellar**
A portion of a building having more than one-half of its floor to clear ceiling height below grade. See also Sec. 16.13(A).

**Cold Frame**
An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

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

**Conforming Building or Structure**
A building or structure that complies with all ~~the~~ applicable lot and building regulations and structure-oriented dimensional or locational regulations ~~regulations of this zoning ordinance or of any amendment thereto governing bulk~~ of the district in which the building or structure is located.~~; or (b) Is designed or intended for a permitted or special use as allowed in the district in which it is located.~~

**Contiguous**
In actual contact.

~~**Court**~~
~~An open unoccupied space other than a yard on the same lot with a building or group of buildings and that is bounded on two or more sides by such building or buildings.~~

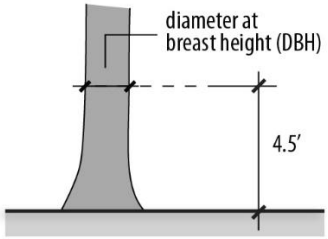
**Craft Alcoholic Beverages**
Any fermented specialty beverage for sale or for consumption on the premises in which it is produced and that contains ethyl alcohol as an intoxicating agent and that is fit for human consumption. Craft alcoholic beverages include craft beer or artisanal wine.

**Courtyard**
An open air, uncovered landscape, sidewalk, terrace, and/or deck area, enclosed on at least 2 sides and with a maximum opening of 50% of any street facade.

**Curbside Pickup**
The delivery of foods, drinks, or goods to a customer in parked vehicle on the same site where the goods are produced or sold.

**Diameter at Breast Height (DBH)**
The diameter of a tree measured at a point 4.5 feet above ground level at the base of the tree. For trees with rounded, knotty growths, or burls, limb extensions or any other abnormalities at 4.5 feet above ground level, the diameter measurement is taken at the point of smallest diameter between the ground and 4.5 feet above ground level. All tree measurements must be calculated to the nearest tenth of an inch.

Figure XVII-2: Diameter at Breast Height (DBH)



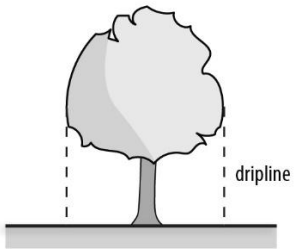

**Disability or Disabled**
A defined in the *Americans with Disabilities Act* and the *Fair Housing Amendments Act.*

**District**
See Zoning District. ~~A portion of the Village of Westmont within which, on a uniform basis, certain uses of land and buildings are allowed and certain other uses of land and buildings are prohibited as set forth in this zoning ordinance, or within which certain yards and other open spaces are required or within which certain lot areas, dwelling sizes and density requirements are established or within which a combination of such aforesaid regulations are applied.~~

**Donation Drop Box**
An unattended container, receptacle, or similar device used for the collection of used clothing, shoes, and small household items donated by the public for redistribution.

**Dripline**
An imaginary, perpendicular line that extends downward from the outermost tips of a tree's branches to the ground below.

Figure XVII-3: Dripline (of a Tree)




**~~Drive-Through~~ Facility**
~~An establishment or part thereof in which are provided facilities for serving patrons parked in automobiles on the premises.~~ See Sec. 6.08(B).

**Dumpster**
A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck.

**Dwelling**
A building or portion thereof designed or used exclusively for residential purposes, but not including mobile homes or other trailers or lodging rooms in hotels or motels.

**Dwelling Unit**
One or more rooms that are arranged, designed or used as living quarters for ~~one family only~~a single household. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire ~~family~~household, must always be included within each "dwelling unit."

~~**Economic Development Director**~~
~~The official of Westmont duly appointed and designated as the economic development director.~~

**Electric Vehicle**
Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. “Electric vehicle” includes:  battery electric vehicles; and (2) plug-in hybrid electric vehicles.

**Electric Vehicle (EV) Charging Station**
A public or private parking space that is served by battery charging station equipment.

**Electric Vehicle Charging Station, Private (Restricted-Access)**
An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

**Electric Vehicle Charging Station, Public**
An EV charging station that is accessible to and available for use by the general public.

**Electric Vehicle Parking Space**
Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

**Establishment, Business**
A place of business carrying on operation, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.

~~**Fallout Shelter**~~
~~An accessory building or use that incorporates the fundamentals for fallout protection—shielding mass, ventilation, and space to live—and that is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.~~

~~**Family**~~
~~Either (1) an individual or two or more persons, related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (2) a group of not more than four persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; together with, in either case, not more than one domestic servant.~~

**Façade**
The exterior wall of a building,

**Facade, Front**
A building facade generally parallel and facing the right-of-way line along a front street.

**Facade, Rear**
Any facade of a building generally parallel to and facing the rear lot line.

**Facade, Side-Street**
Any facade of a building generally parallel to and facing a side street lot line.

**Facade, (Interior) Side**
Any facade of a building generally parallel to and facing an interior side lot line.

**Facade, Street**
Any facade of a building generally parallel to and facing any street right-of-way and including bays or minor walls perpendicular to the facade. A street facade may be a front or side-street facade, depending on whether it is facing a front or side street, respectively.

**Fence**
A structure that is a barrier and used as a boundary or means of protection or confinement.

**Fence, Open**
A fence, including gates, that has, for each one-foot-wide segment extending over its entire length and height of the fence, at least 50% of the surface area in open spaces that afford a direct view through the fence.

**Fence, Solid**
A fence, including gates, that conceals from view from adjoining properties, streets or alleys activities conducted behind it.

**Firearm**
A device, including without limitation, a pistol, handgun, revolver, shotgun, machine gun, rifle, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon, that is designed to or that may readily be converted to expel a projectile by the force of any explosion or force of combustion. Firearms also includes, without limitation, any firearm that is in the nature of an air gun, spring gun or pistol, or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile with sufficient force to injure a person. For purposes of this definition, firearms also include ammunition, including without limitation, a bullet, self-contained cartridge, shotgun shell, or other implement that is designed to be used to adaptable to use in a firearm. For purposes of this definition, firearms also include accessories, including without limitation, scopes, silencers, chargers, and related equipment to be used with firearms. Paint ball guns, and BB guns, that expel a dingle projectile not exceeding 0.18 inches in diameter or that have a maximum muzzle velocity of less than 700 feet per second, are excluded from this definition. Antique firearms are excluded from this definition.

**Firearm, Antique**
Any rifle, shotgun or "antique cannon" that was manufactured before 1898 and for which cartridge ammunition is not commercially available, and that is sold or possessed as a curiosity or ornament or for its historical significance or value.

~~**Floor Area**~~
~~For determining floor area ratio~~

~~The sum of the gross horizontal areas of the several floors including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the centerlines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to~~

~~(a) Elevator shafts and stairwells;~~

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

~~(c) Habitable attic space as permitted by the building code of the Village of Westmont;~~

~~(d) Interior balconies and mezzanines;~~

~~(e) Enclosed porches; and~~

~~(f) Accessory uses.~~

~~Floor area for single-family detached dwellings in the R-1, R-2, R-3 and R-4 zoning districts shall not include the horizontal area of any garage, basement, crawl space, cellar or attic; but shall include any other attached structure on the lot having a roof.~~

~~In the M manufacturing district and the O/R office/research district for any building which has floor-to-ceiling heights exceeding 15 feet, the floor area shall be determined by multiplying the ground floor area by the total height of the building divided by 15.~~

~~The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area."~~

~~**Floor Area Ratio**~~
~~The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot.~~

**Footcandle**
A unit of illumination, equivalent to the illumination at all points that are one foot distant from a uniform point source of one candlepower.

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

**Garage~~, Private~~**
Completely enclosed space within ~~An accessory~~ a principal or accessory building~~, attached or detached, designed and~~ used for the storage of motor vehicles with a (typically overhead) door and vehicle access provided by a driveway.~~owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on. Not more than one of the motor vehicles may be a commercial vehicle of not more than one-ton capacity~~.

~~**Garage, Public**~~
~~A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring or storing of motor vehicles awaiting repair may be included.~~

~~**Garage, Storage, or Off Street Parking**~~
~~A building or portion thereof designed or used, or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.~~

**Geothermal Heat Exchange System**
Equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

**Grade** (for purposes of building height measurement)
See Sec. 16.13(A)(1).

**Grade, Finished**
The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

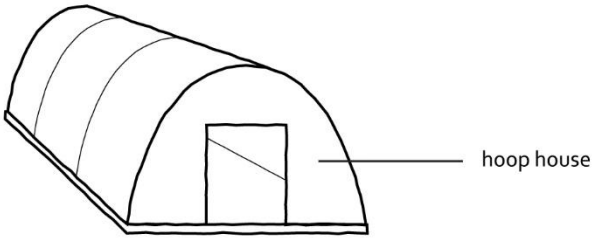
**Greenhouse**
A building comprised largely of glass or polycarbonate panels and designed for the purposes of protecting and cultivating plants.

~~**Gross Density**~~
~~The ratio between total number of dwelling units on a lot and total lot areas in acres, the area to include local streets, school and park sites, and one-half of the right-of-way width of perimeter streets, if any, but not to exceed a width of 50 feet.~~

**Home Occupation**
An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of Sec. 7.10(A).

**Hoop House**
A temporary structure typically made of flexible pipe or other material covered with translucent plastic or similar non-rigid material, constructed in a “half-round” or “hoop” shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse. Sometimes called a “polyhouse” or “polytunnel”.

Figure XVII-4: Hoop House




**Household**
A person living alone, or any of the following groups living together as a single housekeeping unit who have established ties and familiarity with one other, who jointly use common areas, and who share meals, household activities, expenses, and responsibilities:

1. Any number of persons related by blood, marriage, civil union, adoption, guardianship, or duly-authorized custodial relationship;
2. A maximum of 5 unrelated persons; or
3. Two unrelated persons and any parents or children related to either of such persons.

**Hybrid Uses**
The use of a property for multiple principal uses (see also Sec. 6.02(D)(2)).

**Inoperable Vehicle**
Any motor vehicle from which, for a period of 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 modified so that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" does not include a motor vehicle that has been rendered temporarily incapable of being driven under its own motor power, solely to perform ordinary service or repair operations.

**Lawfully Established**
A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning ordinance regulations in effect at the time of its establishment.

**Light Trespass**
Light that is emitted into an unintended area.

**Loading Space**
A space ~~within the principal building or on the same lot as the principal building providing~~ for the standing, loading or unloading of trucks and delivery vehicles and with access to a street or alley.

~~**Logo Flag**~~
~~A flag bearing a logotype or distinctive company or firm signature, trademark or other symbol.~~

**Lot**
A tract of land that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit. ~~Therefore, a~~ A "lot" may or may not ~~coincide with~~ be a lot of record.

**Lot Area**
See Sec. 16.01.

**Lot, Corner**
A lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street and any 2 chords of which form an angle of 120 degrees or less measured on the lot side.

**Lot Coverage**
See Sec. 16.08.

**Lot Depth**
See Sec. 16.09.

**Lot, Double-Frontage**
An interior lot with frontage on more than one street or a corner lot with frontage on more than 2 streets. ~~Double-frontage lots have two front lot lines.~~ See also Sec. 16.07(B).

**Lot Line, Front**
~~That boundary of a~~ A lot line that abuts a street ~~line~~. On a corner lot the lot line having the shortest length abutting a street line is deemed to be the front lot line, unless otherwise determined by the zoning administrator. The other lot line abutting a street is the street side lot line.

**Lot Line, Interior**
A lot line that does not abut a street.

**Lot Line, Rear**
The lot line that is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular or gore-shape lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Interior Side**
Any lot line that is not a front lot line, street side lot line, or a rear lot line.

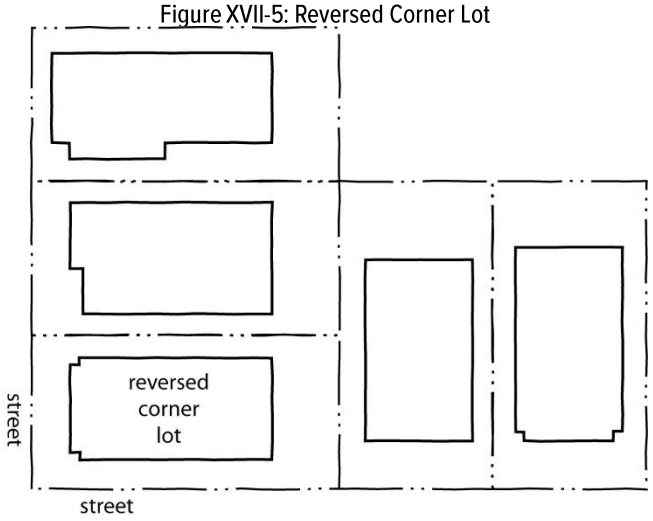
**Lot Line, Street**
A lot line that abuts a street. A lot may have more than one street lot line, and a street lot line may be a front lot line or street side lot line.

**Lot Line, Street Side**
A lot line that abuts a street and that is not a front lot line.

**Lot of Record**
A lot that is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of DuPage County, Illinois, before the effective date of this zoning ordinance.

**Lot, Reversed Corner**
A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Figure XVII-5: Reversed Corner Lot




**Lot Width**
See Sec. 16.03.

**Marquee or Canopy**
A roof-like structure of a permanent nature that projects from the wall of a building.

**Motor Home**
A vehicle that can be driven and that is designed and constructed for dwelling purposes and that may contain cooking, sanitary and electrical facilities.

**Multi-Tenant ~~Commercial Building~~Center**
A single building, ~~containing~~ on one lot, under unified control that is occupied by 2 or more commercial uses. ~~in a horizontal configuration in designated units/spaces within such building~~. Office buildings are excluded from this definition.

**Nonconforming Building or Structure**
See Sec. 13.04.~~Any building or structure lawfully established that:~~

~~(a) Does not comply with all the regulations of this ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or~~

~~(b) Is designed or intended for a nonconforming use.~~

**Nonconforming Use**
See Sec. 13.03(A).~~Any building or structure and the use thereof or the use of land that does not conform with the regulations of this ordinance or any amendment thereto governing use in the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.~~

**Occupied (or Occupiable) Building Space**
Interior building space occupiable by people, not including storage, mechanical, utility, or garage or parking space.

**Open Sales Lot**
Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors before sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

**~~Open Air and Tent Sales~~**
~~Christmas tree sales not to exceed 45 days; garden and landscaping supplies not to exceed 90 days with an interval of 60 days between each sale and be sponsored by local business owners on their property; and other commodities not to exceed 30 days with an interval of 60 days between each sale, and be related to the normal lines of commodities generally sold by sponsoring business owners on their property. Refer to Section 4.09 for tent erection and use guidelines. The above noted time frames and time limits do not take precedence over established tent use guidelines.~~

**Outdoor Storage**
Any open storage of goods, equipment, materials, or vehicles that does not occur in a completely enclosed building~~is not fully enclosed in a principal structure~~.

**~~Parking Space~~**
~~An area, enclosed in a building or unenclosed, reserved for the parking of one motor vehicle and that is accessible to and from a street or alley.~~

**Parcel**
A contiguous area of land under single ownership or control that is used, developed, or built upon as a whole.

**Party Wall**
A common wall dividing a building that extends from its footing below grade to the underside of the roof.

**Pennant**
A long, narrow, usually, but not necessarily, triangular flag that is rigid with no movement.

~~**Performance Standard**~~
~~A criterion established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.~~

**Planning and Zoning Commission**
The planning and zoning commission of the Village of Westmont, as created in Chapter 2 of the village code.

**Planned Unit Development**
~~A lot initially under unified ownership or control within which allowable exceptions in the district regulations are specified.~~ See Sec. 5.04

~~**Public Works Director**~~
~~The Public Works Director of the Village of Westmont, Illinois.~~

**Railroad Right-Of-Way**
A strip of land containing railroad tracks and customary auxiliary facilities for track operations, serving as the main line for trains. For the purposes of this zoning ordinance, a "railroad right-of-way" does not include land used or intended to be used for switching, spur, lead, term, or siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards, or classification yards.

**Rain Barrell**
An above-ground prefabricated storage receptacle with an automatic overflow diversion system that collects and stores rainwater runoff from the roof of a structure that would have been otherwise routed into a storm drain.

~~**Reservoir Standing Spaces**~~
~~Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.~~

**Residential Recreational Structure, Private**
An open-air (unenclosed) structure erected outdoors for children to play in, on and around including swing sets, jungle gyms, and trampolines.

**Roadway**
That portion of a street that is used or intended to be used for the travel of motor vehicles.

**Seating Area (Outdoor)**
A fixed permanent seat, provided in the case of open floor area used for temporary or permanent seating purposes, a minimum width of 36 inches is required. Does not include space intended to meet parking or landscaping requirements, parkways, and established paths of travel, such as sidewalks, aisles and walkways, which shall require at least 48 inches in width and which shall take precedence over seating areas.

**Setback**
An open, unobstructed area that is required to be provided by this zoning ordinance between a building and a lot line. Sometimes referred to as a "building setback." See Sec. 16.07.

**Setback, Front**
The setback required between a building and the front (street) lot line of the lot on which the building is located, extending along the full length of the front lot line between the side lot lines.

**Setback, Rear**
The setback required between a building and the rear lot line of the lot on which the building is located, extending along the full length of the rear lot line between the side lot lines.

**Setback, Side**
The setback required between a building and the side lot line of the lot on which the building is located, extending along the side lot line from the point of the minimum front setback to the point of the minimum rear setback.

**Setback, Interior Side**
The side setback required on the side of a lot that abuts another lot or alley (rather than a street).

**Setback, Street Side**
The setback required between a building and the side street line of the (corner) lot on which the building is located, extending along the side street lot line between the front building setback and the rear lot line.

**Sign**
A name, identification, description, illustration, display or device that is affixed to, painted or represented upon a building, structure or land, and that directs attention to a product, place, activity, person, institution or business. A sign does not include any display of any court, public or official notice, nor does it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign does not include a permanent sign located within an enclosed building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

**Sign, Affixed**
A sign that is affixed to any building wall or structure and extends beyond the building wall or structure.

**Sign, Animation**
The presentation of pictorials and graphics on signs displayed in a progression of frames that give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

**Sign Area**
See Sec. 11.11(A).

**(Sign) Banner**
A sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags are not considered banners.

**(Sign) Commercial Message**
Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

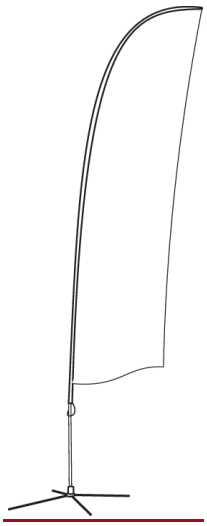
**Sign, Drive-through**
A sign located on the site of an allowed drive-through use.

**Sign, Driveway**
A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

**Sign, Electronic Message Board**
A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

**Sign, Feather**
A lightweight, portable sign mounted on vertical, flexible pole the appearance of which resembles a sail, bow, or feather.

Figure XVII-6: Feather Sign



**(Sign) Flag**
A generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.

**Sign, Flashing (Illumination)**
A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

**Sign, Freestanding**
A sign that is part of a self-supporting structure, other than a building or portion of a building. Sometimes referred to as a "ground sign."

**Sign, Freestanding Wayfinding**
A freestanding sign intended to direct traffic to specific tenants within a multi-tenant development.

**Sign, Grand Opening Event**
A sign allowed on a temporary basis in conjunction with the opening of a business in a new space, subject to the regulations of Sec. 11.03(L).

**(Sign) Nameplate**
A sign attached flush against a building.

**Sign, Projecting**
A sign that is affixed to a building wall, canopy, awning or marquee and that extends from the wall, canopy, awning or marquee in a perpendicular manner.

**Sign, Real Estate**
A temporary sign located on a lot or portion of a lot that is actively being marketed for sale, rental or lease.

**Sign, Roof**
A sign that is affixed to a roof, extended roof, pitched roof, or canopy, and that extends above the building wall or parapet wall.

**Sign, Static Changeable Message Board**
A sign with a message that can be changed manually by manual modification of the sign message (rather than the replacing the sign face) and that, when displayed, contains no motion, flashing, changeable copy, running lights, variances in brightness, or animation.

**Sign, Wall**
A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a door that does not extend in a perpendicular manner from the wall, canopy, awning, marquee, parapet wall, or door, nor extend above the parapet wall.

**(Sign) Wind-Driven Device**
Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

**Sign, Window**
A sign attached to a window.

**Small Wireless Facilities**
See definitions and regulations of small wireless facilities found in 50 ILCS 840/1, et seq. and in Chapter 82, Article X of the village code.

**Smoke**
The visible discharge from a chimney, stack, vent, exhaust or combustion process that is made up of particulate matter.

**Specified Anatomical Areas**
(a) Less than completely and opaquely covered (i) human genitals, pubic region, or pubic hair; (ii) buttock; and (iii) female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernible turgid state, even if completely opaquely covered.

**Specified Sexual Activities**
(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breast;

(d) Excretory functions as part of or in connection with any activities set forth in [subsections] (a) through (c) above.

**Shadow Line**
An architectural feature consisting of a typically decorative, 3-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.5 inch in depth from the exterior facade of a building, and creating a shadow on the facade with light overhead, and extending, with limited interruption, the length or height of the designated story. Examples may include cast stone cornices or lintels, pilasters, or stepped brick coursing.

**Solar Energy System**
A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**Solar Energy System, Grid-Connected**
A solar photovoltaic system that is connected to an electric circuit served by an electric utility company.

**Solar Energy System, Ground-Mounted**
A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and which is accessory to the principal use of the property.

**Solar Energy System, Roof-Mounted**
A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mounted systems are accessory to the principal use.

**Solar Photovoltaic System**
A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

**Story**
See Sec. 16.10(A).

**Story, Ground**
The story closest to the ground level that does not meet the definition of a basement. Also referred to as the "ground floor."

**Story, Half**
See Sec. 16.10(A)

**Story, Upper**
Any story that is above the ground story.

**Streamer**
A long, narrow strip of cloth, paper, ribbon, plastic or other material hanging loose at one end forming a continuous mounting device.

**Street**
Any right-of-way containing a roadway that affords the primary means of vehicular access to abutting properties. When such a right-of-way is not an existing or dedicated public "street," it must be at least 40 feet in width, unless otherwise herein regulated. An alley is not considered a street.

**Street Line**
The street right-of-way line abutting a property line of a lot.

**Structure**
Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, off-premises advertising signs and backstops for tennis courts.

**Structural Alteration**
Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

**Tent**
A structure, enclosure or shelter, meant for temporary use, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

**Tobacco and Vape Products**
Any product sold for the purposes of consumption by ingestion or inhalation through the lungs, including tobacco, vape-liquids, e-cigarette liquids, and similar tobacco and nicotine products, and the devices used to ingest or inhale such tobacco and vape products, including cigarettes, cigars, pipes, electronic cigarettes, and vape pens. Tobacco and vape products do not include cannabis or marijuana products.

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

**Trailer, Recreational Vehicle**
A trailer designed and constructed for temporary dwelling purposes that may contain cooking, sanitary and electrical facilities.

**Usable Open Space**
Space suitable for recreation, gardens or household service activities, such as clothes drying. Such space must be at least 75% open to the sky, free of automobile traffic, parking and undue hazards, and readily accessible by all those for whom it is intended.

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

**Use, Permitted**
Any use that is or may be lawfully established without a special use permit in a zoning district, provided it complies with all requirements and regulations of this zoning ordinance for the district in which such use is located.

**Use, Principal**
The dominant use of land or buildings, as distinguished from a subordinate or accessory use.

**Use, Special**
A use that, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.

**Vehicle, Motor**
Any passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

**Vending Machine**
A machine that dispenses goods to consumers after cash, a credit card, or other form of payment is made.

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

**Board of trustees**
See Board of Trustees.

**Village Clerk**
The Village Clerk of the Village of Westmont, Illinois.

**Village President**
The Village President of the Village of Westmont, Illinois.

**Wind Energy Conversion System**
A wind-powered device that converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines. The “system” includes towers and supporting structures and directly connected facilities such as generators, alternators, inverters, batteries, and associated control equipment.

**Wind Energy Conversion System, Small**
A wind energy conversion system with a power-related capacity of no more than 100 kW that is primarily intended to produce power for on-site consumption, as a supplement to utility power or in lieu of utility power. Small wind energy systems are sometimes connected to the electric utility for the purpose of “net metering.”

**Yard**
An actual (as opposed to “required”) open, unoccupied space that exists on a lot between a building and a lot line. ~~An open area on a lot that is unobstructed from its lowest level to the sky, except as otherwise provided in this zoning ordinance.~~

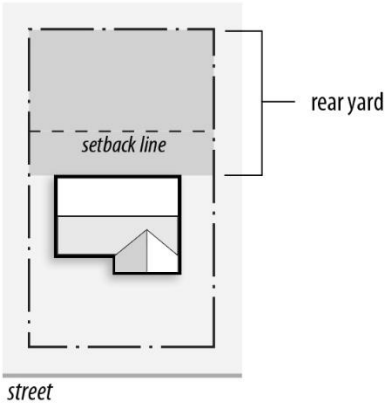
**Yard, Front**
A yard extending along the full length of the front lot lines between the side lot lines.~~A yard that is bounded by the side lot lines, front lot line, and the front yard line.~~

~~Yard Line~~
~~A line in a lot that is parallel to the lot line along which the applicable yard extends and that is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure or other obstruction may not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this zoning ordinance.~~

**Yard, (Interior) Side**
A yard extending from the front yard to the rear yard and lying between the side of the principal building and the side lot line.

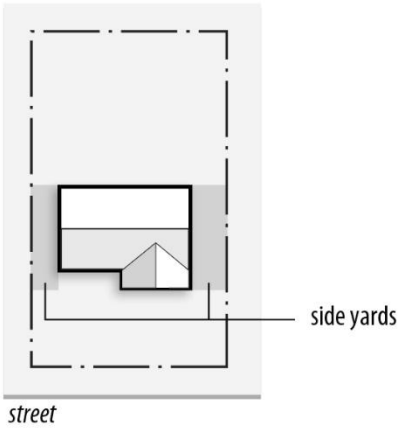
**Yard, Rear**
A yard extending along the full length of the rear lot line between the side lot lines.~~A yard that is bounded by side lot lines, rear lot line and the rear yard line.~~

Figure XVII-7: Rear Yard




**Yard, Side**
~~A yard that is bounded by the rear yard line, front yard line, side yard line and side lot line.~~ A yard extending along a side lot line between the front yard and the rear yard.

Figure XVII-8: Side Yard




**Yard, Street**
Any yard abutting a street.

~~**Yard, Side, Adjoining a Street**~~
~~A yard that is bounded by the front lot line, side yard adjoining a street line and rear lot line.~~

~~**Yard, Interior Side**~~
~~A side yard that adjoins another lot or an alley separating such side yard from another lot.~~

~~**Zoning Certificate**~~

~~A certification signed and dated by the economic development director indicating that he has examined the application, current registered survey of the lot and the proposed site and building plans and found them to be in compliance with the zoning ordinance standards applicable to the district in which the property is located. A zoning certificate does not constitute or replace the need for a building permit. No building permit or license pertaining to the use of structure or land may be issued without a zoning certificate (see article XIII, [sections] 13.03 and 13.04).~~

**Zoning Districts**

The districts established by this zoning ordinance ~~into which the Village of Westmont, Illinois, has been divided for zoning regulations and requirements~~ and as set forth on the zoning ~~district~~ map.

# Appendix A: Recommended Trees and Shrubs

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| **CANOPY TREES** | | | | |
| **Native Canopy Trees** | | | | |
| Acer saccharum | Sugar Maple | No | No | Yes |
| Aesculus glabra | Ohio Buckeye | N | No | Yes |
| Carya cordiformis | Bitternut hickory | Yes | No | Yes |
| Carya glabra | Pignut hickory | Yes | No | Yes |
| Carya ovata | Shagbark hickory | Yes | No | Yes |
| Carya tomentosa | Mockernut hickory | Yes | No | Yes |
| Celtis occidentalis | Hackberry | Yes | Yes | Yes |
| Fagus grandifolia | American Beech | No | No | Yes |
| Gymocladus dioicus | Kentucky Coffeetree | Yes | No | Yes |
| Juglans nigra | Black walnut | No | No | Yes |
| Larix laricina | Tamarack | No | No | Yes |
| Nyssa sylvatica | Black Tupelo or sour gum | Yes | No | Yes |
| Platanus occidentalis | American Sycamore | Yes | Yes | Yes |
| Populus deltoides | Eastern cottonwood | No | No | Yes |
| Quercus alba | White Oak | No | No | No |
| Quercus bicolor | Swamp White Oak | Yes | Yes | Yes |
| Quercus coccinea | Scarlet Oak | No | No | Yes |
| Quercus imbricaria | Shingle Oak | Yes | Yes | Yes |
| Quercus macrocarpa | Bur Oak | Yes | Yes | Yes |
| Quercus muehlenbergii | Chinquapin Oak | Yes | Yes | Yes |
| Quercus palustris | Pin Oak | No | No | Yes |
| Quercus rubra | Northern Red Oak | No | No | Yes |
| Quercus velutina | Black Oak | Yes | Yes | Yes |
| Tilia americana | American Basswood or linden | Yes | Yes | Yes |
| **Non-Native Canopy Trees** | | | | |
| Acer nigrum | Black Maple | No | Yes | Yes |
| Acer pseudoplatanus | Sycamore Maple | No | No | Yes |
| Acer miyabei | Miyabe Maple | Yes | No | Yes |
| Acer rubrum | Red Maple Varieties | Yes | Yes | Yes |
| Aesculus hippocastanum | Horsechestnut | No | No | Yes |
| Cladrastis lutea | Yellowwood | No | No | Yes |
| Fagus sylvatica | European Beech | No | No | Yes |
| Ginkgo biloba (male) | Ginkgo | Yes | No | Yes |
| Liquidambar styraciflua | Sweetgum | No | No | Yes |
| Liriodendron tulipifera | Tuliptree | No | Yes | Yes |
| Metasequoia glyptostroboides | Dawn Redwood | No | No | Yes |
| Platanus acerifolia | Planetree | Yes | Yes | Yes |
| Quercus prinus | Chestnut Oak | Yes | Yes | Yes |
| Quercus robur | English Oak | Yes | Yes | Yes |
| Taxodium distichum | Bald Cypress | No | No | Yes |
| Tilia cordata | Little Leaf Linden | Yes | Yes | Yes |
| **EVERGREEN TREES** | | | | |
| **Non-Native Evergreen Trees** | | | | |
| Picea abies | Norway Spruce | No | Yes | Yes |
| Picea omorika | Serbian Spruce | No | Yes | Yes |
| Picea pungens | Colorado Spruce | No | Yes | Yes |

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| Thuja shandishii x plicata | Green Giant Arborvitae | No | No | Yes |
| **UNDERSTORY TREES** | | | | |
| **Native Understory Trees** | | | | |
| Amelanchier arborea | Serviceberry | No | No | Yes |
| Amelanchier interior | Inland shadblow | No | No | Yes |
| Amelanchier laevis | Alleghany serviceberry | Yes | No | Yes |
| Asimina triloba | Pawpaw | No | No | No |
| Betula alleghaniensis | Yellow Birch | No | No | No |
| Betula nigra | River Birch | No | No | No |
| Carpinus caroliniana | Blue beech or musclewood | No | No | Yes |
| Cercis canadensis | Eastern Redbud | No | No | Yes |
| Cornus alternifolia | Pagoda dogwood | No | No | Yes |
| Crataegus coccinea | Scarlet hawthorn | No | Yes | Yes |
| Crataegus crus-galli | Cockspur hawthorn | No | Yes | Yes |
| Crataegus mollis | Downy hawthorn | No | Yes | Yes |
| Euonymus atropurpureus | Wahoo | No | No | Yes |
| Hamamelis virginiana | Common Witchhazel | No | No | Yes |
| Malus ioensis | Prairie Crab | No | No | Yes |
| Ostrya virginiana | Hophornbeam or ironwood | Yes | Yes | Yes |
| Ptelea trifoliata | Wafer Ash | No | No | Yes |
| Sassafras albidum | Sassafras | No | No | Yes |
| **Non-Native Understory Trees** | | | | |
| Larix decidua | Larch | No | No | Yes |
| Magnolia species | Magnolia | No | Yes | Yes |
| **SHRUBS** | | | | |
| **Native Shrubs** | | | | |
| Amorpha canescens | Lead plant | NA | NA | No |
| Amorpha fruticosa | False Indigo Bush | NA | Yes | No |
| Aronia melanocarpa | Black Chokeberry | NA | No | Yes |
| Cephalanthus americanus | New Jersey tea | NA | No | Yes |
| Cephalanthus occidentalis | Buttonbush | NA | No | Yes |
| Cornus obliqua | Blue-fruited dogwood | NA | No | Yes |
| Cornus stolonifera | Red osier dogwood | NA | No | Yes |
| Corylus americana | American Filbert or hazelnut | NA | No | Yes |
| Diervilla lonicera | Dwarf honeysuckle | NA | Yes | No |
| Euonymus atropurpureus | Wahoo | NA | Yes | Yes |
| Hamamelis viginiana | Common Witchhazel | NA | Yes | Yes |
| Hydrangea arborescens | Wild Hydrangea | NA | No | Yes |
| Hypericum kalmianum | Kalm's St. John's wort | NA | Yes | Yes |
| Hypericum prolificum | Shrubby St. John's wort | NA | Yes | Yes |
| Ilex verticillate | Winterberry | NA | No | Yes |
| Lindera benzoin | Spicebush | NA | No | Yes |
| Physocarpus opulifolius | Common Ninebark | NA | Yes | Yes |
| Potentilla fruticosa | Bush/shrubby Cinquefoil | NA | Yes | Yes |
| Prunus americana | American plum | NA | No | Yes |
| Ptelea trifoliata | Wafer Ash | NA | No | Yes |
| Rhus aromatica | fragrant sumac | NA | No | Yes |
| Rhus copallina | shining sumac | NA | No | Yes |
| Rhus glabra | smooth sumac | NA | No | Yes |
| Ribes americanum | wild black currant | NA | No | Yes |
| Ribes cynosbati | prickly wild gooseberry | NA | Yes | Yes |

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| Ribes missouriense | wild gooseberry | NA | Yes | Yes |
| Rosa blanda | Early wild rose | NA | Yes | Yes |
| Rosa Carolina | Pasture rose | NA | No | Yes |
| Rosa palustris | Scarlet rose | NA | No | No |
| Rosa setigera | Illinois rose | NA | No | Yes |
| Rubus odoratus | Purple flowering raspberry | NA | No | No |
| Salix discolor | Pussy Willow | NA | No | Yes |
| Salix humilis | Prairie willow | NA | No | Yes |
| Sambucus canadensis | Elderberry | NA | No | Yes |
| Spirea alba | Meadowsweet | NA | No | Yes |
| Spirea tomentosa | Steeplebush | NA | No | Yes |
| Symphoricarpos albus | Snowberry | NA | No | Yes |
| Vaccinium angustifolium | Early low blueberry | NA | No | Yes |
| Viburnum acerifolium | maple leaf viburnum | NA | No | Yes |
| Viburnum lentago | nannyberry | NA | No | Yes |
| Viburnum rafinesquianum | downy arrowood | NA | No | Yes |
| Viburnum trilobum | American cranberry | NA | No | Yes |
| Zanthoxylum americanum | Prickly ash | NA | No | No |
| **Non-Native Shrubs** | | | | |
| Betula pumila | Dwarf Birch | NA | No | Yes |
| Chaenolmeles speciosa | Flowering Quince | NA | No | Yes |
| Clethra alnifolia | Summersweet | NA | Yes | Yes |
| Corylus cornuta | Beaked Hazelnut | NA | Yes | Yes |
| Cotoneaster species | Cotoneaster | NA | Yes | Yes |
| Deutzia | Deutzia | NA | Yes | Yes |
| Forsythia | Forsythia | NA | Yes | Yes |
| Ilex opaca | American Holly | NA | Yes | Yes |
| Itea virginica | Sweetspire | NA | Yes | Yes |
| Juniperus species | Juniper | NA | Yes | Yes |
| Myrica pennsylvanica | Northern Bayberry | NA | No | Yes |
| Syringa species | Lilac | NA | No | Yes |
| Taxus species | Yew | NA | No | Yes |

**VILLAGE OF WESTMONT**
**PLANNING AND ZONING COMMISSION**
**AGENDA ITEM**

**MEETING DATE: April 23, 2025** **PZC 001-2025**

**TITLE: Requests from the Village of Westmont regarding Zoning Ordinance text amendments as follows:**

1. Zoning Ordinance text amendments to repeal Appendix A – Zoning, of the Westmont Code of Ordinances and to establish new Chapter 95 – Zoning, of the Westmont Code of Ordinances, with comprehensive updates to the entire Zoning Ordinance, including amendments to the zoning districts, development standards, planning processes, and other zoning regulations.

## I. BACKGROUND OF ITEM

A. Background:

The Village of Westmont initiated a Zoning Ordinance update in Spring 2023 with the passage of Ordinance #23-049. This ordinance contracted Duncan Associates for consulting services. Community input was gathered in Summer 2023 through a public listening session, and Duncan Associates prepared an Assessment and Project Direction Report.

By Spring 2024, staff completed reviews of four installments of the draft zoning ordinance text. Village staff then held discussions with elected and appointed officials on various topics at Community Development Committee (CDC) and Planning & Zoning Commission (PZC) meetings throughout Spring and Fall 2024. Meeting details were made available to the public on the Village's Agenda Center and on a webpage specific to the update. Additional summaries of these discussions are attached as supplemental memo.

At its CDC meeting on January 23rd, 2025, the first full draft was presented to the Committee, with the next step being a Public Hearing at a Planning and Zoning Commission meeting. The committee agreed that, after incorporating final staff comments, staff should proceed to this stage. This public hearing initiates the final adoption process, with approval dependent on the number of meetings necessary for the PZC to provide staff with comments and provide the Village Board with a final recommendation. Final action on the Zoning Ordinance Update will then occur at a future Village Board meeting, alongside any necessary municipal text amendments. If approved, rezonings to the newly-created districts will follow at a later date. Required noticing for the potential rezoning and required public hearing will be provided to property owners and the public.

B. Proposed Chapter 95 - Zoning Structure and Content Summary

This list of proposed changes is not intended to be comprehensive. Instead, it aims to provide an overview of the more significant amendments being suggested to the updated ordinance. Additional changes, clarifications, or adjustments are included in the complete documentation, which is attached for further review. Readers are encouraged to consider this list as a summary of the key highlights rather than an exhaustive account of all proposed updates.

**Article I Introductory Provisions:**

Article I lays the foundation for the zoning and development regulations. It establishes the purpose, scope, and guiding principles that inform the rules throughout the document. These provisions ensure consistency in interpretation and application while setting the framework for achieving the community's development goals.

- Inclusion of Transitional Provisions for Planning and Zoning Cases that are currently under review. These provisions give applicants the option to select which zoning ordinance will govern their case.
- Provides guidance for interpreting words and terms not expressly defined in Article XVII of the zoning ordinance. It directs users to consult A Planner's Dictionary (American Planning Association) as the primary reference, and, if no suitable definition is available, to refer to the latest edition of Merriam-Webster's Collegiate Dictionary.

**Article II Residential Districts:**

Article II revises and reorganizes zoning regulations for residential districts, including R-1, R-1(A), R-2, R-3, R-4, R-5, and R-6. These districts are designed to foster diverse housing options and support compatible nonresidential uses, ensuring alignment with the comprehensive plan's envisioned physical characteristics.

- Inclusion of minimum lot depth standard of 125 feet transferred from Appendix B - Land Development Ordinance for ease of access.
- Reduced minimum lot width for detached houses in the R-3, R-4, and R-5 zoning districts from 60 feet to 50 feet to be more consistent with surrounding communities and allow for lots with large depths to be subdivided while still maintaining the minimum lot area for the district.
- Reduced minimum side setback for detached houses in R-3 zoning district to better align with the required 5 foot easements and to cohesively integrate into the reduced lot widths.
- Eliminated maximum Floor Area Ration (F.A.R.) from residential properties to improve land use efficiency while maintaining other mechanisms to reduce overdevelopment such as Lot Coverage.
- Increased the maximum accessory building height for residential properties from 15 feet to 18 feet to allow for usable space in detached buildings.
- Changes to the method in which density is calculated by utilizing dwelling units per square footage of a property rather than the outdated method of utilizing the number of bedrooms for each dwelling. This is more consistent with neighboring communities and how developers normally operate.

**Article III Business and Employment Districts:**
Article III revises and reorganizes the zoning regulations for business and employment districts, including the B-2, C-1, M, M-1, O/R, and O/R-1 districts. While the purposes of these districts differ, consolidating their regulations into a single article improves public accessibility to all relevant information.

- B-1 Limited Business District provisions moved to a separate Article specific to the Downtown Area to provide more specific regulations.
- Elimination of supplemental street setbacks, as these regulations are out of date and would eliminate the nonconformity for many properties
- Increase the minimum street setback in the B-2 General Business and C-1 Commercial District from 10 feet to 20 feet to accommodate the removal of supplemental setbacks
- Elimination of Maximum Floor Area Ration (F.A.R.) for Business and Employment Districts to be less restrictive towards future development of commercial properties and maintain other bulks and development standards.

**Article IV Downtown Zoning Districts:**
Article IV provides detailed regulations tailored to the Village's distinctive downtown and transition areas, encompassing the B-1(A) Downtown Core, B-1 Downtown Edge, and R-7 Downtown Residential districts. Many of these regulations are newly introduced, offering a more structured framework by establishing two proposed zoning districts. These districts are designed to reinforce and enhance the downtown's compact, vibrant, and walkable character while recognizing the adjacent single-family and limited manufacturing districts.

- Substantial changes are being proposed to aid in redevelopment, align with existing plans, and to allow the Village to be more competitive with surrounding municipalities' development patterns.
- Proposed redistricting of the existing B-1 Limited Business and R-5 General Residence districts into three distinct zoning districts: B-1(A), B-1, and R-7. <u>However, no formal rezonings will take place until after adoptions of these comprehensive text amendments. If approved, additional public hearings and noticing will be required.</u>
- Allowed building types are broken down into four categories: storefront building, general buildings, row buildings, and detached houses. The new bulk regulations provide greater clarity for new and existing development throughout the downtown and recognize the character of the existing downtown. The draft regulations also reflect recommendations from the Comprehensive Plan and follow the general framework of the Village's existing Downtown Design Guidelines.
- Increased maximum building height in the B-1(A) to allow buildings up to 5 stories while the B-1 will remain at 3 stories. This recognizes the needs of existing businesses and promotes more intense mixed-use development near the Village's center.
- In the proposed R-7 District, redevelopment of row homes and general buildings are meant to accommodate a transition into single family homes but still support compact development and walkability adjacent to the railroad. However, existing single family homes will be able to continue and be regulated within the R-5 regulations. New single family homes that are proposed in the R-7 district will be required to obtain a special use permit prior to construction.
- Removal of the B-1 Development Permit to allow for less hurdles for allowable uses and business owners that want to invest in the community.

**Article V Special Purpose Zoning:**
Article V governs the newly proposed P/I district, and proposed PUDs, existing PDs, and the existing B-3 District. These unique zoning regulations are consolidated into a single article due to their distinct processes and their misalignment with the structure of other zoning district regulations or procedures.

- Creation of the P/I Public & Institutional zoning district to allow greater flexibility for the unique needs of institutional and governmental uses.Institutional districts are common in surrounding municipalities, as they allow for institutions to be scattered across the Village and benefit from regulations that address the institution's needs. These uses include but are not limited to safety services, schools, religious institutions, etc. In addition, the draft regulations also reflect recommendations from the Comprehensive Plan land use maps. However, no formal rezonings will take place until after adoptions of these comprehensive text amendments. If approved, additional public hearings and noticing will be required.
- Introduction of Planned Unit Developments (PUD) as a multi-step special use that allows for greater flexibility including uses and bulk standards. The special use process aligns with neighboring municipalities practices and provides greater clarity, while ensuring compliance with state regulations. Further information regarding PUDs processes can be found in Article XIV: Review and Approval Procedures.
- The Planned Development (PD) overlay district will become a legacy district, meaning future developments may not be processed as a PD, instead as a PUD. As a legacy district, existing PDs will not be changed nor allow for altering of previously approved plans or agreements.
- The existing B-3 District is retained and any large future developments in the B-3 District shall be required to be approved as PUD. However, no major changes regarding bulk and uses are being proposed.

**Article VI Principal Uses**
Article VI regulates and addresses principal uses on private property. It defines land usage within specific zoning districts by listing allowable uses as either permitted or special, or not allowed at all. These uses are classified into groups, categories, and subcategories, with supplemental regulations and special conditions for specific uses.

- A new classification system as detailed above, with these changes, the goal is to maintain the existing permissions under the current zoning ordinance while providing more discretion when determining a use.
- Replacement of outdated, and overly detailed uses to be better aligned with industry standards.
- Enhancing the use table to be easily readable for all users by listing all categories and zoning districts in a single color-coated table.

**Article VII Accessory and Temporary Uses:**
Article VII regulates accessory and temporary uses including accessory structures and buildings. Accessory uses are generally secondary or subordinate uses, buildings, and structures that occur in conjunction with an allowed principal use. These accessory uses generally regulate the size, location, and design of accessory structures to ensure they complement the principal use and comply with safety and aesthetic standards.

- Residential properties may now have one detached garage and two additional detached buildings at a max coverage of 1,250 square feet and at a max height of 18 feet to better

serve the needs of residents. (currently, properties may only have one detached garage and one other accessory building).

- A proposed exemption for up to two small sheds, each 12 square feet or less from both the maximum building footprint and lot coverage calculations.
- Non-residential properties may have accessory building through the special use approval process at a height of 20 feet and compliance with the foundation landscaping requirements. This specific language allows for clearer regulations regarding commercial properties where current code is unclear or silent.
- The introduction of Accessory Dwelling Units (ADUs) for lots occupied by a single detached house to aid in the adaptation of the changing needs of residents. ADUs are smaller, independent living spaces located on the same property as a single-family home and are often used for rental income, housing extended family, or creating affordable housing options. The proposed ADU regulations allow for conversions from existing floor space within a detached home or garage, or as a separate structure. Each lot is limited to one ADU, which cannot exceed 850 square feet and must comply with design standards that ensure compatibility with existing neighborhood character.
- Introduction of electric vehicle charging equipment regulations to comply with state regulations and adapt with technological advancements.
- Introduction of clarifying language for outdoor fireplaces, kitchens, and fire pits that align better with building and fire regulations.
- Introduction of allowance for fleet vehicles such as light-duty vehicles for commercial and industrial districts at a maximum of two vehicles that are screened from the street. This allowance aids in providing business owners with the support needed in an ever changing economy while maintaining a high visual aesthetic for commercial properties.
- Introduction of regulations that allow for alternative/renewable energy sources such as solar, wind, and geothermal devices as required by state regulations.
- Clarifying and relaxing regulations related to garages and carports to aid residents that commonly request this information.
- Relaxing and clarifying regulations for fences within setbacks/yards to better align with the needs of residents.
- Clarifying regulations related to swimming pools and hot tubs that align with building code regulations.
- Allowance for generators to encroach into certain setbacks to more effectively meet the needs of residents.
- Introduction of regulations that clarify allowances for donation drop boxes on commercial properties where current code is silent.
- Introduction of regulations for exterior vending machines where current code is silent.
- Inclusion of regulations explicitly allowing some outdoor uses including outdoor display areas, outdoor storage areas, outdoor seating and dining areas, and other outdoor areas. These regulations serve to provide allowances for commercial businesses while maintaining the aesthetic character and mitigating impacts on surrounding properties.

**Article VIII  Wireless Telecommunications Facilities:**

Article VIII outlines rules for wireless telecommunication facilities like towers and antennas. Wireless telecommunications are valuable for public safety, convenience, and productivity, and the village balances the benefits of wireless technology with the need to minimize any negative effects, such as visual impacts, on the surrounding area. No substantial changes to these provisions are being proposed other than the inclusion of microcell networks.

**Article IX Parking:**
Article IX outlines parking regulations. Parking is essential for ensuring accessibility, safety, and convenience for residents and visitors. By regulating parking spaces, the goal is to meet public needs while minimizing potential negative impacts, such as congestion or aesthetic concerns, on the surrounding area.

- Updated out of date parking minimums for most uses by generally reducing the minimum parking requirement, which would allow for development of more lots and outlots where parking is underutilized.
- Reductions in parking requirements for multi-unit residential properties to be more in line with surrounding communities.
- Additional reductions allowed based on the environmental context including the Village's downtown, multitenant centers, and other minimal impact uses.
- Integrating parking lot design standards from engineering specification sheets to the zoning ordinance and reducing the minimum standard parking stall size from 10 by 20 feet to 9 by 18 feet to better accommodate industry trends and needs of businesses.
- Introduction of stacking requirements for drive-through establishments to regulate the evolving business trends.
- Inclusion of minimum landscape islands to reduce environmental concerns such as heat island effects and stormwater.

**Article X Tree Preservation and Landscaping:**
Article X provides regulations for tree preservation and landscaping standards on private property. Trees and landscaping play a vital role in enhancing the natural beauty, ecological health, and overall character of the community. These provisions aim to ensure that the Village's greenery is preserved and enhanced so negative impacts on the environment are minimized while accommodating developmental growth and aesthetic harmony with its surroundings.

- Inclusion of provisions from the existing Article IV of Chapter 80 of the municipal code.
- Updated landscape regulations to require a portion of a proposed development's open space to be landscaped.
- Updated parking lot landscape requirements, including landscape islands for parking lots larger than 20 spaces, requirements for visual screening from residential districts, and enhanced street facing landscaping.
- Zoning Administrator is authorized to permit alternative compliance measures for landscaping but all landscaping must be of a non-invasive species.

**Article XI Signs:**
Article XI establishes minimum standards for signs, recognizing their importance in communication, navigation, and supporting local businesses. These regulations aim to balance effective signage with visual appeal and safety by regulating design, placement, and size to reduce clutter.

- No major changes being proposed to sign standards and allowances, rather clarification of existing code that better aligns with internal policies and provides greater clarity for business owners while maintaining the rights of the people.
- Expanded list of "prohibited signs" to include flashing LED window borders, among others that generally have a negative impact on surrounding properties or pose a safety risk to pedestrians and motorists.
- Updated how measurements are taken
- New sign exceptions and allowances for business grand openings to be more business

friendly and that recognize the needs for new businesses.
- New sign allowances for the rear of downtown buildings, as alley enhancements have made business owners want to provide secondary access from the rear of their business

**Article XII General Development Regulations:**
Article XII provides general development regulations, covering outdoor lighting, underground utilities, street access, outdoor storage of junk and debris, and sight vision triangles. These rules aim to support environmental objectives, improve safety, and maintain the community's aesthetic and functional quality.

- New outdoor lighting regulations to replace minimal vague existing language and to better align with the environmental goals of the Village. These regulations address light temperature and light shielding with the goal of reducing light 'spillage' on neighboring properties for new commercial properties.
- Updated requirements for photometric plans and alternative compliance methods to verify compliance with outdoor lighting regulations.
- Updated intersection visibility provisions to include alleys and streets to provide safety to pedestrians and motorists.

**Article XIII Nonconformities:**
Article XII addresses nonconformities, including uses, structures, lots, signs, and development features. The regulations aim to manage and mitigate discrepancies between existing conditions and current standards, ensuring gradual alignment with updated codes while respecting established properties. These guidelines support orderly development and promote consistency within the community. While at the same time, they acknowledge and protect property owners' rights, ensuring fairness and allowing for reasonable use and enjoyment of their properties within the scope of the regulations.

- General changes for clarity regarding nonconformities such as uses and structures.
- The proposed language for nonconforming development features, such as undersized parking lots, will allow for the maintenance and improvement of these features. Due to historical development patterns, these features are unable to comply with current regulations.

**Article XIV Review and Approval Procedures:**
Article XIV provides procedures for review and approval, encompassing common processes, map and text amendments, development plans, special uses, site plans, variances, zoning verification letters, and appeals. These guidelines are designed to ensure consistency, transparency, and fairness throughout the review and approval process. At the same time, they protect the rights of property owners and applicants, allowing for equitable consideration and due process in all matters.

- Procedural changes and clarifying processes are being proposed for Development Plans, Site/Landscape Plan approvals. Zoning certificates and certificates of occupancy are being removed from the zoning ordinance, as some of these processes are not clear or are categorized elsewhere in the Village's Municipal Code.
- The purpose of a Development Plan is to present a property owner's general plan for the type, scale, and physical characteristics of the proposed development on the property. By offering greater clarity and certainty regarding development proposals, development plans equip review and decision-making bodies with valuable information to support rezoning and related decisions.

    - Development Plans are required for new and amended PUDs and B-3 Zoning District requests, but are options for any zoning map amendment request. Development plans must ultimately be approved by PZC and the Village Board.
- Site Plans are being broken into two categories: Major and Administrative Site Plans.
    - Major site plans include the construction or enlargement of a building that is more than 10,000 square feet in floor area, plans that are referred to the planning and zoning commission due to potential adverse impacts on neighboring properties, or noncompliance with applicable zoning or other Village regulations. These site plans must be reviewed by the PZC and Village Board prior to being constructed.
    - Administrative site plans are any site plans that are not classified as a major site plan and are not accompanied by other zoning entitlements/requests. These site plans may be approved at the staff level without a public meeting.
- Site Plan amendments are also categorized into major and minor, with major amendments requiring a new site plan and minor being approved at the staff level administratively. Minor amendments include additional accessory uses and structures customarily found in conjunction with the principal use and changes to the development site or structures due to unforeseen circumstances.

**Article XV Administration and Enforcement:**
Article XV outlines regulations for administration and enforcement, detailing the roles, responsibilities, and processes involved in overseeing and upholding zoning and development standards.

- Clarification of the roles and responsibilities of the zoning administrator, noting that the community development director serves as the zoning administrator but has the authority to delegate zoning administration duties to other staff members.
- Enhanced, restated, and updated enforcement processes including violations, remedies, and penalties to provide better transparency.

**Article XVI Measurements:**
Article XVI defines regulations for measurements, detailing the methods and standards used to determine compliance with zoning and development requirements. It specifies how various dimensions, such as height, area, and setbacks should be measured to ensure consistency and accuracy in applying the regulations.

- This is a newly-created article meant to clarify in greater detail how measurements are taken in a way that is not intertwined with definitions
- Inclusion of infographics and clarifying language regarding uncommon scenarios.

**Article XVII Definitions:**
Article XVII provides definitions to ensure clarity and consistency in the interpretation and application of zoning and development regulations. It includes precise explanations of terms and concepts used throughout the document, establishing a common understanding for property owners, developers, and officials. These definitions help prevent ambiguity and ensure uniform compliance with the standards.

- A list of all relevant definitions including but not limited to *building, structures, signs, etc…*
- Some definitions have been modified for clarity or removed due to outdated terms or redundant definitions.

**Appendix A Recommended Tree and Shrubs:**

- A list of largely native landscaping plants including canopy trees, evergreen trees, understory trees, and shrubs that are recommended to be implemented in landscaping plans and throughout the Village on private property.

## II. SUMMARY

The Village of Westmont requests approval for text amendments to repeal Appendix A – Zoning from the Westmont Code of Ordinances and establish a new Chapter 95 – Zoning. This comprehensive update modernizes the Zoning Ordinance, including revisions to zoning districts, development standards, planning processes, and other regulations. The proposed changes aim to streamline and enhance zoning practices across the Village. Pending final approval by the Village Board of Trustees, staff will proceed with any necessary rezonings, ensuring proper notice and community involvement through public hearings.

## III. LEGAL

A. Notification: A legal notice was published in Westmont Suburban Life on April 3, 2025.
B. Code References: Appendix A
C. Other Actions: The recommendation of the Planning and Zoning Commission will be referred to the Village Board for a final decision at a date to be determined.

## IV. DOCUMENTS ATTACHED:

1. Legal notice was published in Westmont Suburban Life on April 3, 2025
2. Planning and Zoning Application received February 4, 2025
3. Memo Summary of the Zoning Ordinance Update Discussions dated April 23, 2025
4. Proposed Village of Westmont Zoning Ordinance Update April 2025 Redlined DRAFT
5. Proposed Text Amendment Additions & Strikethroughs
6. Petitioner Presentation

Certificate of the Publisher

Westmont Suburban Life

Description:TEXT AMENDMENTS
2236248

VILLAGE OF WESTMONT
31 W QUINCY ST
WESTMONT IL 60559

Shaw Media certifies that it is the publisher of the Westmont Suburban Life. The Westmont Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Westmont, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Westmont Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on
04/03/2025

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.
In witness, Shaw Media has signed this certificate by Laura Shaw, its Publisher, at Westmont, Illinois, on
3rd day of April, A.D. 2025

Shaw Media By: Laura Shaw

Laura Shaw, Publisher

Account Number 10074602

Amount $116.14

**PUBLIC NOTICE**
**LEGAL NOTICE / PUBLIC NOTICE**
**VILLAGE OF WESTMONT**
**PLANNING AND ZONING COMMISSION**
**NOTICE OF PUBLICATION**

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, April 23, 2025 at 6:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.

The purpose of the hearing is to consider a request from Village of Westmont, for the following:

1. Zoning Ordinance text amendments to repeal Appendix A - Zoning, of the Westmont Code of Ordinances and to establish new Chapter 95 – Zoning, of the Westmont Code of Ordinance, with comprehensive updates to the entire Zoning Ordinance, including amendments to the zoning districts, development standards, planning processes, and other zoning regulations.

Village Code(s) Applicable: Appendix A - Zoning

A copy of the draft Text Amendments are available for the public on the Village's website at www.westmont.illinois.gov and in person at Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559 during normal operating hours.

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the ADA Compliance Officer, 8:00 A.M. to 4:00 P.M. Monday through Friday, Village of Westmont, Illinois, 60559; or telephone (630) 981-6210 voice, within a reasonable time before the meeting. All interested persons in attendance will be allowed to express their views.

WESTMONT PLANNING AND ZONING COMMISSION
Doug Carmichael,
Chairperson

(Published in Westmont Suburban Life April 3, 2025) 2236248

RECEIVED FEB 04 2025

# Village of Westmont

# Planning and Zoning

## Application and Instructions

Community Development Department
31 West Quincy Street
Westmont, Illinois 60559
630-981-6260

| *Office Use Only* |
| --- |
| Date Received: |
| By: |

**PROJECT NAME:** Village of Westmont Zoning Ordinance Update Text Amendment

**Subject Property Street Address:** Village Wide Text Amendments

**PIN Number(s):** N/A

**PETITIONER / BILLING CONTACT (Agent and Project Manager for the Petition):**

Petitioner (and corporation if applicable): The Village of Westmont

Address: 31 West Quincy Street, Westmont, Illinois 60559

Phone: (630)-981-6260

Email: n/a

Relationship of Petitioner to Property Owner: n/a

**PROJECT DESCRIPTION:** The Village of Westmont is requesting Zoning Ordinance text amendments to repeal Appendix A – Zoning, of the Westmont Code of Ordinances and to establish new Chapter 95 – Zoning, of the Westmont Code of Ordinance, with comprehensive updates to the entire Zoning Ordinance, including amendments to the zoning districts, development standards, planning processes, and other zoning regulations.

**PROPERTY OWNER INFORMATION (IF DIFFERENT THAN PETITIONER):**

Property owner(s): N/A

Address:

Phone:

Email:

**BUSINESS OWNER INFORMATION (IF DIFFERENT THAN PETITIONER and PROPERTY OWNER):**

Property owner(s): N/A

Address:

Phone:

Email:

By signing below, the applicant and/or property owner acknowledge that the ***Application fees are non-refundable*** and that filling out this form is not a guarantee that the item will appear before the Planning and Zoning Commission. The applicant and/or property owner further acknowledge that all items recommended by Village planning staff for consideration by the Planning and Zoning Commission must have received technical approvals from the Consulting Engineer, the Consulting Landscape Architect, the Consulting Architect, the Village Forester and/or other Village staff, as deemed appropriate by the Community Development Department, before being recommended for consideration by the Planning and Zoning Commission. For this reason, while this is not a requirement, it is highly recommended that the applicant/property owner hire licensed professional engineers or architects when preparing their application materials.

**PETITIONER SIGNATURE:**

Type or print name: Stephen May

Signature: _____

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 17TH DAY OF APRIL, 20 25

Notary Public

OFFICIAL SEAL
ALICJA RICHARDS
Notary Public - State of Illinois
My Commission Expires 2/09/2027

**OWNER SIGNATURE:**

Type or print name: Stephen May, Village Manager

Signature: _____

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 17TH DAY OF APRIL, 20 25

Notary Public

OFFICIAL SEAL
ALICJA RICHARDS
Notary Public - State of Illinois
My Commission Expires 2/09/2027

**Village of Westmont**
**COMMUNITY DEVELOPMENT**

31 West Quincy Street, Westmont, Illinois 60559

cd@westmont.il.gov | 630-981-6250
westmont.illinois.gov | 630-981-6200

**TO:** Planning and Zoning Commission
**FROM:** Scott Williams, Senior Planner
**DATE:** June 6, 2025
**RE:** **Zoning Ordinance Update Planning & Zoning Commission Meetings Recap**

This memo summarizes the special Planning and Zoning Commission (PZC) meetings on April 23, 2025, and May 7, 2025. At these meetings, the public hearing for comprehensive text amendments to the Village's Zoning Ordinance took place (PZC 001-2025). To allow for more public input and commissioner deliberation, the hearing from April 23, 2025 was extended to a special session on May 7, 2025. Further discussion and public comments led to another continuation of the hearing to June 11, 2025. Written public comments were also accepted via email before a June 6th deadline, and these comments have been attached. Detailed minutes and video recordings are accessible on the Village's website.

At the April 23rd meeting, Kirk Bishop of Duncan Associates, the Village's consultant, presented an overview of the background, objectives, and goals for the zoning ordinance update. Staff presented a summary of the staff report, explaining the purpose of the zoning ordinance, the identified issues with the current ordinance, and the many discussions that have informed the proposed changes. Following the presentations, the public was invited to share their comments during a public comment period. During this period, residents, business representatives, and other members of the public voiced a range of feedback and concerns.

The May 7th meeting allowed for additional comments from the public at the start. The Commissioners then had an opportunity to provide comments article by article. The commission made it to Article VII: Accessory and Temporary Uses before voting to continue the public hearing to June 11th to continue commissioner feedback on the remaining articles.

The June 11, 2025 Planning and Zoning Commission meeting at 6:00 PM will resume with the commissioner review of the remaining articles. If time permits, there will be an additional opportunity for public comments. No revised language has been proposed since the May 7th meeting.

**DOCUMENTS ATTACHED:**

1. Public comments received by June 6, 2025, 9:00AM
2. Staff Report dated April 23, 2025
3. Legal notice was published in Westmont Suburban Life on April 3, 2025
4. Planning and Zoning Application received February 4, 2025
5. Memo Summary of the Zoning Ordinance Update Discussions dated April 23, 2025
6. Proposed Village of Westmont Zoning Ordinance Update April 2025 Redlined DRAFT
7. Proposed Text Amendment Additions & Strikethroughs
8. Petitioner Presentation

Scott Williams <swilliams@westmont.il.gov>

# PUDs vs bike trails

**Brian Schuering** [redacted] Thu, Jun 5, 2025 at 12:39 PM
To: Scott Williams <swilliams@westmont.il.gov>

That's great to hear, Scott! I definitely wish they'd thought of that back when platting our neighborhood.

Here are the suggestions that I plan to cover in greater detail during next Wednesday's meetings. I figured I'd enter them into the record via email just to be safe:

1. I urge the village to commission a parking study at the earliest opportunity, and make the results of that study public on the village website. Our current minimums may prove to be sensible in many instances, but we need to be sure how much (and how little) we actually need — and we need to prove it to the community
2. **Sec. 9.02, Table IX-1**: Add a column for maximum parking entitlements and place a cap on any business types whose maximum capacity and staffing can be easily calculated. Restaurants, office/research zones, and doctor's offices are three immediate examples I can think of.
3. **Sec. 9.04(C)**: As with car-share services, each curbside pickup space should reduce the number of required spaces by 4.
4. **Sec. 9.05**: Or wherever the best placement in the ordinance would be. Require the construction of a parking garage if the square footage of a surface lot meeting the minimum parking requirement would exceed the footprint of the building by a factor of 2.5-3 (again, a parking study would help determine the optimal ratio). If nothing else, include this stipulation in O/R and M zones, where it's most commonly an issue.

See you next Wednesday,
Brian

[Quoted text hidden]

Scott Williams <swilliams@westmont.il.gov>

# Zoning Ordinance Review - ADU's in Westmont

**Kristina Tortoriello** [redacted] Mon, Jun 2, 2025 at 10:32 AM
To: swilliams@westmont.il.gov

Dear Scott,

I hope this message finds you well. My name is Kristina Tortoriello, and my husband and I are prospective residents of Westmont. I'm reaching out to express our strong support for allowing Additional Dwelling Units (ADUs) in residential districts, and to share a bit of personal context that illustrates why this zoning change would be so meaningful for families like ours.

We are a married couple with no children, but we do have a beloved dog who is a big part of our daily lives. One of our short-term goals is to own a home that includes an ADU - or the ability to build one in the future - for my husband's mother. She is an active and independent woman who would benefit greatly from living nearby, but still having a space of her own.

An ADU would provide a perfect balance: it would allow us to stay closely connected as a family while preserving each household's privacy and autonomy. With her own entrance, she could host friends, maintain independence, and feel truly at home. At the same time, her presence would be a great help to us, especially in caring for our dog when we're away or juggling busy schedules.

We believe that policies allowing for ADUs not only support multigenerational living and family caregiving, but also reflect a thoughtful, flexible approach to housing needs in our community. They allow residents to stay in the town they love through different stages of life, and help foster diverse, supportive neighborhoods.

Thank you for your time and for considering the voices of families like ours in this important decision. We'd be happy to speak further or provide additional input if it would be helpful.

Warm regards,
Kristina and William Tortoriello

# EIC questions about Outdoor Lighting Ordinance

**Christa Stanulis** <cstanulis@westmont.il.gov> Wed, May 7, 2025 at 4:51 PM
To: Scott Williams <swilliams@westmont.il.gov>
Cc: Bruce Barker <bbarker@westmont.il.gov>, Larry McIntyre <lmcintyre@westmont.il.gov>

Hi Scott,
Thank you for coming to speak with the EIC last month and for the opportunity to review the proposed Village of Westmont ordinance changes. We're so happy to see that section 12.01 "Outdoor Lighting" has been created to regulate the direction and color temperature of proposed outdoor lights. This is a great step to minimize the impacts that light pollution has on Westmont's citizens and our environment. There are a couple of exclusions to the proposed ordinance that I wanted to ask about.

**Section 12.01(B)(9)** states that the lighting regulations do not apply to "Light fixtures with a light output of no more than 1,500 lumens." As 1,500 lumens can be produced by a single 13-18 watt LED bulb (equivalent to a 70 - 100 watt incandescent bulb), it seems this would exclude a large number of lights from compliance with the ordinance, and in these instances provide no recourse for nuisance lighting where multi-family, business, mercantile, office, or manufacturing districts border residential districts. The prescriptive method for demonstrating compliance (Sec. 12.01(H)(2)), only regulates the mounting height of fixtures relative to a lot line. For instance, fixtures less than 50 feet from a lot line may have a mounting height of no more than 16 ft. When using the prescriptive method, this would not be sufficient to prevent nuisance lighting from fixtures that fall under the 1,500 max. lumen exception.

Is there a reason this exception was included? Eliminating this 1,500 max. lumen exception would ensure that all lights must meet the requirements for both color temperature and cut-off angle, and that variances can be addressed on a case by case basis in the building permit process.

**Section 12.01(F)(1)** states that "All lighting fixtures, except motion detector-activated lighting, must be fully shielded so that the lighting element is not visible to an observer at any property line, as measured 5 feet above grade." Again, nuisance lighting, even when intermittent, can still be problematic to neighboring properties and the environment. When using the prescriptive method to demonstrate compliance, it would be difficult to determine whether a proposed non-shielded motion activated fixture would comply with the requirements of Sec. 12.01(G) Light Trespass, and this would have to be regulated post-construction by code enforcement using a light meter. What is the benefit to exempting motion activated lighting from meeting the shielding requirements?

Thank you for your consideration of these items and thank you to all Village staff who have worked hard to incorporate lighting regulations into the revised ordinance. This is a great environmental step for the Village of Westmont!

Christa Stanulis
Westmont EIC Member

**MARK W. DANIEL**

[redacted]

May 7, 2025

Hon. Doug Carmichael, Chairperson, and Members
of the Planning & Zoning Commission
VILLAGE OF WESTMONT
31 W. Quincy Street
Westmont, IL 60559

Re: Westmont Zoning Ordinance Rewrite/Replacement
PZC 001-2025

Dear Members of the Planning & Zoning Commission:

As noted at the last hearing, I have a binder full of comments concerning the rewrite or replacement of the zoning ordinance. The following are provided as a reflection of some of the comments I would have made if provided more time at the last meeting and was able to attend the May 7, 2025 meeting. As indicated it is best that I submit these in writing as thoughts the Village should consider during this process. The information below is submitted by me personally, as someone who spends a lot of time in Westmont and attempts to steer development in the Village's directions. Although I have many clients in Westmont, this is not submitted on behalf of any of them even though you may understand that one of more of the comments below might arise from experiences in prior or pending zoning matters.

As noted at hearing, I have been municipal counsel, represented developers and those defending allegations of zoning violations, and, occasionally, objectors to development over thirty years of practice. My experience includes all types of zoning relief from single-family lot development to a one billion dollar lifestyle shopping center. My hope is that you will accept this correspondence and enter it into the record at hearing while asking staff to consider the matters raised before you proceed with a recommendation. Whatever the course of action taken by the Village will be, there are several meaningful areas in the posted draft of the zoning ordinance that require significant attention.

In largest part, the zoning ordinance sets the expectations of landowners and their tenants. It also defines the parameters of code enforcement, zoning and development review and issuance of building permits. The ordinance should be clear, with well-defined terms, and it should avoid delegation except where necessary and lawful. If staff discretion or enforcement discretion could be exercised in a variety of ways on an issue, the ordinance is not in proper form or substance.

In general, I offer only limited comment on matters of building design and construction. The reasons for this are that it is unclear whether the "rules" and tables and figures are intended to be aspirational or mandated. I also do not know that now is the appropriate time to be

importing so much regulation into the zoning ordinance when I am unaware of building or façade surveys and can only reasonably advise that certain of the protocols in the proposed detailed regulations are not attainable as to existing construction and even as to new construction.

Also, from a general perspective, over the course of the last fifteen years, I have seen a lot of development pass Westmont by. I represent the owners of many hotels, office buildings, shopping centers, restaurants, transportation facilities, gas stations and car washes, religious uses, non-governmental institutional uses, and residential developments (the latter from a single-lot perspective up to multi-unit subdivisions). I have steered many of them to Westmont only to find that the zoning ordinance is simply not up to par or that they can only find out following the costly and burdensome process of amendments, variations or special uses—and only then will the application of code be clear. This amendment does not solve many of the issues that have caused folks to pass on Westmont, whether the issues lie in higher density residential districts, downtown districts, business districts or manufacturing and office/research districts. While staff perceives the zoning ordinance as a means to make things easier for businesses, I do not see it that way for several reasons. I acknowledge that some of your best projects will require planned development approval or variations or special uses. However, there is too much regulation and too much staff involvement (which the past has shown will eventually lead to your involvement and that of the Village Board.

I am not ignoring the solid steps this proposed ordinance takes, but there are other steps to consider. Re-orientation on special uses should proceed before you make a recommendation. Special uses are not matters of convenience to staff in learning what is going on with a parcel. A special use classification should only apply with a public or private use has special impacts that, though generally acceptable, should proceed through a hearing process because of off-site impacts that could arise. Some of the Village's special uses have zero off-site impacts. In other instances, the use lists ignore on-the-ground realities of availability of land and the legal ability to carry out a use due to regulations in footnotes or tables or in other provisions.

Before diving into detailed comments, I also note that there are so many people in Westmont who work at, or operate, a business the Village has historically allowed, yet these uses are the subject of the Village's massive realignment to use locations. With respect to the manufacturing and limited manufacturing districts, the Village is still imposing process and burdens for no reason, rather than allowing for screening and filtering of use through fencing or other mechanisms in areas where the residential use developed after the industrial type of use. I also note that the B-2 district regulations leave few or no meaningful use opportunities in today's climate while ignoring the workforce in Westmont includes contractors, mechanics, and the like who have thrived in the B-2 district while homes near them have continued to develop and be appropriately maintained. As a result, there is a significant substantive component to the evaluation of

this draft of the ordinance that involves a paradigm shift and reconsideration of whether the Village will, or will not, continue to remember those who have lived and worked in Westmont, or whether Westmont is striving to become another community and its future fabric will be quite different than over the past fifty years.

General Procedural Structure

There is a serious concern that the work on the zoning ordinance is intended as a complete replacement and an enactment of a new zoning ordinance. The Village is migrating the zoning ordinance into the Village Code and considering a sea change in several respects, including from the perspective of Section 1-10(7), new districts, new regulations in each chapter, and a completely revised use table that replaces use lists that have been relied on for nearly 50 years (possibly more, but no one actually has verifiable copies of the zoning ordinance of October 1, 1979 or the ordinance before that).

The Village may be approaching this from an improper procedural perspective. 65 ILCS 5/11-13-2 requires the appointment of a zoning commission to hold hearings and recommend a new zoning ordinance. Unless the Village board has previously appointed the Planning & Zoning Commission as this zoning commission to adopt a new ordinance, this concern will remain. In 1989, Hinsdale adopted a new zoning ordinance after having zoning commission meetings on a chapter-by-chapter basis. Here, with a similarly in-depth rewriting of the zoning ordinance, Westmont may only have two hearings, and as an attorney who specializes in this field, I find it difficult to digest the terms, let alone the basis and implications of the terms, after only one short hearing on the entirety of the change. I would not find it much easier after a second hearing.

Indications that the Village is adopting a new ordinance appear throughout the voluminous changes to the substance of the zoning ordinance, in section 1.03 where the effective date is not indicated as October 1, 1979, but rather as a date to be inserted, and in the elimination of the historical notes of amendments (which, though incomplete, allow some historical perspective). Since the remainder of this letter was dictated and no proofed meaningfully before I left town, you will likely note a number of typos after the discussion of parking. The several notes on the hundreds of pages were not something I could simply turn over as I had hoped.

Section 1.01

In the section, the Village indicates that the zoning ordinance will become part of the Village Code, and it will no longer remain a distinct appendix. The Village has previously taken care to avoid the use of its general regulations to amend the zoning ordinance under section 1-10(7), but the incorporation of the zoning ordinance into the code of ordinances as Chapter 95 presents a risk of inconsistency in the Village's past treatment of the zoning ordinance as a distinct body of law that is not to be affected by the terms of the code of ordinances under Section 1-10(7).

This codifies a practice by Village staff to apply portions of the Village Code when it should not have done so. Village Code amendments follow one procedural path, and the only similarities between an ordinance adopting or amending a Village Code section is the "NOW BE IT HEREBY ORDAINED" language and the reflections of the vote and approvals. Several years ago, the Village angered dozens of residents and business owners when it used nuisance regulations to essentially place zoning regulations on various uses that relied on trailers or parking of trailers that soon became known by staff as the storage of trailers even if the vehicles were present on property only to be parked overnight or for an even shorter period depending on emergency calls. It seems that the Village has not resolved the container or trailer issue for manufacturers in town or addressed staff's continued blur of the distinctions between parking and storage of vehicles. (This latter issue is a major problem within the proposed zoning ordinance.) In each of these important instances, staff has imported portions of the general Village Code into the zoning ordinance and done so without legislative authority (see Sec. 1-10(7). Several provisions of the zoning ordinance now stand to be amended by process that is less formal and less informative that a zoning amendment. In dealing with vested property rights, Westmont residents and business owners are entitled to more.

There should be more clarity on the import of having the zoning ordinance restated as a chapter of the Village Code as well as the impact of incorporating Village Code terms into the zoning ordinance (the latter from a procedural and substantive perspective).

Section 1.02

This section should refer to the powers granted under the 1970 Illinois Constitution and by the Illinois General Assembly. I submit that the ordinance is not being adopted pursuant to such powers. I disagree that reference to the "limitations imposed by law" is necessary, but I do not believe this component of Section 1.01 is an accurate statement in this case.

Section 1.03

The effective date should remain October 1, 1979 unless this is a complete replacement of the former zoning ordinance with a new zoning ordinance. (See note above regarding 65 ILCS 5/11-13-2.) This ordinance is so different from the current ordinance that it should be considered a new zoning ordinance.

Section 1.05

The Village should consider whether reference to the Illinois Commerce Commission is adequate. In practical application, there seem to be utilities that are not regulated by the ICC. Further, municipally-owned utilities, should be those owned by *the Village of Westmont*. Otherwise, the Village runs a risk that a county or another municipality may find provision of utility services in its corporate limits difficult and

decide to operate one of its utilities from a location within the Village (and not be subject to the zoning ordinance). This dispute recently occurred when the DuPage Water Commission acquired land in a remote municipality for operation of its utility system. Finally, the last sentence of Section 1.05 exempts electrical substations or similar above ground structures, which are undefined terms and used broadly enough such that the Village's ability to control the number of above ground electrical structures could be placed into question. (See also Section 7.17(B) (2)).

Section 1.09(A)

In the first of several provisions within the proposed zoning ordinance that indicate that the Village is adopting a more aggressive approach to regulating the use of land than is necessary or appropriate within its corporate limits, upon a finding of mere consistency between the zoning ordinance and state or federal law, the Village elects to impose the most restrictive of the laws in every instance. This eliminates the possibility that the local use may continue even in the face of more restrictive state or federal regulation, or at best, creates confusion and uncertainty as to which regulation applies. Perhaps the most recent example arises in land uses available under the Smoke Free Illinois Act, wherein state law allowed for grandfathering of certain uses. Applying the Smoke-Free Illinois Act to a smoking lounge, for example, could lead to the determination that the grandfathering for prior uses contained in the Smoke Free Illinois Act is not available in the Village despite being available in multiple other surrounding communities. Section 1.09(a) causes concern inasmuch as the Village zoning enforcement officers have recently adopted the path of least resistance in code enforcement efforts in their various and several interpretations of useless regulatory terms – with the ultimate burden impermissibly falling on the landowners and businesses that have invested in the Village of Westmont.

Section 1.09(B)

This provision is illegal and likely to lead to litigation. In particular, the Village's use of nuisance regulations is possibly the best example of general code amendments that were adopted in a fashion to regulate the use of land as it would under a zoning ordinance. Section 1-10(7) of the Village Code, prohibits the language in Section 1.09(b), and, as a subsidiary commission within the Village, the Commission should not recommend regulations in the absence of compliance with the structural Village code requirements, including Section 1-10(7). Lastly, the use of prior plats or plans approved by the Village to impose zoning regulations is reckless and illegal. Countless plats and plans reflect then-existing regulatory setbacks for convenience and not for the purpose of imposing a binding setback. Setting aside the ambiguity and breath of the pool of records from which the Village may adapt independent, more restrictive, regulatory terms, I suggest that the commission eliminate any possibility that prior plats or plans could lead to a more restrictive regulatory control. The provision is simply impractical and, indeed, would have the eventual effect of undermining efforts to insure title.

Section 1.09(c)

I never understood how the Village could enforce the second sentence of this paragraph. If the zoning ordinance imposes a provision, different than an agreement, easement, covenant or deed restriction, the Village cannot simply declare that the provision of the private party agreement no longer applies, and that the terms of the zoning ordinance are applicable. This violates at least two provisions of the 1970 Illinois Constitution (*ex post facto* and due process).

Section 1.10(a)

The Village cannot lawfully adopt all of the definitions in a planning dictionary that does not operate as anything more than a collection of definitions of various zoning terms from various municipalities throughout the nation that offers no indication of how these terms applied within the ordinance from which they were taken. Further, some terms have as many as ten definitions, and, if any one of these definitions could apply under the facts, the use of the term in the zoning ordinance will be unconstitutionally vague. The zoning ordinance is supposed to be a clear set of regulations and definitions that are not only binding on landowners and occupants, but which also binds staff in the application of law to each collection of circumstances. The dictionary must be one that is generally publicly available and kept on file in the office of the Village clerk and in the building and zoning office. If the dictionary is not generally available, how am I to advise a client or how is staff to explain terms to anyone?

There are numerous terms in the zoning ordinance that require definitions. More than a few will not have ready dictionary definitions.

Section 1.10(b)

The Village should simply follow the Statute on Statutes and protocols for counting time. In regard to the computation of time, since regular Village working days change from time to time, reference should be had to federal or state holidays. The end of the period should exclude weekends and holidays for the last day counted. But, what if the Village hall is closed on a normal business day for many needing to act for required action such as an appeal to be filed on Good Friday? What if the Village Hall is closed on Martin Luther King Day but the Village still has night meetings?

Section 1.10(D)

The term “or“ should not include any interpretation or application of this term as “and.“ As written, this possibility remains, and recent uncertainties and interpretations by staff lead to a concern that the language “or in combination” could allow staff to require all matters listed in terms connected by “or” to exist in their entirety and not alternatively.

Section 1.10(E)

The disclaimer that illustrations do not define or limit the scope of any provision in the zoning ordinance should be deleted because it is inaccurate. In some instances, figures or illustrations are the only place where regulations appear. Specific language relating to the application of illustrations should be presented in each regulation referencing the illustration and at the beginning of the illustration. The use of illustrations poses risk to the Village and landowners in as much as the Village cannot possibly illustrate all applicable ranges of regulatory impact in its illustrations. With respect to each illustration, the Village should consider whether the illustration imposes a regulation or merely reflects the application of a regulation in one circumstance but not in all circumstances. As I noted during the last hearing, there were significant gaps in the calculation and determination of height while using illustrations intended for that purpose. In the absence of a specific regulation governing the issue, there would be a gap in the Villages regulatory scheme. This leaves it to the zoning process or the creativity of staff and applicants to determine the substance of the gap area.

Section 1.10(f)

One of the rationales behind section 1–10(7) was that amending the Village code is not governed by the same notice and hearing process or by the municipal code terms governing the rights of landowners to object to amendments. Amendments to the general code were viewed as historically distinct from the zoning ordinance. Only in recent times has the Village regularly and aggressively applied general Village code provisions in their efforts to enforce disowning ordinance—to the prejudice of landowners and tenants who had no notice of the shift in regulatory enforcement. If a term of the general code operates as a zoning provision, it should be part of the zoning ordinance. Recently, the Village has utilized nuisance regulation in a fashion that conflicts with it zoning ordinance, and it has also applied various road weight regulations in a fashion that contradicted the terms of the zoning ordinance concerning the length of time certain vehicles could be parked on a zoning lot. Both of these occurred in circumstances of zoning enforcement and the Village's prerogatives severely disappointed vested owners.

Section 1.10(J)

If this is not a new zoning ordinance, I respectfully request that you re-insert legislative history and return to using legislative authority notes. In particular, since the Village does not have a copy of the 1979 zoning ordinance that is capable of being certified by the Village Clerk, the Village is in the precarious position of regulating non-conforming uses, but having no basis upon which to proceed in this respect. Indeed, there is an email from planning management staff that blatantly acknowledged that the Village had no power to evaluate nonconforming uses and simply directed code violation actions to put the burden on the landowner. Without the legislative histories, there will be no document from which one can determine when particular provisions of an ordinance amended over nearly 50 years applied. The Village's selective, uneven, and *ad hoc* recognition of nonconforming uses has caused numerous problems over the years and it is

strongly encouraged to establish a registry of non-conforming uses and structures, whether or not this will be a new zoning ordinance or an amendment to the existing 1979 zoning ordinance.

Section 1.12(D)

If the Village intends a pro-business approach to zoning, the boundaries of residential and institutional districts should be the property line of the residential or institutional lot. It should not be treated as the centerline of a street or some other boundary. This would assist in the measurement of separation requirements in the zoning ordinance. For example, the ordinance could provide: "In all instances, the boundary of the lower classification zoning district shall be the property line of the land in the lower classification district, whether or not shown on the map."

Section 1.12(E)

The last sentence should provide that annexed land may *concurrently* be rezoned. Due to the circumstance that the entirety of Section 14.02 may not apply to all annexations and it necessarily applies to post-annexation zoning decisions, reference to this section is unnecessary. As written, this portends annexation followed by a distinct proceeding to amend the classification (adding to the time required to process a development matter when annexation is involved).

Section 1.12(F)

Subsection 2 is a subdivision regulation and not a zoning regulation. The term "subdivision" is not defined. The identification of parcels utilizing permanent index numbers is not a zoning process. An aggregation of permanent index numbers may comprise a single zoning lot under the definition of "zoning lot." The Village should eliminate inconsistent usage of the terms "parcel" and "zoning lot" and it should consider that the proposed amendments essentially down zone all parcels that are smaller than 20,000 square feet. This essentially leaves the owners of lots smaller than 20,000 square feet to negotiate zoning processes that are burdensome and costly in situations where smaller lot development is already difficult and a substantial amount of development in the Village will involve infill development. The Village should consider elimination of inconsistencies in the use of "setback" and "building setback" because setbacks apply to structures other than buildings. If the Village intends to specifically regulate split-zoned lots and exempt setbacks to buildings, then it should define "building setback" distinctly. Before adopting regulations of this type, the planning and zoning commission should have at least some understanding of how many zoning lots are split-zoned and how many future zoning lots could be split zoned following subdivision in compliance with the Illinois Plat Act.

Section 1.13

The current 1979 zoning ordinance legislatively authorized several special uses that have continued since October 1, 1979. If a use was operating as of 1979, and the 1979 ordinance designated it as a special use, the use operating in 1979 was automatically granted a special use. The legislative authorization of these special uses remains effective today. A substantial number of questions arises from subsection (A)(4). Legislative special uses exist along Chicago Avenue and at other locations in the Village, and it is presumed under subsection (A)(4) that the Village will not eliminate rights to these special uses in existence since October 1, 1979. However, the ordinance is less clear in referring to "approved" special uses as if some approval is required when the legislative special uses required no subsequent approval.

Table II-2

There appear to be mathematical errors in the recitation of interior side regulations for detached houses. Footnote 6 contains an improper delegation in as much as it creates discretion to approve lot coverage up to 40% rather than allowing lot coverage up to 40% as of right. The terms "drainage problem area" and "drainage subbasin area" are undefined other than by the Village Engineer, and, next, staff may or may not allow 40% lot coverage.

Section 3.02

After the first sentence in subsection B, all terms should be cut and pasted to an earlier general section concerning the business and employment districts because these terms apply to all such districts. There is no zoning map contained within the amended zoning ordinance. At hearing, it appeared that the Village was relying on future action by the Village board to adopt zoning map amendments. There has been insufficient time to allow consideration of Article 3 deletions and the B-1/B-1A concerns.

Table III-2

Use of a general R zoning classification as causing transitional setbacks on non-residential lots creates issues. Throughout much of the Village, residential uses nearby non-residential corridors or districts have either gained value at their location or developed after the non-residential use, in each instance, taking their character from the nonresidential use. Transitional setbacks should not be required on non-residential lots where this occurred. Only R-zoned lots of R-3 classifications or lower and used for single-family detached residential purposes might require a transitional setback. Transitional setbacks should only apply to the placement of buildings closer to the lot line than they exist at the time of construction. New construction on non-residential lots should be able to retain the existing setback, notwithstanding complete demolition or removal and replacement of the wall of the building that is within the

existing setback. The commission should be aware of lots in the B-2 district that will face under-utilization as a result of footnote 4.

Section 3.05

The Village has engaged in arbitrary and inconsistent application of regulations requiring the enclosure of operations—fully disregarding that parking and loading are not "operations" that are the subject of indoor operations requirements. Parking and loading are not "business, servicing, storage, processing, or other operations." Yet there are dozens of uses that park vehicles or load vehicle vehicles that have been placed at risk due to the Village's election to pursue code violations for conducting alleged outdoor business operations by merely parking or loading. To the extent this has occurred, it is incumbent on the Commission to understand how it occurred, where it has occurred, in which districts, and to address the issue in this amendment. The exception for fleet vehicle storage cannot be viewed as a step in the right direction until the Village properly addresses the distinction between parking and loading, on one hand, and storage, on the other. The fleet vehicles regulation and the merging of parking and loading with outdoor operations is entirely shortsighted and ignores historic use, contractors uses, fitness and youth program uses, and the circumstance that each trailer and commercial or passenger vehicle is defined as a vehicle. Utilizing the same Section 7.14 in order to regulate fleet vehicles in the B-2 district win this regulation was developed in light of some contractor uses in the B-1 downtown core district fails to recognize that several B-2 zoning lots are amenable to a higher number of fleet vehicles. The same rationale should be considered in relation to any more intense zoning districts such as the O/R, M-1 or M districts. Also, one must consider why outdoor dining on public sidewalks is exempted when there are businesses in the Village that provide outdoor dining opportunity on private property and this use should be encouraged where a possible. Section 7.14 relies on undefined terms and ignores the standards and practices of public and private agencies and entities within the Village that have existed for decades. The first challenge to any regulation under Section 7.14 will a rise in relation to staff's over-expansive view of the term "storage" as encompassing parking and/or loading. Storage is not parking or loading.

Figure IV-2

Where is the regulation pertaining to storefront building side setbacks abutting a non-R district? Zero or five is not an appropriate regulation. If the Village has adopted a zoning map, intending to place a high density, R district adjacent to core district in a fashion that aligns side yards of the core district with the residential district, this is a mistake. Particularly in the core district, owners should be encouraged to develop property to the lot lines. The maximum outdoor open space regulation should apply on the basis of 50 square feet per residential unit up to a maximum of a percentage of lot area that is reasonable in the relevant districts, including the core districts. Due to the lack of lot depth in the core districts, it is highly likely that the absence of a cap based on

percentage of lot area will lead to several variations or deviations because there is always a point where the amount of rooftop space available is limited by the dimensions of the property being developed. This will conflict with the Village's intent that core district development extend to the lot lines and may lead to arbitrary reservations of unattractive or non-beneficial grade level open spaces in areas where the Village prefers buildings or in areas where business use may extend to outdoor areas in a fashion conflicting with abutting uses.

Table IV-3

The term parapet is not defined. As written, item 11 could prohibit all bays. It seems that the 30% figure should appear before the term transparency. With respect to item 13, the minimum number of building entrances is nonspecific as to common vs. emergency entrances. Is this an averaging that applies so two doors within 120 feet but more than 60 apart could work? When do these regulations apply (new building, existing storefront or new building behind or relying on existing storefront)? Re-use of existing storefronts becomes burdensome if the rule applies to new and existing storefronts. In item 15, a specific dimension from the abutting sidewalk is missing.

Figure IV-5, 6 Sec 16.13(a)(2)

Each Commissioner should know coping in construction. Coping covers the top of a wall to prevent water infiltration. Where the wall ends and parapet begins is an issue to be determined in any height regulation. The parapet is different than the roof, and under circumstances where height is measured to the highest point of coping of the flat roof (if coping is being used as a roof covering), it seems that the parapet is excluded from the height measurement. This is probably a best practice because parapet height may vary based on rooftop mechanical equipment, rooftop open areas or signage. If coping is the covering of the parapet, then the regulation is not one that could be viewed as best practice without substantial attention to those items above the roof that are excluded from height. Section 16.13(B) contains the exclusions from height which include parapet walls, but the diagrams do not seem to reflect the exclusion. Another indication of increased regulatory burdens appears when one compares the existing 15-foot exclusion of parapets from height to Table IV-5 which indicates parapets should have a maximum height of 6 feet—a height known to be too short to buffer noise from several rooftop mechanical units.

The diagrams in Section 16.13 do not mention coping and do not seem to allow a distinction between the flat roof or coping and the parapet. This should be clarified. Like many other diagrams, they content is not friendly to those with vision issues and these diagrams should be available in the printed and online versions of the ordinance in a larger format to allow viewing without difficulty (presumably, the Village intends to comply with applicable federal law when it publishes or posts its ordinances). In relation to residential uses in the core districts, the Village should consider reviewing Hinsdale's regulations or the regulations of another municipality to determine how a half story is treated in the establishment of height. To encourage architectural variety and still allow the utilization of interior space inside a half story within the

roof, the Village might consider the percentage of usable floor area under the roof above the half story.

The definition of grade in article 17 refers to section 16.13 a, but section 16.13 a does not contain a clear definition of grade. First, in relation to a new building, grade at the setback line could change. Second, the use of the term "existing or established" begs the question of whether the predevelopment grade or the post development grade applies. Third, the provision relies on "building setback" rather than "setback" and either of these terms, under section 17.06, applies from all lot lines. The Village should determine the lot line from which grade will be established for the purposes of measuring height. Based on the figures and tables, it can be implied that the Village intends to regulate grade utilizing a measurement from the front lot line or front building set back, depending on the applicable core district. Due to the railroad and elevation changes near downtown, it is important to specify the elevation along which the height determination is made. Although the Village is generally dealing with lots of limited depth, there are locations where lots with more than adequate depth will encounter elevation changes that lead to consternation over the determination of grade and the reasonable expectation of development on particular parcels. There will also be occasions when an owner of a lot on cast, Burlington, or Quincy might be able to increase the depth of the lot by acquiring land behind it, so the determination of height might be considered in this context as well.

Section 4.12

In general, the Village is embarking on an extensive regulatory scheme. The circumstance that reflective, glass or glass block are prohibited on street facing building façades generally is an indication that these regulations have not been fully vetted. What is the public interest in avoiding glass block or fake windows above the first floor of a building in a suburb and the second floor of a building in Chicago? If mixed use or residential use above commercial is one of the goals of the downtown core districts, the Village needs to consider that glass block is often used for bathroom privacy, and that fake windows can often be used to allow the appearance of continued vertical orientation of windows in a residential setting when planning for interior storage or utility rooms or for diversification of units within residential floors of a mixed use building.

Also, has the Village considered the conflict between its balcony regulations and the intent to pursue construction to or nearly to the street side lot line? Balconies should be allowed to project over the public right of way if the Village is going to enforce a minimum balcony depth. Alternatively, the Village should consider defining the term balcony so that it does not prevent a builder from installing opening doors or sliding glass doors on a partial balcony. If the definition of balcony is as broad as provided for in section 17.06, the question is whether a partial balcony that allows for the placement of planters outside such a door or a window constitutes a balcony or a Juliet balcony or a false balcony. Technically, a platform projecting from the wall of a building, enclosed by

a railing appears to be a false balcony at any time the balcony has a depth less than the 4 feet required in Section 4.12. In other words, there is no measurable standard, which leads to the question of whether a minimum depth for balconies is even required— particularly if the Village wants developers to build to the street lot line.

Figure IV-17

I believe I mentioned this figure in my testimony. Appropriate scaling of windows and shutters is a design question and not a zoning question. In the top figure, the Village prohibits, the articulation of what appears to be the entrance to an office building with an articulated overhang below a window and shutters that are smaller than their counterparts on each side. Frankly, there is nothing objectionable about this type of design and it is common to residential structures and multitenant non-residential buildings with a central stairwell. Setting aside my personal view, the question is whether within applicable maximum height regulations, the Village wishes to mandate purely flat canopies or overhangs over entries. On the next page in the lower left portion of figure IV-18, the Village uses an example of a principal entryway feature, nestled between window features that would be nonconforming according to the immediately preceding figure on the prior page. Considering this level of regulation from the perspective of the private owner and designer perspective, the plan commission will hopefully recognize that over-regulation will lead to excessive uniformity if the Village is not careful. Further, such over-regulation is a disincentive to new development and to rehabilitation of existing development.

The mechanical equipment regulations in paragraph G consider the screening of rooftop mechanical equipment from a visual perspective. In stating that rooftop, mechanical equipment must be concealed from view at street level (particularly five feet above street level), the Village ignores that most persons are taller than five feet and omits definition of the location at street level (such as the nearest or furthest point in the right of way or intersection of rights of way). Additionally, screening of mechanical equipment, serves the additional purpose of reducing ambient noise in a neighborhood. The Village should consider whether to require the screening of mechanical equipment for purposes relating to noise as well as visual concerns. The straight line of sight regulation to an undefined five-foot eyelevel does not account for most of the sound cone generated with the emission of noise.

Another sign that these regulations have not been fully vetted appears in regard to the location of utility appurtenances on streets (noted as front street). Can the utility box be situated in the side street more easily? Can the utility box in the street right of way be placed below grade? A similar question arises in relation to the utility structures that are not located in the right of way but is located in the required setback. Has the Village considered the impact of its utility appurtenance regulations on façades when the façades are on a building situated on a corner or through lot? The extent of these regulations could impact the redevelopment of properties as well as the reuse of properties, and some consideration must be given to reuse of existing buildings to avoid excessive administration of a vast number of zoning regulations appearing in Section 4.12.

The regulations in Section 4.12 could serve as a substantial disincentive to the reuse of existing downtown buildings by viable and desired businesses.

Section 5.01

Considering the effort to diversify uses within the B-3 resort district several years ago, the Village should utilize this amendment to expand the available uses to include new principal uses and additional secondary uses since it was abundantly clear that, prior to a lawsuit brought by Oak Brook residents, the uses would supplement the demand for hotel rooms in the resort district and elsewhere. Previously, there was an attempt to utilize some of the excessive parking in the B-3 district to allow for development of a substantial swimming facility. Clearly, the development of a smaller, focused sports complex, could serve to benefit the hotel operator in the sales of rooms and other items in the resort district. Why would the Village not allow indoor or outdoor spectator entertainment in the B-3 resort district? An arcade, for example, is common in resort districts but it is not permitted in the B-3 district. Accessory video gaming frequently arises at or in relation to hotels, and this video gaming is frequently operated by the hotel operator, not in conjunction with a restaurant or bar. In the instance of a hotel operating in the B-3 district, it may be in the Village's best interest to allow a distinct standalone area within which video gaming can be allowed, not accessory to a restaurant or bar. It appears under Section 6.0 4F3a that such a use would be permissible. However, there is concern over the use of the term "video gaming café" and the omission of this use anywhere within the Village.

The regulations in section 5.01 are overly burdensome to owners within the B-3 zoning district. Every change to plans should not require a map amendment. In fact, no map amendment should be required even for a change in use. The Village learned a difficult lesson in this respect already, and there is no justifiable basis to require a zoning map amendment ever. The Village of Oak Brook's injection of attached single-family residential use adjacent to the B-3 district should be considered by the Commission. Each of these owners, all of whom are Oak Brook residents, can forever impede development and adaptations of use in the B-3 district by filing protests. Further, a map amendment is unnecessarily burdensome. Even a planned development is excessively burdensome for "amending previously approved plans" and there should be a clearly defined range within which the owner will understand that an amendment is required. At this point, every amendment, including changes in storage areas, the location of sod farm areas, the orientation of golf, fairways, and tee boxes, and changes in use within the hotel require a planting development. This is plainly over-regulation, unfriendly to investors in the Village and not conducive to a proper business friendly approach to zoning and development. Finally, as written, Section 5.01D appears to be inapplicable under the legislative and development history of the B-3 district. I believe there have been changes to the B-3 district development after the date the Village established B-3 zoning, but staff would have to clarify this.

The entirety of Section 5.01 leads me to wonder whether anyone consulted with the owner/owners of land in the B-3 district. I also wonder why one Villag of Oak Brook trustee stands to gain significant benefits from the proposed zoning ordinance (Michael Manzo opposed changes in the B-3 district and he also has a history of being related to at least one gaming café in the Village that will now have a monopolistic advantage.) The Village's classification of uses in Section 5.01 refers to principal uses and secondary uses. The reference to secondary uses appears to require that the uses must be affiliated with or part of the principal use. Westmont should allow the development of independent principal uses that include uses in addition to those permitted by right under the Section 6.02 table in order to allow sufficient adaptation by the hotel operator to changing demands and economies. Indeed, the history in relation to the B-3 resort district clearly shows that the land in the district is being underutilized and could be put to better use that strengthens the Villages tax base from a hotel, sales, food and beverage, and real estate tax perspective.

Sections 5.03 and 5.04

At the last hearing, I mentioned to staff that it should not include existing planned developments or future planned unit developments as a distinct zoning classification. This appears to have already been considered, but in the absence of further review of draft regulations, I cannot comment further.

Article VI

Preliminary, I could not provide input on article 6, without commenting on the profound disappointment in the administration of the Village's current and past use lists. Village staff has abandoned the rule that general categories encompass all uses within that category unless the use is specifically provided for elsewhere. This has led to impossible situations in the B-1, B-2 and O/R districts. It has also led to problems in the M1 and M districts. I mentioned development passing over the Village of Westmont based upon uncertainties, and I mentioned the Village's failure to provide for uses common to every municipality which are necessary and beneficial. If these uses are not provided for in the Village on a reasonable basis they become taxes or burdens on the Village's residents because residents must pay for mileage or time to reach a Westmont address requiring services or goods.

In my experience, 100% of the people that have recommended Westmont to have considered other communities before Westmont because of a lack of certainty in the code or over-regulation. Of these, 50-60% of these prospective new businesses or new developments pass on Westmont due to anticipated or perceived misinterpretation or misapplication of use lists by staff. Unfortunately, this leads to a negative perception of qualified staff members who could serve well when tooled with a good ordinance and properly trained. But today's perception is that the Village is unreasonable. So, as a preliminary note, I have great concern over any regulations that allow staff flexibility in determining which uses are available, great concern over omitted

definitions, and great concerns over the use of general categories given the past 10 years within which I have seen staff ignore common interpretive rules relating to use lists.

Staff should have specific instruction under Section 6.01 or Section 6.02 that they shall apply broad categories of use as inclusive of all uses reasonably fitting within the category unless a more particular use within that category exists. There should be no further searching once a use falls within the general category unless such more specific use exists and *only that specific use* is exempted from the category and not all other possible uses in the category.

With the minimal amount of time that Table VI has been discussed at a public zoning hearing, I have significant doubt that the Commission will have had opportunity to consider the reinvention of the existing use lists in the proposed table of uses.

Perhaps most offensive to me, given my recent experiences with matters on Cass Avenue and along Chicago Avenue, is the creation of a building service category and relegation of this category of use to the M1 district as a special use and the M district as a permitted use while eliminating these uses from the B-2 district. This reflects ignorance of the history of Westmont, the importance of these uses to Westmont and its surrounding areas as well as the importance of these uses in Westmont to residents of Westmont who own or are employed by businesses operating these uses. There is no reason that a building service use (many uses of which have existed on Cass Avenue, Blackhawk Avenue, and Chicago Avenue for longer than 50 years) should ever be a special use in either of the M districts. Indeed, before relegating building service uses to the M districts, this Commission should have a full understanding of the number of such uses and the availability of existing tenant spaces or existing land available in reasonable configurations for development of new tenant space for these uses in the Village. State law requires that the Village consider the past 50 years of land use along Chicago Avenue and Cass Avenue. If the Village has determined, and I do not believe it has, that building service uses are inappropriate in the B-2 district, I would be surprised. I would also be surprised if the Village would classify them as special uses in the B-2 district. Building service uses might rely on outdoor storage (not the type of storage staff views as arising from parking or loading), so outdoor storage could be a special use in the B-2 district, but permitted as of right in both the M1 district and the M district. Indeed, the same requirements for outdoor storage could be made applicable across these three districts so as to avoid unduly burdensome regulation.

In no instance, does the need to know what is being stored outside, justify the planning burdens of a special use in the B-2, M1 and M districts. In these districts, fence heights should be adaptable up to eight feet in order to screen outdoor storage. However, there should be no requirement that outdoor storage be limited to a height, not to exceed that of the fence. Most land in the B-2, M and M1 districts was developed prior to nearby residential land uses. Within the past two years, staff has testified to having to drive by

areas with alleged outdoor storage screened by a fence as if this were a problem. To the contrary, building service uses are appropriate on arterial roads and most collector roads because their very essence is that they go out into the community and serve the consumer or end user at an offsite location even if they engaged in sales from the zoning lot at issue. The answer to the concern expressed by staff in recent sworn testimony should be addressed with plantings and right of way improvements if the Village has determined that a stretch of roadway in Westmont requires them, but, again, there is no evaluation, reflected in the proposed zoning ordinance that reflects that the Village has even given this consideration. Whether the storage is of pallets, equipment that is not a vehicle, goods or stockpiles, the storage should be allowed at all locations in the B-2, M and M1 districts subject to clear screening requirements (which frankly already exist for the B-2 district).

If this Commission intends to reinforce Village staff's incorrect characterization of overnight parking of vehicles as storage, or if this Commission intends to segregate commercial vehicles or the undefined class of fleet vehicles, all of these uses should be permitted as of right in the B-2, M and M1 districts. Storage of vehicles (even if it is mere parking and even if the vehicles are oversized), could be a special use in the B-2 district. However, these activities in the B-2 district have been commonplace, continuous, and ongoing since the 1950s. Recent pressures brought on owners of businesses, even as they are improving the property from its prior condition and proceeding with a better use of land than previously, have been unreasonable, and this Commission should consider each of the building services businesses and determine the impact of the new regulations on these uses. The Illinois Municipal Code requires the Commission to recommend a zoning ordinance that considers existing conditions in the Village when planning. The use lists as it relates to building services providers does not do this.

The B-2 district regulations abandon the Village's obligation to consider its history and existing uses, and the obligation to retain a reasonable collection of land uses available to landowners in the B-2 district. These considerations are both legal (is there a reasonable collection of listed uses available?) and practical (if a use is listed, is it reasonably likely to be in the B2 district?). Several questions arise that affect these considerations.

Even though tobacco and vape lounges are ordinarily considered as allowable uses in multiple districts in several communities, the Village only allows tobacco and vape lounges in the B2 district if they are more than 1000 feet away from a school. Why would the Village have an interest in this particular separation distance? Why would it matter if the use does not front on the same street as the school or one of its playgrounds? Does this apply to public and private schools, and what type of schools are within the category of schools? Has the Village considered the Smoke Free Illinois Act?

Although the Village views the twice a day going and coming of building service vehicles as problematic in the B-2 district, it appears to have no problem with lodging in the B-2 district. The intensity of use in the B-2 district is much greater for a lodging use. The frequency of

foreign visitors, unfamiliar with a neighborhood is much greater for a lodging use. And the Village simply does not have practical B-2 development tracts available for lodging use.

A craft alcoholic beverage dispenser should be a permitted use in the B-2 district, and outdoor service possible to a certain hour without a special use permit. The same concerns related to distancing from schools exist. The use may not be desired on the same frontage or opposite the frontage of a school, but a distance requirement could irrationally prevent the operation of this use in the B-1 or B-2 district when there is no visual connectivity with the school.

A catering establishment should be a permitted use in the B-2 zoning district. Is catering allowed as a secondary or accessory used to a restaurant?

Business training should be a permitted use in the B-2 district. Substantial questions exist as to why business training would be a special use in any district.

The Village might consider allowing tattoos or body piercing services in the B-2 district. Under its current posture, the Village's allowance of these uses in the M district conflicts with what will be a high demand for M and M1 zoned properties otherwise.

The only places where automobile maintenance and repair is available as of right are in the M1 and M districts. Although these uses are not recommended in the B-1 district, the B-2 district has historically hosted, and can in the future host, auto maintenance and repair uses. Vehicle sales should be permitted in the B-2 district. Although the allowance of body and paint shops as a special use in the B-2 district creates the impression that these uses have an envelope for their operations within the Village, the distance requirement eliminates these locations along Chicago Avenue where they have historically operated without problems. In general, the treatment of the B-2 district leaves multiple landowners left carrying real estate with minimal optimism for future redevelopment of new uses, and with skepticism that the Village will allow the continuation of existing, longstanding uses.

The Village should consider exempting lots along certain corridors from the distance requirements from R zoned lots. These corridors would include Cass Avenue, 63rd St., Ogden Ave., Burlington, and Quincy.

There is a question whether the Village is regulation of gun and ammunition sales is legal. Requiring at least 45,000 square feet to sell guns and ammunition in some districts could be viewed as unconstitutional. In any event, the Village's classification system for gun and ammunition sales ignores recent trends that also passed over the Village whereby a firing range could locate in the B-2 district or in another district and engage in substantial sales of taxable items. If the Village were approached by a gun

range that offers accessory sales of firearms, the Village may wish to extend its hours of operation for firearm sales to a later hour. The Villages floor area regulation substantially limits firearms retailers to establishments with a floor area of approximately 20,000 square feet. This is not friendly to small business in a Village that once permitted firearm sales from a residence.

Financial institutions are allowed by right only in the B-3 district, which may be the least likely of districts for a bank. With the Village's core district regulations, the Village should be able to allow financial institutions downtown because they are convenient. Drive-throughs for financial institutions obviously should not be permitted in the downtown core under the Village's current direction. Drive-throughs for financial institutions should be special uses in all districts otherwise. Because financial institutions can provide valuable tenants to owners of land in all business and commercial districts, they should be permitted uses except when they have drive-through operations. If the Village has a concern with service uses such as financial institutions, it needs to consider whether, in the downtown core, service uses should be permitted at all. However, service uses such as small fitness centers, banks, cleaners, salons and the like can all provide valuable foot traffic for retail uses in the core district.

The Village is electing to prohibit any new video gaming cafés while apparently grandfathering existing video gaming cafés. If video gaming cafés are deemed by the Village to cause a negative impact, the Village should amortize these uses and not allow special benefit to existing café operators only. The Village can achieve proper spacing and locations of new video gaming cafés, using distance requirements, but it seems not to be headed in the direction of amortizing the existing uses. The acknowledgment of the existing uses as beneficial to the Village should extend to appropriate inclusion of these uses in new or reused buildings in the various zoning districts—which is the purpose of Illinois Gaming Board laws in the first place.

The screening requirements for daycare centers should not apply to properties that are not adjacent to residential land use. Such uses adjacent to residential land use could be screened by fence up to 6 feet tall, but what is the value in establishing an additional evergreen planting requirement?

The definition of bar or tavern under 6.04 E2 a is vague. Is DJ's a bar or Tavern? What determines the principal use, design or receipts? What happens if a restaurant decides to convert to a bar after a certain time?

The definition of non-accessory parking in 6.04L seems only to apply to parking lots available to the general public. If there is any intention to apply non-accessory parking regulations to parking provided on one zoning lot for the particular use of another zoning lot or its tenants, section 6.04L requires more work.

The Village should use caution in evaluating use of the term retail sales. Historically the Village has recognized that retail sales can apply to the sales of services and goods, but it is

departing from this practice by separately classifying retail sales and assigning sales of services to different districts based upon the service. This runs the risk of substantial upheaval to expectations of existing land owners and tenants.

Section 7.04

The new zoning ordinance appears to include a substantial reduction of the accessory uses available (compare the accessory use portion of Section 7.03 in the current code). Section 7.04 governs accessory structures and setbacks, but how does a building mounted accessory use find itself in the setback? If the building is allowable (such as a detached garage), why would you want to attach solar panels to the detached garage rather than the principal residence? It appears that the Village would not allow the freestanding book sharing stands that are prevalent in so many suburbs.

Section 7.10

Why would the Village allow public EV charging stations in residential districts even if the use is nonresidential in character? The use seems inappropriate since there is nowhere for the owner of the vehicle to wander other than through residential streets.

Section 7.11

If I owned an interior lot on a block face, I would find it offensive to have a 6-foot fence, extending on my neighbor's corner lot in front of the front elevation of my house. The exhibit used at the first zoning hearing reflected only the conditions on the lot that hosted the fence. No consideration was given to the neighboring interior lot, which would then have a 6-foot fence in its front yard. This is so even though the zoning ordinance found it offensive to have a 6 foot fence in front of the home on the lot hosting the fence. This inconsistency should be resolved. If a corner lot desires privacy, that corner a lot can operate with a 3 foot fence and arborvitae.

Section 7.14

Fleet vehicle storage is undefined. The entire section, including subparagraph B ignores that parking is not storage. It is unreasonable to limit storage of vehicles to the size that can ordinarily fit into a 9 x 18 space and to prohibit heavy duty vehicles. These terms are also undefined as the Village has learned through recent zoning enforcement proceedings. The limitation to 2 vehicles is unworkable in the M and M1 district. Storage of additional fleet vehicles should be allowed in the M and M1 districts. In the B-2 district, special use allowances for vehicles greater than two should or for oversized vehicles and heavy duty vehicles could apply, but this restriction is untenable in the M and M1 districts. The requirement that fleet vehicles be parked in stalls should apply only when the parking is not screened by a fence. The combining of considerations of storage

and parking in Section 7.14 continues to disregard the Village's past and ongoing difficulties with these terms.

Section 7.18

Particularly in relation to prohibited uses in subparagraph E, there should be defined terms. There must be 15 to 20 uses that will be prohibited by subparagraph E1. Catering is undefined and should be allowed to a limited extent in residential districts as a common home occupation. Gig operators may or may not fall within subparagraph E5. Definitions should apply to animal care, grooming, or boarding with a reasonable number of animals attached since so many people engage in home-based pet daycare or pet training. Paragraph E12 raises questions about neighbors with large gardens.

As the home occupation regulations are structured, do they prevent hobbyists and people who simply like to do good things for others from doing their work for no pay? If this is not the intent, subparagraph E12 is not one the Village should raise against an individual homeowner who is not doing this as work, a job, or an occupation. Does the Village have an adequate definition of passenger automobiles?

Section 7.20

The regulations pertaining to outdoor seating and dining areas are unworkable for these accessory uses on private property or on public property. They present operational problems, impracticability, and problems with the Americans With Disabilities Act. There is no reason to require foundation plantings or even plantings around the outdoor dining area. In certain instances, it is advisable to plan for a fence screen or a landscape screen, but these are typically in instances where the dining area is adjacent to a residential district. To the extent that anyone believes that a dining area in the B-1 or B-2 district should be screened from office use, the Village has ample office zoning district land available for office users who do not want to be located near an establishment engaged in B-1 or B-2 district outdoor dining.

Section 7.22

Has anyone reviewed Section 7.22B1? If this section is intended to restrict the location of roof mounted solar systems to the street side of the property, this is an unfair and ill-advised regulation. In essence, planning for the maximization of solar energy is reserved for only one side of the street since there is obviously a preference for having solar panels within the same block areas planned in likely a very similar fashion.

Section 7.24

The Village's handling of trailer storage has been a long-standing problem for businesses in town. Nothing in the temporary storage unit section eases the burdens on businesses for

temporary storage, some of whom may need storage for the winter months or storage enrolling periods that exceed 30 days. Although the Village staff seems to have considered the need for a dwelling unit owner to have temporary storage, nothing in this regulation indicates follow through on the temporary storage needs of businesses in the business, commercial and manufacturing districts.

Section 7.26

Does this section authorize outdoor vending machines in relation to every non-residential use in every zoning district?

Section 9.01

In sub paragraph a, please consider adding: “where flexibility is provided, this article recognizes that business owners, upon presentation of a proper parking study, also know their demands for parking.” In Paragraph B, consider inserting the term “applicable“ or “relevant” before “units of measurement.”

Section 9.02

Although Village staff sold the zoning ordinance on the basis that it was becoming more business friendly, the employment-based parking requirements are likely becoming more stringent in many respects, even though the values in Table IX-1 may not be changing. It is imperative that the Commission understand that staff will surely undertake determination of the number of employees based upon occupancy under the building code. My law office had no more than five employees over fifteen years, but its occupancy is designed for more than twelve due to staging areas, conference room space, a gym, and storage. It is unfair, unwarranted, and ill-advised to take the business planning away from the owner of the business. This is an overreach by staff and the Commission should reject it except in individual cases when the business owner’s calculation of employees is not credible.

There is no legal, practical, or efficient means through which staff can decide the number of employees. Determination of employees required for any number of uses, including, but not limited to animal boarding or shelters, community residences, craft alcohol distributors, auto repair, or any of the warehousing and distribution or manufacturing industry employee types. Several businesses may have more storage areas, more floor area dedicated to treating rooms or housing animals, or common use space for customers. A building code occupancy decision for employees makes no sense.

Why does the Village require no parking for single-family residential use? It seems that the Village might well consider off street parking requirements for homes with a minimum number of bedrooms or lots with a minimum area.

If the Village were to adopt an effective TIF district or special service area, the Village might consider core districts and a reduction in parking in these areas to account for ample parking and structured parking.

The animal boarding or shelter parking requirement does not contemplate visitors.

It seems difficult to accept that the parking ratio for a veterinary clinic is more stringent than the parking ratio for service or goods retail.

The business training parking ratio of one per seven students plus one per employee assumes a significant use of public transportation. If 28 people attend business training, only five parking spaces will be required. Even if those engaged in business training are under 21, they are likely to drive (and not carpool). General business training is not the type of activity that leads to a rise in average occupancy per vehicle.

The Village should seriously consider using only the dining area of a restaurant building considered for parking purposes (meaning the actual floor area of the customer seating). Unless it does so, restaurants will continue to view the Village as too demanding and they will be continued hurdles to the opening of new restaurants in town. Lombard recently evaluated and redesignated parking requirements for restaurant and other uses, including banquets, utilizing KLOA (a respected consultant in the field), and its parking requirements and flexibility are more inviting to businesses across the board except where Westmont has elected to reduce parking demands for retail uses.

The craft alcoholic beverage distributor parking requirement should limit its per employee requirement to those that are not engaged in direct customer service or else employees will be double counted. The Village should evaluate whether the bar or tavern parking ratio is excessively high. This may impose a greater burden on businesses, particularly in a multitenant situation.

The ratios for arcades, video gaming, and video gaming cafés are too restrictive. Arcades generally do not draw 10 vehicles per 1,000 square feet. Video gaming would often be accessory to a restaurant use or, potentially a retail use. In most instances video gaming in a restaurant will be accessory and the parking will not be for additional gaming participants, but rather for restaurant guests that game. Independent video gaming cafés are highly unlikely to draw more than 10 users at one time, let alone 10 users per 1,000 square feet of floor area.

There is no reason to impose a greater requirement an alternative financial service establishments. These establishments require parking no different than banks, credit unions or savings and loans. The additional parking is merely a penalty for that part of the population in Westmont. This group is underserved by traditional banking options, and lack access to credit. Having represented national payday loan operations and title lenders throughout Illinois, I have never seen a situation where a payday loan provider or other alternative financial service

establishment requires more parking (much more, 30% more parking) than a bank or a retail facility. This is discrimination given the members of the class of people generally served by alternative financial service establishments.

In the lodging category, the parking requirement reflects outdated methodology. First, one parking space per guestroom can be reduced by approximately 20% in nearly all instances—with or without cooperative or shared parking. Second hotel, occupancies generally are not 100%, and the requirement of parking for 100% of the use of the hotel is excessive and leads to an appearance of obsolescence such as what the Village attempted to solve and its R-3 district. Third, the separate calculation of parking for a restaurant or a bar is excessive in most instances. Most hotels offer food only for guests that stay overnight (breakfast, happy hour, or evening snack provided on site), but a hotel offering breakfast lunch, dinner or drinks to guess only is still just a hotel and it should not have to face a duplicative parking requirement for restaurant purposes. In addition, hotels never require 100% of their parking between 10 AM and 9 PM. There is no occasion where a restaurant in a hotel will peak outside of these hours.

The Village's parking requirement for sexually oriented businesses is four times the requirement for retail sales. In the event that the Village faces litigation under the First Amendment relating to any sexually oriented business application, the claimant in the litigation will surely raise the parking requirement as unconstitutional discrimination.

The Village's parking regulation for fueling stations is excessive. Convenience stores accessory to fueling stations do not require the full allotment of retail parking because 70% of retail sales other than gasoline are made to individuals that parked in the pump island spaces.

The Village should consider whether the parking requirement for minor repair and maintenance forces every quick service oil change or tire service to provide excessive parking. Certainly, Jiffy Lube is a stacking operation that can get by with halve of the required 12 parking spaces for a three bay, six employee operation.

The commission has a lot of work ahead of it relating to calculation of required parking for warehousing and distribution and for manufacturing and industry. As the commission is certainly aware, these large facilities can have only a fraction of the employees that would arise from an occupancy-based calculation. The Village should not eliminate the business owners' well informed judgment concerning the number of employees that will be present during the maximum shift.

Since Westmont has multiple locations for religious assembly that do not engage in purely seated worship, the ratio for members of the Islamic faith or other religions that do not or may not engage in seated or standing prayer should be retained at 0.2 spaces for every area of prayer reserved for a single occupant. Imposing Christian forms of worship

on members of the Islamic faith leads to excessive parking requirements and ignores that the prayer space per occupant is larger for those in the Islamic faith. An adjustment to Section 9.03(D) and this table could help to avoid a claim of religious discrimination.

The parking requirement for a college university should be more stringent than the parking requirement for a senior high school.

Section 9.03

Initially, the Commission should be aware that indications that the Village would consider collaborative or cooperative parking seem to have been forgotten in this draft of the ordinance. Shared parking requires that all of the parking for each use be provided. Collaborative or cooperative parking requires sufficient parking to allow uses to coexist without requiring parking based on an inaccurate assumption that all parking will be required for both uses at any single time. The Commission should evaluate collaborative or cooperative parking before it provides a recommendation to the Village Board. The failure to consider collaborative or cooperative parking indicates less than thorough consideration of improving the business-friendly components of the zoning ordinance.

Section 9.03C requires calculation of parking for storage areas of retail facilities. Storage areas, utility rooms, stairs, elevators, and other similar locations within a business could be excluded from the floor area measurement. The Village is including these areas which significantly waters down the promise that parking calculations were more business friendly.

Section 9.03D could be revised with a heading uses with alternatives to seating. The existing language can remain, but the Village should add that each area of prayer designated for non-seated religious assembly will be treated as one seat for the purposes of calculating seating-based parking requirements.

Section 9.03E is the section that needs to be revised so that business owners can determine their peak shift and provide the Village of the calculation of the number of employees during the peak shift rather than face a design rated occupancy under the building code, which is highly likely to ignore local business practices And prejudice operators who have a larger floor area to employee ratio.

Section 9.03F should also allow the owner or applicant to submit a parking study by qualified professional. This study proves more valuable 99% of the time compared to the *ad hoc* selection of the most similar use for which a parking ratio has been assigned.

If the ordinance was truly more business friendly, Section 9.03G would authorize the establishment by staff of other parking ratios in relation to uses other than parks and public safety (government uses). Staff could even do so on the basis of a report to the Commission without a public hearing if there is enough definition in the parking regulations.

Section 9.04

Subparagraph A2d contains a mistake. This paragraph is not consistent with the intent of the parking regulations in Section 9.01B3 and 9.01B4. It appears that this section is in addition to the base parking requirements and not a substitution of the base parking requirements in Section 9.02. An existing multi-tenant center may have sufficient off street parking to allow the addition or expansion, and in such event, it should not be required to provide minimum additional parking. This is a complete disincentive to expansion of commercial activity.

The Commission should have a study of downtown parking that it has reviewed along with the proposed regulations in Section 9.04b. The regulations in this section will necessarily force parking into commuter lots and neighborhoods surrounding the B-1 and B-1A districts if the Village has not planned for sufficient public parking. The requirement of 1.1 parking spaces per residential dwelling unit also threatens to impose significant burdens on the public at a time when the Village seems not to have sufficient accessible public parking to expand its downtown business or residential offerings.

Section 9.04B3 is certainly a problem for existing landowners who do not need all of their existing off-street parking. It is unfair to mandate continued use of off-street parking when this is not required to serve the business on the property.

Does the Village have a study reflecting the efficiency of car share services to reduce requirements for offsite parking? Essentially, any use can avoid four parking spaces by giving up one parking space to a carshare program. As a result, the Village should have plenty of confidence in its carshare program.

Shared parking in section 9.04D should be expanded to cover collaborative and collaborative parking. Shared parking is defined improperly (in subsection Section 9.04D1). If it were truly collaborative, shared parking would refer to two or more uses who need parking at the same time but at varying levels throughout the day. Collaborative and cooperative parking also recognizes that shopping centers and uses therein or on outlets can be multiple stop shops with one space utilized for two or three stops. Villa Park has a base collaborative parking schedule and it accepts parking studies if it may deviate from the base collaborative parking schedule.

Section 9.05

In Section 9.05B1, the Commission should recommend deletion of “zoning administrator is authorized to allow.”

There appears to be a conflict between Section 9.05B3 and the special use authorization for non-accessory parking.

Section 9.05B4 should be amended to insert “and parking” after “guaranteeing access.”

Section 9.06B should open with “Other than when a special event, permit issues, required…”

Does the authorization section 9.06C extend to electric vehicle charging for people who are not invited to businesses located on the property?

Section 9.07

In Section 9.07B3, the Village should allow a reduction install depth to 16.5 feet where stalls are headed into a landscape island or a landscape yard.

In Section 9.07H the Commission should recommend the extension of tandem parking allowances to businesses, parking business vehicles, and fleet vehicles.

In Section 9.09, the stacking for drive-through operations at banks is excessive. Today, bank drive-through uses are minimal unless there is an automated teller machine, which is provided for in a separate drive-through category. Typically, two or three bank teller drive-through spaces are sufficient. The drugstore drive-through stacking requirement falls short of typical drugstore drive-through uses—often leading to blocked access aisles and frustration for those who are required to enter or leave a parking space through a drive through queue.

Stacking for car washes does not contemplate modern form tunnel, car washes.

Section 9.09B is incomplete. The lane should not be 8 feet in width and 18 feet in length. Staff is attempting to require planning to contemplate the size of each stacked vehicle. The lane should contemplate stacking for vehicles at a length of 20 feet per vehicle in most circumstances and a width of 9 or 10 feet since the lane has at least one radius.

The Village should reconsider the setback from R zoned properties for a drive-through. A 10 foot setback, hardly avoids the impact of the drive-through operation. While most national operators can easily comply with this, small businesses and franchisees such as for beef shops or ice cream will have issues if the parcel is not large enough to insert a drive aisle between the drive through and the lot line. There should be some reference to noise and speaker direction or volume so as to protect lots use for residential purposes. The question of the type of R use to be protected should be considered on a district by district basis since this requirement offers no benefit to an R5 through R7 use, but helps an R3 use.

The prohibitions of pedestrian routes across drive throughs in Section 9.09D will create obstructions to development. No fewer than three shopping centers that I’ve been involved in

over the past year plan for building access from the public sidewalk across a drive-through lane is operated either by fast food burger, businesses, Starbucks, and coffee and bakery shops. The pedestrian access prohibition assumes that customers are not educated enough to watch for vehicles or to be seen as they cross the drive-through.

Section 9.04

Presumably, Table 9-4 continues to evaluate off-street loading on the basis of individual commercial units.

Remainder

I have several comments about the remaining articles of the proposed zoning ordinance. I will wait to provide these since I lacked the time to report more than what appears in this letter. Highlights of these comments include:

1. 20% is a rather low threshold for landscape compliance in light of the burdens involved for zoning process and/or construction (removal of pavement and walks, etc.);
2. Screening requirements should only apply to the lower density R lots, and a fence plus plantings is burdensome compared to other communities;
3. I do not agree that the owner and the tenant are jointly and severally liable for maintenance and protection of landscaping inasmuch as this is a matter of private leasing and the Village likely lacks authority to simply declare joint and several liability;
4. Variances should not be the only means through which the Village adjusts its landscape regulations since these can be adjusted through a PUD or through conditions imposed in a special use permit (this is particularly so in a Village that allows the existence of a street tree to upend plans for development);
5. The Village still seems not to have provided for digital window signs for either gas stations or downtown businesses (consider the window sign problems at the southwest corner of 63rd & Cass where the owner could not advertise that he had milk or soda on sale or the customary downtown business from a brokerage to a retail store that may benefit from a digital sign);
6. I do not believe your sign ordinance is supported by adequate definitions, and the first indication of a problem is that window signs include “open” signs—again, an indication of overly aggressive regulation;
7. Window signs should be allowed up to 40%, and staff deviations for more if the overall balance of window signs is 40% or less;
8. The timing of a grand opening sign is not business friendly since businesses typically advertise their grand openings a week prior;
9. Although I have not had time to drill down to sign areas (individual and gross), it appears that the Village is not accounting for depths of storefronts from the most proximate frontage;

10. The 0.5 footcandle regulations should not apply to core residential districts or to the highest density residential districts;
11. Please take a look at Lombard's new sight vision triangle regulations which were intended to avoid excessive hardscape or unplanted areas near driveways, including on major arterials;
12. I continue to disagree with the Village's regulation of nonconforming uses (the Village should reinstate the equivalent of Section 12.02(G)(2) concerning nonconforming accessory structures;
13. The Village should establish a registry of nonconforming uses and nonconforming structures since this is the least it could do after disposing of permit records and plans and also losing a copy of the 1979 zoning ordinance;
14. When it adopts this amendment, the Village should allow all nonconforming uses, whether or not lawfully established, since the Village Clerk does not have a copy of the 1979 zoning ordinance that she can certify and because the Village disposed of far too many records;
15. Pre-application meetings should only be encouraged, post-application intake meetings avoid a compelled speech problem;
16. The Village should include a provision that encourages a pre-hearing informational meeting for neighbors;
17. I believe the language concerning the actions of review and decision bodies is too restricted;
18. The zoning administrator should be required to review all applications for zoning, whether or not complete, since the completeness analysis imposes a gatekeeper function on the constitutional right to petition;
19. I do not believe the Village has the authority to place limitations on the right to protest under 65 ILCS 5/11-13-14 (form, timing);
20. There is no transitional requirement for PD's so that they are able to more readily and efficiently meet the requirements for PUD review, and this PUD process will be incredibly burdensome on landowners from residential PD's up to and including resort PDs;
21. The function of a special use is misstated in Section 14.04 since the use is deemed compatible subject to review of circumstances of use that, at this location, cause impacts not otherwise common throughout the district (special use review is not intended to determine compatibility since the Village has already legislated this subject to a more thorough review);
22. Please clear up the concern over "approved special uses" and "legislatively-granted special uses;"
23. The special use will often not be established within six months given recent IDOT practices, EPA permitting or special management area planning; please consider using the start of construction within one year of approval of a special use;
24. If a developer hits a snag at the end of a season, the extended six months may not be enough;

25. The termination provisions for nonconforming uses and special use or authorized development are not consistent with Illinois law: (a) the Village should hold a hearing before declaring a special use or nonconforming use forfeited or terminated; (b) intent to abandon should be recognized in the ordinance; and (c) allowing an appeal after the administrator delivers notice is an inadequate post-deprivation remedy since there are valuable and substantial vested rights at issue and, often, the rights of lenders and contractors to deal with;
26. I always wonder why municipalities believe that they need to limit their authority to grant variations, which are constitutional relief valves in their very essence;
27. The Village's new variation standards narrow the availability of this form of zoning relief and impose standards that offend the sense of fairness in the process (see (H)(3) for example);
28. Section 15.02 is offensive and simply does not support staff's indications that the zoning ordinance was friendlier to anyone in the Village—be it a business or residential:
a. The Village has no right to require a posted notice remain posted—none—and I will gladly establish that the purpose of posting notice is to give the owner of occupant notice (at least of a zoning violation);
b. Section 15.02(A)(8) contradicts state law which requires that the order be entered and sent in the same form as the notice of violation and ticket;
c. Section 15.02(A)(9) imports non-zoning regulations and should not be recommended;
d. Section 15.02(A)(10) is an illegal attempt to shift the Village's burden of proof in violation cases.
29. In general, the violation section invites gross errors by staff and the hearing officer since these terms do not comport with state law concerning administrative hearings and the process after these hearings;
30. It seems counterproductive for the Village to withhold permits on the site where the violation occurred and retaliatory to deny permits for projects on other sites than the one involved in the violation, and I challenge any Commissioner to explain the practicality of this, the legality of this, or the business friendliness of this;
31. Revocation of permits upon deviations from plans is not business friendly and there is no reason for this permit authority which is not zoning other than to allow staff not to exercise as to those they love and to bury those that annoy them; and
32. As noted periodically throughout this, the measurements and definitions sections are incomplete works and appear to ignore state law at various locations, including but not limited to the Plat Act.

I wish you the best in your efforts here. It may seem that I oppose progress, but I am simply informing the Commission that I do not believe its members have been empowered to make an informed decision to recommend. This is not a matter where the Commission defers to staff in making law. The Commission recommends law that the Village Board approves and staff enforces. Only then does the Commission really give staff discretion.

The tail end of this correspondence got rather sharp. I do not believe several of the terms are remotely appropriate in Westmont or in general. Any client is already advised of the tenor of staff review and this alone will cause a hesitation. Imagine the impact of laying our the Village's lack of respect for vested rights and its view that the Village not only owns a project in violation, but also owns related projects. All of you have common sense, and I do hope you will understand that the basis for my belief that you are a long way away lies in the incompleteness of the ordinance as well as in the insertion of egregious provisions that have not even seen light at public hearing.

If I am able, I will attend a future hearing on this. As noted above, I have no horse in this race, though I do prefer that Westmont clean up its reputation for being impossible for developers and landowners and intolerant for homeowners. Causes of this reputation arise from more than the terms of the ordinance, but this proposed ordinance reflects that the Village is considering the codification of personalities on staff who believe they can igrnore nonconforming use rights, thrust unreasonable development schedules on developers and with the swipe of a pen eradicate vested rights. In addition, the violation provisions reflect staff perception that if you are in Westmont, staff owns you.

Yours very truly,

*[s]Mark W. Daniel*

Mark W. Daniel

Scott Williams <swilliams@westmont.il.gov>

# Suggestion RE: ADU max height | Zoning Ordinance update

**Brian Schuering** [redacted] Thu, May 1, 2025 at 4:18 PM
To: swilliams@westmont.il.gov

Hi, Scott.

My name is Brian Schuering. I spoke at the last hearing, where I suggested eliminating the parking mandate, creating express permitting for ADUs, and lowering the minimum lot sizes to conform with the minimum lot dimensions.

Regrettably, I won't be able to make the next meeting but in addition to my earlier suggestions, I had one more: increase the maximum height of ADUs from 18 feet to either 20 or 22 feet.

I wanted to test my express permitting idea, so I used SmartDraw to design six ADU layouts that would suit a wide range of Westmont lot sizes and needs. A slightly higher max would allow for a two-floor design with a 20x20 base, which would work well for smaller lots. My concern is that if ceilings have to be a minimum of 8 feet, 18 feet would not be quite enough for two stories, the floor between them, and the roof.

ADUs are like solar panels; people understand the benefits in the abstract but won't take the plunge until they can ask a neighbor how it went. If we want ADUs to take off in Westmont, we need to make it as easy as possible for the early adopters.

Thanks for listening,
Brian Schuering
[redacted]

Sent from AT&T Yahoo Mail for iPhone

Adam Walsh <awalsh@westmont.il.gov>

# [redacted] Westmont

**Lilly Kovacevic** [redacted] Tue, Jun 17, 2025 at 6:06 PM
To: Adam Walsh <awalsh@westmont.il.gov>

Dear Adam Walsh,

My name is Lilly Kovacevic and I reside at [redacted], Westont IL 60559.
The reason I am writing to you today is to ask you if you can please share this email with Planning and Zoning Commissioners.

I have a corner property, and I've been having a 6 ft old wood fence that I would like to replace with a new composite material. My fence is 22 feet away from the front property line. I understand that current zoning code allows only a certain distance away from the front property line. I would like to ask you if possible for Commissioners to discuss new zoning code and regulations.

As always, I really appreciate your help with this matter.

Thank you
Lilly Kovacevic

Virus-free.www.avast.com

# Village of Westmont
# Zoning Ordinance Update

July 2025 **DRAFT**

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## Sec. 1.01 Title

This Chapter (Chapter 95 of the Village of Westmont Code of Ordinances) is officially known and may be cited as the "Village of Westmont Zoning Ordinance." For convenience, it is referred to herein as the "zoning ordinance."

## Sec. 1.02 Authority

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois law.

## Sec. 1.03 Effective Date

This zoning ordinance has been in effect since October 1, 1979, and has been amended from time to time since that date. This comprehensive amendment, reorganization, and relocation of the zoning ordinance (From "Appendix A" to "Chapter 95" of the Westmont Code of Ordinances) became effective on EFFECTIVE DATE TO BE INSERTED. ~~The provisions of this zoning ordinance become effective on EFFECTIVE DATE TO BE INSERTED, except as otherwise expressly stated.~~

## Sec. 1.04 Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all public and private use and development of properties within the corporate limits of the Village of Westmont, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance.

## Sec. 1.05 Exempt Utilities

The provisions of this zoning ordinance do not apply to the type, location or use of poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar transmission or distribution equipment located in public rights-of-way and owned by ~~of~~ a public utility under the jurisdiction of the Illinois Commerce Commission, a semi-public utility, or the village ~~a municipally owned utility~~, provided that the installation of such facilities must conform with all other applicable laws and regulations. This exemption does not apply to electrical substations or similar above-ground structures located outside of public rights-of-way.

## Sec. 1.06 Purposes

This zoning ordinance is adopted for the purposes of:

**(A)** Protecting and promoting the public health, safety, and general welfare; and

**(B)** Implementing the goals and policies of the comprehensive plan and other relevant, officially adopted plans of the village.

## Sec. 1.07 Minimum Requirements

**(A)** The provisions of this zoning ordinance are deemed to be the minimum requirements necessary to carry out the ordinance's stated purposes.

**(B)** In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws, and regulations.

**(C)** All references in this zoning ordinance to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the village to administer or enforce regulations imposed by other government authorities.

## Sec. 1.08 Compliance Required

**(A)** Land may not be used for any purpose other than one that is allowed by the provisions of this zoning ordinance.

**(B)** Buildings, structures, and land may be used and occupied only in conformance with the provisions of this zoning ordinance.

**(C)** A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except in conformance with this zoning ordinance.

**(D)** All lots created or modified must comply with all applicable provisions of this zoning ordinance.

## Sec. 1.09 Conflicting Provisions

**(A) Conflict with State or Federal Regulations**

If ~~the~~ any provisions of this zoning ordinance are inconsistent or conflict with state or federal law, the provisions of this zoning ordinance govern, unless the subject matter of such provision is exclusively regulated by state or federal law, in which case the state or federal law governs the subject matter of the provision.~~more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls~~.

**(B) Conflict with Other Village Regulations**

If the provisions of this zoning ordinance are inconsistent with one another or if they conflict ~~with provisions found in other adopted ordinances or regulations of the village or~~ with restrictions shown on plats or plans approved by the village, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls. If the provisions of this zoning ordinance are inconsistent with or conflict with provisions found elsewhere in village codes and regulations, the provisions of this zoning ordinance govern.

**(C) Conflict with Private Agreements and Covenants**

This zoning ordinance does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern. The village is not responsible for monitoring or enforcing agreements or covenants among private parties.

## Sec. 1.10 Rules of Language and Construction

**(A) Meanings and Intent**

Words and terms expressly defined in this zoning ordinance including those defined in Article XVII have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this zoning ordinance have the meaning given in the latest edition of *A Planner's Dictionary* (American Planning Association). If no definition is provided in *A Planner's Dictionary*, the undefined word

must be given the meaning provided in the latest edition of *Merriam-Webster's Collegiate Dictionary*.

### (B) Computation of Time

**(1)** References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular village government working days, excluding Saturdays, Sundays and holidays observed by village government.

**(2)** The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by village government, that day is excluded.

**(3)** A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

### (C) Tenses and Usage

**(1)** Words used in the singular include the plural, and words used in the plural include the singular.

**(2)** Words used in the present tense include the future tense. The reverse is also true.

**(3)** The words "must," "will," "shall" and "may not" are mandatory.

**(4)** The word "may" is permissive, not mandatory or required.

**(5)** When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."

**(6)** The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.

**(7)** The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."

### (D) Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

**(1)** "And" indicates that all connected items or provisions apply; and

**(2)** "Or" indicates that the connected items or provisions may apply singularly or in combination.

### (E) Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

### (F) Versions and Citations

All references in this zoning ordinance to other village, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

### (G) Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

**(H) Delegation of Authority**
Whenever a provision appears requiring the head of a department or another officer or employee of the village to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such delegation.

**(I) Public Officials and Agencies**
Unless otherwise expressly stated, all employees, public officials, boards, commissions, committees, bodies, and agencies to which references are made are those of the Village of Westmont or individuals or agencies legally authorized to act on behalf of the Village of Westmont.

## Sec. 1.11 One Principal Building per Lot

Unless otherwise expressly stated in this zoning ordinance or approved as a planned unit development (see Sec. 5.04), no more than one principal building is allowed on a lot.

## Sec. 1.12 Zoning Map

**(A) Establishment**
The location and boundaries of the zoning districts defined in this zoning ordinance must be established by ordinance and shown on the village's official zoning map, which is maintained under the direction of the zoning administrator. The official zoning map, together with all notations, references, data and other information shown on the map, is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as it would be if it were actually depicted within its pages.

**(B) Maintenance, Updates, and Publishing**
The zoning administrator is responsible for directing revisions to the official zoning map to reflect any zoning map amendments approved in accordance with Sec. 14.02. Unauthorized persons may not alter or modify the official zoning map. The zoning map must be published in accordance with state law (65 ILCS 5/11-13-19).

**(C) District Boundaries**
Zoning district boundary lines must be described by legal description or by a map that accompanies the ordinance establishing or amending the district boundaries.

**(D) Map Interpretations**
Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the zoning administrator is authorized to make an administrative interpretation using the following rules of interpretation:[1]

**(1)** A boundary shown on the zoning map as approximately following lot lines or other lot boundaries will be construed as following such lot lines or lot boundaries.

**(2)** A boundary shown on the zoning map as approximately following a street or railroad right-of-way line will be construed as following the actual centerline of the street or railroad right-of-way.

**(3)** A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following the actual municipal boundary.

[1] Under the current ordinance, the board of trustees makes map boundary interpretations.

**(4)** A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as parallel to, or as an extension of, the subject feature.

### (E) Zoning of Annexed Land

When land is annexed or otherwise brought into the zoning jurisdiction of the village, it will automatically, upon such annexation, be classified in the R-3 district. Such land may later be rezoned in accordance with Sec. 14.02.

### (F) Split-Zoned Lots

**(1)** The zoning map may not be amended to classify a single lot or parcel identified with a single parcel identification number (PIN) into 2 or more base zoning districts.

**(2)** No subdivision may create a split-zoned lot or split-zoned parcel identified with a single PIN.

**(3)** The following regulations apply to existing parcels that are classified in 2 or more base zoning classifications:

**(a)** For existing and proposed uses and structures, the more restrictive provisions of the applicable zoning districts apply to the entire parcel except when one zoning district applies to at least 75% of the total parcel area and the remainder of the parcel is less than 5,000 square feet in area, the regulations of the zoning district that applies to the larger portion of the parcel applies to the entire parcel.

**(b)** Building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership.

**(c)** Existing structures rendered nonconforming by the split-zoned parcel provisions of this section are subject to the nonconforming structure provisions of Sec. 13.04.

## Sec. 1.13 Transitional Provisions

The provisions of this section address building permits and zoning applications that are pending on the effective date specified in Sec. 1.03 for the relocation, reorganization, and amendments to this zoning ordinance, and they also address pre-existing special uses. ~~the transition to this zoning ordinance from the zoning ordinance in effect immediately preceding the effective date specified in Sec. 1.03.~~

### (A) Applications, Permits and Approvals

**(1)** Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in Sec. 1.03 for the relocation, reorganization, and amendments to this zoning ordinance may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development, or structure is not commenced and completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance unless otherwise expressly authorized by the zoning administrator.

**(2)** Complete and accepted applications for special uses, variances, planned developments and other zoning-related approvals that are pending approval and that have not been placed on a planning and zoning commission agenda on the effective date specified in Sec. 1.03 for the relocation, reorganization, and amendments to this zoning ordinance may, at the applicant's option, be reviewed

wholly under the zoning ordinance regulations in effect immediately preceding the effective date specified in Sec. 1.03 or wholly under this zoning ordinance. If an applicant elects to switch ordinances while a review is pending, the review process must be restarted.

**(3)** Zoning approvals of building permits may be approved for construction or development approved before the effective date specified in Sec. 1.03 for the relocation, reorganization, and amendments to this zoning ordinance ~~and for developments pending approval under Sec. 1.13(A)(2),~~ even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the building permit and any authorized permit extension, then the building, development or structure may be constructed, completed, and occupied only if it complies with the regulations of this zoning ordinance unless otherwise expressly authorized by the zoning administrator.

**(4)** When a use classified as a special use under this zoning ordinance exists as an approved special use or permitted use on October 1, 1979 and on the effective date specified in Sec. 1.03, for the relocation, reorganization, and amendments to this zoning ordinance, that use will be considered a lawfully established special use under this zoning ordinance. When any amendment to this zoning ordinance changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use or permitted use in the district in which the use is now located is considered a nonconforming use and is subject to all applicable regulations of Article XIII.

**(B) Violations**

The adoption of any amendment to this zoning ordinance does not affect any pending or future prosecution of, or action to abate, violations of the ~~previous~~ zoning ordinance in effect at the time the violation occurred. ~~that occurred before the effective date specified in Sec. 1.03~~.

## Sec. 1.14 Severability

**(A)** Each portion of this zoning ordinance is considered severable from other portions of this zoning ordinance.

**(B)** If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the remainder of zoning ordinance and in no way affects or diminishes the validity of the remaining portions of this zoning ordinance.

**(C)** If any provision of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction as applied to a particular structure or use, such judgment does not affect the application of the subject provision to any other structure or use not specifically included in the judgment.

# Article II Residential Districts


Sec. 2.01 Districts Established....II-1
Sec. 2.02 Purposes....II-1
Sec. 2.03 Uses....II-1
Sec. 2.04 Residential Building Types....II-1
Sec. 2.05 Lot and Building Regulations....II-1
Sec. 2.06 Other Relevant Regulations....II-3


## Sec. 2.01 Districts Established

The zoning ordinance's residential zoning districts are listed in Table II-1. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to the districts in Table II-1. The districts are presented in order of ascending intensity, from R-1 (least intensive) to R-6 (most intensive).

Table II-1: Residential Zoning Districts

| Map Symbol | District Name | Intensity |
|---|---|---|
| R-1 | Single-Unit Residential | Least intensive |
| R-1(A) | Single-Unit Residential | |
| R-2 | Single-Unit Residential | ↓ |
| R-3 | Single-Unit Residential | |
| R-4 | General Residential | |
| R-5 | General Residential | |
| R-6 | Special Residential | Most intensive |

## Sec. 2.02 Purposes

The village's residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of residential neighborhoods in accordance with the comprehensive plan. While the R districts primarily accommodate residential uses, some nonresidential uses are also allowed. The R-1 through R-5 districts are primarily differentiated on the basis of allowed building types and lot and building regulations. The R-6 district is primarily intended to accommodate assisted living communities and may be applied to small areas throughout the village.

## Sec. 2.03 Uses

Uses are allowed in R districts in accordance with the use regulations of Sec. 6.01.

## Sec. 2.04 Residential Building Types

All allowed household living and family community residence (group living uses) must occupy residential buildings, which are allowed in R districts in accordance with the use table of Sec. 6.01. Multiple principal buildings are allowed in the R-6 district.

## Sec. 2.05 Lot and Building Regulations

The lot and building regulations of Table II-2 apply to all principal uses and principal buildings in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table II-2: R District Lot and Building Regulations

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| **Minimum Lot Size Requirements** | | | | | | | |
| **Detached House** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 15,000 | 11,250 | 10,000 | 7,800 | 7,800 | 7,800 | NA |
| Minimum Lot Width (feet) | 100 | 75 | 70 | ~~60~~50 | ~~60~~50 | ~~60~~50 | NA |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | NA |
| **Semi-Detached House** | | | | | | | |
| Minimum Lot Area (sq. ft per building.) | NA | NA | NA | NA | 12,000 | 10,000 | NA |

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 4,000 | 3,000 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | 27 | 27 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Attached House** | | | | | | | |
| Minimum Lot Area (sq. ft. per building) [1] | NA | NA | NA | NA | 12,000 | 10,000 | NA |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 4,000 | 3,000 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | 22 | 22 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Two-Unit House** | | | | | | | |
| Minimum Lot Area (sq. ft. per building) | NA | NA | NA | NA | 8,400 | 8,400 | NA |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 4,200 | 4,200 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | ~~75~~50 | ~~75~~50 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Multi-Unit Building** | | | | | | | |
| Minimum Lot Area (sq. ft.) | NA | NA | NA | NA | 7,800 | 7,800 [2] | NA |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | 2,500 | 2,000 | NA |
| Minimum Lot Width (feet) | NA | NA | NA | NA | ~~60~~50 | ~~60~~50 | NA |
| Minimum Lot Depth | NA | NA | NA | NA | 125 | 125 | NA |
| **Assisted Living Residence** | | | | | | | |
| Minimum Lot Area (sq. ft.) | NA | NA | NA | NA | NA | NA | 40,000 [3] |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | NA | NA | NA | NA | NA | NA | 1,000 |
| Minimum Lot Width (feet) | NA | NA | NA | NA | NA | NA | None |
| Minimum Lot Depth | NA | NA | NA | NA | NA | NA | 125 |
| **Other Allowed Residential Uses** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 15,000 | 11,250 | 10,000 | 7,800 | 7,800 | 7,800 | NA |
| Minimum Lot Width (feet) | 100 | 75 | 70 | 50 | 50 | 50 | NA |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | 125 |
| **Allowed Nonresidential Uses** | | | | | | | |
| Minimum Lot Area (sq. ft.) | 20,000 | 20,000 | 20,000 | 20,000 | 10,000 | 10,000 | 10,000 |
| Minimum Lot Width (feet) | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Minimum Lot Depth | 125 | 125 | 125 | 125 | 125 | 125 | 125 |
| ~~Maximum Floor Area Ratio~~ | ~~0.40.2~~ | ~~0.40.2~~ | ~~0.40.2~~ | ~~0.40.2~~ | ~~NA~~ | ~~NA~~ | ~~1.5~~ |
| **Minimum Building Setbacks** | | | | | | | |
| **Detached House** | | | | | | | |
| Front/Street Side (feet) [4][5] | 35 | 50 | 35 | 35 | ~~35~~25 | 25 | NA |
| Interior Side (combined; % of lot width) | 20 | 20 | 20 | 20 | 20 | 20 | NA |
| Interior Side (each; feet) [5] | 10 | 10 | 7 | ~~6~~5 | 5 | 5 | NA |
| Rear (% of lot depth) | 20 | 20 | 20 | 20 | 20 | 20 | NA |
| **Attached House** | | | | | | | |
| Front/Street Side (feet) [4] | NA | NA | NA | NA | 25 | 25 | NA |
| Interior (attached/abutting) Side (combined; % of lot width) | NA | NA | NA | NA | 0 | 0 | NA |
| Interior (non-attached) Side (each; feet) | NA | NA | NA | NA | 5 | 5 | NA |
| Rear (% of lot depth) | NA | NA | NA | NA | 20 | 20 | NA |
| **Semi-Detached House** | | | | | | | |
| Front/Street Side (feet) [4] | NA | NA | NA | NA | 25 | 25 | NA |
| Interior (attached/abutting) Side (combined; % of lot width) | NA | NA | NA | NA | 0 | 0 | NA |
| Interior (non-attached) Side (each; feet) | NA | NA | NA | NA | 5 | 5 | NA |
| Rear (% of lot depth) | NA | NA | NA | NA | 20 | 20 | NA |
| **Two-Unit House** | | | | | | | |
| Front/Street Side (feet) [4] | NA | NA | NA | NA | ~~35~~25 | 25 | NA |
| Interior Side (combined; % of lot width) | NA | NA | NA | NA | 20 | 20 | NA |
| Interior Side (each; feet) | NA | NA | NA | NA | 5 | 5 | NA |
| Rear (% of lot depth) | NA | NA | NA | NA | 20 | 20 | NA |
| **Multi-Unit Building** | | | | | | | |
| Front/Street Side (feet) | NA | NA | NA | NA | 25 | 25 | NA |
| Interior Side (combined; % of lot width) | NA | NA | NA | NA | NA | NA | NA |
| Interior Side (each; feet) | NA | NA | NA | NA | 10 | 10 | NA |
| Rear (feet) | NA | NA | NA | NA | 30 | 20 | NA |
| **Assisted Living Residence** | | | | | | | |

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 |
| Front/Street Side (feet) | NA | NA | NA | NA | NA | NA | 30 |
| Interior Side (each; feet) | NA | NA | NA | NA | NA | NA | 10 |
| Rear (feet) | NA | NA | NA | NA | NA | NA | 20 |
| **Other Allowed Residential and Nonresidential Uses** | | | | | | | |
| Front/Street Side (feet) | 35 | ~~50~~35 | 35 | 35 | 25 | 25 | 25 |
| Interior Side (combined; % of lot width) | 20 | 20 | 20 | 20 | NA | NA | NA |
| Interior Side (each; feet) | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Rear (feet) | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| **Maximum Lot Coverage (% of lot) [6]** | 35 | 35 | 35 | 35 | NA | NA | NA |
| **Minimum Outdoor Open Space** | | | | | | | |
| Multi-Unit Residential Building (sq. ft. per dwelling unit) | NA | NA | NA | NA | 250 | 250 | 250 |
| ~~Other Residential Buildings (% of required setbacks)~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~30~~ | ~~NA~~ |
| **Maximum Building Height (feet)** | | | | | | | |
| Residential Principal Buildings | 35 | 35 | 35 | 35 | 35 | 35 | 65 |
| Nonresidential Principal Buildings [7] | 45 | 45 | 45 | 45 | 45 | 45 | 65 |
| Accessory Buildings | ~~15~~18 | ~~18~~15 | ~~18~~15 | ~~18~~15 | ~~18~~15 | ~~18~~15 | ~~18~~15 |

**Table II-2 Notes:**

[1] Applies to overall attached house development site, not to individual attached house dwelling units.

[2] When required off-street parking spaces are located in an enclosed underground or multi-level above-ground parking garage, 50% of the gross floor area of such enclosed parking garage may be added to the lot area for purposes of determining the number of dwelling units allowed~~ and the maximum floor area ratio~~

[3] Applies to overall assisted living community, not to individual buildings or clusters.

[4] See also the contextual (average) setback provisions of Sec. 16.07(B).

[5] The minimum street side setback is reduced to ~~25~~15 feet and the minimum interior side setback is reduced to 5 feet for lawfully established and duly recorded corner lots in existence before the effective date specified in Sec. 1.03 if such reductions are necessary to ensure a buildable lot width of at least ~~30~~40 feet.

[6] Lot coverage of up to 40% ~~is allowed~~ may be approved if the subject lot is: (a) located within a development designed and approved to accommodate stormwater runoff or (b) not located within any known drainage problem area or identifiable drainage sub-basin area, as determined by the village engineer.

[7] Buildings occupied by public or institutional uses ~~Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district,~~ may be erected to a height not exceeding ~~60 feet, and churches and temples may be erected to a height not exceeding~~ 75 feet if the building is set back from each ~~yard~~ minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise ~~provided~~ applicable in the subject zoning district ~~in which the building is located~~.

## Sec. 2.06 Other Relevant Regulations

Uses and structures in residential zoning districts may be subject to other regulations and standards, including the following:

### (A) Accessory and Temporary Uses and Structures

See Article VII. Allowed accessory uses for (elderly/senior) assisted living communities in R-6 district expressly include dining halls, medical and dental offices, personal care (barber and beauty shops) establishments, religious worship, and similar amenities and services, primarily for use by residents of the community.

### (B) Parking

See Article IX.

### (C) Landscaping

See Article X.

### (D) Signs

See Article XI.

### (E) Nonconformities

See Article XIII.

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# Article III Business and Employment Districts


Sec. 3.01 Districts Established....III-1
Sec. 3.02 Purposes....III-1
Sec. 3.03 Uses....III-1
Sec. 3.04 Lot and Building Regulations....III-1
Sec. 3.05 Other Relevant Regulations....III-2


## Sec. 3.01 Districts Established

The zoning ordinance's business and employment zoning districts are listed in Table III-1. When this zoning ordinance refers to "business and employment" zoning districts, it is referring to the districts in Table III-1. The districts are presented in order of ascending intensity, from O/R-1 (least intensive) to M (most intensive).

Table III-1: Business and Employment Zoning Districts

| Map Symbol | District Name | Intensity |
|---|---|---|
| ~~B-1~~ | ~~Limited Business~~ | Least Intensive |
| O/R-1 | Limited Office/Research | |
| O/R | Office/Research | ↓ |
| B-2 | General Business | |
| C-1 | Commercial | |
| M-1 | Limited Manufacturing | Most Intensive |
| M | Manufacturing | |

## Sec. 3.02 Purposes

**(A)** The B-2 district is intended for those portions of the village where highway-oriented retail business establishments are appropriate as well as general business activity.

**(B)** The C-1 district is intended for application in the South Westmont Business District and is created to encourage retail and sales tax generating commercial uses. All business establishments in the various business districts are intended to be retail trade or service establishments dealing directly with consumers. The production of goods on the premises is intended to be limited to those sold on the premises, or clearly incidental and accessory to the principal retail trade or service.

**(C)** The O/R-1 and O/R districts are intended to provide for the establishment of a wide range of office and low-impact commercial activities and to govern their operations in a manner that will not have a deleterious effect on residential and business areas.

**(D)** The M and M-1 manufacturing districts are intended to provide an environment suitable for manufacturing activities that require a pleasant and nuisance-free environment and that will be compatible with nearby residential and business uses.

## Sec. 3.03 Uses

Uses are allowed in business and employment districts in accordance with the use regulations of Sec. 6.01.

## Sec. 3.04 Lot and Building Regulations

The lot and building regulations of Table III-2 apply to all principal uses and principal buildings in business and employment districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table III-2: Business and Employment District Lot and Building Regulations

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | ~~B-1~~ | O/R-1 | O/R | B-2 | C-1 | M-1 | M |
| Minimum Lot Area (sq. ft.) | ~~None [1]~~ | 7,500 | 20,000 | None [1] | None [1] | 10,000 | 20,000 |
| Minimum Lot Width (feet) | ~~None [1]~~ | 50 | 100 | None [1] | None [1] | None [1] | 100 |
| ~~Maximum Floor Area Ratio~~ | ~~0.80~~ | ~~0.80~~ | ~~0.80~~ | ~~0.80~~ | ~~0.80~~ | | ~~0.80~~ |

| Lot and Building Regulations | Zoning District | | | | | | |
|---|---|---|---|---|---|---|---|
| | ~~B-1~~ | O/R-1 | O/R | B-2 | C-1 | M-1 | M |
| **Minimum Building Setbacks** | | | | | | | |
| Front/Street Side (feet | ~~5~~ | 30 | 30 | ~~20~~10[2] | ~~20~~10[2] | 5 | 30 |
| Interior Side (feet) | ~~5 [3]~~ | 5 [5] | 20 [4] | 5 [3] | 5 [3] | 5 [6] | 10 [7] |
| Rear (feet) | ~~20~~ | 20 [5] | 20 [4] | 20 | 20 | 10 [6] | 30 [7] |
| **Maximum Building Height (feet) [7]** | ~~40~~ | 35 | 75 | 45 | 45 | 35 | 45 |

**Table III-2 Notes:**

[1] Except as required for special uses.

[2] Minimum principal building setback is 10 feet or a depth that is adequate to accommodate required foundation landscape plantings (see Sec. 10.07(D)(3)), whichever is greater.

[3] When an interior side lot line or rear lot line abuts an R-zoned lot, the minimum required setback of the abutting R district must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 6 feet must be provided abutting the R-zoned lot's interior side and rear yard areas. These setback and screening provisions do not apply along lot lines abutting alleys.

[4] When an interior side lot line or rear lot line abuts an R-zoned lot, a minimum 30-foot setback must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 7 feet must be provided abutting the R-zoned lot's interior side and rear yard areas. For buildings over 24 feet in height, the minimum interior side and rear setbacks of Table III-2 are increased by one foot for every 2 feet of building height above 24 feet.

[5] When an interior side lot line abuts an R-zoned lot, a minimum 10-foot interior side setback must be provided. For buildings over 24 feet in height, the minimum interior side and rear setbacks of Table III-2 are increased by one foot for every 2 feet of building height above 24 feet.

[6] When an interior side lot line or rear lot line abuts an R-zoned lot, a minimum 10-foot setback must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 7 feet must be provided abutting the R-zoned lot's interior side and rear yard areas.

[7] No setback required abutting railroad rights-of-way. When an interior side lot line or rear lot line abuts an R-zoned lot, a minimum 30-foot setback must be provided, and an opaque fence, wall, or dense landscape hedge with a minimum height of 7 feet must be provided abutting the R-zoned lot's interior side and rear yard areas.

[8] Buildings occupied by public or institutional uses ~~Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district,~~ may be erected to a height not exceeding ~~60 feet, and churches and temples may be erected to a height not exceeding~~ 75 feet if the building is set back from each ~~yard~~ minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise ~~provided~~ applicable in the subject zoning district ~~in which the building is located~~.

## Sec. 3.05 Other Relevant Regulations

Uses and structures in business and employment zoning districts may be subject to other regulations and standards, including the following:

### (A) Enclosure of Operations

All business, servicing, storage, processing, or other operations in O/R-1, O/R, B-2, C-1, M-1, and M districts must be conducted within completely enclosed buildings except for:

**(1)** Allowed principal and accessory uses for which outdoor operations are expressly authorized in Article VI or Article VII.;

**(2)** Off-street parking or loading;

**(3)** Special events, temporary outdoor uses, and outdoor dining on public sidewalks, as expressly approved in accordance with Chapter 22 of the village code; and

**(4)** Fleet vehicle storage, in accordance with the regulations of Sec. 7.14.

### (B) Parking

See Article IX.

### (C) Landscaping

See Article X.

### (D) Signs

See Article XI.

**(E) Nonconformities**

See Article XIII.

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# Article IV Downtown Zoning Districts


Sec. 4.01 Districts Established....IV-1
Sec. 4.02 Purposes....IV-1
Sec. 4.03 Uses....IV-1
Sec. 4.04 Building Types....IV-1
Sec. 4.05 Lot and Building Regulations....IV-2
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Sec. 4.08 Storefront Buildings....IV-4
Sec. 4.09 General Buildings....IV-7
Sec. 4.10 Row Buildings....IV-10
Sec. 4.11 Detached Houses....IV-13
Sec. 4.12 Building Design....IV-14


## Sec. 4.01 Districts Established

The zoning ordinance's downtown zoning districts are listed in Table IV-1. When this zoning ordinance refers to "downtown" zoning districts, it is referring to the districts in Table IV-1.

Table IV-1: Downtown Zoning Districts

| Map Symbol | District Name |
|---|---|
| B-1(A) | Downtown Core |
| B-1 | Downtown Edge |
| R-7 | Downtown Residential |

## Sec. 4.02 Purposes

The village's downtown zoning districts are intended to support and enhance the compact, vibrant, walkable character of the village's downtown area.

**(A)** The B-1(A) district is intended to maintain and enhance vibrant, main-street, storefront development pattern within the central business district.

**(B)** The B-1 district is intended to be more flexible, allowing a wider mix of supporting uses in the downtown area, while still maintaining a high level of walkability.

**(C)** The R-7 district is primarily intended to accommodate residential uses in a variety of building forms and is further intended to accommodate the transition from the downtown area into low-density residential neighborhoods bordering downtown.

## Sec. 4.03 Uses

Uses are allowed in downtown districts in accordance with the use regulations of Sec. 6.01.

## Sec. 4.04 Building Types

Building types are allowed in downtown districts in accordance with Table IV-2. The zoning administrator is authorized to determine the applicable building type classification.

Table IV-2: Allowed Building Types (Downtown Districts)

| Building Type | District | | | Reference |
|---|---|---|---|---|
| | B-1(A) | B-1 | R-7 | |
| Storefront Building | P | P | – | Sec. 4.08 |
| General Building | – | P | P | Sec. 4.09 |
| Row Building | – | ~~–~~S | P | Sec. 4.10 |
| Detached House, Existing (est. before effective date specified in Sec. 1.03) | – | – | P | Sec. 4.11 |
| Detached House, New (est. on or after effective date specified in Sec. 1.03) | – | – | S | Sec. 4.11 |

P = Permitted | S = Special Use Approval Required | – = Prohibited

## Sec. 4.05 Lot and Building Regulations

The lot and building regulations for the downtown districts are organized by building type in Sec. 4.09, Sec. 4.10, Sec. 4.10, and Sec. 4.11. Rules for measuring compliance with applicable lot and building regulations can be found in Article XVI.

## Sec. 4.06 Generally Applicable Regulations

The regulations of this section apply to all building types in downtown districts, unless otherwise expressly stated.

### (A) One Building Per Lot

One building is allowed per lot, unless otherwise expressly stated.

### (B) Treatment of Yards

All yards must consist of landscape planting areas, patio space, or sidewalk space, unless otherwise expressly stated as allowed vehicular areas. Vehicular use areas (e.g., parking lots, loading areas, driveways and drive aisles) are limited to certain yards in accordance with Sec. 4.06(E) and the applicable building type regulations of Sec. 4.07, Sec. 4.09, and Sec. 4.10.

### (C) Trash, Recycling, and Refuse Locations

All trash, recycling, and other refuse areas for all buildings within downtown districts must be located in the rear or interior side yard and must meet the nonresidential accessory structure setback requirements of Sec. 7.03.

### (D) Front Street

#### (1) General

Front streets establish where the fronts of buildings are located and determine requirements such as the location of principal building entrances. Front streets require the highest level of facade treatment and restrict the location of parking, driveways, and garage entrances.

#### (2) Designation

Cass Avenue, Quincy Street, and West Burlington Avenue are front streets.

#### (3) Determination Based on Context

The zoning administrator may allow a different lot orientation based on the existing context of the lot and considering abutting lot orientation.

#### (4) Intersecting Front Streets

Where 2 designated front streets abut a lot, the street with the most existing or planned front orientation on abutting or adjacent lots must be treated as the front street, as determined by the zoning administrator. The other street may be treated as a side street frontage.

### (E) Parking and Loading Location

#### (1) Structured Parking within Building

Parking within buildings is allowed only when located at least 20 feet behind any front or courtyard facade. The first 20 feet of building space behind the front or courtyard facade must include an allowed principal use, regularly occupied, not including parking or any type of storage. Structured parking must meet all setbacks required for the building.

#### (2) Garage Doors

Garage doors are not allowed on front facades of buildings in B-1(A) and B-1 districts.

#### (3) Rear Yard

Surface parking is allowed in the rear yard on all sites.

**(4) Limited Side Yard Parking**

In the B-1 district only, a surface parking lot may be located in the interior side yard subject to the following requirements:

- **(a)** Limited side yard parking may include one double- or one single-loaded aisle of parking with the centerline of the aisle perpendicular to the street.
- **(b)** Limited side yard parking is not in any street yard.
- **(c)** A maximum of one limited side yard parking lot per building is allowed along any street frontage.
- **(d)** Limited side yard parking lots may not be located abutting another side yard parking lot.
- **(e)** Limited side yard parking counts towards meeting front streetwall requirements.

**(5) Setbacks**

Parking lots must be set back at least 5 feet from all side and rear lot lines, except to allow driveway connections between rear yard parking lots on abutting parcels. Parking may not extend closer to any street lot line than the building or a courtyard.

**(6) Driveways**

- **(a)** No more than one driveway is allowed per lot.
- **(b)** If an alley exists, vehicle access is allowed only from the alley.
- **(c)** Limited side yard parking (where allowed) may be accessed from a single driveway off the street.

## Sec. 4.07 Other Relevant Regulations

Uses and structures in downtown zoning districts may be subject to other regulations and standards, including the following:

**(A) Enclosure of Operations**

All business, servicing, storage, processing, or other operations in B-1 and B-1(A) districts must be conducted within completely enclosed buildings except for:

- **(1)** Allowed principal and accessory uses for which outdoor operations are expressly authorized in Article VI or Article VII.;
- **(2)** Off-street parking or loading;
- **(3)** Special events, temporary outdoor uses, and outdoor dining on public sidewalks, as expressly approved in accordance with Chapter 22 of the village code; and
- **(4)** Fleet vehicle storage, in accordance with the regulations of Sec. 7.14.

**(B) Parking**

See Article IX.

**(C) Landscaping**

See Article X.

**(D) Signs**

See Article XI.

**(E) Nonconformities**

See Article XIII.

**(F) Approval Procedures**

See Article XIV.

# Sec. 4.08 Storefront Buildings

## (A) Description

The Storefront Building is a mixed-use building intended for shopping and dining districts. Oriented to the street with narrow or no side setbacks, storefront building streetwalls help define the public space of the street, and ground-story storefront glass and entrances along the sidewalk make these buildings interesting and inviting to pedestrians. Parking is located in the rear and accessed from the alley.

## (B) Images

The images shown in Figure IV-1 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

## (C) Building Regulations

### (1) General Regulations

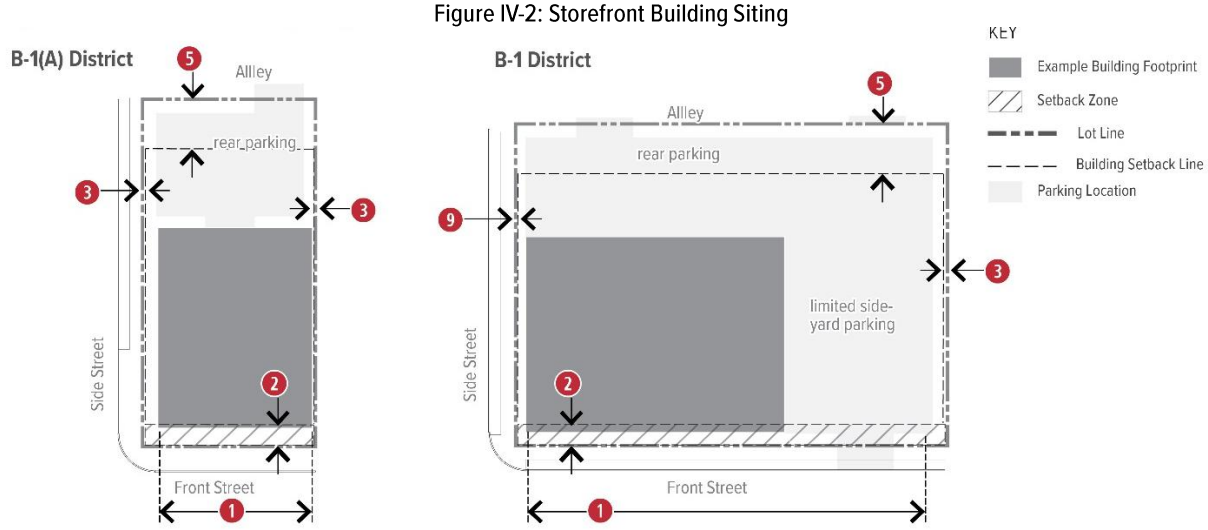
See Sec. 4.06 for regulations applicable to all building types.

### (2) Regulations Specific to Storefront Buildings

The following tables and illustrations establish regulations specific to Storefront Buildings.

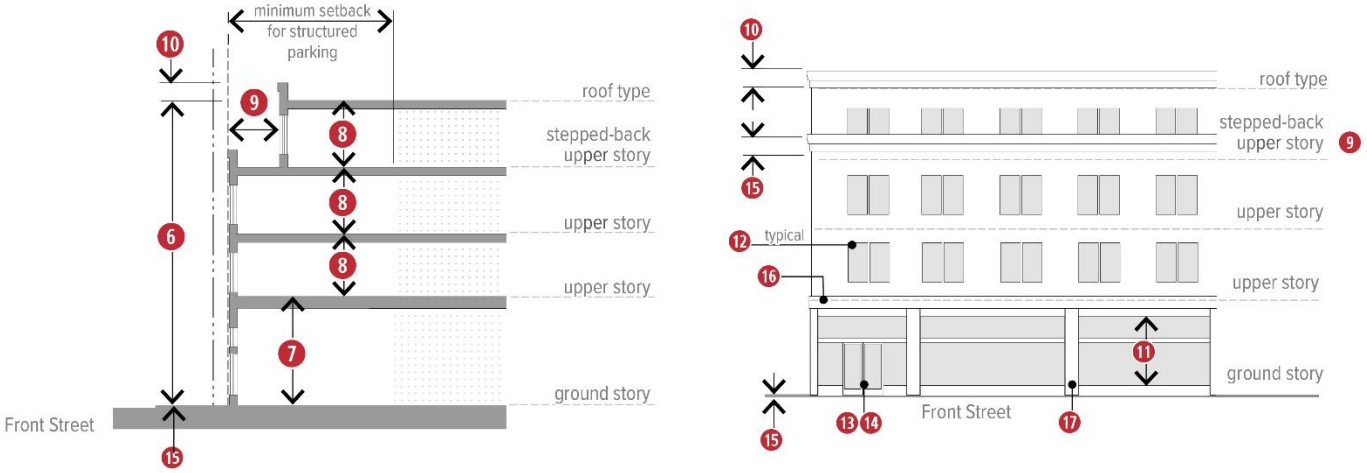
**Figure IV-1: Storefront Building Examples**

Figure IV-2: Storefront Building Siting




| | | | Districts | | |
|---|---|---|---|---|---|
| | | | B-1(A) | B-1 | Additional/References |
| **Building Siting.** See Figure IV-2 | | | | | |
| 1 | Minimum Front Streetwall (%) | | 90 | 80 | See Sec. 16.10(C) for additional information on courtyards abutting the build-to zone. |
| 2 | Front Street Build-to Zone (ft.), minimum to maximum | | 0 to 5 | 0 to 5 | |
| 3 | Minimum Side-Street Setback (ft.) | | 0 | 0 | |
| 4 | Minimum Side Setback (ft.) | | abutting R district: 5<br>abutting non-R district: 0 or 5 | | |
| 5 | Minimum Rear Setback (ft.) | | 20 | | |
| | Minimum Outdoor Open Space | | 50 sq. ft. per residential unit | | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-3 | | | | | |
| 6 | Overall Height (stories) | Min<br>Max | 2<br>5 | 1<br>3 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements.<br><br>Total overall building height may not exceed 70 feet. |
| 7 | Ground-Story Height (ft.) | Min<br>Max | 12<br>16 | | |
| 8 | Upper-Story Height (ft.) | Min<br>Max | 8.5<br>~~14~~15 | | |
| 9 | Top Story Set-Back | | Additional 7 feet from the façade immediately below | | Applies only to buildings over 3 stories in height |

Figure IV-3: Storefront Building Height and Street Facade




| | | Districts | | |
|---|---|---|---|---|
| | | B-1(A) | B-1 | |
| **Roofs.** See Figure IV-3 | | | | |
| 10 | Allowed Roof Types | Flat, parapet; tower allowed | Flat, parapet, pitched; tower allowed | See Sec. 4.12(D) for additional information on roof design. |
| **Street Facades.** See Figure IV-3 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the Storefront building description of Sec. 4.08(A). | | | | |
| 11 | Minimum Transparency: Ground Story on Front Facades (%) | 70 | 60 | See Sec. 16.11 for transparency measurement. |
| | | No bays, 15 ft. wide sections, or any rectangular areas greater than 30% of a story's front facade may be without transparency | | |
| | | Ground-story transparency must extend min. 30 ft. around the corner down any street-side facades | | |
| 12 | Minimum Transparency: Upper Stories on Front Facades and All Stories on Side-Street Facades (%) | 20 | | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | | |
| 13 | Building Entrance (Min) | One per every 60 feet of front facade | | See Sec. 16.12 for measurements. |
| 14 | Entrance Type | Storefront | | See Sec. 4.12(C) for entrance types. |
| 15 | Ground-Story Elevation | Within feet of abutting public sidewalk elevation | | |
| 16 | Horizontal Divisions with Shadow Lines | Within 3 ft. of the top of the first story (running at least 80% of façade width) | | |
| 17 | Vertical Divisions with Shadow Lines | One per every 30 to 60 ft. of ground-story street facade | | |

# Sec. 4.09 General Buildings

## (A) Description

The General Building is a basic urban building, typically occupied by multiple residential units, offices and similar uses. General buildings usually have a central main lobby entrance. Parking is located in the rear with any attached garages entered from the rear of the building. Buildings vary in height depending on the district, with allowed half stories located within a pitched roof or in a visible basement.

## (B) Images

The images shown in Figure IV-4 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

## (C) Building Regulations

### (1) General Regulations

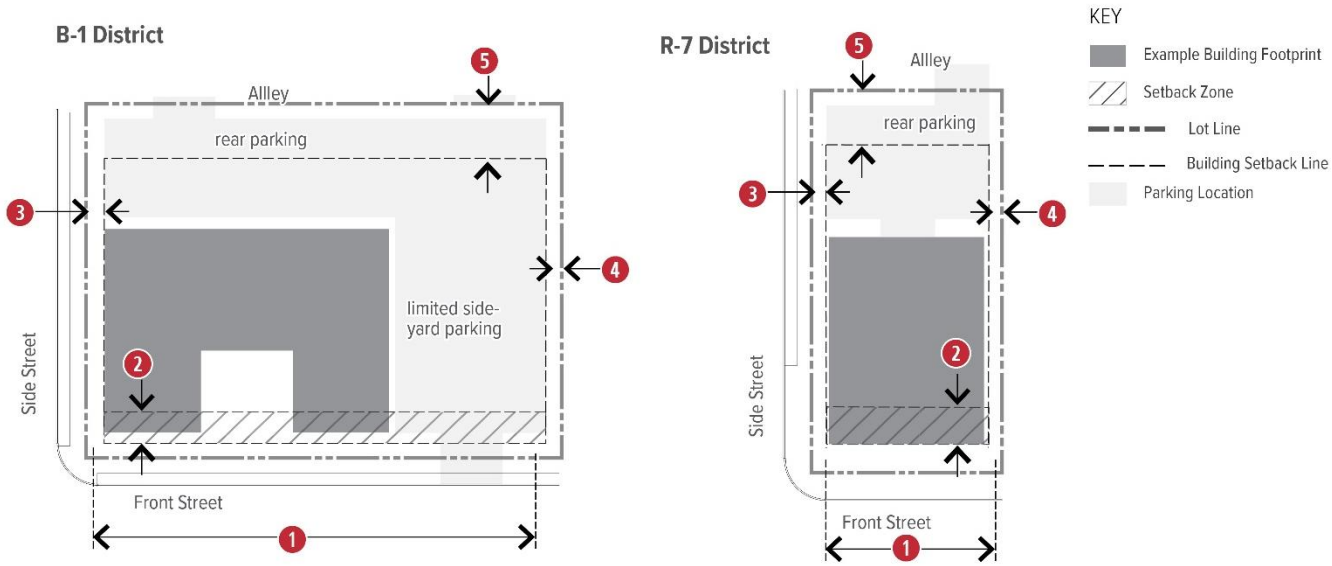
See Sec. 4.06 for regulations applicable to all building types.

### (2) Regulations Specific to General Buildings

The following tables and illustrations establish regulations specific to General Buildings.

Figure IV-4: General Building Examples

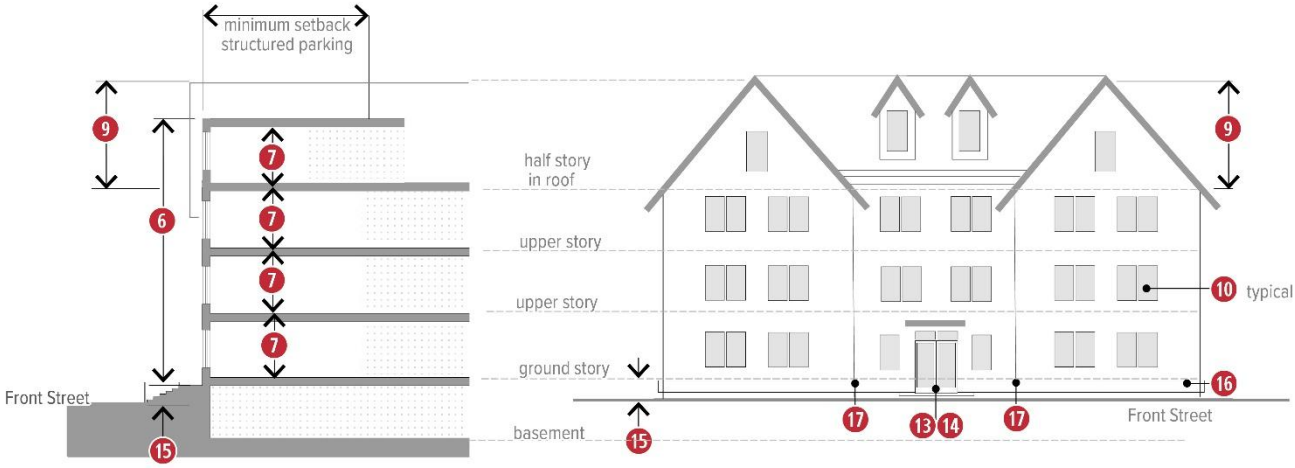
Figure IV-5: General Building Siting




| | | | Districts | | |
|---|---|---|---|---|---|
| | | | B-1 | R-7 | Additional/References |
| **Building Siting.** See Figure IV-5 | | | | | |
| 1 | Minimum Front Streetwall (%) | | 65 | – | See Sec. 16.10(C) for additional information on courtyards abutting the build-to zone. |
| | Maximum Building Width (ft.) | | – | 120 | |
| 2 | Front Street Build-to Zone (ft.), minimum to maximum | | 5 to 20 | 10 to 25 | |
| 3 | Minimum Side-Street Setback (ft.) | | 5 | 10 | |
| 4 | Minimum Side Setback (ft.) | | abutting R district: 5<br>abutting non-R district: 0 or 5 | abutting R district: 10<br>abutting non-R district: 5 | |
| 5 | Minimum Rear Setback (ft.) | | 20 | 20, except 5 abutting rail ROW. | |
| | Minimum Outdoor Open Space | | 50 sq. ft. per unit | 100 sq. ft. per unit | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-6 | | | | | |
| 6 | Overall Height (stories) | Min<br>Max | 1<br>3.5 | 2<br>3.5 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements. Total overall building height may not exceed 46 feet. |
| 7 | Upper-Story Height (ft.) | Min<br>Max | 8.5<br>11 | | |
| **Roofs.** See Figure IV-6 | | | | | |
| 9 | Allowed Roof Types | | Flat, parapet, pitched; tower allowed | Flat, parapet, pitched | See Sec. 4.12(D) for additional information on roof design. |

| | | Districts | | |
|---|---|---|---|---|
| | | B-1 | R-7 | Additional/References |
| **Street Facades**. See Figure IV-6 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the General building description of Sec. 4.09(A). | | | | |
| 10 | Minimum Transparency: Street Facades (%) | 20 | | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No 15-foot wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | | |
| 13 | Building Entrance (Min) | One per every 120 feet of front facade | | See Sec. 16.12 for measurements. |
| 14 | Entrance Type | Stoop | Stoop, porch | See Sec. 4.12(C) for entrance types. |
| 15 | Ground-Story Elevation (ft) | Between 0 and 2.5 above grade or between 2.5 and 4 with a visible-basement half-story | | |
| 16 | Horizontal Divisions with Shadow Lines | Within 3 ft. of the top of the first story or any basement (running at least 80% of façade width) | | |
| 17 | Vertical Divisions with Shadow Lines | One per every 90 ft. of ground-story street facade | | |

Figure IV-6: General Building Height and Street Facades



# Sec. 4.10 Row Buildings

## (A) Description

The Row Building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk. Parking is located in the rear yard with either detached garages or attached garages entered from the rear of the building.

## (B) Images

The images shown in Figure IV-7 are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

## (C) Building Regulations

### (1) General Regulations

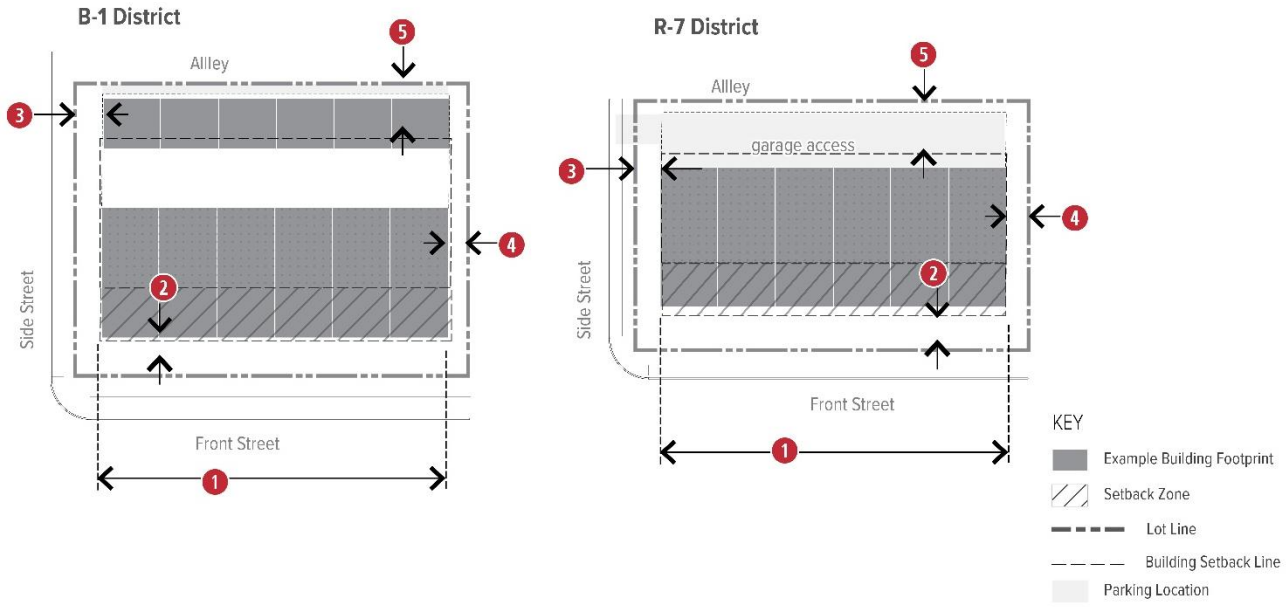
See Sec. 4.06 for regulations applicable to all building types.

### (2) Regulations Specific to Row Buildings

The following tables and illustrations establish regulations specific to Row Buildings.

Figure IV-7: Row Building Examples

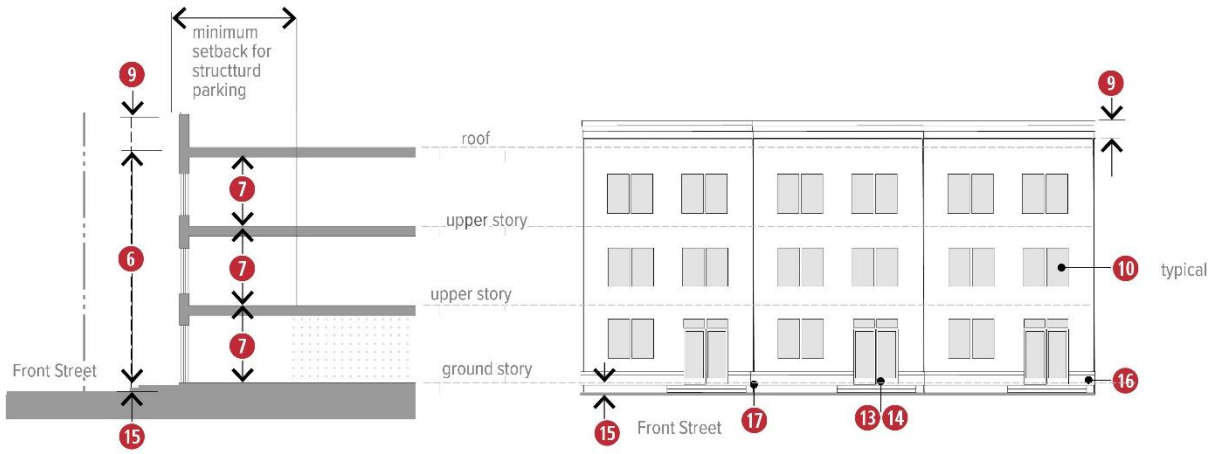
Figure IV-8: Row Building Siting




| | | | Districts | |
|---|---|---|---|---|
| | | | ~~B-1 and~~ R-7 | Additional/References |
| **Building Siting.** See Figure IV-8 | | | | |
| 1 | Maximum Building Width (units) | minimum<br>maximum | 2<br>8 | |
| | Maximum Building Width (ft.) | | 160 | |
| 2 | Minimum Front Setback (ft.) | | 10 | |
| 3 | Minimum Side-Street Setback (ft.) | | 10 | |
| 4 | Minimum Side Setback (ft.) | | 5 | |
| 5 | Minimum Rear Setback (ft.) | | 20 | |
| | Minimum Outdoor Open Space | | 100 sq. ft. per unit | Private patio or balcony and/or common space for residents. See also Sec. 16.06. |
| **Height.** See Figure IV-9 | | | | |
| 6 | Overall Height (stories) | Min<br>Max | 2<br>3.5 | Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements. Total overall building height may not exceed 42 feet. |
| 7 | Upper-Story Height (ft.) | Min<br>Max | 8.5<br>12 | |
| **Roofs.** See Figure IV-9 | | | | |
| 9 | Allowed Roof Types | | Flat, parapet, pitched; tower allowed, maximum one per building | See Sec. 4.12(D) for additional information on roof design. |

| | | Districts | |
|---|---|---|---|
| | | ~~B-1 and~~ R-7 | Additional/References |
| **Street Facades.** See Figure IV-9 Modifications to these street façade regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design is in keeping with the Row building description of Sec. 4.10(A). | | | |
| 10 | Minimum Transparency (%) | 20 | Measured per story, includes any half stories, visible basement, or towers with full height stories. See Sec. 16.11 for transparency measurements. |
| | | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | |
| 13 | Building Entrance Location | One per unit on front facade | See Sec. 16.12 for measurements. |
| 14 | Entrance Type | Stoop, porch | See Sec. 4.12(C) for entrance types. |
| 15 | Ground-Story Elevation (in.) | Between 0 and 30 above grade or between 30 and 48 with a visible-basement half-story | |
| 16 | Horizontal Divisions with Shadow Lines | Within 3 ft. of the top of the first story or any basement (running at least 80% of façade width) | |
| 17 | Vertical Divisions with Shadow Lines | One per unit on front facade | |

Figure IV-9: Row Building Height and Street Facades



# Sec. 4.11 Detached Houses

## (A) Description

A detached house is a principal residential building that: (i) contains only one dwelling unit; (ii) is located on a single lot; and (iii) is not attached to any other dwelling units.

## (B) General Intent

### (1) Existing Detached Houses

Although the R-7 district is primarily intended to accommodate and promote the development of Row Buildings and General Buildings, it is recognized that the district includes many detached houses that were constructed before the adoption of this zoning ordinance. In order to ensure that owners of these existing properties do not encounter unnecessary regulatory or procedural obstacles when improvements are proposed on such properties, detached houses established before the effective date of Sec. 1.03 and additions and improvements to such properties are permitted as of right.

### (2) New Detached Houses

New detached houses may not be constructed in the R-7 district unless such construction is approved in accordance with the special use permit procedures of Sec. 14.04.

## (C) Building Regulations

### (1) General Regulations

Detached houses are exempt from compliance with the regulations of Sec. 4.06 (Regulations Applicable to all Building Types).

### (2) Regulations Specific to Detached Houses

All new detached houses and additions and improvements to existing detached houses are subject to compliance with the lot and building regulations that apply to detached houses in the R-5 district (see Sec. 2.05).

# Sec. 4.12 Building Design

## (A) Applicability

The building design regulations of this section (Sec. 4.12) apply to principal buildings in the downtown districts. Modifications to stated design regulations may be approved at the time of site plan approval, provided that the authorized decision-making body (i.e., zoning administrator or board of trustees) determines that the proposed design meets the intent of the subject design standard.

## (B) Façade Materials

### (1) Intent

These facade materials regulations are intended to ensure the use of high-quality, durable, weather-resistant, exterior grade materials on the majority of finished building surfaces, while permitting a wider range of materials for building details. High-quality materials help improve how well buildings weather, reduce material failure rate, require lower maintenance, have a longer life cycle and sense of permanence, and maintain longer term value. They are also intended to maintain and enhance the physical character of the village's downtown area.

### (2) Major Facade Materials

Major facade materials are intended to serve as the primary surface material of street facades.

#### (a) Minimum Amount

Allowed major facade materials, listed in Table IV-3, must be applied to a minimum of 65% of all street facades, not including window and door openings and trim.

#### (b) Simplicity of Facade Materials

A single major facade material must be used for each building facade segment.

#### (c) Side and Rear Facades

Interior side and rear building facades ~~not visible from any street or civic space~~ may use an approved minor facade material as a major façade material.

#### (d) Corners

Major facade materials must extend around the corner of the street facade to a side or rear facade a distance of at least 12 inches.

#### (e) Original Facade Materials

Where brick or stone is an existing building's original major facade material, the original brick or stone may be maintained if in good condition or repaired, or the brick or stone may be replaced by new brick or stone. A different major material may not be installed over the original brick or stone.

### (3) Minor Facade Materials

A maximum of 35% of street facades, not including window and door openings and trim, may be composed of minor facade materials (see Table IV-4).

### (4) Accents and Details

Additional materials are allowed for building accents and details (see Table IV-5). Such materials are not included in measuring facade surface areas.

### (5) Pitched Roof Materials

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, ceramic tile, engineered wood, slate or equivalent quality material.

### (6) Material Grade

All doors, windows, and hardware used on the exterior of Storefront and General buildings must be of commercial-grade quality.

### (7) Material Installation

The following material installation requirements are intended to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

#### (a) Changes in Facade Materials

Changes in facade materials, whether major materials or minor materials, should occur mainly at concave (inner) corners or changes in facade planes.

#### (b) Materials Hierarchy

A hierarchy of materials must be maintained on the building facade, where "heavier", articulated unit materials (brick, concrete masonry units, stone) are located at the base of the facade and "lighter", constant surface materials with fewer seams (stucco, panels) are located above those on the facade.

#### (c) Shadow Lines on Surfaces

Shadow lines must delineate changes in materials with solid materials of a thickness that is greater than 1.5 inches. For example, cast stone elements or brick may be offset or wood trim may be layered and offset to create a shadow.

Table IV-3: Allowed Major Facade Materials by Building Type [minimum 65% of facade]

| | Major Facade Material (alphabetical) | Storefront & General Buildings | Row Buildings |
|---|---|---|---|
| A | Brick<br>full dimensional, economy, unit, face brick | A | A |
| B | Concrete Masonry Units<br>architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equal), "stone" face, "hewn stone", rock cut | A | A |
| C | Fiber Cement Board<br>finished lap siding, board & batten, or shingles | – | A |
| D | Stone<br>natural, units | A | A |
| E | Wood<br>treated, painted or stained lap siding, shingles, board & batten | – | A |

**KEY:** A = Allowed -- = Not allowed

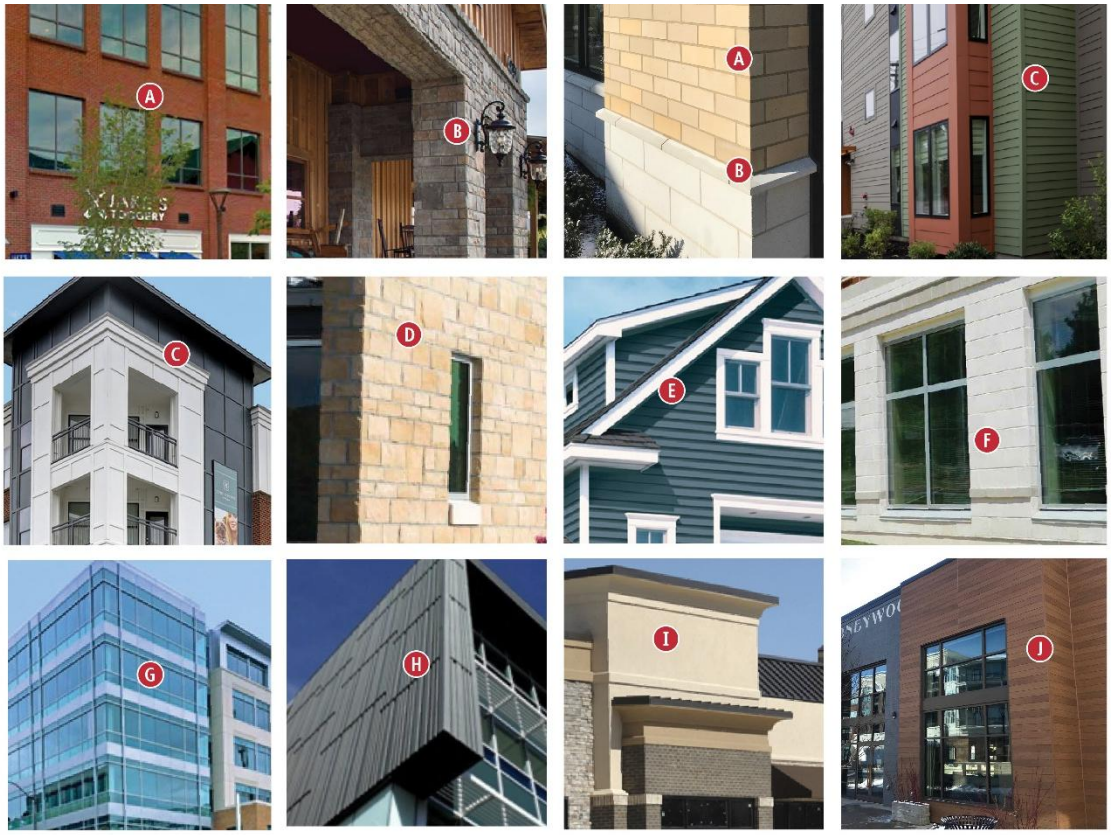
Table IV-4: Allowed Minor Facade Materials [maximum 35% of facade]*

| | Minor Facade Material (alphabetical) | Storefront & General Buildings | Row Buildings | Limitations |
|---|---|---|---|---|
| | Concrete Surfaces<br>finished, stained, painted, treated | L | L | Below ground story & first 3 feet of ground story only |
| F | Concrete Masonry Units<br>minimum 3" depth, split-faced, burnished/ground face, glazed, or honed | A | – | – |
| G | Glass System<br>~~curtain wall~~ | A | A | – |
| H | Metal Architectural<br>architectural panel, cladding system (steel, titanium, zinc) | L | L | Allowed major masonry material is required at grade up to 2 feet and adjacent to entrances |
| I | Stucco<br>cement-based, 2-3 layer hard coat, synthetic, or with elastomeric finishes | L | L | Only 2nd or higher stories |
| | Terra Cotta or Ceramic<br>tiles or panels | A | A | – |
| | Vinyl & PVC Siding<br>minimum .040 inch thickness | – | A | – |
| J | Wood, Composite<br>lap siding, shingles, board & batten, rainscreen system | A | A | – |

**KEY:** A = Allowed L = Limited -- = Not allowed

* All major facade materials allowed on the building type (see Table IV-3) may be used for minor facade materials, unless expressly stated otherwise.

Figure IV-10: Facade Materials



| Table IV-5: Allowed Detail & Accent Materials | |
|---|---|
| All allowed major and minor facade materials may be used for details, trim, and accents. | |
| K | **Concrete Details**<br>precast stone ornamentation, lintels, sills, banding, columns, beams |
| | **Fiber Cement Details**<br>trim, soffits |
| L | **Metal Details**<br>trim,soffits, ornamentation, lintels, beams, columns |
| | **Wood and Wood Composite Details**<br>painted/treated trim, soffits, other approved details |
| M | **Vinyl Details**<br>limited to soffits, window trim; minimum .04 inches thick |

### (C) Entrance Types

Entrance types provide the transition between the public sidewalk in front of the building into the ground story of the building. Each front entrance must meet the requirements of one of the entrance types permitted by applicable building type regulations.

#### (1) Storefront Entrances

Storefront entrance types are intended to provide at or close to grade access between the store and adjacent sidewalk creating a high level of permeability. See Figure IV-11.

##### (a) Recessed Entrance

Where the sidewalk outside the storefront is less than 7 feet in width, measured perpendicular to the facade, entrances must be recessed as follows:

i. The door must be recessed between 3 and 8 feet deep, measured from the facade.

ii. The maximum width of the recess is 10 feet.

##### (b) Transparency

A minimum amount of ground-story storefront glass is required for some building types.

i. The storefront entrance must meet the minimum transparency requirements.

ii. The glass must turn the corner of the recessed entry as shown in Figure IV-11.

iii. Transom windows above doors and storefront windows are encouraged.

iv. See Sec. 4.12(E)(1) for general window regulations.

#### (2) Bulkhead

Where a bulkhead is incorporated, the maximum height is 30 inches. A bulkhead is the lower set of panels or low wall upon which the storefront windows rest. See Figure IV-11. The bulkhead may be constructed of wood, metal, concrete, spandrel glass, or masonry. Concrete masonry units may not be exposed. See Sec. 4.12(B) for allowed facade materials.

#### (3) Stoop Entrance Type

A stoop is a small, open platform that may include a permanent canopy or roof cantilevered off the building. See Figure IV-12. Stoops must comply with minimum building code standards for landings.

#### (4) Porch Entrance Type

A porch is an open raised, platform with a perimeter railing or wall and a porch supported by columns. See Figure IV-13.

(a) Porches must be at least 5 feet deep and 8 feet wide.

(b) Porches must meet the minimum and maximum story height for the building type and may be 2 stories in height to provide a second porch off the second floor.

Figure IV-11: Storefront Entrance Example

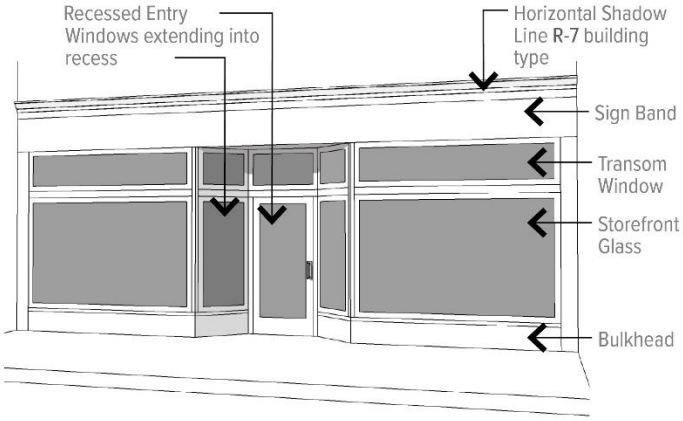



Figure IV-12: Stoop Entrance Example

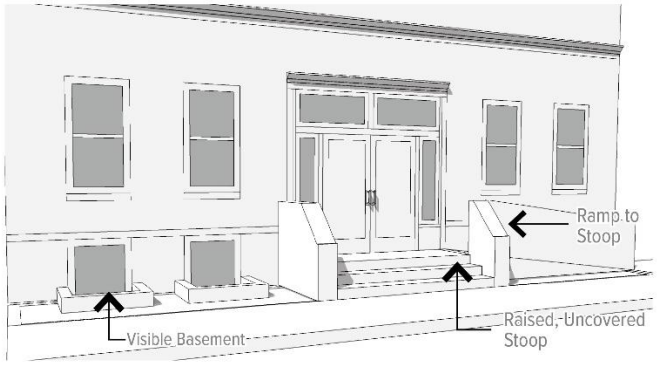
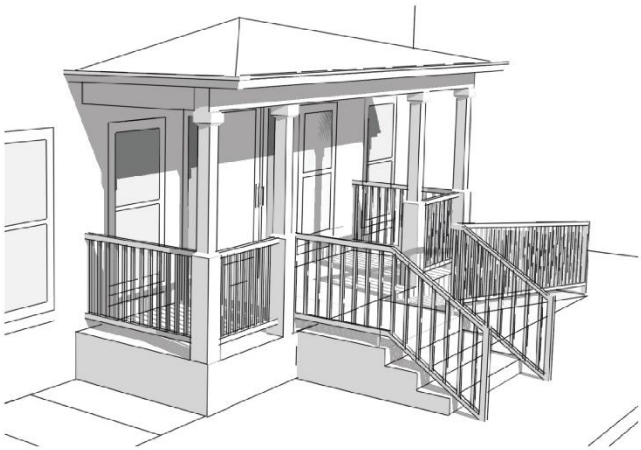



Figure IV-13: Porch Entrance Example



## (D) Roof Types

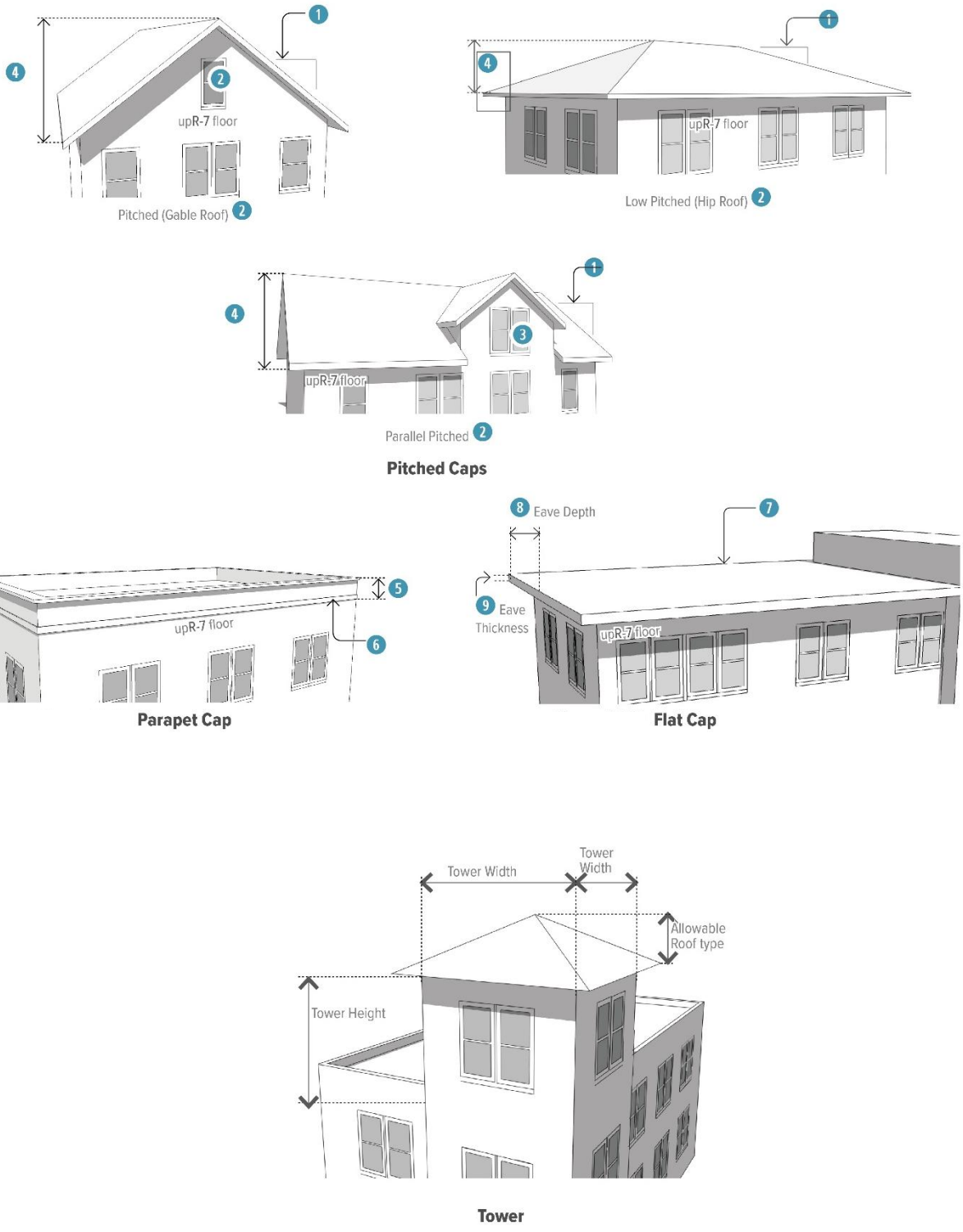
Roof type regulations are intended to ensure that buildings have a clearly defined cap consistent with traditional roof types found within the downtown area. The major components of any roof must meet one of the roof types allowed by the building type (see Table IV-5). The roof design is required where the roof is visible from any street.

Roofs for bay or bow windows, entrance canopies, and dormers are not required to meet a cap type. Any combination of allowed roof types is allowed.

Table IV-5: Roof Regulations

| | | |
|---|---|---|
| **General Roof type Regulations** | | |
| Occupiable Space | | Occupiable space is not allowed in any cap except for pitched roof type and tower. |
| Terraces, Green Roofs, Rooftop Gardens, Other Similar Outdoor Rooftop Facilities | | Allowed on any roof, unless otherwise stated. Any unenclosed permanently roofed area is a story and when visible from any public way, the cover must comply with a roof type. The tower may be applied to these outdoor areas. |
| **Pitched Roofs** | | |
| 1 | Minimum Permitted Pitch<br>Maximum Permitted Pitch | 6:12; 3:12 allowed above 3 stories<br>16:12 |
| 2 | Permitted Configurations | Hipped, gabled, gambrel and butterfly roofs are allowed |
| 3 | Ridgelines Parallel to Front Facade | Where the parallel ridgeline longer than 100 feet, a gabled end is required on the front facade and one dormer is required for every 15 feet of parallel ridgeline. |
| 4 | Maximum Cap Height | Single story: no more than 1.5 times the height of the upper story<br>2 or more stories: no more than the height of the upper story |
| **Parapet Roofs** | | |
| 5 | Parapet Height (feet) | Min. 2; max. 6 |
| 6 | Horizontal Divisions | A shadow line must define the parapet from the upper stories of the building and must also define the top of the parapet, for at least 80% of the width of each facade |
| **Flat Roofs** | | |
| 7 | Configuration | No visible slope from the street and eaves required on along all street-facing facades. |
| 8 | Minimum Eave Depth (in.) | 14, measured from the building facade to the outside edge of the eave |
| 9 | Minimum Eave Thickness (in.) | 8, measured at outside edge of the eave, from the bottom to the top of the eave |
| **Towers** (i.e., vertical element in addition to the roof type) | | |
| 7 | Degree of Enclosure | A tower occurring on a street facade must be fully enclosed. Any interior building tower may be partially or fully enclosed. A fully open structure, such as a rooftop pergola is not a tower. |
| 8 | Quantity | One tower, located within 15 feet of any street facade, is permitted on any building, and one additional tower is allowed. located a minimum of 30 feet from any street facade. |
| | Max. Tower Footprint (sq. ft.) | 48 |
| 9 | Maximum Height | Maximum tower height is the equivalent of floor height of the building to which the tower is applied. Height is measured from the top of the uppermost floor of the building to the top of the tower, not including the tower roof. |
| | | A tower allows up to one additional story of height within the tower footprint to any building type where permitted and is not included in the overall maximum height of the building allowed by the building type. |
| 9 | Tower Roof | The tower must be roofed by a roof type defined in this section. |

Figure IV-14: Roof Types




## (E) Facade Elements

The façade regulations of this section along with the building type regulations in Sec. 4.08 through Sec. 4.10, are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect the scale and physical character of the village.

### (1) Windows

Windows on all street and other front facades of all buildings must be constructed consistent with the following requirements:

#### (a) Amount

Each building must meet the transparency requirements that apply to the subject building type. Transparency is the measurement of the percentage of a facade that windows and doors with highly transparent, low-reflectance glass.

#### (b) Recessed

All windows, with the exception of ground story storefront systems and glass curtain wall systems, must be recessed with the glass a minimum of 2 inch from the masonry facade surfaces material or adjacent trim or 1 inch on other materials.

#### (c) Vertical Orientation

Street facade windows must be vertically oriented. A bank of abutting vertically oriented windows is acceptable.

Figure IV-15: Vertically Oriented Windows

#### (d) Visibility Through Glass

Reflective glass and glass block are prohibited on street-facing building facades. Transparency for all window, door glass, and other storefront glass must be a minimum of 50% visible light transmittance ~~factor~~ and a reflectance factor of not greater than 0.25, unless required by state law or local energy or building codes.

#### (e) False Windows

The use of false or faux windows, where the window is visible from the exterior with no opening from the interior is prohibited on a front facade.

### (2) Removable Awnings and Canopies

Removable awnings and canopies attached to buildings must be constructed consistent with the requirements of this section. See Figure IV-16 for examples of awnings.

#### (a) Material

All awnings and removable canopies must be canvas or metal. Plastic awnings are prohibited.

**(b) Shape**
Dome, waterfall, and convex awnings are prohibited.

**(c) Lighting**
Backlighting is allowed only on metal awnings.

**(d) Structures**
Frames must be metal and wall mounted. Support poles from the ground are prohibited except where the awning is over 8 feet in depth and utilized for outdoor eating areas or lobby entrances.

Figure IV-16: Awning Examples

Metal Awning

Canvas Awning

**(e) Canopies and Light Shelves**
Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are allowed and not intended to be regulated by this section.

**(f) Clearance**
All portions of any awning or canopy must provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.

**(g) Signs**
Refer to Article XI for regulations governing signs on awnings and canopies.

**(3) Balconies**
Balconies on street-facing building facades are subject to the requirements of this subsection.

**(a) Size**
Balconies must be a minimum of 4 feet deep and 5 feet wide.

**(b) Facade Coverage**
No more than 35% of any street-facing building façade may be covered by balconies. The balcony area is calculated by drawing an imaginary rectangle on the facade elevation around the following: the platform or floor of the balcony; any rails, walls, columns, or indentations; and any ceiling, roof, or upper balcony.

**(c) Platform**
The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any street or public way must be finished.

**(d) Front Setback Requirement**
When the balcony is located within the front build-to zone of the lot, the portion of the facade behind the balcony is exempt from meeting the maximum build-to zone setback.

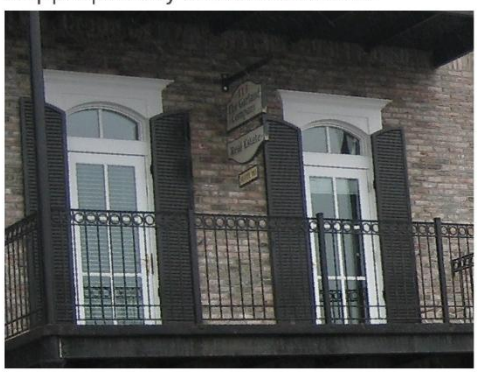
**(4) Shutters**
When shutters, whether functional or not, are utilized on a street or other front facade of any building type, the shutters must meet the following requirements. See Figure IV-17.

**(a) Size**
All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.

**(b) Materials**
Shutters must be wood, metal, composite or engineered woods, or fiber cement.

Figure IV-17: Shutter Examples

Inappropriately Scaled Shutters.



**(5) Security Grills & Bars**

**(a)** Exterior bars and security grills are prohibited on any street facade opening.

**(b)** Security grills must be fully retractable and located completely within the interior of the building. When retracted, the grills must not be visible from the exterior of the building.

### (6) Principal Entryway

See Figure IV-18 for examples of defined principal entryways. Principal entrances to all buildings or units, except storefronts, must be clearly delineated through one or more of the following design features:

#### (a) Roof or Canopy

The entryway is covered by a roof or canopy differentiating it from the overall building roof type.

#### (b) Porch

The entryway is through a porch, minimum 5 feet by 8 feet in size. A porch is a raised, permanently roofed structure, transitioning from the public sidewalk into the building.

#### (c) Sidelights and Transom

Sidelights or transom windows are included around the entryway.

#### (d) Extended Articulation

The entryway is included in a separate bay of the building that extends up at least 2 stories.

#### (e) Other

Other methods of articulating the principal entryway may be approved at the time of site plan approval.

Figure IV-18: Principal Entryways

## (F) Building Articulation

See Figure IV-19 for examples of building facade variety.

### (1) Building Variety

Street and front facades 120 feet in length or longer must be varied in segments less than or equal to the required vertical division in the building type street

facade regulations. Each facade segment must vary by at least one of the following:

**(a)** The proportion of recesses and projections within the build-to zone;

**(b)** The location of the entrance and window placement, unless storefronts are utilized;

**(c)** Roof type, plane, or material, unless otherwise stated in the building requirements;

**(d)** Building height.

### (2) Articulation of Stories

Stories must be articulated on street and other front facades, as follows:

#### (a) Fenestration

Fenestration or window placement on street facades must be organized by stories in accordance with applicable building type facade transparency regulations.

#### (b) Shadow Lines

Minimum shadow lines are required for different building types. Additional horizontal shadow lines and lintels over openings may be used to delineate stories.

#### (c) Taller Spaces

Spaces exceeding the allowable floor-to-floor heights of the building type must be articulated as multiple stories on the street facade.

Figure IV-19: Building Articulation

## (G) Mechanical Equipment

Mechanical and utility equipment and appurtenances are necessary for any building, but can have a negative visual impact and detract from the quality of the design of a building. The purpose of these regulations is to ensure that the visual impact of mechanical and utility equipment and appurtenances is considered during the design phase of the building and minimized to the extent practicable.

**(1) "Mechanical Equipment" Defined**

Regulations that refer to "mechanical equipment," include HVAC systems, boilers, condensers, transformers, generators, vents, meters, ducts, and similar any mechanical equipment or utility appurtenance. Solar and wind energy systems are not included.

**(2) Rooftop Mechanical Equipment**

See Figure IV-20. Any rooftop mechanical equipment must be concealed from view at street level or be:

**(a)** Incorporated into the roof design consistent with the applicable roof type standards of Sec. 4.12(D).

**(b)** Set back a minimum of 10 feet from any street or public way facade.

**(c)** Painted to blend with the structural roof and limit its visibility, to the extent practicable (unless screened from street-level view by a parapet).

**(3) Mechanical Equipment on Street Facades**

See Figure IV-20.. Mechanical equipment and utility appurtenances may not be located on any street facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade must be located consistent with the following standards:

**(a) Street Façade**

The mechanical equipment may be located on a street facade only if the following requirements are met:

i. The equipment is located on a surface perpendicular (and not parallel) to the adjacent street. The zoning administrator may approve the location of appurtenances on surfaces parallel to the street if all other requirements of this section are met and no other option is available.

ii. The equipment extends from the facade surface no more than 3 inches; and

iii. The equipment is screened from the sidewalk by landscape, railings, other facade walls, or other designs.

**(b) Air Vents or Grills**

Air vents and grills may be successfully incorporated into storefront window systems, provided the transparency requirements are met by the actual windows in the system.

**(c) Alignment**

Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on all submitted elevations for village approval.

**(d) Material Coordination**

To the extent practicable, facade-mounted mechanical appurtenances must be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored fiber cement panels than a textured, darker surface such as brick.

**(4) Mechanical Equipment on Other Horizontal Surfaces**

Mechanical equipment, such as electrical transformers and air conditioners, located on the ground, decks, or horizontal surfaces other than the roof must be located consistent with the following standards:

**(a) No Encroachment**

Mechanical equipment may not extend into any right-of-way or easement, unless otherwise approved by the planning and zoning commission.

**(b) Allowed Yard Location**

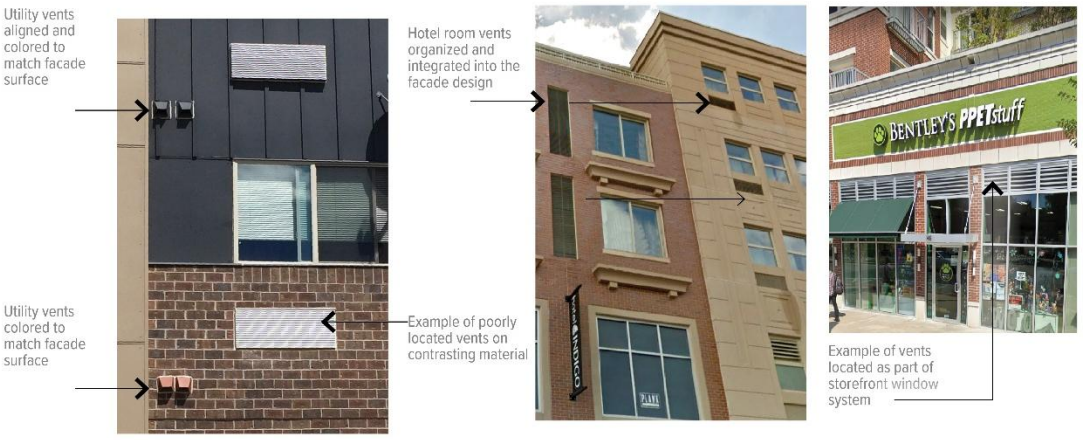
i. Mechanical equipment and appurtenances may not be located in the front street yard, except when no other option exists, as determined by the zoning administrator.

ii. Mechanical equipment may be approved in the side street yard, provided the equipment is screened from the street in accordance with the screening requirements of this section.

iii. Mechanical equipment may be located in any rear or side yard.

Figure IV-20: Mechanical Equipment

Rooftop Utilities Screened from the Public Way by a Parapet




Utility Appurtenances located on Facades

Examples of Poorly Located Utility Appurtenances on Front Streets

**(c) Screening from Streets, Open Spaces, or Civic Spaces**

All equipment must be screened from view from any streets, open space, or civic space, as follows:

i. Screening walls must be consistent with the building design, colors, and materials.

ii. Where only landscaping is used for screening, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the large planting bed design.

**(5) Street Frontage or Front Yard Location**

Equipment located in a street yard or other front yard may be approved only if all of the following are met:

**(a)** The applicant demonstrates that the equipment cannot be located in a rear or interior side yard.

**(b)** Equipment may be located in a front street yard only if the applicant demonstrates that the equipment cannot be located in a side street yard.

**(c)** No other utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.

**(d)** The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the required sight vision clearance at intersections.

**(e)** The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See Figure IV-20. for examples of poorly located, unscreened equipment on front streets.

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# Article V Special Purpose Zoning


Sec. 5.01 B-3, Resort District ..... V-1
Sec. 5.02 P/I, Public and Institutional District ..... V-2
Sec. 5.03 PD, Planned Development Overlay (Obsolete District) ..... V-3
Sec. 5.04 PUD, Planned Unit Developments ..... V-4


## Sec. 5.01 B-3, Resort District

### (A) Purpose

The B-3 district is primarily intended to accommodate lodging, office, research, and recreational uses in a unified development setting, as well as secondary retail, residential and service uses to serve the overall development. The district is also intended to encourage innovations and variety in type, design and arrangement of uses and buildings. Because of the intensity of development permitted in the B-3 district, it is generally intended to be applied only on sites abutting one or more arterial streets.

### (B) Uses

**(1)** Principal uses are allowed in the B-3 district in accordance with the use regulations of Sec. 6.01.

**(2)** In addition to those principal uses allowed, the following uses (as defined in Sec. 6.02) are expressly permitted as secondary uses in the B-3 district provided they do not exceed 20% of the gross floor area of the building in which they are located and are accessed only by arterial roads or interior roadways within the development:

- **(a)** Catering Service;
- **(b)** Community Assembly;
- **(c)** Consumer Service, other than tattoo and body piercing services;
- **(d)** Day Care Center;
- **(e)** Eating and Drinking Place;
- **(f)** Entertainment, Participant (Indoor);
- **(g)** Entertainment, Spectator;
- **(h)** Financial Service (but not Alternative Financial Service Establishments);
- **(i)** Retail Sales, Indoor; and
- **(j)** Uses similar to the above permitted secondary uses, subject to the review by the planning and zoning commission and approval by the village board.

### (C) Lot and Building Regulations

The lot and building regulations of Table V-1 apply to all principal uses and principal buildings in the B-3 district, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI.

Table V-1: B-3 District Lot and Building Regulations

| Lot and Building Regulations | District |
|---|---|
| | B-3 |
| Minimum Site Area (acres under unified control) | 40 |
| Residential Development (requires special use approval) | R-4 district lot and building regulations apply |
| Nonresidential Development | |
| Minimum Lot Width (feet) | 75 |
| Minimum Building Setbacks (feet) | |

| Lot and Building Regulations | District |
|---|---|
| | B-3 |
| Abutting any R District or Arterial Street | 50 [1] |
| Front/Street (non-arterial) Side | 50 |
| Interior Side | 25 |
| Rear | 50 [2] |
| **Minimum Separation Between Buildings on Same Site** (feet) | 30 |
| **Maximum Floor Area Ratio** | 0.50 |
| **Maximum Building Height** (feet) | 125 |

**Table V-1 Notes:**

[1] Plus 2 feet for each foot of building height over 45 feet.

[2] Reduced to 25 feet when abutting the M district.

**(D) Previously Approved B-3 Zoning**

B-3-zoned properties in existence on the effective date specified in Sec. 1.03 are subject to all regulations and conditions of the development plan approved at the time the B-3 zoning was established on the subject property.

**(E) Future B-3 District Amendments**

After the effective date specified in Sec. 1.03, all proposals to establish a new B-3 zoning district or amend previously approved plans or boundaries of an existing B-3 district must be processed as a concurrent application for a B-3 zoning map amendment and planned unit development (PUD) approval. See the zoning map amendment procedures Sec. 14.02; and the PUD approval procedures of Sec. 5.04(C).

**(F) Other Relevant Regulations**

Uses and structures in the B-3 zoning district may be subject to other regulations and standards, including the following:

**(1) Parking**
See Article IX.

**(2) Landscaping**
See Article X.

**(3) Signs**
See Article XI.

**(4) Nonconformities**
See Article XIII.

## Sec. 5.02 P/I, Public and Institutional District[2]

**(A) Purposes**

The Public and Institutional (P/I) zoning district is intended to accommodate public and institutional uses, as identified in Table VI-1. The P/I district is further intended to help avoid the problems inherent in treating public and institutional uses and buildings as permitted or special uses in zoning districts that are primarily intended to accommodate other (dissimilar) types of uses and buildings. The P/I district is a site-specific zoning classification that may be applied to small areas throughout the village.

**(B) Uses**

Uses are allowed in the P/I district in accordance with the use regulations of Sec. 6.01.

[2] Proposed new district.

### (C) Lot and Building Regulations

The lot and building regulations of Table V-2 apply to all principal uses and principal buildings in P/I districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XVI. For purposes of administering and interpreting P/I district lot and building regulations, all buildings on the lot are principal buildings, and must comply with the regulations of this section. Properties in the P/I zoning district are not subject to the limitation of one principal building per lot (see Sec. 1.11).

Table V-2: P/I Lot and Building Regulations

| Lot and Building Regulations | District |
|---|---|
| | P/I |
| **Minimum Lot Area (square feet)** | ~~7,800~~None |
| **Minimum Lot Width (feet)** | ~~50~~None |
| **Minimum Building Setbacks (feet)** | |
| Front/Street Side | 25 |
| Interior Side | |
| Abutting R District | 10 |
| Abutting Non-R District | 5 |
| Rear | 20 |
| **Minimum Separation of Buildings on Same Lot (feet)** | 20 |
| **Maximum Building Height (feet)** | 45 [1] |

**Table V-2 Notes:**

[1] Buildings occupied by public or institutional uses ~~Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district,~~ may be erected to a height not exceeding ~~60 feet, and churches and temples may be erected to a height not exceeding~~ 75 feet if the building is set back from each ~~yard~~ minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise ~~provided~~ applicable in the subject zoning district ~~in which the building is located~~.

### (D) Other Relevant Regulations

Uses and structures in the P/I zoning district may be subject to other regulations and standards, including the following:

#### (1) Parking

See Article IX.

#### (2) Landscaping

See Article X.

#### (3) Signs

See Article XI.

#### (4) Nonconformities

See Article XIII.

## Sec. 5.03 PD, Planned Development Overlay (Obsolete District)

**(A)** Land classified in a PD overlay zoning district on the effective date specified in Sec. 1.03 will continue to be classified in the PD overlay district. Existing planned developments (PDs) are subject to compliance with approved plans for such development and all planned development agreements entered into between the developer and the village at the time of approval unless and until the subject PD overlay designation is removed through the zoning map amendment process.

**(B)** Any PD rezoning applications in process on the effective date specified in Sec. 1.03 may, at the applicant's option, be reviewed wholly under the PD regulations and procedures in effect immediately preceding the effective date specified in Sec. 1.03 or under wholly under the PUD regulations and procedures of this zoning ordinance (see Sec. 5.04).

**(C)** No applications to establish new PD overlay zoning districts or to expand the boundaries of existing PD overlay zoning districts may be accepted for processing after the effective date specified in Sec. 1.03.

**(D)** Amendments to existing PDs must be processed in accordance with the development plan procedures of Sec. 14.03.

## Sec. 5.04 PUD, Planned Unit Developments

### (A) Purpose

Planned Unit Developments (PUDs) are included in this zoning ordinance as a distinct category of special use in all zoning districts. A PUD is intended to allow the relaxation of otherwise applicable substantive requirements of this zoning ordinance based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory approach recognizes that traditional zoning regulations, which may be useful in protecting the character of substantially developed and stable areas, may impose inappropriate regulations and rigidities upon the development or redevelopment of areas that lend themselves to an individual, planned approach. PUDs are intended to result in enhanced public benefits, commensurate with the degree of development flexibility provided. Examples of the types of development that may be appropriate for PUD approval include the following:

**(1) Provision of Open Space and/or Enhanced Protection of Natural Resource Areas**
Developments that provide or preserve open space amenities and/or offer enhanced protection of natural resources and sensitive natural resource areas.

**(2) Energy Conservation/Sustainability**
Developments that achieve very high levels of energy conservation or that otherwise help reduce greenhouse gases and fossil fuel use.

**(3) Housing Variety**
Developments that offer a range of housing options and include a variety of lifestyle choices to meet the needs of different age groups, income levels, and household types.

**(4) Mixed- and Multi-use Developments**
Developments that contain a complimentary mix of residential and nonresidential uses or that provide for a range of complementary land use types.

**(5) Economic Obstacles**
The property has faced ongoing economic obstacles to development, which may include significant costs related to infrastructure upgrades, remediation efforts, or market conditions that have made prior development plans impractical.

### (B) Objectives

Different types of PUDs will achieve different planning goals. In general, however, PUDs should include elements that further some or all of the following objectives:

**(1)** A creative approach to the use of land and related physical facilities that results in better development, design and amenities;

**(2)** Maximum choice in the types of development available to the public by allowing developments that would not be possible under the strict application of the terms of this zoning ordinance;

**(3)** An efficient use of land resulting in more efficient provision of utilities, streets, buildings, transportation systems and other facilities;

**(4)** Innovation of development so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and uses;

**(5)** A unified and compatible design of buildings, structures and site improvements that are compatible with surrounding areas and that include attractive, high-quality architecture, landscaping lighting and signage;

**(6)** The protection and enhancement of open space amenities and natural resource features;

**(7)** The incorporation of sustainable development features, including green infrastructure practices in landscapes and parking areas, to maximize the aesthetic and water quality benefits of best practices in stormwater management; and

**(8)** Overall consistency with the comprehensive plan and other relevant policies and planning goals of the village.

### (C) PUD Approval Procedures

**(1)** The zoning administrator is authorized to determine whether a proposed development must be processed as a PUD.

**(2)** A PUD is a special use in all zoning districts and requires special use approval in accordance with the procedures of Sec. 14.04. In addition to special use approval, a PUD requires approval of a development plan and a site plan in accordance with the procedures of Sec. 14.03.

**(3)** An application for approval of a PUD must include a developer's statement of intent. This is a statement from the applicant that describes the proposed development and uses of the property, describes how the proposed development meets one or more of the objectives for PUDs, and describes how the proposed development provides greater benefits to the village than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development and uses with (a) the standards and regulations of the base zoning district, (b) the other applicable development standards and regulations contained in this zoning ordinance, (c) the standards and regulations for public improvements and other infrastructure, and (d) the comprehensive plan.

**(4)** PUDs require approval of an ordinance by the board of trustees. The approved PUD ordinance must be signed by applicant as an acknowledgment of the approval and as an acknowledgment of any conditions imposed on the development and use of the property. The village must record the approved and fully-executed PUD ordinance against title to the property.

**(5)** The PUD ordinance may approve the development of the property in phases, provided that the development plan has been approved for the entire development and all of its phases, and provided that a site plan has been approved for each phase. The PUD ordinance may impose deadlines for the commencement and/or completion of construction of the PUD, including any phase of development.

### (D) Regulations and Standards Eligible for Deviations

A PUD must generally conform to the use and other regulations of the zoning district in which the property is located, as well as the other regulations of this zoning ordinance. However, the board of trustees may approve deviations from such zoning regulations as part of the PUD approval process when such deviations are determined to be in the public interest. Specifically, the board of trustees may approve principal and accessory use types that are not allowed in the underlying zoning district as a means of accommodating mixed-use developments, housing diversity, and unique economic development opportunities when such uses are determined to be in the public interest. The board of trustees may also approve deviations from the standards, regulations, and

requirements found in other chapters of the village code when such deviations are determined to be in the public interest.

### (E) Conditions on PUD Approval

The board of trustees may approve conditions on PUD approval as part of the PUD approval ordinance. Such conditions may be imposed when necessary to prevent or minimize adverse impacts to the surrounding area or to the public; to ensure compatibility with the surrounding development and uses; to ensure compatibility and compliance with the general purposes, goals, and objectives of this zoning ordinance, other ordinances and regulations of the village, and the comprehensive plan; and to ensure compliance with the standards for PUDs set forth in this article.

### (F) Standards for PUD Approval

A PUD may be approved only if the planning and zoning commission and the board of trustees find that the proposed development substantially meets the standards for special uses and the standards set forth in this section. Notwithstanding the foregoing, the board of trustees may approve a PUD that does not strictly comply with such standards if the board of trustees finds that the application of such standards to the proposed development would not be in the public interest and that the benefits provided by the proposed development outweigh strict compliance with such standards. The standards for PUD approval are as follows:

**(1)** The entire property of the PUD is under single ownership or under unified control to ensure that the property will be developed as a unified whole.

**(2)** Except for such deviations that are specifically set forth in the PUD ordinance, the development complies with the regulations of the zoning district in which it is located and complies with the other zoning regulations applicable to the development.

**(3)** Deviations from allowable uses, zoning bulk regulations, other zoning regulations, and other ordinances and regulations of the village, if any, will enhance the quality of the development, will not cause substantial adverse impacts on surrounding properties, and are in the public interest.

**(4)** The development will be provide for (a) adequate connection to and service from the village's water system, (b) adequate stormwater management facilities, (c) adequate streets and/or means of safe access to public streets and sidewalks; (d) adequate connection to and service from the sanitary sewer system; (e) adequate connection to and service from necessary utilities; and (f) adequate service by such other facilities which are deemed necessary to serve the development.

**(5)** The dominant use within the proposed PUD is consistent with the recommendations of the comprehensive plan.

**(6)** The development provides sufficient open space and/or preservation of natural resources or provides other amenities to offset the lack of open space.

**(7)** The development is in the public interest, will provide a public benefit, and will not unreasonably strain public services or facilities.

# Article VI Principal Uses


Sec. 6.01 Allowed Uses ..... VI-1
Sec. 6.02 Use Classification System ..... VI-5
Sec. 6.03 Residential Use Group ..... VI-6
Sec. 6.04 Commercial Use Group ..... VI-7
Sec. 6.05 Warehouse & Distribution ..... VI-16
Sec. 6.06 Manufacturing and Industry Use Group ..... VI-17
Sec. 6.07 Public and Institutional Use Group ..... VI-19
Sec. 6.08 Other Use Group ..... VI-21


## Sec. 6.01 Allowed Uses

### (A) Table of Allowed Uses

Uses are allowed in accordance with Table VI-1.

### (B) Interpreting the Use Table

#### (1) Use Classification System

Uses are listed in the first column of Table VI-1. This zoning ordinance classifies uses into groups, categories, and subcategories, which are defined in this article.

#### (2) Permitted Uses

Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with all applicable supplemental use regulations (see Sec. 6.01(B)(5)).

#### (3) Special Uses

Uses identified with an "S" may be allowed if approved in accordance with the special use procedures of Sec. 14.04. Special use uses are subject to compliance with all applicable supplemental use regulations (see Sec. 6.01(B)(5)).

#### (4) Uses Not Allowed

Uses identified with an "–" are not allowed. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in Sec. 6.02(D)) to fall within any defined use category are also not allowed.

#### (5) Supplemental Use Regulations

Supplemental regulations that apply to some uses are identified by bracketed footnotes (e.g., [1]) or by a cross-reference in the final column of Table VI-1. Compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special use approval.

#### (6) Accessory Uses

Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special use, subject to compliance with all applicable accessory use regulations of Article VII.

Table VI-1: Table of Allowed Uses

| Uses | Districts | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP<br>Category<br>Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | |
| **RESIDENTIAL** | | | | | | | | | | | | | | | | | | | |
| **Household Living** | | | | | | | | | | | | | | | | | | | Sec. 6.03(A)(2) |
| Detached House | P | P | P | P | P | P | – | S | – | – | – | S | – | – | – | – | – | – | |
| Semi-detached House | – | – | – | – | P | P | – | – | – | – | – | S | – | – | – | – | – | – | |
| Attached House | – | – | – | – | P | P | – | P | – | S | – | S | – | – | – | – | – | – | |
| Two-unit House | – | – | – | – | P | P | – | – | – | – | – | S | – | – | – | – | – | – | |
| Mixed-Use Residential | – | – | – | – | – | – | – | – | P [2] | P | – | S | – | – | – | – | – | – | |
| Multi-Unit Building | – | – | – | – | P | P | – | P | – | P | – | S | – | – | – | – | – | – | |
| Assisted Living Residence | – | – | – | – | – | – | P | – | – | – | – | – | – | – | – | – | – | – | |
| **Group Living** | | | | | | | | | | | | | | | | | | | |
| Community Residence, Family | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | P [1] | – | – | – | – | – | – | – | – | – | – | – | |
| Community Residence, Group | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | S [1] | – | – | – | – | – | – | – | – | – | – | – | |
| Nursing Home | – | – | – | – | S [3] | S [3] | S [3] | – | – | – | – | – | – | – | – | – | – | – | |
| Other Group Living | S | S | S | S | S | S | S | S | – | – | – | S | S | – | – | S | S | S | |
| **COMMERCIAL** | | | | | | | | | | | | | | | | | | | |
| **Animal Service** | | | | | | | | | | | | | | | | | | | |
| Boarding or Shelter | – | – | – | – | – | – | – | – | – | – | S [4] | S | S | – | – | S | P | – | |
| Grooming Service | – | – | – | – | – | – | – | – | S | S | P | – | S | – | – | – | – | – | |
| Veterinary | – | – | – | – | – | – | – | – | S [5] | S [5] | S [4] | – | S | S | – | – | – | – | |
| Other Animal Service | – | – | – | – | – | – | – | – | – | – | S | S | S | – | – | P | P | – | |
| **Consumer Service** | | | | | | | | | | | | | | | | | | | |
| Business Support Service | – | – | – | – | – | – | – | – | P | P | P | – | P | – | – | – | P | – | |
| Maintenance and Repair Service | – | – | – | – | – | – | – | – | SP | P | P | – | P | – | – | – | P | – | |
| Personal Improvement Service | – | – | – | – | – | – | – | – | P [10] | P | P | P | P | – | – | – | P | – | |
| Health and Fitness Service | – | – | – | – | – | – | – | – | P | P | P | – | P | S | S | S | P | – | |
| Instructional Service | – | – | – | – | – | – | – | – | S | P | P | – | – | S | S | – | S | – | |
| Business Training | – | – | – | – | – | – | – | – | – | – | S | S | – | S | S | P | P | – | |
| Tattoo or Body Piercing Service | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.04(B)(3) |
| Other Consumer Service | – | – | – | – | – | – | – | – | S | S | S | S | S | – | – | – | P | | |
| **Day Care Center** | – | – | – | – | – | – | – | – | S | P | P | – | P | P | P | – | P | – | Sec. 6.04(C)(2) |
| **Day Care Home** | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | P [6] | – | – | – | – | – | – | – | – | |
| **Eating and Drinking Place** | | | | | | | | | | | | | | | | | | | |
| Bar or Tavern | – | – | – | – | – | – | – | – | S [8] | S [8] | – | – | S | – | – | – | – | – | |
| Craft Alcoholic Beverage Dispenser | – | – | – | – | – | – | – | – | P [8] | P [8] | S [8] | – | S [8] | – | – | – | – | – | |
| Restaurant | – | – | – | – | – | – | – | – | P | P | P | – | P | – | S | – | – | – | |
| Tobacco or Vape Lounge | – | – | – | – | – | – | – | – | – | – | S [8] | – | – | – | – | – | – | – | |
| Other Eating and Drinking Place | – | – | – | – | – | – | – | – | –S | –S | S | – | S | – | S | – | – | – | |
| **Entertainment, Participant** | | | | | | | | | | | | | | | | | | | |
| Arcade (non-video gaming) | – | – | – | – | – | – | – | – | – | – | S [8] | – | S | – | – | – | – | – | |
| Video Gaming, Accessory | – | – | – | – | – | – | – | – | – | – | P | P | P | – | P | – | P | – | Sec. 6.04(F)(3)(a) |
| Video Gaming Cafe | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | Sec. 6.04(F)(3)(b) |
| Other Participant Ent., Indoor | – | – | – | – | – | – | – | – | –S | –S | P | P | S | – | – | – | – | – | |
| Participant Ent., Outdoor | – | – | – | – | – | – | – | – | – | – | S | P | S | – | – | – | – | – | |
| **Entertainment, Spectator** | | | | | | | | | | | | | | | | | | | |
| Indoor | – | – | – | – | – | – | – | – | S | S | S | – | S | – | – | – | S | S | |
| Outdoor | – | – | – | – | – | – | – | – | – | – | S [13] | – | S | – | – | – | – | S | |
| **Financial Service** | | | | | | | | | | | | | | | | | | | |
| Bank, Credit Union or Savings & Loan | – | – | – | – | – | – | – | – | S | S | S | P | S | S [9] | S | – | – | – | |
| Alternative Financial Service Est. | – | – | – | – | – | – | – | – | S | S | S | – | – | – | – | – | – | – | |
| **Funeral and Mortuary Service** | – | – | – | – | – | – | – | – | – | S | S | – | – | – | – | – | – | – | |
| **Lodging** | – | – | – | – | – | – | – | – | S | P | P | P | P | – | S | – | – | – | |

| Uses | Districts | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP<br>Category<br>Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | |
| **Office** | | | | | | | | | | | | | | | | | | | |
| Business or Professional Office | – | – | – | – | – | – | – | – | P [10] | P | P | P | S | P | P | P | P | – | |
| Medical Office | – | – | – | – | – | – | – | – | P | P | P | P | P | P | P | – | – | – | |
| Research Service | – | – | – | – | – | – | – | – | – | – | P | P | S | P | P | P | P | – | |
| **Parking, Non-Accessory** | – | – | – | – | – | – | – | S | –S | S | S | – | S | – | – | S | P | – | |
| **Parking, Off-site Nonresidential** | S | S | S | S | S | S | – | S | S | S | – | – | – | – | – | – | – | S | Sec. 6.04(L) |
| **Parking, Off-site Auto Dealer** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | – | – | Sec. 6.04(N) |
| **Retail Sales** | | | | | | | | | | | | | | | | | | | |
| Indoor | – | – | – | – | – | – | – | – | P | P | P | – | P | – | – | P | S | – | |
| Outdoor | – | – | – | – | – | – | – | – | –S | –S | S | – | S | – | – | S | S | – | |
| Firearms Sales | – | – | – | – | – | – | – | – | – | – | P [11] | – | P [11] | – | – | – | S | – | Sec. 6.04(O)(3) |
| Tobacco and Vape Product Sales | – | – | – | – | – | – | – | – | – | – | S [8] | – | – | – | – | – | – | – | |
| Used Goods Sales | – | – | – | – | – | – | – | – | S | S | P | – | P | – | – | S | S | – | |
| **Self-service Storage Facility** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | S | – | |
| **Sexually Oriented Business** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.04(Q)(3) |
| **Vehicle Sales and Service** | | | | | | | | | | | | | | | | | | | |
| Fueling Station | – | – | – | – | – | – | – | – | – | S | S [4] | – | S [4] | – | – | – | P | – | |
| Minor Repair and Maintenance | – | – | – | – | – | – | – | – | – | S | S | – | S | – | – | P | P | – | |
| Sales or Rentals | – | – | – | – | – | – | – | – | – | – | S | – | – | – | – | – | S [12] | – | |
| Body and Paint Shop | – | – | – | – | – | – | – | – | – | – | S [13] | – | S | – | – | – | S | – | |
| **WAREHOUSE & DISTRIBUTION** | | | | | | | | | | | | | | | | | | | |
| **Warehouse/Logistics** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | |
| **Data Center** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | S | P | – | |
| **MANUFACTURING & INDUSTRY** | | | | | | | | | | | | | | | | | | | |
| **Building Service** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | P | – | |
| **Catering Service** | – | – | – | – | – | – | – | – | – | – | – | – | P | – | S | S | P | – | |
| **Craft Alcoholic Beverage Producer** | – | – | – | – | – | – | – | – | – | – | S | – | S | – | – | S [7] | S [7] | – | |
| **Crematorium** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Artisan Manufacturing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | |
| **Limited Manufacturing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | P | P | – | |
| **High-Impact Manufacturing & Industry** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Industrial Service** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | P | – | |
| **Recyclable Material Drop-off Facility** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Recyclable Material Processing** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | |
| **Junk or Salvage Yard** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | |
| **PUBLIC & INSTITUTIONAL** | | | | | | | | | | | | | | | | | | | |
| College or University | S | S | S | S | S | S | S | S | – | – | – | – | – | – | – | – | – | S | |
| **Community Assembly** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | P | – | – | S | |
| **Community Garden** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | – | P | – | P | |
| **Governmental Use** | S | S | S | S | S | S | S | S | S | S | S | P | S | S | S | P | S | S | |
| **Hospital** | S | S | S | S | S | S | – | – | – | – | – | – | – | – | – | – | – | S | |
| **Library or Cultural Exhibit** | S | S | S | S | S | S | S | – | S | S | S | – | – | – | – | – | – | S | |
| **Parks and Recreation** | | | | | | | | | | | | | | | | | | | |
| Community Park | S | S | S | S | S | S | S | – | – | – | – | S | – | – | – | S | – | S | |
| Neighborhood Park | P | P | P | P | P | P | P | – | – | – | – | P | – | – | – | P | – | P | |
| **Religious Assembly** | S | S | S | S | S | S | S | – | – | – | – | – | – | – | P | – | – | S | |
| **Safety Service** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | |
| **School** | P | P | P | P | P | P | – | – | – | – | – | S | – | – | – | – | – | S | |
| **Infrastructure or Utility, Major** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | |
| **Infrastructure or Utility, Minor** | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| **OTHER** | | | | | | | | | | | | | | | | | | | |
| **Cannabis Business Establishment** | | | | | | | | | | | | | | | | | | | |
| Cannabis Cultivation Center | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |

| Uses | Districts | | | | | | | | | | | | | | | | | | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE GROUP<br>Category<br>Subcategory | R-1 | R-1(A) | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | B-1(A) | B-1 | B-2 | B-3 | C-1 | O/R-1 | O/R | M-1 | M | P/I | |
| P = Permitted Use \| S = Special Use Approval Required \| – = Prohibited Use | | | | | | | | | | | | | | | | | | | |
| Adult Use Cannabis Dispensary | – | – | – | – | – | – | – | – | – | – | S | – | S | – | – | – | S | – | Sec. 6.08(A)(3) |
| Medical Cannabis Dispensary | – | – | – | – | – | – | – | – | – | – | S | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Craft Grower | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Infuser | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Processor | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| Cannabis Transporter | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S | – | Sec. 6.08(A)(3) |
| **Drive-through Facility** | – | – | – | – | – | – | – | – | – | – | S | S | S | S | S | – | – | – | Sec. 6.08(B) |
| **Off-premises Outdoor Advertising Sign** | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – | S [14] | – | Sec. 11.04 |
| **Planned Unit Development** | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | Sec. 5.04 |
| **Temporary Sales** [15] | – | – | – | – | – | – | – | – | P | P | P | P | P | P | P | P | S [14] | – | |
| **Wireless Telecommunications Facility** | | | | | | | | | | | | | | | | | | | |
| Cell Tower | – | – | – | – | – | – | – | – | – | – | – | – | S | – | – | – | S | S | Article VIII |
| Building-Mounted Cell Antenna | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Article VIII |
| Tower-Mounted Cell Antenna | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Article VIII |

**Table VI-1 Notes:**

[1] Subject to the following:

(A) Proof of all required state licenses and certifications must be provided before occupancy;
~~(B) A certificate of zoning compliance must be obtained before occupancy;~~
(B) A separate bedroom is required for any support staff residing on the premises on a full-time basis;
(C) All other applicable codes and ordinances must be met; and
(D) An initial building inspection is required before occupancy, and annual inspections are required thereafter.

[2] Household living is permitted in the B-1(A) district only if located above the ground-floor:

[3] Requires minimum lot area of 20,000 square feet in R districts.

[4] Buildings and outdoor areas associated with such use are prohibited within 100 feet of an R-zoned lot.

[5] Permitted by right if no more than 1,000 square feet (gross floor area) and if all buildings and outdoor areas associated with such use are located at least 100 feet from any R-zoned lot. Otherwise, special use approval is required.

[6] Subject to the following:

(A) Proof of all required state licenses and certifications must be provided before occupancy; and
(B) A certificate of zoning compliance must be obtained before occupancy; and
(B) All other applicable codes and ordinances must be met.

[7] The indoor seating areas of such businesses are limited to no more than 50% of the total floor area of the premises, and outdoor seating areas are limited to no more than 50% of the total floor area of the interior seating area. Any outdoor seating areas must comply with applicable regulations of Sec. 7.20(B) and Chapter 10 of the village code.

[8] Buildings and outdoor areas associated with such use are prohibited within 1,000 feet of a school.

[9] May not occupy more than 30% of the total floor area of the building in which it is located. The building must have a gross floor area of at least 15,000 square feet and no more than 19,000 square feet. The lot on which it is located must have an area of at least 60,000 square feet.

[10] Permitted by-right only when located above the ground-floor of the building. Otherwise, special use approval is required.

[11] Only when accessory to a retail or sporting goods store containing at least 45,000 square feet of gross floor area.

[12] Only when located on lot contiguous with existing vehicle sales use under same ownership. Not allowed within 300 feet of R-zoned lot.

[13] Buildings and outdoor areas associated with such use are prohibited within 500 feet of R-zoned lot.

[14] Not allowed within 300 feet of R-zoned lot. All operations must be screened from view of abutting lots and rights-of-way in accordance with Sec. 10.07.

[15] Permit required in accordance with village code Chapter 22, Article XI.

## Sec. 6.02 Use Classification System

This section establishes and describes the use classification system used to categorize principal uses in this zoning ordinance.

### (A) Use Groups

This zoning ordinance classifies principal land uses into major groupings (described in Sec. 6.02(D)(1) through Sec. 6.08). These major groupings are referred to as "use groups." The groups are as follows:

**(1)** Residential. See Sec. 6.03.

**(2)** Commercial. See Sec. 6.04.

**(3)** Warehouse and Distribution. See Sec. 6.05.

**(4)** Manufacturing and Industry. See Sec. 6.06.

**(5)** Public and Institutional. See Sec. 6.07.

**(6)** Other. See Sec. 6.08.

### (B) Use Categories

Each use group is further divided into more specific "use categories." Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered, and typical site conditions.

### (C) Use Subcategories

Some use categories are further broken down to identify more specific "use subcategories."

### (D) Classification of Uses

#### (1) General Authority

The zoning administrator is authorized to classify uses on the basis of the use group, category, and subcategory descriptions of this article. When a use cannot be readily classified into a use group, category, or subcategory, the zoning administrator is authorized to determine the most similar and thus most appropriate use group, category, or subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use group, category, and subcategory descriptions provided in this article. The zoning administrator is also authorized to refer the similar use determination to the planning and zoning commission for a decision. In making similar use determinations, decision-making bodies must consider:

**(a)** The types of activities that will occur in conjunction with the use;

**(b)** The types of equipment and processes to be used;

**(c)** The existence, number and frequency of residents, customers, or employees;

**(d)** Parking demands associated with the use; and

**(e)** Other factors deemed relevant to a use determination.

#### (2) Hybrid Uses

When the use of a property involves multiple principal uses, the zoning administrator is authorized to categorize each separate principal use in the group, category, or subcategory that provides the most exact, narrowest and appropriate "fit." Such "hybrid" uses are allowed only when the zoning of the subject property allows all the principal uses occurring on the property.

## Sec. 6.03 Residential Use Group

This use group includes uses that provide living accommodations for one or more persons. The residential use categories are as follows.

### (A) Household Living

#### (1) Use Category Description

The household living use category is characterized by a single household occupying a dwelling unit that is self-contained, with facilities for cooking, eating, sleeping, and sanitation. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

#### (2) Subcategories

Household living uses must occupy a residential building type that is permitted in the subject zoning district. Residential building types (use subcategories) are as follows:

**(a) Detached House**

A principal residential building that: (i) contains only one dwelling unit; (ii) is located on a single lot; and (iii) is not attached to any other dwelling units.

**(b) Semi-detached House**

A principal residential building that is occupied by 2 side-by side dwelling units separated by a common or abutting wall with visually unifying above-ground structural elements. Each dwelling unit has its own external entrance.

**(c) Attached House**

A principal residential building that is occupied by 3 or more dwelling units each located on its own lot with a common or abutting wall along the dwelling units' shared lot lines and includes physically unifying horizontal structural elements. Each dwelling unit has its own external entrance.

**(d) Two-unit House**

A principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units must be located on separate floors (one above the other).

**(e) Mixed-Use Residential**

A principal building occupied by nonresidential uses generally on the ground-floor and one or more dwelling units generally above the ground floor.

**(f) Multi-Unit Building**

A principal residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

**(g) Assisted Living Residence**

A multi-unit residential building in which sleeping accommodations are provided for 3 or more unrelated adults, at least 80% of whom are 55 years of age or older, and where the following services are provided for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident in a way that promotes self-direction and participation in decisions that emphasize independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in a residential surrounding.

### (B) Group Living

#### (1) Use Category Description

The group living use category is characterized by residential occupancy of a building or any portion of a building by a group other than a household. Examples of group living uses include community residences, convents, monasteries, nursing homes, homeless centers, and emergency protective shelters. Group living uses typically provide communal kitchen/dining facilities.

#### (2) Subcategories

The group living use category expressly includes the following subcategories:

**(a) Community Residence**

A detached house shared by persons with disabilities who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Detached houses shared by persons who are 60 years of age or older are also classified as community residences. Community residences do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration. There are 2 types of community residence uses:

i. Family Community Residence: A community residence occupied by 8 or fewer unrelated persons, plus professional support staff.

ii. Group Community Residence: A community residence occupied by 9 to 15 unrelated persons, plus professional support staff.

**(b) Nursing Home**

A “long-term care facility,” as defined in 210 ILCS 45/1-113, that provides skilled nursing care.

**(c) Other**

Group living uses not otherwise categorized into a specific group living use subcategory.

## Sec. 6.04 Commercial Use Group

The commercial use group includes uses that are primarily engaged in providing a business service to consumers or involve the selling, leasing, or renting of merchandise to consumers. The commercial use categories are as follows.

### (A) Animal Service

#### (1) Use Category Description

Uses that provide goods and services for care of domesticated household pets.

#### (2) Subcategories

The animal service use category expressly includes the following subcategories:

**(a) Boarding or Shelter**

Keeping or care of more than 2 dogs, cats or other household domestic pets over one year of age in return for remuneration or for the purpose of sale. Examples include shelters, boarding kennels, pet day care establishments, pet adoption centers, dog training centers, and animal rescue shelters.

**(b) Grooming Service**

Establishments that provide grooming services for dogs, cats, and similar small animals without providing boarding or veterinary services.

#### (c) Veterinary
Animal hospitals and veterinary clinics.

#### (d) Other
Animal service uses not otherwise categorized into a specific animal service use subcategory.

### (B) Consumer Service

#### (1) Use Category Description
Uses that provide services to individuals or small businesses within completely enclosed buildings.

#### (2) Subcategories
The consumer service use category expressly includes the following subcategories:

#### (a) Business Support Service
Establishments that provide personnel services, printing, copying, package delivery drop-off, photographic services or communication services to businesses or consumers. Examples include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, and photo developing labs.

#### (b) Maintenance and Repair Service
Establishments that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Examples include laundry and dry-cleaning pick-up shops, laundromats, tailors, shoe repair, picture framing shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments.

#### (c) Personal Improvement Service
Establishments that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, and day spas.

#### (d) Health and Fitness Service
Uses that provide physical fitness and similar personal well-being services. Typical uses include health clubs, yoga studios, martial arts studios, gymnastics studios, and similar participant-based health and fitness establishments.

#### (e) Instructional Service
Establishments that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, language or similar activities. Also includes artist studios, and photography studios.

#### (f) Business Training
Establishments and facilities, including classrooms, providing vocational, trade, business or professional training services.

#### (g) Tattoo or Body Piercing Service
Establishments that provide tattoo or body piercing services, as defined in defined in 410 ILCS 54/1.

#### (h) Other
Consumer service uses not otherwise categorized into a specific consumer service use subcategory.

#### (3) Supplemental Use Regulations

Tattoo and body piercing service uses may not be located within 1,000 feet of another tattoo or body piercing service use or within 1,000 feet of a cemetery; school; forest preserve; governmental institution; hospital; park or recreation use; library or cultural exhibit; religious assembly use; or R-zoned lot, as measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot occupied by the tattoo or body piercing service use to the nearest property line of the R-zoned lot or the nearest property line of the lot occupied by an existing use for which distance separation is required under this section.

### (C) Day Care Center

#### (1) Use Category Description

Uses providing care, protection and supervision for more than 8 children (under 12 years of age) or any number of adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed childcare centers, preschools, nursery schools, head-start programs, after-school programs, and adult day care facilities. The use category does not include day care homes or homes for pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.

#### (2) Supplemental Use Regulations

Outdoor activity areas associated with day care center uses must be fenced and screened from view of abutting properties ~~with evergreen plant material with a minimum height of 4 feet~~.

### (D) Day Care Home

#### (1) Use Category Description

A state licensed facility operated in a residential dwelling that provides care, protection and supervision for 8 or fewer children under 12 years of age at any one time apart from their parents or legal guardians, for less than 24 hours per day. For purposes of this description, the number of children include the permanent occupant's natural, foster or adopted children. The use category description does not include babysitting services that receive only children from a single household.

### (E) Eating and Drinking Place

#### (1) Use Category Description

Establishments that prepare and serve food or beverages for on- or off-premises consumption.

#### (2) Subcategories

The eating and drinking place use category expressly includes the following subcategories:

##### (a) Bar or Tavern

Uses that cater primarily to adults, 21 years of age and older and that sell and serve alcoholic beverages as their principal business. Typical bar uses include bars, taverns, nightclubs, and similar establishments that are not more classified.

##### (b) Craft Alcoholic Beverage Dispenser

A craft alcoholic beverage manufacturer that specializes in serving alcoholic beverages produced on-site to patrons in on-site indoor or outdoor seating areas. Beverages produced may be for sale to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted.

**(c) Restaurant**
An establishment principally involved in serving food for on- or off-premises consumption. Typical examples of restaurant uses include restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops. Service of alcoholic beverages is permitted in association with a restaurant use as long a food service remains the principal activity.

**(d) Tobacco or Vape Lounge**
An establishment primarily engaged in retail sales of tobacco and vape products for on-site consumption or that is otherwise primarily engaged in allowing on-site consumption of tobacco and vape products. Examples include hookah bars/lounges and cigar bars/lounges.

**(e) Other**
Eating and drinking place uses not otherwise categorized into a specific eating and drinking place use subcategory.

**(3) Supplemental Use Regulations**

**(a) Outdoor Seating and Dining Areas**
Outdoor seating and dining areas are subject to the regulations of Sec. 7.20(B).

**(F) Entertainment, Participant**

**(1) Use Category Description**
Uses that provide gathering places in which members of the public may actively engage in recreation and entertainment activities. Participant entertainment uses may provide incidental food and beverage service. Typical uses include bowling centers, billiard halls, arcades, escape houses, trampoline centers, rock climbing centers, driving ranges, and miniature golf courses. Restaurants or cafes in which board games are available for use by patrons are not regulated as participant entertainment.

**(2) Subcategories**

**(a) Arcade**
An establishment occupied by 6 or more operational electrical or mechanical (non-gaming) amusement devices, such as pinball machines, electronic games, mechanical grab machines, and similar devices.

**(b) Video Gaming, Accessory**
The ownership, placement, maintenance, operation or use of a video gaming terminal as an accessory use in a public place, fraternal organization, or veterans' establishment, as defined by the *Video Gaming Act* (230 ILCS 40/1 et seq.).

**(c) Video Gaming Café**
An establishment that sells or otherwise provides alcoholic beverages for on-premises consumption in conjunction with video gaming pursuant to the *Illinois Video Gaming Act*.

**(d) Other Indoor**
Participant entertainment uses conducted within a completely enclosed building that are not otherwise categorized into a specific participant entertainment use subcategory.

**(e) Outdoor**
Participant entertainment uses conducted in whole or in part outside of a completely enclosed building.

**(3) Supplemental Use Regulations**

**(a) Video Gaming, Accessory**

Video gaming is allowed only as an accessory use to an allowed principal use. Despite any nonconformity provisions to the contrary contained in Article XIII or elsewhere in this zoning ordinance:

i. A new owner of an existing establishment in a B-1(A) and B-1 zoning district with video gaming as an accessory use may continue to operate that accessory use if the new owner otherwise qualifies for and receives a village liquor license for that accessory use and qualifies for and receives a state video gaming license, and

ii. An existing establishment in a B-1(A) and B-1 zoning district with video gaming as an accessory use may expand its structure, expand its interior area where video gaming terminals are located, change the interior area where video gaming terminals are located and/or expand the number of video gaming terminals on the premises, provided that such actions comply with all other village ordinances and regulations and comply with all state laws and regulations.

**(b) Video Gaming Cafe**

Despite any nonconformity provisions to the contrary contained in Article XIII or elsewhere in this zoning ordinance:

i. A new owner of an existing video gaming cafe may continue to operate that use if the new owner otherwise qualifies for and receives a village liquor license for the use and qualifies for and receives a state video gaming license, and

ii. An existing video gaming cafe may expand its structure, expand its interior area where video gaming terminals are located, change the interior area where video gaming terminals are located, and/or expand the number of video gaming terminals on the premises, provided that such actions comply with all other village ordinances and regulations and comply with all state laws and regulations.

## (G) Entertainment, Spectator

**(1) Use Category Description**

Uses that provide gathering places in which members of the public entertainment, sports, or similar activities. Typical uses include theaters, cinemas, auditoriums and stadiums.

## (H) Financial Service

**(1) Use Category Description**

Uses engaged in the exchange, lending, borrowing and safe-keeping of money.

**(2) Subcategories**

The financial service use category includes the following subcategories:

**(a)** Banks, credit unions, and savings and loans; and

**(b)** Alternative financial service establishments, which are:

i. Pawnshops and pawn brokers (as defined in 205 ILCS 510);

ii. Establishments that provide (vehicle) title-secured loans or payday loans (as defined in 815 ILCS 122) and similar services;

iii. Community currency exchanges (as defined in 205 ILCS 405/1); and

iv. Establishments primarily engaged in buying gold or other precious metals (e.g., cash-for-gold businesses).

**(3) Exceptions**

Automatic teller machines that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see Article VII).

### (I) Funeral and Mortuary Service

**(1) Use Category Description**

An establishment in which the dead are prepared for burial and in which wakes and funerals may be held. Funeral and mortuary service uses may include facilities for embalming and the performance of other services used in the preparation of the dead for burial; the storage of caskets, funeral urns and other related funeral supplies; and memorial service seating and viewing areas.

**(2) Exception**

Crematoriums are classified in the manufacturing and industry use group (see Sec. 6.06(D)).

### (J) Lodging

**(1) Use Category Description**

Hotel and motels that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests.

### (K) Office

**(1) Use Category Description**

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services.

**(2) Subcategories**

The office use category includes the following subcategories:

**(a) Business Office**

Office uses for companies and organizations. Examples include corporate offices, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and organizations.

**(b) Medical Office**

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, physical therapists, chiropractors and non-traditional medical or well-being therapies. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use category, as are medical and dental laboratories, unless otherwise expressly indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

**(c) Research Service**

An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such

external impacts are classified in the "limited manufacturing" use category (see Sec. 6.06(F)).

### (L) Parking, Non-Accessory

Off-street parking spaces that are not provided to comply with minimum off-street parking requirements and that are not provided exclusively to serve occupants of or visitors to a particular use, but rather are available to the public at-large. A parking facility that provides both accessory and non-accessory parking is classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use.

### (M) Parking, Off-site Nonresidential

#### (1) Use Category Description

Accessory parking spaces serving nonresidential uses located on another (off-site) lot.

#### (2) Supplemental Use Regulations

Off-site, accessory parking serving a nonresidential use may be approved as a special use in an R district when:

**(a)** The use to be served by the accessory parking is located on a lot abutting the R-zoned lot on which the parking is to be located;

**(b)** A dense landscape screen is provided to visually screen the parking spaces from abutting R-zoned lots; and

**(c)** No parking spaces are located within the required front setback area of the R-zoned lot and the front setback area is maintained and landscaped with grass, shrubs, and trees.

### (N) Parking, Off-site Auto Dealer

#### (1) Use Category Description

Off-site parking and storage of automobile inventory for locally franchised automobile dealerships.

#### (2) Supplemental Use Regulations

Off-site auto dealer parking is subject to the following supplemental use regulations:

**(a)** The lot on which the off-site auto dealer parking is to be located must have a minimum area of 150,000 square feet.

**(b)** The off-site auto dealer parking may not reduce required off-street parking below the minimum required for any uses that occupy the lot on which the off-site auto dealer parking is located.

**(c)** The off-site auto dealer parking use must be adequately screened from view and situated so as to not adversely affect surrounding properties.

**(d)** Customer visits to the off-site auto dealer parking area are prohibited.

**(e)** Automobile repairs, automobile sales, and other automobile dealership activities (other than parking of automobiles) is prohibited on the site of the off-site auto dealer parking area.

**(f)** Loading and unloading of automobiles from automobile carriers on the site of the off-site auto dealer parking is prohibited.

**(g)** Approval may be granted only after review of a plan showing the location and orientation of automobile inventory parking upon the property, the maximum number of spaces for automobile inventory parking, and such other information as may be relevant to the request.

### (O) Retail Sales

#### (1) Use Category Description

Uses involving the sale, lease, or rental of new or used goods to the ultimate consumer, including those that sell or otherwise provide pharmaceuticals, groceries, sundry goods, convenience goods, consumer shopping goods, household goods, plants, flowers, or hardware.

#### (2) Subcategories

##### (a) Indoor

Retail sales uses (except those more specifically defined) in which any outdoor sales area does not exceed 5% of the gross floor area of the principal building on the lot.

##### (b) Outdoor

Retail sales uses (except those more specifically defined) in which any outdoor sales or display area exceeds 5% of the use's total gross floor area. Typical uses include outdoor plant nurseries, garden centers, equipment rental centers, lumber yards, home improvement warehouses, and farmers markets.

##### (c) Firearms Sales

Any use engaged in retail sales or distribution of firearms, whether as a principal use or accessory use.

##### (d) Tobacco and Vape Product Sales

A retail sales use that derives more than 50% of its sales from the sale of tobacco and vape products for off-site consumption.

##### (e) Used Goods Sales

A retail sales use principally involved in selling used (pre-owned) goods. Used goods sales do not include pawnshops or pawn brokers (see Sec. 6.04(H)).

#### (3) Supplemental Use Regulations

##### (a) Firearms Sales

All firearms sales uses are subject to the following supplemental regulations:

i. The seller must possess and maintain all required federal and/or state firearms licenses, as well as a village business license. Seller must provide copies of required federal and/or state firearms licenses to the village with it business license application and each annual renewal application.

ii. The seller must comply with all federal, state, and local laws and regulations.

iii. Firearms must be maintained in a secured location so that access is controlled solely by the seller and not accessible to the general public.

iv. The display of firearms in any window display or other, non-secured display area is expressly prohibited. No variance may be granted to allow such display.

v. Hours of operation for the sales of firearms are limited to 6:00 a.m. to 10:00 p.m.

vi. Firearms sales as an accessory use to a retail or sporting goods store are restricted to no more than 5% of the total floor area of the retail or sporting goods store.

vii. Special use approval for a firearms sales uses in the M district may be approved only if such use is separated by at least: 1,000 feet from a school; 300 feet from a public park, and 100 feet from any R-zoned lot. Minimum required separation distances must be measured in a straight line, without regard to intervening structures or objects, from the nearest lot line of the lot occupied by the firearms sales use to nearest lot line of lot occupied by the protected use or R-zoned lot.

### (P) Self-service Storage Facility

#### (1) Use Category Description

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle noncommercial vehicles.

### (Q) Sexually Oriented Business

#### (1) Use Category Description

An adult bookstore, adult motion picture theater, or adult entertainment cabaret.

#### (2) Subcategories

The sexually oriented business use category includes the following subcategories:

##### (a) Adult Bookstore

An establishment having, as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities" or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

##### (b) Adult Entertainment Cabaret

An establishment offering to its patrons, as entertainment, any live exhibition or display, or any theatrical or other live performances that include topless or go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any persons singing, reading, posing, modeling or serving food or beverages, where such exhibition, performance, display or dance is intended to sexually arouse the entertainer or the patrons, or where the attire of persons involved is such as to expose specified anatomical areas.

##### (c) Adult Motion Picture Theater

An enclosed building, regardless of its seating capacity, that is used to present for public view on the premises, films, movies, previews, trailers or advertisements that are distinguishable by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

#### (3) Supplemental Use Regulations

Sexually oriented businesses are subject to the adult use regulations of Chapter 22, Article VIII of the village code as well as the following additional regulations:

(a) Sexually oriented business uses may not be established on lots located within:

i. 500 feet of a property occupied by an existing neighborhood or community park;

ii. 500 feet of property occupied by an existing school;

iii. 500 feet of property occupied by an existing religious assembly use;

iv. 1,000 feet of property occupied by another existing sexually oriented business use; or

v. 200 feet of an R-zoned lot.

**(b)** All required separation distances must be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot occupied by the sexually oriented business use to the nearest property line of the R-zoned lot or the nearest property line of the lot occupied by an existing use for which distance separation is required under this section.

### (R) Vehicle Sales and Service

#### (1) Use Category Description

Uses that provide for the sale, rental, maintenance, or repair of new or used motor vehicles and recreational vehicles.

#### (2) Subcategories

The vehicle sales and service category includes the following subcategories:

**(a) Fueling Station**

Uses primarily engaged in retail sales of conventional or alternative vehicle fuels for personal vehicles, and in which any repair service is incidental. Fueling stations may not include outdoor motor vehicle storage, motor vehicle sales or rentals, or open sales lots. Fleet vehicle fueling facilities and truck stops are part of the “Commercial Vehicle Repair and Maintenance” specific use type.

**(b) Minor Repair and Maintenance**

Uses that repair, install, or maintain the mechanical or electrical components of motor vehicles or that wash, clean, or otherwise protect the exterior or interior surfaces of such vehicles. Examples include oil change businesses; tire sales, repair and installation businesses; auto mechanics, and car washes.

**(c) Sales or Rentals**

Uses that provide for the sale or rental of new or used motor vehicles. Typical examples include automobile dealers and car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as vehicle sales and rental uses but are instead considered accessory parking.

**(d) Body and Paint Shop**

Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means.

## Sec. 6.05 Warehouse & Distribution

The warehouse and distribution use group includes uses that store or distribute goods in large quantities, principally to serve commercial or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods, and personal items is included. The warehouse and distribution use categories are as follows.

### (A) Warehouse/Logistics

#### (1) Use Category Description

Indoor storage of goods, products and materials or receipt of bulk products and separation and distribution of those products to another warehouse/logistics

facility or to individual end-user consumers. A warehouse/ logistics use may include value-added services between a supplier and its customers such as breaking down of large orders from a single source into smaller orders (break-bulk functions), product mixing, sorting, packaging, cross-docking, order fulfillment, order returns, the consolidation of several orders into one large order for distribution to several recipients or vice versa but may not include retail or manufacturing uses.

#### (B) Data Center

##### (1) Use Category Description

A building used primarily for the storage, management, processing, and transmission of digital data and that houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

## Sec. 6.06 Manufacturing and Industry Use Group

The manufacturing and Industry use group includes establishments involved in manufacturing, processing, fabrication, packaging, or assembly of goods or the servicing of industrial or commercial machinery, equipment, products or by-products. Uses in this group may include related-business and professional offices and research and development offices as accessory uses.

#### (A) Building Service

##### (1) Use Category Description

Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of premises. Typical uses include janitorial, landscape maintenance, carpet cleaning, chimney sweeps, extermination, plumbing, electrical, HVAC, roofing, and similar services. Also includes businesses engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products.

#### (B) Catering Service

##### (1) Use Category Description

Businesses primarily engaged in the preparation and delivery of food and beverages for off-site consumption by groups.

##### (2) Supplemental Use Regulations

The following supplemental use regulations apply to catering services in the O/R district:

**(a)** Principal business activities are limited to the preparation and delivery of food and beverages for off-site consumption by clients;

**(b)** Such use may not reduce required off-street parking below minimum requirements for any other use that occupies the subject property;

**(c)** Commercial vehicles used for business operations and stored on-site when not in use are allowed as approved in the special use approval, including, but not limited to:

i. Vehicles must be stored in a designated area;

ii. Vehicle count may not be increased by more than 20% without an amendment to special use approval;

iii. Vehicles must be operable with current registration;

iv. Vehicles may not be used to store/warehouse products or materials for a period longer than 72 hours;

v. Vehicles must be parked in standard parking stalls and may not encroach into other stalls or required drives and aisles; and

vi. Oversized vehicles are prohibited.

### (C) Craft Alcoholic Beverage Producer

#### (1) Use Category Description

A business that specializes in the production and distribution of craft alcoholic beverages produced on or off-site. Such businesses may sell craft alcoholic beverages from the brewery's storage tanks to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted.

### (D) Crematorium

#### (1) Use Category Description

An establishment providing for the on-site incineration of corpses.

### (E) Artisan Manufacturing

#### (1) Use Category Description

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no discernible adverse impacts on surrounding properties.

### (F) Limited Manufacturing

#### (1) Use Category Description

Uses that process, fabricate, assemble, treat, test, or package parts or products without the use of explosive or petroleum materials, unless approved by a special use permit. Uses in this category do not involve the assembly of large equipment and machinery and have limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic. ~~Uses include artisanal manufacturing activities, such as the on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no or limited negative external impacts on surrounding properties.~~

### (G) High-Impact Manufacturing & Industry

#### (1) Use Category Description

Manufacturing and industry uses that regularly generate substantial land use impacts in terms of hazardous operations or that generate significant external impacts in terms of noise, vibration, odor, hours of operation, and truck and commercial vehicle traffic, as determined by the zoning administrator.

#### (2) Supplemental Use Regulations

High-impact manufacturing and industry uses may be approved only if operations are conducted in accordance with state regulations and such additional regulations as might be required by the village, and provided that operations are located not less than 500 feet from an R district and are screened from view by an earth berm and an opaque fence or wall with a minimum height of 7 feet.

### (H) Industrial Service

#### (1) Use Category Description

Businesses engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products. Typical uses include: welding

shops; machine shops; industrial tool repair; and laundry, dry-cleaning and carpet cleaning plants.

#### (I) Recyclable Material Drop-off Facility

##### (1) Use Category Description

An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Recyclable commodities are limited to non-hazardous, nonspecial, homogeneous, nonputresable materials such as dry paper, glass, cans or plastic. Does not include general construction or demolition debris facilities, as defined in 415 ILCS 5/3.160, and/or transfer stations, as defined by 415 ILCS 5/3.500.

#### (J) Recyclable Material Processing

##### (1) Use Category Description

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

#### (K) Junk or Salvage Yard

##### (1) Use Category Description

A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

## Sec. 6.07 Public and Institutional Use Group

This use group includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public and institutional use categories are as follows.

#### (A) College or University

College or University: Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees. The college or university use subcategory includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums, and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

#### (B) Community Assembly

##### (1) Use Category Description

The community assembly use category includes gathering places for group assembly that are not primarily centered on religious or spiritual matters or on commercial activities. Typical uses include fraternal organizations, private (member-based) clubs, senior centers, and community centers. The community assembly use category does not include uses classified as participant or spectator entertainment uses (see Sec. 6.04(F) and Sec. 6.04(G), respectively).

#### (C) Community Garden

##### (1) Use Category Description

An area less than one acre in area that is managed and maintained by an individual or group to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

### (D) Governmental Use

#### (1) Use Category Description

Uses related to the administration of local, state or federal government services or functions that are not otherwise identified by a use category or subcategory.

### (E) Hospital

#### (1) Use Category Description

Uses providing inpatient medical or surgical services. Hospitals may also provide outpatient treatment.

### (F) Library or Cultural Exhibit

#### (1) Use Category Description

Curation, preservation or exhibition of objects in one or more of the arts and science; gallery exhibition of works of art; or collections of books, manuscripts, and similar materials operated by a public or quasi-public agency.

### (G) Parks and Recreation

#### (1) Use Category Description

Recreational, social or multi-purpose uses associated with public parks and open spaces, including neighborhood parks, community parks, public and private golf courses, tennis clubs, and open space areas.

#### (2) Subcategories

##### (a) Community Park

A public park designed to serve a group of neighborhoods or geographic areas defined by major trafficways. Community parks provide larger or more costly facilities that cannot be accommodated in neighborhood parks.

##### (b) Neighborhood Park

A small public park accessed by neighborhood residents primarily by walking or bicycle.

### (H) Religious Assembly

#### (1) Use Category Description

Places of religious assembly or worship of religions recognized by the Illinois Attorney General and/or Internal Revenue Service. This use category includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage.

### (I) Safety Service

#### (1) Use Category Description

Establishments that provide fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

### (J) School

#### (1) Use Category Description

Public and private schools at the primary, elementary, middle school or high school level providing basic, compulsory education.

### (K) Infrastructure or Utility, Major

#### (1) Use Category Description

Public utility and Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and

nonrenewable energy sources), and utility-scale water storage facilities, such as water towers and reservoirs.

#### (L) Infrastructure or Utility, Minor

##### (1) Use Category Description

Public utility and Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

## Sec. 6.08 Other Use Group

This group includes uses that do not fit into the use categories established in Sec. 6.03 through Sec. 6.07 or that require more specific regulation than other use categories.

#### (A) Cannabis Business Establishment

##### (1) Use Category Description

A cannabis craft grower, cannabis cultivation center, adult use cannabis dispensary, medical cannabis dispensary, cannabis infuser. cannabis processor, or cannabis transporter licensed by the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) and administrative rules promulgated thereunder.

##### (2) Subcategories

The cannabis business establishment category includes the following subcategories:

###### (a) Cannabis Cultivation Center

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport or perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

###### (b) Adult Use Cannabis Dispensary

A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire adult use cannabis from cannabis business establishments for the purpose of dispensing cannabis pursuant to and in accordance with the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and administrative rules promulgated thereunder.

###### (c) Medical Cannabis Dispensary

A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from cannabis cultivation centers, or, subject to applicable law, any cannabis business establishment, for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational material to registered qualifying patients. For purposes of this definition, "qualified patient" has the meaning ascribed to that term in the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).

###### (d) Cannabis Craft Grower

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to perform necessary activities to cultivate,

dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a registered cannabis dispensary or for use at a cannabis processing facility.

**(e) Cannabis Infuser**
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product for sale at a registered cannabis dispensary.

**(f) Cannabis Processor**
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product for sale at a registered cannabis dispensary.

**(g) Cannabis Transporter**
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, in accordance with the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and administrative rules promulgated thereunder.

### (3) Supplemental Use Regulations

**(a)** Cannabis business establishments may not be established on lots:

i. Within 1,000 feet of property occupied by an existing school;

ii. Within 300 feet of property occupied by an existing neighborhood or community park; or

iii. Within 100 feet of an R-zoned lot.

**(b)** All required separation distances must be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot occupied by the cannabis business establishment to the nearest property line of the R-zoned lot or the nearest property line of the lot occupied by an existing use for which distance separation is required under this section. However, adult use cannabis dispensaries measure the distance from an R-zoned lot from the portion of the building or outdoor area associated with such use.

## (B) Drive-through Facility

### (1) Use Category Description

An establishment that by design, physical facilities, service procedures, or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in motor vehicles, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space designated for curbside pickup. Typical uses include drive-through restaurants, drive-through banks, and drive-through pharmacies. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-through facilities if they meet the criteria for classification as an accessory use (see Article VII).

### (C) Off-premises Outdoor Advertising Sign

#### (1) Use Category Description

A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered elsewhere than upon the lot where the subject sign is located.

### (D) Planned Unit Development

#### (1) Use Category Description

A planned Unit Development (PUD) is a special zoning category. See Sec. 5.04 for a description and applicable regulations.

### (E) Wireless Telecommunications Facility

#### (1) Use Category Description

Cell towers, cell antennas, equipment, equipment buildings and other facilities used in the transmission and reception of radio or electromagnetic signals authorized by the Federal Communications Commission. This use category does not include receive-only antennas, amateur ("ham") radio antennas or towers, or small wireless facilities, as defined in 50 ILCS 835.

#### (2) Subcategories

The wireless telecommunications facility use category includes the following subcategories:

##### (a) Cell Tower

A freestanding structure intended to support antennas and related equipment that is used to transmit and/or receive wireless telecommunications signals, including stealth, monopole, guyed and lattice construction structures. Includes ancillary equipment, buildings and/or structures and fencing.

##### (b) Cell Antenna, Building-Mounted

A physical device that is attached to a building or other non-tower structure through which commercial wireless telecommunications signals authorized by the Federal Communications Commission are transmitted and received.

##### (c) Cell Antenna, Tower-Mounted

A physical device that is attached to a cell tower through which commercial wireless telecommunications signals authorized by the Federal Communications Commission are transmitted and received.

#### (3) Supplemental Use Regulations

Wireless telecommunications facilities are subject to the regulations of Article VIII.

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# Article VII Accessory and Temporary Uses and Structures


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## Sec. 7.01 Accessory Uses and Structures Generally

The regulations of this section apply to all accessory uses and structures in all zoning districts unless otherwise expressly stated in this zoning ordinance.

### (A) Allowed

Accessory uses and accessory structures are allowed only in connection with lawfully established principal uses and principal structures. Allowed accessory uses and structures are limited to those expressly regulated in this article as well as those that, in the determination of the zoning administrator, satisfy all of the following criteria:

**(1)** They are customarily found in conjunction with the subject principal use or principal structure;

**(2)** They are subordinate and clearly incidental to the principal use of and the principal structure on the subject property; and

**(3)** They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use or principal structure;

**(B) Time of Construction and Establishment**

**(1)** Accessory uses may be established only after the principal use of the property is in place.

**(2)** Accessory structures may be established concurrently with the principal structure or after the principal structure has been established. They may not be established before construction of the principal structure has commenced.

**(C) Location**

Unless otherwise expressly authorized by provisions of this ordinance, accessory uses and structures must be located on the same lot as the principal use or principal structure to which they are accessory or on an abutting lot in common ownership with the lot occupied by the principal use or principal structure.

**(D) Ownership**

Accessory uses and accessory structures must be under the same ownership and control as the principal use or principal structure.

**(E) Building Separation**

Accessory buildings must be separated from principal buildings and all other accessory buildings by a minimum distance of 10 feet.

## Sec. 7.02 Residential Accessory Uses and Structures Generally

The regulations of this section apply to residential accessory uses and structures in all R zoning districts unless otherwise expressly stated in this zoning ordinance.

**(A) Number and Size of Accessory Buildings**

**(1) General**

**(a)** One detached garage is allowed on any R-zoned lot.

**(b)** In addition to a detached garage (if present) a maximum of 2 additional (non-garage) detached accessory buildings are allowed on an R-zoned lot.

**(c)** The total aggregate "footprint" (i.e., ground level coverage) of all accessory buildings on a lot may not exceed 1,250 square feet.

**(2) Small Building Exemption**

Small storage cabinets and sheds are exempt from the 2-building limit and combined building footprint limitations established in Sec. 7.02(A)(1)(b) and Sec. 7.02(A)(1)(c), and are exempt from ~~all permitting,~~ the lot coverage, and accessory building separation requirements of this zoning ordinance, provided that:

~~(a) No more than 2 such small buildings qualify for such exemption;~~

~~(b)~~(a) The combined, aggregate footprint of such small buildings does not exceed 50 ~~Each small building has a footprint of no more than 12~~ square feet; and

**(b)** Such small buildings are not placed on a permanent foundation.

**(B) Location**

**(1)** Accessory buildings are allowed in rear yards and street side yards. They are allowed in front yards but not within the required front setback area. Accessory buildings are prohibited in interior side yards.

**(2)** All accessory buildings and roofed structures must be set back at least 5 feet from all side and rear lot lines, except in the R-3 district, where accessory buildings may be 3 feet from a side lot line, unless otherwise expressly stated in this article or in Sec. 7.04 (Table VII-1). For accessory buildings in street side yards of reversed corner lots, the minimum street setback for an accessory building is 50% of the front yard that exists on the lot abutting to the rear of the reversed corner lot. If the

abutting lot to the rear is vacant, the 50% minimum must be calculated on the basis of the abutting lot's required front setback.

**(C) Height**

Accessory buildings may not exceed ~~one story or 15 feet in height~~ 18 feet in height or the height of the principal building on the lot, whichever is less.

## Sec. 7.03 Nonresidential Accessory Uses and Structures Generally

The regulations of this section apply to nonresidential accessory uses and structures in all zoning districts unless otherwise expressly stated in this zoning ordinance.

**(A) Special Use Approval**

Nonresidential accessory buildings are allowed only if approved in accordance with the special use procedures of Sec. 14.04.

**(B) Number**

No more than one nonresidential accessory building is permitted on any lot unless approved at the time of special use approval.

**(C) Location**

**(1)** Accessory buildings are prohibited in front and street side yards.

~~(1)~~**(2)** Accessory buildings are subject to compliance with the principal building setback regulations of the subject zoning district except as otherwise expressly stated in this article.

**(3)** All other accessory structures must be set back at least 5 feet from interior side lot lines and 10 feet from rear lot lines unless otherwise expressly stated in this article.

~~**(2)** Accessory buildings are prohibited in drainage easements and utility easements.~~

~~(3)~~**(4)** Accessory structures are prohibited in required landscape areas and required parking spaces unless such location is expressly approved at the time of site plan approval.

**(D) Height**

Unless otherwise approved at the time of special use approval, nonresidential accessory buildings may not exceed 20 feet in height or the height of the principal building on the lots, whichever is less.

**(E) Design**

Nonresidential accessory buildings must:

**(1)** Be placed on a permanent foundation or improved surface;

**(2)** Be constructed with materials that have a similar appearance to those used on the principal building; and

**(3)** Comply with the foundation landscape requirements of Sec. 10.07(D)(3).

## Sec. 7.04 Accessory Structures in Setbacks

~~Yards and s~~Setbacks in all zoning districts must remain unobstructed and unoccupied from the ground to the sky except as indicated in Table VII-1 or otherwise expressly stated in this zoning ordinance. See also Sec. 12.05 for sight vision triangle requirements.

Table VII-1: Allowed ~~Yard and~~ Setback Encroachments and Obstructions

| Obstruction/Encroachment | | ~~Yard~~/Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| (1) | Accessory dwelling unit, detached (See also Sec. 7.05) | No | No | Yes |
| (2) | Awning or canopy (attached to principal building) projecting no more than one foot into interior side setback or 3 feet into any other setback | Yes | Yes | Yes |

| Obstruction/Encroachment | | ~~Yard~~/Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| (3) | Arbor or trellis (freestanding) | No | No | Yes |
| (4) | Arbor or trellis (attached to principal building) | Yes | Yes | Yes |
| (5) | Air conditioner compressor, heat pump, or back-up power generator (See also Sec. 7.06, Sec. 7.16), and Sec. 7.17) | No | Yes | Yes |
| (6) | Antenna and tower, amateur radio (see also Sec. 7.08) | No | No | Yes |
| (7) | Antenna, ground-mounted satellite dish (see also Sec. 7.08) | No | No | Yes |
| (8) | Antenna, building-mounted satellite dish (see also Sec. 7.08) | No | Yes | Yes |
| (9) | Antenna and tower, wireless telecommunications | (See for Article VIII for regulations) | | |
| (10) | Balcony, projecting no more than 5 feet into a rear setback and no more than 3.5 feet into a street setback | Yes | No | Yes |
| (11) | Bay window, as defined in Sec. 17.06, ~~not exceeding 20% of the building façade of which it is a part and~~ projecting no more than 2 feet into interior side setback and no more than 3 feet into street and rear setbacks | Yes | Yes | Yes |
| (12) | Chimney (attached to principal building) projecting no more than 1.5 feet into setback | Yes | Yes | Yes |
| (13) | Clothesline | No | Yes | Yes |
| (14) | Deck | No | No | Yes |
| (15) | Driveway (see Sec. 9.07(A) for residential driveway regulations) | Yes | Yes | Yes |
| (16) | Dumpster enclosure ~~trash bins, liquid petroleum or compressed natural gas containers and storage facilities not otherwise identified, not exceeding 100 square feet in area, may be permitted if screened or fenced on no less than three sides and the open side not visible from a public street~~ | No | Yes | Yes |
| (17) | Eave or gutter, projecting no more than 4 feet into a street or rear setback and no more than 2 feet into an interior side setback | Yes | Yes | Yes |
| (18) | Fallout shelter or other type of underground emergency shelter, (attached to principal building or freestanding), no closer than 10 feet to any lot line | No | No | Yes |
| (19) | Fence (see also Sec. 7.11) | Yes | Yes | Yes |
| (20) | Fire escape, open or enclosed, projecting into a street setback no more than 5 feet and projecting into an interior side setback no more than 3.5 feet | Yes | Yes | Yes |
| (21) | Fireplace or grill, freestanding masonry (see also Sec. 7.12) | No | No | Yes |
| (22) | Firewood stack ~~storage pile shall not be located in any setback or easement. A firewood pile shall~~ not to exceed 4 feet in height~~, shall be neatly stacked, and shall be comprised of raw, untreated lumber. If firewood is stored in an accessory structure, the structure shall not exceed six feet in height at ground level~~ | No | Yes | Yes |
| (23) | Flagpole~~, not to exceed the maximum height allowed in the zoning district in which they are located, but in no event greater than 60 feet.~~ (see also 0) | Yes | Yes | Yes |
| (24) | Garage or carport (detached, freestanding)~~, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance~~ (see also Sec. 7.15) | No | Yes | Yes |
| (25) | Gazebo | No | No | Yes |
| (26) | Greenhouse, hoop house, or similar garden structure ~~customary yard buildings not exceeding 144 square feet in area~~ | No | No | Yes |
| (27) | Hen coop | No | No | Yes |
| (28) | Kitchen, outdoor (freestanding or attached to principal building) ~~up to 144 square feet in area~~ (see also Sec. 7.12) | No | No | Yes |
| (29) | Lawn furniture, such as benches, sundials, birdbaths and similar household yard/landscape features | Yes | Yes | Yes |
| (30) | Loading space | No | Yes | Yes |
| (31) | Ornamental light standard (see also Sec. 12.01) | Yes | Yes | Yes |
| (32) | Parking, nonresidential ~~open-air~~ (on an approved ~~driveway~~surface) | No | Yes | Yes |
| (33) | Patio | No | No | Yes |
| (34) | Pergola | No | No | Yes |

| Obstruction/Encroachment | | ~~Yard~~/Setback | | |
|---|---|---|---|---|
| | | Street | Side | Rear |
| (35) | Playhouse or tree house no closer than 10 feet to any lot line | No | No | Yes |
| (36) | Porch, covered and open on at least 3 sides, projecting no more than 8 feet into required setback | Yes | No | Yes |
| (37) | Rain barrel | Yes | Yes | Yes |
| (38) | Residential recreational structures, private ~~Playground equipment~~ | No | ~~Yes~~No | Yes |
| (39) | Sidewalks and walkways | Yes | Yes | Yes |
| (40) | Sign, subject to all applicable sign regulations of Article XI | Yes | Yes | Yes |
| (41) | Sill, belt course, cornice or other ornamental features of the principal building, projecting no more than one foot into required setback | Yes | Yes | Yes |
| (42) | Solar energy system, building-mounted (see Sec. 7.22(B)) | Yes | Yes | Yes |
| (43) | Solar energy system, ground-mounted (see Sec. 7.22(C)) | No | No | Yes |
| (44) | Sports court or other paved recreation area | No | No | Yes |
| (45) | Steps and landings (at-grade or raised) for access to and from a principal or accessory building or in gardens or terraces (whether covered or uncovered); not to exceed 15 square feet in area in side setback or 100 square feet in area in other required setback areas | Yes | Yes | Yes |
| (46) | Swimming pool clubhouse facility (accessory to multi-unit residential) ~~in R-4 or R-5 district~~ | No | Yes | Yes |
| (47) | Swimming pool, private (see also Sec. 7.23) | No | No | Yes |
| (48) | Trees, shrubs and other plants | Yes | Yes | Yes |
| (49) | Wind energy conversion system~~-powered electrical generators, with special use only, and with special conditions reviewed by the electrical commission.~~ (see also Sec. 7.27) | No | No | Yes |
| (50) | Utility buildings and equipment in nonresidential zoning districts (subject to site plan approval) | No | Yes | Yes |
| (51) | Wheelchair ramp or lift needed to meet any federal, state or local accessibility regulations | Yes | Yes | Yes |
| (52) | Window well, projecting no more than 3 feet into required setback (maximum of 3 feet into any required setback but no closer than 5 feet from the property line~~, nor encroach into any drainage and/or utility easement~~) | Yes | Yes | Yes |

## Sec. 7.05 Accessory Dwelling Units (ADUs)

### (A) Purpose

**(1)** The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.

**(2)** Accessory dwelling units ("ADU") help advance the village's housing and land use goals and policies by:

**(a)** Accommodating additional housing units while preserving the physical character of existing neighborhoods;

**(b)** Allowing efficient use of the village's housing stock and infrastructure;

**(c)** Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;

**(d)** Providing a means for residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and

**(e)** Promoting a broader range of accessible and more affordable housing.

### (B) General Regulations for all ADUs

All accessory dwelling units must comply with the regulations of this subsection.

**(1) Zoning District Regulations**

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this section.

**(2) Where Allowed**

Accessory dwelling units are allowed only on lots occupied by a detached house on an R-zoned lot.

**(3) Number**

No more than one accessory dwelling unit is allowed per lot.

**(4) Methods of Creation**

An accessory dwelling unit may be created through any of the following methods:

**(a)** Converting existing area within the interior of the principal dwelling unit (e.g., attic or basement) to an ADU;

**(b)** Adding floor area to an existing principal dwelling unit to accommodate an ADU;

**(c)** Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;

**(d)** Converting space within a detached accessory building; or

**(e)** Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.

**(5) Location of Entrances**

Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street, unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created. Detached ADUs are exempt from this regulation.

**(6) Size**

The floor area of an ADU may not exceed the floor area of the principal dwelling unit on the subject lot or 850 square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of "floor area":

**(a)** Garage areas;

**(b)** Basement areas where the ceiling height measured from the floor is less than 7 feet; and

**(c)** Any other areas of the building where the floor-to-ceiling height is either less than 7 feet or not accessible by a stairway.

**(7) Parking**

No additional parking is required for an accessory dwelling unit. Existing required parking for the principal dwelling unit must be maintained or replaced on-site.

**(8) Building Permit Approval**

Before the issuance of a building permit for the construction of any new accessory dwelling unit, plans must be reviewed and approved by the building official to determine compliance with all applicable building and life safety codes.

**(C) Regulations for Detached ADUs and Building Additions**

The regulations of this subsection apply to all detached buildings and building additions proposed to be occupied by ADUs.

**(1) Exterior Finish Materials**

The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the principal dwelling unit.

**(2) Roof Pitch**

The roof pitch must be the same as the predominant roof pitch of the principal dwelling unit.

**(3) Trim**

Trim on edges of elements on the building addition to the principal dwelling unit or the accessory building occupied by the ADU must be the same in type, size and location as the trim used on the principal dwelling.

**(4) Entrances**

Entrances to ADUs occupying detached accessory structures may not face the nearest side or rear property line unless there is an alley abutting that property line.

**(5) Setbacks**

**(a)** A detached accessory dwelling unit must be set back at least 15 feet from any street side lot line or at least as far as the principal dwelling unit is set back from the street side lot line, whichever distance is greater.

**(b)** A detached accessory dwelling unit must be set back at least 10 feet from the rear lot line and located at least 10 feet behind the principal dwelling. This required ten-foot separation distance must be free of structures except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

**(6) Height**

The maximum allowed height of a detached accessory dwelling unit is ~~18~~ 24 feet, provided that required setbacks must be increased by at least 6 inches for every one foot of building height in excess of 18 feet. ~~or the height of the principal dwelling building, whichever is less~~

## Sec. 7.06 Air Conditioner Compressors and Heat Pumps

Central air conditioner (AC) compressors, heat pumps, and similar HVAC equipment are prohibited in front and street side yards.

## Sec. 7.07 Animals

Accessory uses may not include the keeping, propagation or culture of pigeons, rabbits, livestock, horses or other traditional farm animals or non-companion animals, except as regulated and permitted in Chapter 14 of the village code.

## Sec. 7.08 Antennas

### (A) Satellite Dish Antennas

**(1)** Building-mounted satellite dish antennas up to one meter in diameter are permitted as accessory structures in all zoning districts. The building-mounted installation:

**(a)** May not exceed the maximum allowable building height of the subject district or more than 3.5 feet above the top of the building on which it is attached, whichever is less; and

**(b)** May not project into a required street setback and may not project more than 3.5 feet into a required side or rear setback.

**(2)** Ground-mounted satellite dish antennas up to 5 feet in diameter and 5 feet in height are permitted as accessory uses in all zoning districts. Ground-mounted satellite dish antennas must be located in the rear yard and must be set back at least 10 feet from all lot lines.

**(B) Amateur Radio Facilities**

Amateur radio towers and antennas are allowed as accessory structures subject to the following regulations.

**(1)** Amateur radio towers are prohibited in street yards and interior side yards.

**(2)** Amateur radio towers are subject to a maximum overall height limit of 60 feet above grade. Tower height may exceed 60 feet if approved in accordance with special use procedures of Sec. 14.04. Special use approval may be granted only if the board of trustees determines, based on evidence provided by the applicant, that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the FCC.

**(3)** Antennas must be mounted on an approved noncombustible tower and may not extend more than 15 feet laterally from the tower.

**(4)** Antennas and supporting electrical and mechanical equipment must be grey or neutral in color and include U.L. approved lightning protection.

**(C) Roof-mounted Receive-Only Antennas**

Roof-mounted receive-only antennas are permitted in all zoning districts, provided they do not exceed a height of 5 feet above the roofline.

## Sec. 7.09 Donation Drop Boxes

**(A) Applicability**

The donation drop box regulations of this section apply to donation drop boxes that are not directly associated with and managed by the principal user of the subject site. They do not, for example, apply to book drop-off bins on lots occupied by public libraries or holiday donation bins on lots occupied by religious assembly uses.

**(B) Where Allowed**

Donation drop boxes may only be placed on properties occupied by an active principal use located in a B-2, C-1, M-1, M, or P/I zoning district.

**(C) Approvals**

~~A permit must be obtained from the zoning administrator prior~~ Approval must be obtained from the village before placement of a donation drop box outside of a principal building. Applications ~~for a permit~~ to construct or locate a donation drop box must include at least the following:

**(1)** Proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.

**(2)** A site plan drawn to scale of the lot upon which the donation drop box is to be located, showing the proposed location of donation drop box.

**(3)** Plans and specifications of the donation drop box including the dimensions (height, width, depth) of the box, elevations, configuration, foundation and any additional information required by the zoning administrator.

**(D) Number**

No more than ~~one~~ 2 donation drop boxes may be located on any lot or parcel, regardless of whether it is occupied by a single tenant or multiple tenants (e.g., shopping center).

**(E) Location**

Donation drop boxes must be located on a paved surface. They are prohibited in the following locations:

**(1)** A public right-of-way

**(2)** A required front or side street setback;

**(3)** A required parking space;

**(4)** A driveway, drive aisle, crosswalk or public sidewalk;

**(5)** Within 5 feet of a fire hydrant;

**(6)** On a private sidewalk or walkway if such location would obstruct a minimum 5-foot clear zone for sidewalk users; or

**(7)** Any location that would result in a driveway or street visibility obstruction for pedestrians or motorists. See also Sec. 12.05.

### (F) Height and Size

A donation drop boxes may not exceed 6 feet in height~~or 20 square feet in ground coverage area~~, and the aggregate combined footprint of donation drop boxes on a lot may not exceed 50 square feet.

### (G) Signs

Signs on a donation drop box may not exceed 3 square feet per side (of box). All donation boxes must contain contact information in at least one-inch letter height on the front of the box indicating the name, address, email, and phone number of the owner and operator.

### (H) Maintenance

**(1)** Donation drop boxes must be maintained in good condition and appearance with no structural damage, holes, or visible rust and be kept free of graffiti.

**(2)** All areas around the box mut be free of debris and be serviced regularly to prevent overflow of donations or the accumulation of debris or other material. All donations mut be placed in the donation drop box. No donations may be left outside of the donation drop box.

**(3)** Upon telephone or email notification from the village that materials are being placed outside of the donation drop box, the owner of the property on which the donation drop box is located has 24 hours to remove said materials. Failure to do so is a violation of this zoning ordinance. Three violations of this section constitute grounds for immediate revocation of the approval.

### (I) Revocation of ~~Permit~~ Approval

Any approval granted pursuant to the provisions of this section is subject to revocation for cause by the zoning administrator. Upon revocation of the approval, the donation drop box must be immediately removed. If the drop box is not immediately removed, the owner of the property upon which the drop box is located will be held responsible for compliance, enforcement, and removal.

## Sec. 7.10 Electric Vehicle Charging Stations

### (A) General

**(1)** Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses to lawfully established principal uses in all zoning districts.

**(2)** Public EV charging stations are permitted as accessory uses to lawfully established principal nonresidential uses in all zoning districts.

### (B) Parking

Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.

### (C) Equipment

Vehicle charging equipment must be designed and located to not impede pedestrian, bicycle, or wheelchair movement or the creation of safety hazards on sidewalks.

Vehicle charging equipment may not be located within required landscape areas unless expressly approved by the zoning administrator.

## Sec. 7.11 Fences

Fences are allowed as accessory structures in all districts, subject to compliance with the following regulations.

### (A) General

The general regulations of this subsection apply to all fences.

#### (1) Public Safety

Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using streets, sidewalks or driveways. Fences may not be constructed in a way that would impede the natural flow of storm water (drainage).

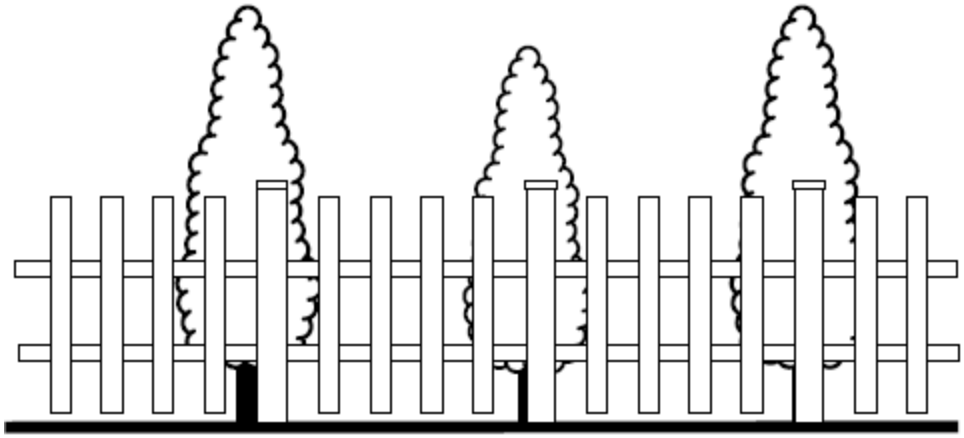
#### (2) Structural Elements

All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.

#### (3) Open-Design Fences

"Open-design" fences must be designed and constructed so that at least 50% of the fence's surface area, including posts and cross supports, consists of regularly distributed openings affording direct views through the fence.

Figure VII-1: Open-Design Fence (Example)



#### (4) Electrified or Barbed Wire Fences

Electrified or barbed wire fences are regulated in accordance with section 58-23 of the village code.

~~Fence posts shall be set below grade a minimum of 36 inches.~~

### (B) Residential and Downtown Districts

Fences in residential zoning districts (see Sec. 2.01) and downtown zoning districts (see Sec. 4.01) are subject to the general regulations of Sec. 7.11(A) and the regulations of this subsection.

#### (1) Front Yards

Fences are allowed in front yards of lots in residential and downtown districts. Front yard fences in residential and downtown districts may not exceed 30 inches in height except as follows:

**(a)** Front yard fences may be up to 3 feet in height if they are open-design fences.

**(b)** Front yard fences may be up to 4 feet in height if they are constructed of wrought iron, aluminum, or other metal material and at least 80% of the fence's surface area, including posts and cross supports, consists of regularly distributed openings affording direct views through the fence.

**(c)** Front yard fences on lots abutting an arterial street may be up to 6 feet in height if such fence is set back at least 5 feet from the lot line abutting the street.

**(d)** Interior ~~S~~side yard fences up to 6 feet in height may encroach up to ~~10~~ 13 feet into the required front setback or match the front wall of the principal building, whichever results in a smaller encroachment into the required front setback.

**(2) Street Side Yard Fences**

Fences are in street side yards of lots in residential and downtown districts must comply with the front yard fence regulations of Sec. 7.11(B)(1), except that fences up to 6 feet in height are allowed in street side yards when:

**(a)** The fence is behind the principal structure and set back at least ~~15~~ 5 feet from the street side lot line;

**(b)** The fence complies with all applicable sight vision triangle requirements of Sec. 12.05; and

~~(b)~~**(c)** On reverse corner lots, fences up to 6 feet in height may be allowed, provided they are set back at least 15 feet from the street side lot line.

**(3) Interior Side and Rear Yards**

Fences are allowed in interior side and rear yards lots in residential and downtown districts. Such fences may not exceed 6 feet in height.

**(C) Business, Employment and Special Purpose Districts**[3]

Fences in the business and employment zoning districts established in Sec. 3.01, the B-3 zoning district (see Sec. 5.01), and the P/I zoning district (see Sec. 5.02) are subject to the general regulations of Sec. 7.11(A) and the regulations of this subsection.

**(1) Street Yards**

Open-design fences are allowed in street yards. Such fences may not exceed 7 feet in height unless approved through the special use process of Sec. 14.04.

**(2) Interior Side and Rear Yards**

Fences are allowed in interior side and rear yards. Such fences may not exceed 7 feet in height unless approved through the special use process of Sec. 14.04.

## Sec. 7.12 Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor)

~~Freestanding,~~ Permanent masonry fireplaces grills, fire pits, outdoor kitchens (typically a masonry structure with a cooktop, oven, plumbing, cabinets, and countertop) are allowed only in rear yard areas and are subject to the following regulations:

**(A)** All structures must be set back at least 10 feet from side and rear lot lines.

~~All fireplaces, grills and cooking appliances must be set back at least 10 feet from combustible materialsas recommended by the appliance/equipment manufacturer or 10 feet, whichever is greater~~

[3] This differs from the literal wording in existing 4.05(E), which seems to allow tall fences within nonresidential front yards but limit them in street side yards.

**(B)** Chimneys associated with fireplaces, grills, or outdoor kitchens may not exceed 18 feet in height. Other components of an outdoor kitchen may not exceed 5 feet in height.

~~Firepits must be set back at least 15 feet from structures.as recommended by the appliance/equipment manufacturer or 15 feet, whichever is greater~~

## Sec. 7.13 Flagpoles

Flag poles must be setback from lot lines a minimum distance equal to the height of the pole and sited so that the flag does not extend beyond any lot line. Flagpoles are subject to the maximum allowed building height regulation of the subject zoning district.

## Sec. 7.14 ~~Fleet~~ Business Vehicles ~~Storage~~

**(A)** The outdoor storage of ~~light duty~~ business vehicles owned or leased and operated by a business or organization for commercial purposes is allowed as an accessory use in O/R-1, O/R, B-2, C-1, M-1, M, B-1, and B-1(A) districts, subject to the regulations of this section. For purposes of this section, business vehicles include business trailers.

**(B)** The outdoor storage of ~~oversized vehicles (i.e., exceeding the length, width, or required vertical clearance of a standard parking stall) and heavy duty vehicles (e.g., semi-trucks, tractor-trailers, buses, etc.,)~~ commercial vehicles is prohibited, except as expressly allowed in the M or M-1 district.

**(C)** Only business vehicles regularly operated in conjunction with an allowed principal use of the property may be stored outdoors. Business vehicles used primarily for storage purposes may not be stored outdoors.

**(D)** ~~Fleet~~ Outdoor business vehicle storage is limited to a maximum of 2 business vehicles, unless approved in accordance with the special use procedures of Sec. 14.04.

**(E)** If a business obtains special use approval to store more than 2 business vehicles on a single lot, the storage of all additional business vehicles beyond the 2 allowed by right must be screened from view of public rights-of-way, unless such screening is not reasonably feasible in light of existing improvements and layout of the property. ~~Fleet vehicle storage areas must be screened from view of public rights-of-way~~

**(F)** ~~Fleet~~ Business vehicles must be parked in parking stalls or entirely within an enclosed building. Parking spaces provided to meet the minimum off-street parking requirements of Sec. 9.02, may not be used for ~~fleet~~ business vehicle storage.

**(G)** All ~~fleet~~ business vehicles must comply with applicable village code provisions, including Chapter 78.

## Sec. 7.15 Garages and Carports

**(A)** A maximum of one detached garage or one detached carport is allowed per lot in R zoning districts.

**~~(A)~~(B)** Detached garages and carports are subject to the general accessory building setback and location requirements of Sec. 7.02(B) except that detached garages in the R-3 district require a minimum 3-foot setback from side lot lines.

**(C)** Garages and carports may not exceed ~~one story or 15 feet in height~~ 18 feet in height or the height of the principal building on the lot, whichever is less.

**~~(B)~~(D)** See also the residential driveway regulations of Sec. 9.07(A).

## Sec. 7.16 Generators

Natural gas or propane generators used solely for purposes of standby (emergency backup) electrical power are permitted in all zoning districts subject to the following regulations:

**(A)** Generators may not be located in the required front, interior side, or street setbacks. Generators may project up to 10 feet into the required rear setback, provided that the equipment is within 5 feet of the side or rear wall of the building. Generators must be installed to mitigate noise impacts.

**(B)** Generators must be enclosed by a sound attenuation box or cabinet that does not exceed 30 square feet in area or 5 feet in height. Any noise reducing mufflers provided by the manufacturer must be utilized.

**(C)** Generator boxes or cabinets must be screened from view of public rights-of-way and abutting lots.

## Sec. 7.17 Geothermal Heat Exchange Systems

### (A) General

Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.

### (B) Location

**(1)** Underground equipment, piping and devices may be located in yard areas but may not be located in any public easement or right-of-way.

**(2)** Above-ground equipment is prohibited in front and street side yards.

## Sec. 7.18 Home Occupations

### (A) Description

Home occupations are jobs or professions conducted wholly or partly from a residential dwelling. They are allowed as accessory uses to any residential use.

### (B) Purpose

The home occupation regulations of this section are intended to allow Westmont residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

### (C) Exemptions

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., day care homes) are not subject to home occupation regulations.

### (D) Allowed Uses

The home occupation regulations of this section establish performance standards for home occupations rather than listing specific uses allowed as home occupations. Uses that comply with the regulations of this section are allowed as of right unless otherwise expressly stated.

### (E) Prohibited Uses

The following uses are expressly prohibited as home occupations:

**(1)** Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);

**(2)** Catering services;

**(3)** Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;

**(4)** Firearms sales;

**(5)** ~~Taxi, li~~Limo, van or bus services;

**(6)** Tow truck services;

**(7)** Taxidermists;

**(8)** Rental equipment or supply businesses;

**(9)** Restaurants;

**(10)** Funeral or interment services;

**(11)** Animal care, grooming or boarding businesses; and

**(12)** Any use involving the use or storage of vehicles, products, parts, machinery, plants or landscape material, or similar items outside of a completely enclosed building; and

**(13)** Any use that does not comply with the regulations of this section.

**(F) Regulations**

**(1)** Home occupations must be accessory and subordinate to the principal residential use of the property ~~and may not occupy more than 25% of a single story of the floor area of the principal dwelling unit~~.

**(2)** At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.

**(3)** No more than 2 clients or customers may be present at any one time on the site of a home occupation. Family members of the client or customer are not counted towards the 2-person limit.

**(4)** A maximum of one nonresident employee is allowed. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

**(5)** Home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within ~~the principal residential dwelling unit~~a completely enclosed building.

**(6)** External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an ~~illuminated~~ sign.

**(7)** Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.

**(8)** Home occupations that produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Westmont are prohibited. Home occupations must be operated so as not to create or cause a nuisance.

## Sec. 7.19 Manufacturing Accessory Uses

Accessory uses limited to fabricating, processing, assembling, warehousing, or distributing of materials, goods, or products may be approved as a special use in the O/R district, subject to the following regulations:

**(A)** Accessory operations may not exceed more than 25% of gross floor area of the principal use.

**(B)** Existing building construction must support the accessory use as designed without substantial alterations beyond building and fire code requirements to accommodate the accessory use.

**(C)** Automotive and/or vehicle assembly, repair, maintenance and service uses are prohibited.

**(D)** Refuse must be completely contained within a dumpster surrounded by a trash enclosure and screened with landscape materials.

**(E)** Allowed accessory use may not reduce required off-street parking below minimum requirements for principal uses that occupy the subject property.

**(F)** Accessory uses may not involve the assembly of large equipment and machinery and has limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.

**(G)** Fleet vehicle storage is subject to the regulations of Sec. 7.14:

## Sec. 7.20 Outdoor Accessory Uses

### (A) Outdoor Display Areas

The regulations of this section apply to areas used for accessory outdoor displays of merchandise.

**(1)** Outdoor display areas are allowed only on sites occupied by a principal nonresidential use and may be used solely for the display of goods or merchandise sold or offered by the principal use.

**(2)** Outdoor display areas are subject to all applicable setback regulations that apply to the principal building on the lot.

**(3)** Outdoor display areas on corner lots must be confined to a single frontage.

**(4)** Merchandise or other items may be displayed only during hours of operation of the principal use.

**(5)** Outdoor display areas may not interfere with pedestrian or automobile traffic on the subject lot or on public rights-of-way, and may not interfere with the enjoyment or operation of adjacent properties and uses.

### (B) Outdoor Storage Areas

Outdoor storage areas may be allowed in M-1 and M districts if approved in accordance with the special use procedures of Sec. 14.04. Such areas are subject to the following regulations:

**(1)** Outdoor storage areas may be used solely for the storage of goods or merchandise allowed in association with the principal use;

**(2)** Outdoor storage areas are subject to all applicable setback regulations that apply to the principal building on the lot;

**(3)** Outdoor storage areas must be screened from view of abutting lots and rights-of- by an opaque fence or wall or evergreen plant material with a minimum height of 6 feet; and

**(4)** Outdoor storage areas are subject to the nuisance provisions of the village code (see Chapter 38, Article III).

### (C) Outdoor Seating and Dining Areas

New or expanded outdoor seating and dining areas (accessory to eating and drinking place uses) established after the effective date specified in Sec. 1.03 for the relocation, reorganization, and amendments to this zoning ordinance are subject to the following regulations when they are located on private property and contain more than 4 seats:

**(1)** Outdoor seating and dining areas must comply with principal building setback regulations of the subject zoning district.

**(2)** A perimeter barrier (e.g., fence at least 4 feet in height, bollards, rigid planter boxes or similar features) is required around portions of the outdoor seating and dining area that do not abut the building. Required fences must be metal (e.g., wrought iron or aluminum) and at least 4 feet in height. Chain link fences are prohibited.

~~**(1)** Outdoor seating and dining areas are subject to the foundation planting requirements of Sec. 10.07(D)(3).~~

### (D) Other Outdoor Accessory Uses

To accommodate customary business practices in association with an allowed principal use, other accessory outdoor uses may be approved through the special use procedures of Sec. 14.04. In acting on requests for approval of such outdoor accessory uses, the board of trustees is authorized to impose conditions deemed necessary to ensure protection of and compatibility with the surrounding area.

## Sec. 7.21 Recreational Vehicles and Equipment

~~Recreational Trailers and Motor Homes~~

~~No more than one recreational trailer or motor home may be stored or parked outside of an enclosed building on any lot occupied by a residential dwelling unit.~~

~~All recreational trailers and motor homes stored or parked outside of an enclosed building must have valid and current state license plates.~~

~~Recreational trailers and motor homes may not be permanently affixed to the ground as a principal building or accessory structure.~~

~~Recreational trailers and motor homes may not be occupied for dwelling purposes.~~

~~Except as allowed by Sec. 7.21(B), parking and storage areas for recreational trailers and motor homes may not be located within the front setback or in front of the existing building line and must be surfaced with asphalt, concrete, or gravel.~~

~~Temporary Parking~~

~~Temporary parking of recreational trailers and motor homes is permitted in the front yard of any lot occupied by a residential dwelling unit only for purposes of loading and unloading, cleaning, and/or parking for temporary guests. Such temporary parking is limited to a maximum of 3 consecutive days.~~

~~Boats~~

~~No more than one boat (no exceeding 24 feet in length) may be stored or parked outside of an enclosed building on any lot occupied by a residential dwelling unit, and only when a recreational trailer or motor home is not stored outdoors on the same lot.~~

~~Allowed parking and storage areas for boats and boat trailers may not be located within the front yard area and must be surfaced with asphalt, concrete, or gravel.~~

### (A) Purpose and Applicability

The regulations of this section govern the parking and storage of recreational vehicles, recreational equipment, and utility trailers on lots occupied by a detached house, semi-detached house, or two-unit house.

### (B) Permitted Parking and Storage

**(1)** A maximum of one recreational vehicle and one item of recreational equipment or utility trailer may be parked or stored in the rear yard or side yard of any lot occupied by a detached house, semi-detached house, or two-unit house.

**(2)** For the purposes of this section, one item of recreational equipment means:

**(a)** One non-motorized vehicle with no more than one watercraft; or

**(b)** No more than 2 snowmobiles, personal watercraft, or specialty prop-craft.

**(3)** Recreational vehicles, recreational equipment, and utility trailers may not be stored in a street yard.

### (C) Temporary Parking Provisions

**(1)** Notwithstanding the other regulations of this section, recreational vehicles, recreational equipment, and utility trailers may be temporarily parked in the rear yard, side yard, or street yard, provided such parking occurs on a driveway.

**(2)** For the purposes of this section, "temporary parking" means the parking of such vehicles or equipment for a period not to exceed 10 aggregate days, whether or not consecutive, within any 30 consecutive day period.

### (D) Surface Requirements

All recreational vehicles, recreational equipment, and utility trailers parked or stored on any lot occupied by a detached house, semi-detached house, or two-unit house must occur situated on an improved surface composed of a hard-surface material, including but not limited to asphalt, brick pavers, or concrete. Such improved surfaces are subject to the residential driveway regulations of Sec. 9.07(A), appropriately sized to the item, and allow reasonable access to a public right-of-way.

### (E) Ownership Requirement

All recreational vehicles, recreational equipment, and utility trailers parked or stored in residential zoning districts must be owned by the owner or occupant of the subject property.

### (F) Licensing and Conditions

**(1)** All recreational vehicles, recreational equipment, and utility trailers must be properly licensed in accordance with applicable state and local regulations.

**(2)** Vehicles and equipment may not have wheels removed or be affixed to the ground, or otherwise be stored in a manner that prevents ready-removal.

### (G) Prohibited Uses

Recreational vehicles, recreational equipment, utility trailers, and similar vehicles and equipment may not be used for living, sleeping, or business purposes.

## Sec. 7.22 Solar Energy Systems

### (A) General

Solar energy systems are allowed as an accessory use in all zoning districts, subject to compliance with the regulations of this section and all applicable building and electrical code requirements.

### (B) Building-Mounted Solar Energy Systems

Building-mounted solar energy systems are subject to the following regulations.

**(1)** Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.

**(2)** Systems mounted on principal buildings may encroach up to 2 feet into interior side and rear setbacks.

**(3)** On pitched roof buildings, solar energy systems may not extend more than 2 feet above the roofline or above peak of the roof, whichever is less. On flat roof buildings, solar energy systems may not extend more than 6 feet above the roofline or more than one foot for each foot that the system is set back from the

outermost edge of the roof, whichever is greater. Increased height may be granted through the special use approval process.

**(C) Ground-Mounted Solar Energy Systems**

**(1)** Ground-mounted solar energy systems are allowed only in rear yard areas. They must be set back at least 3 feet from side and rear lot lines.

**~~(1)~~(2)** Ground-mounted solar energy systems may not exceed 6 feet in height in residential districts or 7 feet in height in any other zoning districts. Increased height may be granted through the special use approval process.

## Sec. 7.23 Swimming Pools and Hot Tubs

The regulations of this section apply to private, accessory swimming pools and hot tubs in residential zoning districts.

~~**(A)** A barrier (fence, wall, structure wall, or combination thereof) must be erected around swimming pools and hot tubs, as required by the building code and other applicable ordinances.~~

**(A)** Swimming pools and hot tubs are prohibited in street yards.

**(B)** Swimming pools and hot tubs must be set back at least 7 feet from interior side and rear lot lines.

**(C)** In-ground swimming pools and hot tubs may not be located within 10 feet of the principal building unless engineering plans for protecting the principal structure's foundation are submitted to and approved by the village.

~~Temporary sales Multiple outdoor sales Temporary Christmas tree sales not to exceed 45 days; garden and landscaping supplies not to exceed 90 days with between each sale and be sponsored by local business owners on their property; and other commodities not to exceed 30 days with an interval of 60 days between each sale, and be related to the normal lines of commodities generally sold by sponsoring business owners on their property.~~ [4]

## Sec. 7.24 Temporary Storage Units

Temporary storage units are allowed in accordance with the regulations of this section.

**(A)** A permit must be obtained from the zoning administrator before placement of any temporary storage unit. ~~The permit fee shall be $25.00.~~

**(B)** A temporary storage unit may be placed only upon a driveway or parking lot, provided the placement in a parking lot does not impede the flow of traffic and its location is approved by zoning administrator. Temporary storage units may not be placed within the public right-of-way.

**(C)** No more than one temporary storage unit is allowed on an R-zoned lot. Temporary storage units on R-zoned lots may not exceed 16 feet in length or 8 feet in width.

**(D)** Temporary storage units may remain in place for a maximum of ~~15~~ 30 days per calendar year. If a dwelling unit on the subject lot has been damaged by natural disaster or act of God, the zoning administrator is authorized to grant time extensions of otherwise applicable temporary storage unit time limits~~An extension may be requested, in writing, to the director of municipal services, or his/her designee, for no more than ten days provided good cause is shown. No person shall place a temporary storage pod upon their property for more than two such periods per year.~~

[4] Not necessary; temporary sales regulated in accordance with Village Code Chapter 22, Article XI.

**(E)** Only non-toxic, non-flammable~~, personal property~~ material may be stored in a temporary storage unit.

**(F)** Temporary storage units may not be used for conducting business, selling merchandise or property, or human or animal occupancy.

~~Any person violating any provision of this section shall be subject to a fine of up to $750.00 per violation for each day that a violation continues. Violations include, but are not limited to, failure to obtain a permit prior to using a temporary storage pod, improper placement of a temporary storage pod, exceeding the maximum time period for use of the temporary storage pod, and storage of materials not allowed by this section~~.

## Sec. 7.25 Tents

Any person proposing to erect and use a tent must complete a tent permit application, receive approval of the tent permit application, and pay the required tent permit fee before erecting the tent. The village's tent guidelines, which are incorporated herein by reference, govern the erection, placement, and use of tents.

## Sec. 7.26 Vending Machines

Outdoor vending machines are allowed as an accessory use to a principal nonresidential use only if located entirely underneath a weather-protected canopy connected to the principal building on the lot. See also Chapter 22, Article VII of the village code.

## Sec. 7.27 Wind Energy Conversion Systems (WECSs)

### (A) General

Small wind energy conversion systems are allowed as an accessory structure in all zoning districts, subject to compliance with the regulations of this section and all applicable building and electrical code requirements.

### (B) Location

**(1)** Ground-mounted wind energy conversion systems are allowed only in rear yard areas. They must be set back a distance equal to at least the tower's height, excluding the turbine blades, from interior side and rear lot lines and all principal buildings on the subject property. For purposes of this provision, tower height is the height above grade of the vertical tower of the WECS, exclusive of rotor blades.

**(2)** Building mounted wind energy conversion systems are subject to the same setbacks that apply to the building on which they are mounted.

### (C) Height

**(1)** Ground-mounted wind energy conversion systems, including turbine blades, may not exceed the maximum (principal) building height that applies in the subject zoning district. The lowest point of any vertical axis, exposed turbine blade must be at least 10 feet above the ground immediately beneath the moving element.

**(2)** Building-mounted wind energy conversion systems are not subject to the maximum building height regulations of the subject zoning district but may not extend more than 6 feet above the roofline of any building in an R district or more than 15 feet above the roofline of a building in any other (non-R) district.

**(3)** Increased system height may be granted through the special use approval process.

### (D) Removal

Both ground-mounted and building-mounted wind energy conversion systems must be disassembled and removed from the property when non-functional or when not actively used for a period of 90 consecutive days or more.

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# Article VIII Wireless Telecommunications Facilities[5]


Sec. 8.01 Purpose ..... VIII-1
Sec. 8.02 Applicability ..... VIII-1
Sec. 8.03 Freestanding Wireless Telecommunications Towers ..... VIII-1
Sec. 8.04 Cell Antennas ..... VIII-6
Sec. 8.05 Microcell Networks ..... VIII-9


## Sec. 8.01 Purpose

The regulations of this article provide regulations for wireless telecommunication facilities, including freestanding wireless telecommunications towers ("cell towers") and building- and tower-mounted cell antennas. The village recognizes the value of wireless telecommunications and the public's need for its safety, convenience and productivity. The village also recognizes the need to comply with the Telecommunications Act of 1996, as amended from time to time, and recognizes that the village's zoning and other regulations may not prohibit or have the effect of prohibiting wireless telecommunication facilities within the village and may not unreasonably discriminate among providers or functionally equivalent services. However, the village must weigh the public benefit of wireless telecommunications against the need of the village to protect land uses from the potential adverse impacts, including, but not limited to, adverse visual impacts, of wireless telecommunication facilities. The village desires specifically to keep the erection of new cell towers to a minimum and to maximize the use of existing cell towers. To that end, the village encourages new cell antennas to be located on existing buildings, existing structures, or existing cell towers. Additionally, the village encourages the co-location of cell antennas whenever possible.

## Sec. 8.02 Applicability

The regulations of this article apply to all wireless telecommunications facilities, as defined in Sec. 6.08(E). The regulations do not apply to any of the following:

**(A)** Amateur radio antennas;

**(B)** Receive-only antennas, including satellite dish antennas; or

**(C)** Small wireless facilities, as defined in 50 ILCS 835.

## Sec. 8.03 Freestanding Wireless Telecommunications Towers

### (A) Where Allowed

**(1)** New or reconstructed cell towers and any enlargements or re-configurations of an existing cell tower are allowed only as indicated in Table VI-1.

**(2)** Applicants requesting approval of a special use for a cell tower must demonstrate that it complies with the regulations of this article and special use criteria of Sec. 14.04(H).

**(3)** Cell towers are expressly prohibited in designated wetlands and floodplains.

### (B) Setbacks and Yards

**(1)** Cell towers must be set back at a distance equal to the height of the tower from any lot line and from any principal building on the lot, excluding telecommunications equipment sheds and other accessory structures.

[5] This article has been reorganized and edited, with no substantive changes from existing ordinance.

**(2)** Cell towers with designed break-away features may be allowed to have a setback less than the height of the tower if such a reduced setback is expressly approved as part of the special use permit.

**(3)** Cell towers and all related cell antennas, equipment and buildings are allowed in the rear yard or side yard only. They are expressly prohibited in front yards and side yards abutting a street.

**(C) Location on Lots with Existing Principal Uses:**

**(1)** Cell towers may be located on a lot with an existing principal use as long as all other requirements of this article are met.

**(2)** Cell towers may be located within an easement area on a lot or parcel of record.

**(D) Separation Distances Between Cell Towers**

Any new proposed cell tower greater than 50 feet in height must maintain a separation distance of at least 1,500 feet from any other existing cell tower. Any new proposed cell tower that is 50 feet in height or less must maintain a separation distance of at least 500 feet from any other existing cell tower.

**(E) Height**

The height of a proposed cell tower must be the minimum height required to fill a significant gap in coverage, but in no event may the height exceed 150 feet. The burden is on the applicant to justify the proposed height of the proposed cell tower.

**(F) Extensions**

Lateral extensions or arms on cell towers are discouraged. If proven by an applicant to be necessary for co-location purposes or other valid reasons, such lateral extensions or arms may not exceed 12 feet in length.

**(G) Landscaping, Fencing and Equipment Structures**

**(1)** The base of cell towers must be screened and protected by a 6-foot tall solid, privacy-style fence with locked gate. The required fence may not conflict with any setback or sight triangle requirements. The required fence must be screened by shrubs or evergreen trees with an ultimate height of at least 4 feet and planted at an initial height of at least 2 feet. The required fence and landscaping must be continuously maintained and repaired or replaced as necessary.

**(2)** Equipment and structures associated with a cell tower:

**(a)** Must be located at the base of the tower structure and within the required 6-foot tall solid fence;

**(b)** May not exceed 144 feet in area;

**(c)** May not exceed 15 feet in height; and

**(d)** Any proposed generator must comply with all applicable regulations of the village, including, but not limited to, fire code regulations, and may require appropriate sound mitigation measures.

**(H) Cell Tower Construction**

**(1)** New cell towers are discouraged, and necessary cell antennas must be located on existing structures or co-located on existing cell towers whenever possible. When an applicant is able to demonstrate that location on existing structures or co-location on existing cell towers is not feasible, then new cell towers may be approved.

**(2)** New cell towers must be able to accommodate at least 3 cell antenna arrays of separate licensed telecommunication carriers, unless a smaller stealth tower is

proposed and co-location is not feasible, and must be of one of the following types of construction, listed in order of preference:

**(a)** Stealth towers;

**(b)** Monopole towers; or

**(c)** Guyed towers or lattice towers.

**(3)** The applicant must demonstrate the need for the proposed type of cell tower construction and must demonstrate why preferred alternatives are not feasible.

### (I) Illumination and Lighting

Cell towers may not be artificially illuminated except as may be required for minimum security and human safety purposes (at or around ground level) or as required by the Federal Aviation Administration. Ground-level buildings, equipment and fencing may contain be illuminated only as necessary for security and human safety purposes and must be downcast and shielded to prevent spillover light beyond the lot lines of the subject property.

### (J) Color and Concealment

**(1)** Cell towers must be painted or otherwise colored a neutral color that blends as much as possible with the existing landscape and surrounding structures.

**(2)** Where reasonably feasible based on the cell tower construction, all cables and equipment (excluding cell antennas) must be enclosed within the tower and not visible (excluding ground equipment and structures). Any approved exterior cables and equipment located on a cell tower must be painted or otherwise colored to match the color of the cell tower.

### (K) Signs and Advertising

**(1)** The use of any portion of a cell tower for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is expressly prohibited.

**(2)** Minimal announcement signs, such as "no trespassing", are permitted on the fence surrounding the cell tower.

**(3)** A sign listing the name and phone number to contact the owner. manager and/or licensed wireless carrier is required and must be provided on the gate of the fence enclosing the cell tower and related structures and equipment.

### (L) Licensed Wireless Carriers

Cell towers will only be considered when constructed for one or more licensed wireless carriers, who must co-sign the village's zoning application, and who must locate on the proposed cell tower. Towers must be constructed to accommodate a minimum of 3 co-located carriers, unless a smaller stealth tower is proposed and co-location is not feasible. Cell towers for which there are no specific licensed wireless carriers proposed are expressly prohibited.

### (M) Maintenance

The applicant must continuously maintain the appearance and structural integrity of the cell tower.

### (N) Application Requirements

In order to request a special use permit for a cell tower, the applicant must complete the village's zoning application. In addition to providing all information required by the zoning application, an applicant must also submit the following documentation and evidence. Failure of the applicant to submit any of the following information constitutes grounds for denial of the special use request:

**(1)** A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of the FCC license of the proposed licensed wireless carrier who will utilize the cell tower.

**(2)** A commitment of a licensed wireless carrier to locate on the proposed cell tower, signed by the licensed wireless carrier.

**(3)** A certification signed by the applicant and supported by evidence explaining why existing cell towers or locations on existing structures cannot satisfy the needs and requirements of the applicant instead of constructing a new cell tower. This certification must list all existing towers, facilities and reasonably-potential structures within a 2- mile radius of the proposed cell tower site. Reasons for not co-locating a needed cell antenna on an existing cell tower or on an existing structure may include, but not be limited to the following:

- **(a)** There are no existing towers or suitable structures within a 2-mile radius of the proposed cell tower;
- **(b)** Existing cell towers or structures do not have sufficient structural strength to support the proposed cell antennas and related equipment, and modifications to such existing cell towers or structures are economically unfeasible or unfeasible from an engineering standpoint;
- **(c)** The location of the proposed cell antennas and equipment on an existing cell tower or structure would cause undue radio frequency interference with other existing equipment located within the immediate vicinity that cannot be unreasonably prevented;
- **(d)** Unwillingness of the owners of existing cell towers or structures to entertain a reasonable co-location proposal; or
- **(e)** Existing cell towers or structures do not provide an acceptable location for requisite coverage for the applicant's communication network.

**(4)** A description of the type of construction of the cell tower proposed. If a preferred construction type is not being utilized (e.g., stealth tower), a certification signed by the applicant must be provided with evidence demonstrating all factors to justify the type of construction method proposed.

**(5)** A certification supported by evidence and signed by the applicant justifying the height of the proposed cell tower. In this regard, the applicant must utilize the lowest height possible in order to obtain the requisite coverage for the applicant's communication network.

**(6)** A site plan, drawn to scale, depicting the details of the proposed cell tower (including all cell antennas, cables, equipment, ground structures or buildings. and ground equipment), the site boundaries, existing structures on the site, existing structures on neighboring properties (or such other nearby properties if within the height of the proposed tower), parking and access roads, and the zoning of immediately adjacent properties.

**(7)** A landscape plan, drawn to scale, depicting the required fencing and required and other proposed landscaping on the site.

**(8)** Color elevations of the proposed cell tower (including accessory buildings or structures, fencing, landscaping, etc.), including a color perspective drawing or photo simulation from at least 2 locations (at 180-degree increments) from between 200 to 600 feet away from the cell tower showing the relationship of the cell tower against the massing of surrounding structures, trees, and other intervening land masses.

**(9)** A written statement summarizing how the proposed cell tower meets the requirements for a special use permit.

**(10)** A certification signed by the applicant, supported by evidence, demonstrating a significant coverage gap for the proposed licensed carrier and demonstrating how the proposed cell tower at the proposed location and at the proposed height will substantially close the significant coverage gap and provide needed cellular service. In this regard, 100% coverage is not the goal and occasional dead spots or areas of noncoverage are deemed acceptable in determining whether there is substantial coverage.

**(11)** A certification signed by the applicant that the proposed cell tower may not interfere with any public safety communication.

**(12)** A signed report from a structural engineer certifying that the proposed cell tower meets all of the structural loading and wind loading requirements of applicable national standards. Included in this report, or attached as a separate report, must be a certification that the soils of the site are suitable for the construction of the proposed cell tower.

**(13)** Such other information, documents and evidence as reasonably required by the village or as deemed necessary by the applicant. If a special use permit is approved, the applicant must obtain a building permit before construction and additional information will be required at that time.

### (O) Other Regulations

**(1)** In addition to complying with all other applicable regulations of this article, cell towers must also comply with all other applicable sections of this zoning ordinance, all other ordinances and codes of the village, and all other applicable federal and state laws and regulations.

**(2)** In the event of a conflict between the provisions of this article and the other provisions of this zoning ordinance or other ordinances and codes of the village, the provisions of this article govern unless determined otherwise by the board of trustees.

**(3)** Upon approval of a special use permit, the applicant must obtain a building permit and any other required permits before commencing construction of the cell tower.

### (P) Abandonment, Removal and Bond

**(1)** If the use of all cell antennas and other permitted antennas or devices on a cell tower is discontinued or abandoned, or if such cell antennas or other permitted antennas or devices become non-operational, the applicant must immediately notify the village of such discontinued/abandoned use or non-operability. If such discontinued use/non-operation continues for a consecutive period of at least 12 months, the cell tower is deemed abandoned and the entire cell tower and all related equipment and structures must be promptly demolished and removed, and the site must be restored, at the applicant's expense. The applicant must obtain a demolition permit within 60 days of such abandonment and must demolish and remove the cell tower and all related equipment and structures, and restore the site, within 60 days after receiving the demolition permit. If the applicant fails to cause the timely demolition and removal of the abandoned cell tower and all related equipment and structures, and restore the site, the village may cause such demolition, removal and site restoration pursuant to its police powers and on grounds of public safety, health and welfare and recover its costs of demolition, removal and restoration from the applicant. The village may use any bond posted by the applicant to cover its demolition, removal and restoration costs. Upon the abandonment of the cell tower, the special use for such cell tower automatically terminates.

**(2)** Upon approval of a special use permit, and as a condition for issuance of a building permit, the property owner, or the applicant on behalf of the property

owner, must post either a cash bond, surety bond, or letter of credit in favor of the village to cover the reasonable costs of demolition and removal of the cell tower upon the abandonment of the cell tower, along with site restoration costs, in the event of the failure of the applicant to demolish and remove the cell tower and restore the site within the time parameters set forth in this article. The property owner, or the applicant on behalf of the property owner, must submit evidence demonstrating the reasonable amount of the demolition, removal and restoration costs, and thus justifying the amount of the bond to be posted. The village may require a bond or letter of credit in a greater amount than proposed by applicant upon evidence justifying a greater amount. If the amount of the bond is insufficient to cover the village's demolition. removal and restoration costs, the village may recover the deficiency from the applicant.

## Sec. 8.04 Cell Antennas

### (A) Building-mounted Cell Antennas

#### (1) Where Allowed

Building-mounted cell antennas are permitted as an accessory use on buildings in all zoning districts, as long as such cell antennas comply with all other applicable provisions of this article. Co-location on existing cell towers is strongly preferred over locating cell antennas on buildings.

#### (2) Location on Building

Cell antennas must be roof-mounted. The height of proposed cell antennas may not exceed the height required to fill a significant gap in coverage, and in no event may the height of such cell antennas and related equipment exceed 15 feet above the building's height. The burden is on the applicant to justify the height of the proposed cell antenna.

#### (3) Associated Equipment

Equipment associated with a cell antenna must be roof-mounted where feasible. Where an applicant demonstrates that roof-mounted equipment is not feasible, ground-mounted equipment is allowed. Ground-mounted equipment is expressly prohibited in front yards and side yards adjoining a street and must be located in the rear yard or side yard only.

#### (4) General Regulations

Building-mounted antennas are subject to compliance with the general regulations for cell antennas, as indicated in Sec. 8.04(C).

### (B) Tower-mounted Cell Antennas

#### (1) Where Allowed

Tower-mounted cell antennas are permitted as an accessory use on existing cell towers and on cell towers that have received a special use permit as required by this article, provided that, in either case, such cell antennas comply with all other applicable provisions of this article.

#### (2) General Regulations

Tower-mounted antennas are subject to compliance with the general regulations for cell antennas, as indicated in Sec. 8.04(C).

### (C) General Regulations for All (Building- and Tower-Mounted) Cell Antennas

#### (1) Lateral Extensions

Lateral extensions or arms extending from a building or tower are discouraged. If proven by an applicant to be necessary for co-location purposes or other valid reasons, such lateral extension or arm may not exceed 12 feet in length and may

not extend beyond the width of the building or tower to which the cell antenna is mounted.

**(2) Equipment Screening**
Equipment structures associated with a cell antenna must be screened as follows:

**(a)** Roof-mounted equipment must be screened with a solid screen as approved by the zoning administrator;

**(b)** Ground-mounted equipment must be screened and protected by a solid fence at least 6 feet in height.

**(3) Illumination**
Cell antennas may not be artificially illuminated except as may be required for minimum security and human safety purposes (at or around ground level) or as required by the Federal Aviation Administration.

**(4) Color and Concealment**
All cables must be enclosed within a chase to the extent possible. All cell antennas and equipment on a building, to the extent reasonably practical, must be painted or otherwise colored to match the building or tower color, or must be painted or otherwise colored a neutral color.

**(5) Signs and Advertising**
The use of any portion of cell antennas for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is expressly prohibited.

**(6) Licensed Wireless Carriers**
Cell antennas will only be considered when constructed for one or more specific licensed wireless carriers, who must co-sign the village's building permit application.

**(7) Maintenance**
The applicant must continuously maintain the appearance and structural integrity of the cell antennas and related equipment and fencing/screening.

**(8) Other Regulations**
In addition to complying with all other applicable regulations of this article, cell antennas must also comply with all other applicable sections of this zoning ordinance, all other ordinances and codes of the village, and all other applicable federal and state laws and regulations. In the event of a conflict between the provisions of this article and the other provisions of this zoning ordinance or other ordinances and codes of the village, the provisions of this article govern unless determined otherwise by the board of trustees. An applicant must obtain a building permit and any other required permits before commencing construction of any cell antennas.

**(D) Application Requirements**
In addition to providing all information required for a building permit, an applicant must also submit the following documentation and evidence:

**(1)** A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of the FCC license of the proposed licensed wireless carrier who will utilize the cell antennas.

**(2)** A commitment of a licensed wireless carrier, signed by the licensed wireless carrier.

**(3)** For proposed building-mounted cell antenna: A certification signed by the applicant and supported by evidence explaining why existing cell towers or

locations on existing structures cannot satisfy the needs and requirements of the applicant instead of constructing a new cell tower. This certification must list all existing towers, facilities and reasonably-potential structures within a 2- mile radius of the proposed cell tower site. Reasons for not co-locating a needed cell antenna on an existing cell tower or on an existing structure may include, but not be limited to the following:

**(a)** There are no existing towers or suitable structures within a 2-mile radius of the proposed cell tower;

**(b)** Existing cell towers or structures do not have sufficient structural strength to support the proposed cell antennas and related equipment, and modifications to such existing cell towers or structures are economically unfeasible or unfeasible from an engineering standpoint;

**(c)** The location of the proposed cell antennas and equipment on an existing cell tower or structure would cause undue radio frequency interference with other existing equipment located within the immediate vicinity that cannot be unreasonably prevented;

**(d)** Unwillingness of the owners of existing cell towers or structures to entertain a reasonable co-location proposal; or

**(e)** Existing cell towers or structures do not provide an acceptable location for requisite coverage for the applicant's communication network.

**(4)** Color elevations of the proposed cell antenna as it will appear on either a tower or a building, as applicable.

**(5)** If new accessory buildings or structures, fencing, landscaping, or other improvements are proposed in conjunction with the cell antenna application, a site plan with elevations and a landscaping plan for these improvements is also required.

**(6)** A certification signed by the applicant, supported by evidence, demonstrating a significant coverage gap for the proposed licensed carrier and demonstrating how the proposed cell antennas at the proposed location and at the proposed height will substantially close the significant coverage gap and provide needed cellular service. In this regard, 100% coverage is not the goal and occasional dead spots or areas of noncoverage are deemed acceptable in determining whether there is substantial coverage.

**(7)** A certification signed by the applicant that the proposed cell antenna may not interfere with any public safety communication.

**(8)** A signed report from a structural engineer certifying that the tower or building, along with the proposed cell antenna, meets all of the structural loading and wind loading requirements of applicable national standards.

**(9)** Such other information, documents and evidence as reasonably required by the village or as deemed necessary by the applicant.

### (E) Abandonment and Removal Cell antennas

If the use of a cell antenna on a tower or building is discontinued or abandoned, or if such cell antenna becomes non-operational, the applicant must immediately notify the village of such discontinued/abandoned use or non-operability. If such discontinued use/non-operation continues for a consecutive period of at least 12 months, the cell antenna is deemed abandoned and the cell antenna and all related equipment and structures must be promptly demolished and removed, and the site restored, at the applicant's expense. The applicant must obtain a building permit within 60 days of such abandonment and must remove the cell antenna and all related equipment and structures, and restore the site, within 60 days after receiving the building permit. If the

applicant fails to cause the timely removal of the abandoned cell antenna and all related equipment and structures, and restore the site, the village may cause such removal and site restoration pursuant to its police powers and on grounds of public safety, health and welfare and recover its costs of removal and restoration from the applicant. The Village may use any bond posted by the applicant to cover its removal and restoration costs.

## Sec. 8.05 Microcell Networks

**(A)** The zoning administrator is authorized to approve installation of cable microcell networks that operate using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technologies that do not require the use of wireless telecommunications towers.

**(B)** Signal transmissions may not interfere with any village or other governmental radio signals, including, police, fire, emergency dispatch and public works signals.

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# Article IX Parking


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## Sec. 9.01 General

### (A) Purpose

The regulations of this article are intended to help ensure provision of off-street motor vehicle parking facilities in rough proportion to the generalized demands of different land uses. By requiring such facilities, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from excessive motor vehicle parking. The provisions are also intended to provide flexible methods of responding to the transportation and access demands of various land uses in different areas of the village.

### (B) Applicability

#### (1) General

Unless otherwise expressly stated, the regulations of this article apply to all zoning districts and uses.

#### (2) New Uses and Development

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

#### (3) Enlargements and Expansions

**(a)** Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.

**(b)** In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address a lawful, existing parking deficit.

#### (4) Change of Use

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds by 20% or more the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance.

**(5) Existing**

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

**(6) Damage or Destruction**

When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is re-established, off-street parking and loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time the damage or destruction occurred or the minimum established in Sec. 9.02, whichever is less.

## Sec. 9.02 Minimum Parking Requirements

Except as otherwise expressly stated in this zoning ordinance, off-street motor vehicle parking spaces must be provided in accordance with Table IX-1. See Sec. 9.04 for an explanation of exemptions and allowed reductions of minimum motor vehicle parking requirements.

Table IX-1: Minimum Motor Vehicle Parking Requirements

| Use | Minimum Number of Spaces Required |
|---|---|
| **RESIDENTIAL** | |
| **Household Living** | |
| Detached House | No minimum |
| Attached House | No minimum |
| Semi-Detached House | No minimum |
| Two-Unit House | 2 per dwelling unit; not to exceed 4 per dwelling unit |
| Multi-Unit Building | |
| 0-1 bedrooms | 1 per dwelling unit |
| 2 bedrooms | 1.5 per dwelling unit |
| 3+ bedrooms | 2 per dwelling unit |
| **Group Living** | |
| Community Residence, Family | 2 |
| Community Residence, Group | 1 per employee |
| Nursing Home | 1 per 5 beds + 1 per employee |
| **COMMERCIAL** | |
| **Animal Service** | |
| Boarding or Shelter | 1 per employee |
| Grooming Service | 2.5 sq. ft. |
| Veterinary | ~~0.25 per seat~~3.33 per 1,000 sq. ft. |
| **Consumer Service** (except as below) | 2.5 per 1,000 sq. ft. |
| ~~Business Training~~Instructional Service | 1 per 7 students+ 1 per employee |
| **Day Care Center** | 0.5 per employee |
| **Day Care Home** | None |
| **Eating and Drinking Place** | |
| Bar or Tavern | 0.33 per seat |
| Craft Alcoholic Beverage Distributor | 10 per 1,000 sq. ft. seating area + 1 per employee |
| Restaurant | 10 per 1,000 sq. ft. |
| Tobacco or Vape Lounge | 2.5 per 1,000 sq. ft. |
| **Entertainment, Participant** | |
| Arcade | 10 per 1,000 sq. ft. |
| Video Gaming | 10 per 1,000 sq. ft. |
| Video Gaming Café | 10 per 1,000 sq. ft. |
| Other Participant Ent., Indoor | 2.5 per 1,000 sq. ft. |
| Participant Ent., Outdoor | 2.5 per 1,000 sq. ft. |
| **Entertainment, Spectator** | 0.20 per seat |
| **Financial Service** | 2.5 per 1,000 sq. ft. |
| **Funeral and Mortuary Service** | 0.20 per seat |
| **Lodging** | 1 per guest room, plus parking required for restaurant/bar |
| **Office** | |
| Business or Professional Office | 2.5 per 1,000 sq. ft. |
| Medical Office | 3.33 per 1,000 sq. ft. |
| Research Service | 2.5 per 1,000 sq. ft. |
| **Parking Non-accessory** | No minimum |

| Use | Minimum Number of Spaces Required |
|---|---|
| Parking, Off-Site Nonresidential | No minimum |
| Parking, Off-Site Auto Dealer | No minimum |
| Retail Sales | 2.5 per 1,000 sq. ft. |
| Self-Service Storage | 0.1 per storage unit + 0.5 per employee |
| Sexually Oriented Business | 2.5 per 1,000 sq. ft.~~10 per 1,000 sq. ft.~~ |
| Vehicle Sales and Service | |
| Fueling Station | 1 per pump island, plus 2.5 per 1,000 sq. ft. of retail |
| Minor Repair and Maintenance | 3 per repair bay + 0.5 per employee |
| Sales or Rentals | 1.67 per 1,000 sq. ft. |
| Body and Paint Shop | 3 per repair bay + 0.5 per employee |
| **WAREHOUSE & DISTRIBUTION** | |
| Warehouse & Distribution | 0.75 per 1,000 sq. ft. ~~0.5 per employee~~ |
| **MANUFACTURING & INDUSTRY** | |
| Manufacturing & Industry (except as below) | ~~0.5 per employee~~1.10 per 1,000 sq. ft. |
| Craft Alcoholic Beverage Producer | 0.5 per employee, plus 1 space per 100 sq ft of ~~interior~~ seating area |
| **PUBLIC & INSTITUTIONAL** | |
| College or University | See Sec. 9.03(G)~~1 per 7 students~~ |
| Community Garden | No minimum |
| Hospital | 1 per bed |
| Library or Cultural Exhibit | 1 per 600 sq. ft. |
| Parks and Recreation | ~~Determined in accordance with Sec. 9.03(G)~~ |
| Neighborhood Park | No minimum |
| Community Park or | 2.75 per acre |
| Religious Assembly | 0.2 per seat or 0.20 per occupant, whichever is greater |
| Safety Service | Determined in accordance with Sec. 9.03(G) |
| School | |
| Elementary or Jr. High | 1 per employee |
| Sr. High | 1 per 7 students + 1 per employee |
| Infrastructure or Utility, Major | 0.5 per employee |
| Infrastructure or Utility, Minor | No minimum |
| **OTHER** | |
| Cannabis Business Establishment | |
| Cannabis Cultivation Center | 0.5 per employee |
| Adult Use Cannabis Dispensary | 2.5 per 1,000 sq. ft. |
| Medical Cannabis Dispensary | 2.5 per 1,000 sq. ft. |
| Cannabis Craft Grower | 0.5 per employee |
| Cannabis Infuser | 0.5 per employee |
| Cannabis Processor | 0.5 per employee |
| Drive-Through Facility | No minimum |
| Off-Premises Outdoor Advertising Sign | No minimum |
| Wireless Telecommunications Facility | No minimum |

## Sec. 9.03 Calculation of Required Parking

The following rules apply when calculating the required number of off-street parking spaces:

### (A) Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 9.04(D), lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

### (B) Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half is rounded down to the next lower whole number, and any fraction of one-half or more is rounded up to the next higher whole number.

### (C) Area Measurements

Unless otherwise expressly stated, all floor area-based (square footage) parking requirements must be computed based on the sum of the gross horizontal areas of a

building devoted to a use requiring off-street parking excluding parking and loading areas, storage areas, mechanical equipment areas, basements, attics, bathrooms, and other similar areas of a building ~~and the horizontal areas of the basement and cellar floors that are~~ devoted exclusively to uses accessory to the operation of the entire building, as determined by the zoning administrator based on plans and information provided by the applicant. All horizontal dimensions must be taken from the outside of the exterior walls of the building.

**(D) Bench Seating**

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements.

**(E) Occupancy- or Capacity-based Standards**

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code or as otherwise determined by the zoning administrator (see also Sec. 9.03(G)).

**(F) Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with Sec. 9.03(G).

**(G) Establishment of Other Parking Ratios**

The zoning administrator is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use determination (as described in Sec. 6.02(D)) and on parking data provided by the applicant or information otherwise available to the zoning administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

## Sec. 9.04 Parking Exemptions and Reductions

**(A) B-2 and C-1 Districts**

**(1) Requirement for 3 or Fewer Parking Spaces**

When the application of minimum motor vehicle parking requirements for uses in the B-2 or C-1 zoning districts results in a requirement of 3 or fewer spaces, such parking spaces need not be provided.

**(2) Multi-Tenant Centers**

The following off-street parking regulations apply to multi-tenant centers existing in the B-2 or C-1 zoning district as of December 17, 2020:

**(a)** The number of off-street parking spaces currently provided on the property occupied by the multi-tenant center is deemed conforming for all uses.

**(b)** New uses in an existing multi-tenant center may use the existing off-street parking provided on the property and are not required to obtain a variance for off-street parking.

(c) Once an existing multi-tenant center is demolished or destroyed by more than 50% of the building's fair market value, the conforming status of existing off-street parking is no longer valid.

~~(d) When the floor area of an existing multi-tenant center is increased by more than 400 square feet (gross floor area) off-street parking spaces must be provided to serve the additional floor area. New multi-tenant centers and e~~Expansions of existing multi-tenant centers must provide off-street parking in the minimum amount of 2.5 spaces per 1,000 square feet ~~one off-street parking space for every 250 gross square feet~~ of new or expanded building area, regardless of the type of use. Additional off-street parking spaces must be provided only if the existing parking lot does comply with the minimum requirement of 2.5 spaces per 1,000 square feet..

~~(d)~~(e) New multi-tenant centers must provide parking at a rate of 2.5 spaces per 1,000 square feet.

~~No new use within a multi-tenant center that is constructed or expanded after December 17, 2020 requires a variance from the off-street parking requirements so long as the minimum number of off-street parking spaces were provided upon such new construction or expansion.~~

### (B) B-1(A) and B-1 Districts

The following off-street parking regulations apply in B-1(A) and B-1 zoning districts:

(1) Proposed uses on lots with existing buildings as of December 17, 2020, are not required to provide off-street parking. ~~The off-street parking currently provided by existing permitted and special uses in existing buildings as of December 17, 2020 is deemed conforming, even if zero off-street parking spaces are provided.~~ If the existing building is enlarged by more than 400 square feet, off-street parking spaces must be provided for the expanded portion of the building in accordance with Sec. 9.04(B)(2). Parking is not required for the existing portion of the building.

(2) New buildings and building expansions constructed after December 17, 2020, must provide off-street parking at the rate of at least one space per 400 square feet of nonresidential gross floor area and at least ~~1.25~~ 1.1 spaces per residential dwelling unit.

~~Any proposed new building or expansion of an existing building constructed after December 17, 2020, and which is in compliance with the off-street parking regulations set for in subsections (b), (c), (d) and (e) above, as applicable, regardless of whether a variance for off-street parking is granted, once constructed, shall be deemed to have sufficient off-street parking for all uses for as long as the building and/or expansion remains on the lot.~~

(3) Existing off-street parking provided on a lot in the B-1(A) and B-1 district may not be removed or reduced unless such removal is approved as part of an approved site plan for the lot.

~~(4) If a variance is granted from the off-street parking requirements of Sec. 9.04(B)(2), as a presumed condition of such variance, the applicant must pay to the village a fee in lieu of providing required off-street parking in the amount of $5,000 for each off-street parking space for which a variance was granted.~~

~~(a) The amount of the fee due in lieu of required off-street parking must be calculated by the applicant and set forth in the variance application.~~

~~(b) If a variance is granted from the off-street parking regulations, such fee must be added to the building permit fee and be paid by the applicant as a condition of receiving the building permit.~~

~~(c) All fees in lieu of off-street parking received by the village must be placed into a parking fund established by the village and must be used by the village to acquire property for public parking, to construct new public parking~~

~~facilities, or to make improvements to existing public parking facilities to serve uses in the B-1 district.~~

**(C) Car-Share Service**

For nonresidential uses that are required to provide 12 or more motor vehicle parking spaces and for residential or mixed-use projects that are required to provide 24 or more motor vehicle parking spaces, the number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space reserved for use by village-approved car-share program for use by a car-share vehicle. The off-site parking area may be under separate ownership only if a legal instrument, approved by the village attorney, guaranteeing access to the parking for the shared parking users is provided.

**(D) Shared Parking**

**(1) General**

Shared parking refers to the practice of 2 or more users who need parking at different times to agree to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect of large paved areas, and improving community appearance.

**(2) Eligibility**

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different times of peak parking demand, subject to approval by the zoning administrator.

**(3) Submittal Requirements and Methodology**

**(a)** Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:

i. The names and addresses of the uses and of the owners or tenants proposed to share the parking;

ii. The location and number of parking spaces that are being shared;

iii. A shared parking analysis;

iv. A legal instrument approved by the village attorney guaranteeing access to the parking for the shared parking users.

**(b)** The required shared parking analysis must be based on the latest edition of the Urban Land Institute (ULI) shared parking model or be prepared by a traffic engineer or transportation planner with demonstrated expertise in transportation and parking demand.

**(c)** The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough to accommodate the average anticipated demands of such uses.

**(4) Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of Sec. 9.05(B).

## Sec. 9.05 Location of Off-Street Parking

**(A) General**

Except as otherwise expressly stated in this zoning ordinance, required off-street parking spaces must be located on the same lot as the building or use they are required to serve.

**(B) Off-site Parking**

**(1) When Allowed**

The zoning administrator is authorized to allow all or a portion of required off-street parking for nonresidential uses in all districts and residential uses or mixed uses located in the B-1(A), B-1, and R-7 zoning districts, to be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces may not be located off site.

**(2) Location**

Off-site parking areas must be located within a 600-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.

**(3) Required Zoning**

Off-site parking lots are allowed only:

**(a)** In zoning districts that permit non-accessory parking;

**(b)** In zoning districts that allow the principal use to be served by the off-site parking spaces; or

**(c)** In other zoning districts when approved in accordance with the special use procedures of Sec. 14.04.

**(4) Control of Off-site Parking Area**

The property to be occupied by off-site parking spaces must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal instrument, approved by the village attorney, guaranteeing access to the parking for the shared parking users is provided.

## Sec. 9.06 Use of Required Off-Street Parking Areas

**(A)** Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.

**(B)** Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials. No motor vehicle repair work of any kind is permitted in a required parking space.

**(C)** Required spaces may be used for electric vehicle charging.

## Sec. 9.07 Parking Area Design

**(A) Residential Driveways**

Driveways serving detached houses, semi-detached houses, attached houses, and two-unit houses, whether leading to a garage, carport or other vehicle parking space, ~~single-family dwelling units~~ must be improved with a hard-surface pavement or concrete approved by the zoning administrator and comply with the following regulations:

**(1)** Residential driveways must be at least 9 feet and no more than 22 feet in width at any point, including paver bricks and other impervious material added to the sides of the driveway. Residential driveways may include a reasonable flair at the street and at the garage and may include a reasonable turning area at or near the garage, subject to approval by the zoning administrator.

**(2)** Residential driveways may not cover more than 40% of the front yard area and must be set back at least 3 feet from interior side lot lines.

**(3)** Residential driveways are permitted on only one side of the principal building.

**(4)** Residential driveways must be constructed in compliance with village standards and specifications.

### (B) Stall Size

**(1)** Required motor vehicle parking spaces must be at least ~~10~~ 9 feet in width and ~~20~~ 18 feet in depth, exclusive of access drives and aisles, except as otherwise expressly stated in this section. ~~In parking areas where curbs or permanent wheel stops have been installed, 2 feet of the parking stall depth beyond the curb or wheel stop may be counted as part of the required stall depth if that area is unobstructed and not part of another parking stall, drive aisle, or sidewalk.~~

**(2)** Accessible spaces must comply with dimensional standards of the Illinois Accessibility Code.

~~Where parking of a long-term duration (4 hours or more) is expected, the standard dimensions for a parking space may be reduced by up to 1 foot in width and 2 feet in length.~~

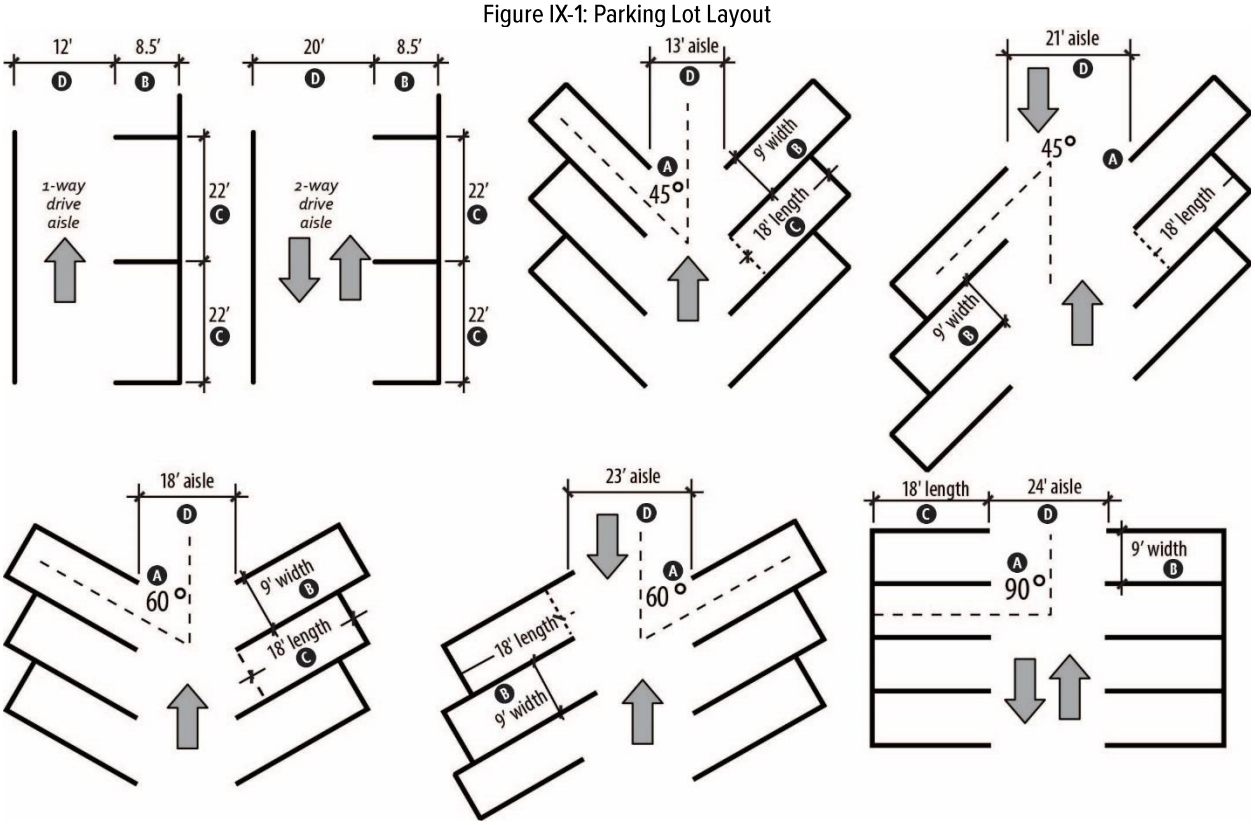
### (C) Parking Lot Layout

Parking areas containing 4 or more motor vehicle parking spaces must be designed and marked in accordance with the dimensional standards of Table IX-2, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table IX-2 may be interpolated from the layouts shown, as approved by the zoning administrator.

Table IX-2: Parking Lot Layout
(Dimensions in Feet)

| Ⓐ Stall Angle | Ⓑ Stall Width (ft) | Ⓒ Stall Depth (ft) | Ⓓ 1-Way Aisle Width (ft) | Ⓓ 2-Way Aisle Width (ft) | Vertical Clearance (ft) |
|---|---|---|---|---|---|
| 0° | 8.5 | 22.0 | 12.0 | 20.0 | 7.0 |
| 45° | 9.0 | 18.0 | 13.0 | 21.0 | 7.0 |
| 60° | 9.0 | 18.0 | 18.0 | 23.0 | 7.0 |
| 90° | 9.0 | 18.0 | 24.0 | 24.0 | 7.0 |

Figure IX-1: Parking Lot Layout




**(D) Curbs**

Concrete, barrier-type curbs must be provided for all parking lots containing ~~5~~ 4or more motor vehicle parking spaces. This includes driveways accessing such parking areas.

**(E) Surfacing**

All off-street parking areas containing 4 or more motor vehicle parking spaces must be surfaced with a dustless, all-weather surface unless otherwise expressly stated. Pervious pavement or pervious pavement systems are allowed subject to approval by the village engineer. Parking area surfacing must be completed prior to initiation of the use to be served by the parking, provided that the zoning administrator is authorized to approve the use of parking areas improved with a gravel base for a period of up to 180 days for temporary uses or when seasonal conditions prevent installation of permanent surfacing.

**(F) Construction**

Parking lots containing 4 or more motor vehicle parking spaces must be constructed in accordance with the Illinois Department of Transportation's Standard Specifications for Road and Bridge Construction, as supplemented by other specifications contained in the Village of Westmont Standard Specifications.

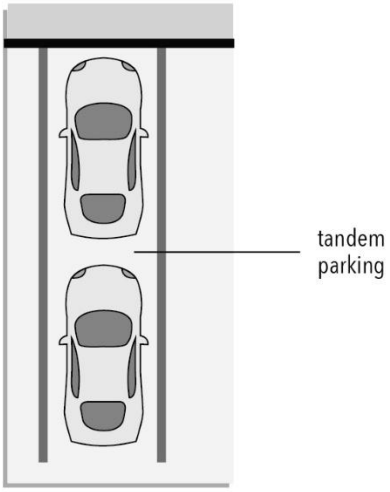
**(G) Pavement Marking**

All motor vehicle parking spaces within parking areas containing 4 or more motor vehicle parking spaces must be designated in some manner such as by pavement marking, curbs, bumper blocks, or some other method as approved by the Village Engineer, except that pavement marking of parking areas for multi-unit residential buildings containing fewer than 5 dwelling units is not required. Pavement marking must comply with the Illinois Department of Transportation's Standard Specifications for Traffic Control Items. Pavement markings (lines) must be yellow or white with a minimum width of 3 inches.

### (H) Tandem Parking

Tandem parking spaces are allowed only in R-7, B-1(A), and B-1 zoning districts and only when spaces serve residents of the same dwelling unit or employees of the same business. In all other cases, parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall width of 9 feet and a minimum depth of 36 feet.

Figure IX-2: Tandem Parking




### (I) Landscaping and Screening

See Sec. 10.07(D)(4) and Sec. 10.07(D)(5).

### (J) Lighting

See Sec. 12.01.

## Sec. 9.08 Accessible Parking

The number, location and design of accessible parking spaces for persons with disabilities must be provided in accordance with the Illinois Accessibility Code. Accessible parking spaces and access areas provided to satisfy Illinois Accessibility Code requirements count toward satisfying the minimum parking requirements of Sec. 9.02.

## Sec. 9.09 Stacking Spaces for Drive-Through Facilities

### (A) Spaces Required

In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table IX-3. Decision-making bodies are authorized to require the provision of additional stacking spaces as part of the special use process when such additional spaces are deemed necessary to ensure that stacked vehicles do not obstruct traffic on adjacent streets or pose safety hazards for motorized or non-motorized travel.

Table IX-3: Drive-through Stacking Space Requirements

| Use | Minimum Spaces (per lane) |
|---|---|
| Automated teller machine | 2 (measured from ATM) |
| Bank | 4 (measured from teller or service area) |
| Car wash, customer-operated | 2 (measured from vehicle entrance) |
| Car wash, automated or attendant hand wash | ~~4~~ 5 (measured from vehicle entrance) |
| Drug store | ~~3~~ 5 (measured from service window) |
| Restaurant (drive-through lane) | 5 (measured from order board) |
| Restaurant (remote order pick-up lane) | 2 (measured from service window) |
| Consumer Service (e.g., dry cleaning drop-off) | 3 (measured from service window) |
| Other | As determined by the zoning administrator |

**(B) Dimensions**

Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

**(C) Location and Design**

**(1)** Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking or ingress and egress from the street.

**(2)** All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows may not be located between the principal building and the front street.

**(3)** Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots and screened in accordance with the parking lot screening regulations of Sec. 10.07(D)(5)(c).

**(4)** Each drive-through facility must have an escape lane with a minimum width of 10 feet to allow other vehicles to pass those waiting to be served. A drive aisle may serve as the escape lane if it meets the requirements of this section. Escape lane requirements can also be waived during the special use approval process when the applicant demonstrates that such a waiver will not result in an adverse effect on public safety or customer convenience.

**(D) Pedestrian Access**

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

## Sec. 9.10 Off-Street Loading

### (A) General

All uses that regularly receive materials or merchandise carried by trucks or large delivery vehicles must provide off-street loading facilities in accordance with the regulations of this section.

### (B) Location

**(1)** All required off-street loading spaces must be located on the same lot as the use to be served. All vehicle maneuvering and loading/unloading operations must occur on private property and not interfere with or create safety hazards for motorized or non-motorized circulation.

**(2)** Loading spaces may not be located in any street yard or within 25 feet of the nearest point of intersection of any two streets. Unenclosed off street loading areas may not be located within 25 feet of any abutting R-zoned lot.

### (C) Access

Off-street loading spaces must be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movements.

### (D) Surfacing

All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the village engineer.

### (E) Spaces Required

Off-street loading spaces must be provided in accordance with the Table IX-4.

Table IX-4: Off-Street Loading Space Requirements

| Use Type | Min. Loading Spaces Required | Min. Size (feet) | Min. Vertical Clearance (feet) |
|---|---|---|---|
| **Commercial, Industrial, Public/Civic** | | | |
| Under 20,000 square feet | None | NA | NA |

| Use Type | Min. Loading Spaces Required | Min. Size (feet) | Min. Vertical Clearance (feet) |
|---|---|---|---|
| 20,000–49,999 square feet | 1 | 10 x 35 | 12 |
| 50,000+ square feet | 2 + 1 per additional 50,000 | 12 x 65 | 15 |
| **Residential** | | | |
| Under 50 dwelling units | None | NA | NA |
| 50+ dwelling units | 1 + 1 per additional 50 units | 10 x 35 | 12 |

# Article X Tree Preservation and Landscaping


Sec. 10.01 Jurisdiction..... X-1
Sec. 10.02 Landscape Plans, Tree Surveys, and Tree Preservation Plans..... X-1
Sec. 10.03 Permit Issuance..... X-1
Sec. 10.04 Tree Preservation and Replacement.....X-2
Sec. 10.05 Tree Protection.....X-2
Sec. 10.06 Penalties and Tree Replacement Requirements.....X-3
Sec. 10.07 Landscape Regulations.....X-4


## Sec. 10.01 Jurisdiction

All construction activity that is subject to the site plan approval procedures of Sec. 14.05 is subject to the tree preservation and landscape regulations of this Article X as well as the heritage tree regulations of Chapter 80, Article III of the village code.

## Sec. 10.02 Landscape Plans, Tree Surveys, and Tree Preservation Plans

Applications for construction as described in Sec. 10.01 must include the following materials in a form acceptable to the village and as further described herein. The village's review of such plans and materials may include an inspection of the site and referral of the application to other appropriate administrative departments or agencies for review and recommendation.

### (A) Landscape Plan

Applicants must provide the village with a landscape plan at the time of site plan review. Such plans must indicate the locations of existing trees to be preserved, utilities and utility easements, building pads, retention/detention basins, proposed contours, and all required and proposed landscape features. Required landscape plans must be prepared by a professional landscape architect or landscape designer in accordance with village requirements.

### (B) Tree Survey

The zoning administrator is authorized to require a tree survey with the landscape plan. Otherwise, tree surveys are required prior to permit issuance and approval. Tree surveys must include information on all existing trees with a diameter at breast height (DBH) of 4 inches or greater. Information must indicate the location, size, species and condition of each tree, as well as existing and proposed structures, improvements, utilities, driveways, and contours at one-foot intervals.

### (C) Tree Preservation Plan

The zoning administrator is authorized to require a tree preservation plan with the landscape plan. Otherwise, tree preservation plans are required prior to permit issuance and approval. Tree preservation plans must identify those trees to be protected with a tree protection detail labeled on the tree survey. The plan must indicate the location, size, species and condition of each tree to be protected, as well as proposed structures, improvements, utilities, driveways, and contours at one-foot intervals. The tree preservation plan must also identify all protective measures to be taken to avoid construction damage to protected trees (i.e., pumping concrete, crown or root pruning).

## Sec. 10.03 Permit Issuance

No permit for construction, as described in Sec. 10.01, may be issued until such time that a tree preservation and landscape plan is approved by the village.

## Sec. 10.04 Tree Preservation and Replacement

All zoning and permit applications for construction, as described in Sec. 10.01, are subject to the tree preservation and replacement requirements of this section

**(A)** It is unlawful for any person to remove, injure, or undertake any procedure that will cause death or substantial damage to any tree protected by this article or other provisions of the village code.

**(B)** All trees within construction areas or areas where future construction is expected must be protected until otherwise stated upon approval of a submitted tree survey, tree preservation plan, and landscape plan.

**(C)** At least 50% of existing trees with a DBH of 4 inches or more, as shown on the required tree survey, are required to be replaced within all construction areas. If the property cannot accommodate the replacement trees, the village may allow payment as approved by the village forester, equal to the cost that would have been incurred, to purchase and install replacement trees elsewhere. The village must use such collected funds to purchase and plant trees elsewhere within the village. Trees required to be planted by the landscape regulations of Sec. 10.07 may be counted toward this replacement requirement.

**(D)** It is unlawful for any person to remove, injure, or undertake any procedure that will cause death or substantial damage to any tree in construction areas or areas where future construction is expected before approval of a submitted tree survey, tree preservation plan, and landscape plan. Trees that are removed before approval of the tree survey and landscape plan will be valued on a tree-for-tree basis and will be required to be replaced within the construction area after construction has commenced. If the property cannot accommodate the replacement trees, the village may require payment as approved by the village, equal to the cost that would have been incurred, to purchase and install replacement trees elsewhere. The village must use such collected funds to purchase and plant trees elsewhere within the village.

**(E)** The village retains jurisdiction to ensure compliance with this section and is authorized to issue a stop-work order for noncompliance. A stop-work order issued pursuant to this section may not be removed except by the village.

## Sec. 10.05 Tree Protection

**(A)** Whenever construction, as described in Sec. 10.01, affects trees and their root zones on a given parcel or on adjacent parcels, all appropriate tree protection measures must be taken. The applicant must consider and the village may require, the following specific protective measures for all development, or work requiring a permit, on properties with trees subject to regulation. Violation will result in the stoppage of all work and fines each day for each separate violation until corrections have been made to the satisfaction of the village.

**(1)** Protective fencing is required for and must be shown on the required tree preservation plan for all trees required or proposed to be preserved within 15 feet of any construction or construction material or construction equipment storage, including trees on adjacent properties. The entire parkway, except for the access point, must be properly fenced off from sidewalk to curb. All required protective fencing must be in place and approved by the village before a demolition permit will be issued. All fencing must remain in place during the entire construction period. All tree protective fencing must be ~~of a snow fence design~~ at least ~~4~~ 6 feet in height unless otherwise approved by the village. All fencing must be secured to metal posts driven into the ground and spaced no further than 10 feet apart. Fencing may not be removed or relocated unless authorized in writing by the village. The general contractor is responsible for the construction, erection, and

maintenance of tree protection fencing in accordance with the conditions of the building permit around tree preservation areas. The approved tree preservation plan must be available on the building site before work commences and always during construction of the project. The general contractor is responsible for giving written notice of the tree preservation plan to all contractors or subcontractors before they enter the site.

**(2)** Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required for preservation of existing trees. These measures must be indicated on the tree preservation plan.

**(3)** During construction all reasonable steps must be taken to prevent the destruction or damaging of trees required or proposed to be preserved (including their root zones). No vehicle or equipment may be driven nor parked within the tree protection zone.

**(4)** During construction, unless otherwise authorized by the approved tree preservation plan, no excess soil, additional fill, equipment, liquids, or construction debris, may be placed within the root zone of any tree that is required to be preserved in its present location.

**(5)** During the construction period, no attachments, fences or wires, other than approved materials for bracing, guying or wrapping, may be attached to any tree that is required or proposed to preserved.

**(6)** All measures must be taken to maintain the health of trees which are transported to the site.

**(7)** Because construction damage to trees can sometimes take months or years before becoming apparent, any violation of the tree preservation specifications will be construed to result in a damaged or injured tree. In the event that a tree is damaged or injured, the contractor has the option to remove and replace the tree as specified in this article or post a bond for a period of 3 years for the associated cost of mitigating construction damage within the 3-year period (pruning or removal and replacement). After the construction process is completed, contractors have no responsibility for trees that have been protected throughout the entire construction process and in accordance with the approved tree protection plan.

**(B)** The village retains jurisdiction to ensure compliance with this section and is authorized to issue a stop-work order for noncompliance. A stop-work order issued pursuant to this section may not be removed except by the village.

## Sec. 10.06 Penalties and Tree Replacement Requirements

Failure to comply with an approved tree preservation plan or removal of protected trees before approval of a tree preservation plan is subject to the following penalties and remedies. When issuing a permit authorizing the removal of a tree, the village may require the property owner to replace all trees removed in accordance with the following minimum standards.

**(A)** If any tree subject to preservation under this article (Article X) is removed within one year prior to any zoning or permit application, to the extent possible, the removed trees must be included in the tree replacement requirements described herein.

**(B)** Any tree that is designated for preservation is removed during construction activities must be replaced with a new tree of approved species with a minimum DBH equal to the removed tree. If the property cannot accommodate one or more of the required replacement trees, then the village may require payment as approved by the village, equal to the cost that would have been incurred, in order to purchase and install replacement trees elsewhere. The village must then use such collected funds to purchase and plant trees elsewhere within the village.

**(C)** If a tree, that is to be preserved according to the approved tree preservation plan, is damaged or injured by other than natural causes to the extent that it is likely to die or become diseased, or if it constitutes a hazard to persons or property, it must be removed and replaced with a tree of approved species with a minimum DBH equal to the removed tree. If the property cannot accommodate one or more of the required replacement trees, then the village may require payment as approved by the village, equal to the cost that would have been incurred, in order to purchase and install replacement trees elsewhere. The village must then use such collected funds to purchase and plant trees elsewhere within the village.

**(D)** Species of trees replacement trees must be approved by the village before planting.

## Sec. 10.07 Landscape Regulations

~~The planting of trees and beautification of the village is essential to the quality of life for Westmont and its residents. Improved landscapes can increase property values, improve air quality, residents will have a more positive view of their surroundings and the 'heat island' effect on the urban environment can be reduced. It is the intent of this article to make Westmont more beautiful and a healthier place to live. Landscapes with diversity and seasonal interest are encouraged.~~

### (A) Purpose

The landscape regulations of this section establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this zoning ordinance and to help:

**(1)** Maintain and enhance the village's appearance;

**(2)** Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;

**(3)** Reduce the impacts of noise and glare.

**(4)** Maintain and improve air quality;

**(5)** Protect surface water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;

**(6)** Moderate heat by providing shade;

**(7)** Encourage wise use of water resources;

**(8)** Encourage preservation and replacement of existing trees and landscaping; and

**(9)** Encourage greater use of low-impact development practices.

### (B) Principles

The landscape regulations of this section will be interpreted, administered and enforced in accordance with the following general principles:

**(1)** Preservation of existing, healthy trees and shrubs is a top priority and is strongly encouraged.

**(2)** Trees, shrubs, groundcover and turf must be the primary sources of landscaping and must be installed and maintained to reduce stormwater runoff and ensure safe visibility at intersections and points of vehicular access.

**(3)** The design of landscape areas to promote low-impact development practices (e.g., bioretention basins, rain gardens, filter strips, and grassed swales) is strongly encouraged and may be used to satisfy the landscape regulations of this zoning ordinance, subject to compliance with all applicable stormwater management standards.

**(4)** The alternative compliance provisions of Sec. 10.07(G) are intended to accommodate creativity in landscape and screening design and address site-specific barriers that prevent strict compliance with the regulations of this chapter.

## (C) Residential Landscape Requirements

### (1) Applicability

The residential landscape regulations of this subsection apply to all residential development except for detached houses and multi-unit residential buildings. (Note: detached houses are exempt from landscape regulations and multi-unit residential buildings are subject to the nonresidential landscape regulations of Sec. 10.07(D).

**(a)** In front, side and rear yards, at least 2 shrubs with a minimum height of 24 inches at the time of planting, must be planted for every 10 linear feet of foundation along the portion of the building facing a public or private street.

**(b)** In addition to the above, at least 2 of the following requirements must also be satisfied:

i. Planting or preservation of at least one shade tree with a minimum caliper size of 3 inches for each 100 linear feet of building foundation, or portion thereof, along the front and corner side yards; and/or

ii. Planting or preservation of at least 2 understory trees with a minimum caliper size of 3 inches for each 100 linear feet of building foundation, or portion thereof, along the front and corner side yards; and/or

iii. Planting or preservation of at least 2 evergreen trees with a minimum height of 6 feet for each 100 linear feet of foundation, or portion thereof, along the front and side yards.

**(c)** Planting beds must be covered with ground cover or mulch.

**(d)** Tree planting in private areas must be done in a solar-conscious design, emphasizing the benefits of shade during the summer months and warming sunlight in the winter.

## (D) Nonresidential and Multi-Unit Residential Landscape Requirements

### (1) Applicability

The nonresidential and multi-unit residential landscape regulations of this subsection apply to all nonresidential development and all multi-unit residential development, and mixed-use (residential + nonresidential) development.

### (2) General Site Landscape

**(a)** At least 50% of the unimproved ground area ~~open space~~ on a site must be landscaped with trees, shrubs, turf or ground cover plants.

**(b)** At least one tree must be planted per 500 square feet of ~~lot~~ site area required to be landscaped. One-third of the trees mut be evergreens with a minimum height of 6 feet, one-third of the trees must be understory varieties with a minimum height of 6 feet or a minimum caliper size of 3 inches, and one-third of the required trees must be canopy trees with minimum caliper size of 3 inches.

**(c)** At least one shrub must be planted per 50 square feet of ~~lot~~ site area required to be landscaped. Required shrubs must be at least 2 feet in height at time of planting. ~~and 3 feet for shrubs with a mature height 5 feet or more.~~

### (3) Foundation Plantings

#### (a) General

Foundation planting beds with a minimum width of 6 feet must be provided on all sides of the ~~main structure~~ principal building except where sidewalks or driveways lead to building entries, garages, or loading docks. Foundation plantings must be comprised of a combination of canopy trees, understory trees, evergreen trees, shrubs, ground covers, and flowers. Planting beds must be covered with groundcover plants or mulch.

#### (b) Street-Facing Facades

At least 2 shrubs with a minimum height of 2 feet at the time of planting must be planted for every 10 linear feet of foundation wall along street-facing facades of the principal building. In addition, at least 2 of the following must also be provided within street yard areas adjacent to street-facing principal building facades:

i. One canopy tree with a minimum caliper size of 3 inches for each 100 linear feet of building foundation wall, or portion thereof; and/or

ii. Two understory trees with a minimum caliper size of 3 inches for each 100 linear feet of building foundation wall, or portion thereof; and/or

iii. Two evergreen trees with a minimum height of 6 feet for each 100 linear feet of building foundation, or portion thereof.

~~Tree planting in private areas should be done in a solar conscious design, emphasizing the benefits of shade during the summer months and warming sunlight in the winter.~~

### (4) Parking Lot Interiors

#### (a) Purpose

The interior parking lot landscape regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of large paved areas and provide shade for parked vehicles and pedestrians.

#### (b) Applicability

Unless otherwise expressly stated, the interior parking lot landscape regulations of this section apply to all the following:

i. The construction of a new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;

ii. The construction or installation of any new parking lot containing 4 or more parking spaces; and

~~i.~~iii. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 20%.

#### (c) Parking Lot Landscape Islands

All parking lots containing 20 or more parking spaces must provide landscape islands, as follows:

i. All rows of parking that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row.

ii. When more than 20 parking stalls are located in a single row, at least one landscape island must be provided between each 20 parking stalls. The location of such landscape islands may be modified at the time of landscape plan approval based on site-specific design considerations,

provided that the total number of landscape islands may not be reduced below one island per 20 parking spaces.

iii. Required landscape islands must be at least 8 feet in width, as measured from the back of curb to back of curb, with a minimum area of 150 square feet when located in a single row of parking spaces or 300 square feet when located within a double row of facing parking spaces.

**(d) Required Trees**

i. For pavement areas of up to 6,000 square feet in area, at least one canopy tree with a minimum ~~DBH~~ caliper size of 3 inches must be provided for every 1,500 square feet of pavement area.

ii. For pavement areas exceeding 6,000 square feet in area, at least one canopy tree with a minimum caliper size ~~DBH~~ of 3 inches must be provided for each additional 3,000 square feet of pavement area.

iii. At least 50% of the required trees or at least one tree per required landscape island, whichever is greater, must be installed within the interior of the parking lot, as opposed to areas along the parking lot perimeter.

**(5) Parking Lot Perimeters**

**(a) Purpose**

The parking lot perimeter landscape regulations of this section are intended to help mitigate the visual and operational impacts of parking lots when such areas are adjacent to streets or residential zoning districts.

**(b) Applicability**

Unless otherwise expressly stated, the interior parking lot landscape regulations of this section apply to all the following:

i. The construction or installation of any new parking lot containing more than 4 off-street motor vehicle parking spaces; and

ii. The expansion of any existing parking that results in the addition of 4 or more off-street motor vehicle parking spaces, in which case the perimeter landscape requirements of this section apply only to the entire parking lot.

**(c) Required Screening**

i. Parking lots must be screened from view of abutting R-zoned lots by an opaque fence or wall not less than ~~4~~ 6 feet in height plus at least one evergreen tree per 25 linear feet of fence or wall. Required evergreen trees must be at least 6 feet in height at time of planting.~~a landscape planting strip with a minimum width of 4 feet in accordance with the following, or on an alternate arrangement as approved by the board of trustees. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis within the planting strip.~~

ii. Parking lots must be screened from view of abutting streets by shrubs or evergreen trees planted to form a continuous visual barrier (hedge) at least 3 feet in height or by an opaque wall with a minimum height of 2.5 feet and a maximum height of 3 feet. Walls used to satisfy these screening requirements must be constructed of brick, stone, cast stone, formed concrete or similar durable, low-maintenance materials, as approved by the zoning administrator. ~~On the street lot line, a planting screen not less than 3 feet in height shall be installed, unless said screen~~

~~interferes with the corner visibility triangle which requires a maximum height of less than 24 inches. Such planting screen shall be adjacent to the parking area. Suitable landscaping and groundcover shall be provided and maintained on a continuing basis between the screen fence and curb line. Planting screens, or hedges, fences or walls shall not exceed 2 feet in height where location is such that sight lines are necessary for vehicular movement across pedestrian ways.~~

## (E) Landscape Materials and Design

### (1) Landscaping with Required Landscape Areas

All required landscape areas are required to be covered with ground cover plants or mulch. Alternatives that comply with the village's best management practices for stormwater are also allowed.

### (2) Existing Trees and Vegetation

Existing non-invasive trees may be counted toward satisfying the landscaping and screening regulations of this article if they are located within the subject area and they comply with applicable plant height and size requirements of this article.

### (3) Plant Selection

**(a)** Only trees and shrubs listed on the recommended tree and shrub list of Appendix A may be used to satisfy the minimum landscape requirements of this section, provided that the zoning administrator is authorized to permit the use of other species if such species are non-invasive and not listed as "not recommended" on the species list in Appendix A.

**(b)** Trees and plant material must comply with the specifications found in American Standards for Nursery Stock (ASNS).

### (4) Curbs and Vehicle Barriers

Landscaped areas in or abutting parking lots must be protected by concrete curbing, anchored wheel stops, or other durable barriers approved by the zoning administrator. Alternative barrier designs that provide improved infiltration or storage of stormwater are encouraged. Curbs protecting landscape areas may be perforated, have gaps or otherwise be designed to allow stormwater runoff to pass through.

### (5) Sight Vision Triangles

Placement of trees and landscape material is subject to the sight vision triangle regulations of Sec. 12.05.

### (6) Installation

**(a)** All landscaping must be installed in a sound manner and in accordance with accepted landscape planting practices.

**(b)** Newly planted trees may not be staked or guyed unless they are unable to stand upright without support. Any staking and guying materials must be removed within one year of installation.

### (7) Maintenance

The property owner, occupant, tenant and respective agent of each, if any, are jointly and severally responsible for the maintenance and protection of all required landscaping, in accordance with the following regulations:

**(a)** Landscaping must be kept reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.

**(b)** Landscaping must be mowed or trimmed in a manner and at a frequency appropriate to the use of the material and species on the site so as not to

detract from the appearance of the general area. Growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise.

**(c)** All landscaping must be maintained to minimize property damage and public safety hazards, including removal of invasive species, dead or decaying plant material, and removal of low-hanging branches next to sidewalks and walkways obstructing street lighting.

**(d)** All pruning must be done in accordance with ANSI A300 (part 1) "Standards for Tree Care Operations—Pruning." Tree topping is prohibited. Crown reduction pruning may be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree planting requirements.

**(e)** Failure to maintain landscaping in accordance with the approved landscape plan is a violation of this ordinance.

~~(a)~~**(f)** Refer to Chapter 86 of the village code for regulations governing weeds.

## (F) Detention Area Landscaping

**(1)** The Village of Westmont is committed to improving and enhancing the environment and quality of life in Westmont. Native landscaping and the naturalization of detention basins contribute greatly to the improvement of the local environment. The village encourages the implementation of these "Best Management Practices" (BMP's) wherever possible and practical. The benefits include:

- **(a)** Filtration and removal of nutrients and other contaminants from stormwater runoff;
- **(b)** Reduction of erosion and sedimentation;
- **(c)** Reduction of pollution, resulting from less mowing activity;
- **(d)** Reduction of long-term maintenance costs;
- **(e)** Reduction of congregating nuisance waterfowl on sites;
- **(f)** Provide habitat for local wildlife;
- **(g)** Help meet the goals of the National Pollution Discharge Elimination System (NPDES) Phase II of the Clean Water Act.

**(2)** The design and installation of "BMP's" must be performed by a practitioner with at least 5 years of experience in the practice of native landscaping or ecological restoration.

**(3)** Native plants require a longer establishment period than turf grass and therefore, the developer will be required to provide a management and maintenance bond with services for a period of no less than 3 years. Upon the completion and acceptance of the 3-year maintenance period, responsibility for long-term maintenance will be assumed by the owner of the development or the homeowners association.

**(4)** Long-term maintenance will require controlled burns as the primary management tool and be required at least once every 3 years. Spot herbicide application may also be employed where burning is not effective in controlling invasive species. All persons employed or contracted to perform a controlled burn must have the proper certification and insurance and be responsible for acquiring the necessary Open Burn Permit through the Illinois Environmental Protection Agency (IEPA). The Westmont Police and Fire Departments must be notified of the controlled burn at least 2 weeks before the activity.

## (G) ~~Waivers~~Alternative Compliance

~~The village may waive minimum landscape requirement and the requirement for a landscape plan if the petitioner demonstrates that one or more of the following conditions are satisfied.~~

### (1) Applicability and Approval Criteria

To accommodate creativity in landscape design and to allow for flexibility in addressing site-specific development and redevelopment challenges, alternative compliance landscape plans, sealed by a landscape architect licensed to practice in the State of Illinois, may be approved at the time of site plan approval. In order to approve an alternative compliance landscape plan, the applicable decision-making body must determine that one or more of the following conditions or opportunities are present:

~~(H)~~(a) The subject site has sufficient mature trees and vegetation to meet the intent of the landscape regulations of this article and plans to properly protect existing trees or vegetation and protection measures will be carried out properly throughout the entire construction process.

~~(I)~~(b) Installing plant material to the full extent required by the regulations of this article would compromise the health, vitality, or ecology of the existing vegetation on the site, or on neighboring sites.

(c) The subject site has space limitations, an unusual shape or other factors that make strict compliance with applicable landscaping and screening regulations impossible or impractical;

(d) Physical conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this section;

(e) Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or

(f) Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscape regulations of this section.

~~(a) Significant open space or vistas would be negatively impacted by the installation of the required plants.~~

### (2) Variances

Requests to waive or vary the applicable landscape regulations of this article that do not qualify for approval of an alternative compliance landscape plan must be processed as variances, in accordance with the procedures of Sec. 14.06.

# Article XI Signs[6]


Sec. 11.01 General ..... XI-1
Sec. 11.02 Prohibited Signs ..... XI-2
Sec. 11.03 Sign Exceptions ..... XI-3
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## Sec. 11.01 General

### (A) Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

**(1)** To support the desired character of the village, as expressed in adopted plans, policies, and regulations;

**(2)** To promote an attractive visual environment;

**(3)** To encourage the effective use of signs as a means of communication for businesses, organizations, and individuals;

**(4)** To provide a means of way-finding for visitors and residents;

**(5)** To provide for reasonable business identification, advertising, and communication;

**(6)** To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the village and its residents, property owners and visitors;

**(7)** To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;

**(8)** To minimize the possible adverse effects of signs on nearby public and private property; and

**(9)** To provide broadly for the expression of individual opinions through the use of signs on private property.

### (B) Scope and Applicability

All signs within the village are subject to the regulations of this article and all other applicable provisions of this zoning ordinance.

### (C) Content Neutrality; Substitution of Noncommercial Messages

Any sign allowed under this article may contain, in lieu of any other sign message or copy, any lawful noncommercial message if the sign complies with all applicable size, height, location, and other requirements of this article. The purpose of this "substitution" provision is to prevent any inadvertent favoring of commercial speech

[6] This article has been reorganized and edited. Content-based regulations have been removed.

over noncommercial speech, or the favoring of any one noncommercial message over any other noncommercial message.

## Sec. 11.02 Prohibited Signs

The following signs and sign characteristics are expressly prohibited in the village unless otherwise expressly stated in this zoning ordinance:

**(A)** Signs for which any required permit has not been issued or that are posted or maintained in violation of the sign regulations of this article;

**(B)** Signs in, on or above any street, alley, park, parkway, sidewalk or other public place, except as expressly allowed under the provisions of this article;

**(C)** Roof signs;

**(D)** Signs that project above the building wall unless designed as an architectural element such as a marquee;

**(E)** Search lights, strobe lights, rotating beacon lights, flashing lights, and blinking lights that are visible from public right-of-way, except as otherwise expressly allowed by this article or required by law;

**(F)** Off-premises outdoor advertising signs other than those expressly permitted within 660 feet of the right-of-way of Route 83 (Kingery Highway) or U.S. Route 34 (Ogden Avenue);

**(G)** Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

**(H)** Signs that interfere with an opening required for ventilation, except that signs may cover transom windows when not in violation of building and fire prevention codes;

**(I)** Signs affixed directly to a tree, utility pole or traffic control device;

**(J)** Signs attached to fences except as permitted for construction signs in Sec. 11.03(C);

**(K)** Projecting signs except as permitted under Sec. 11.05(D);

**(L)** Abandoned signs (see Sec. 11.08);

**(M)** Balloons, inflatables, feather signs, banner signs, and similar wind-driven devices, unless otherwise expressly allowed by provisions of this zoning ordinance;

**(N)** Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device or that makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists;

**(O)** Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;

**(P)** Signs that violate the sight vision triangle regulations of Sec. 12.05;

**(Q)** Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way;

**(R)** High-intensity lighting around the border of a window, or the outlining an architectural element or feature of a building or other structure not in compliance with Sec. 12.01(D)(5), except for temporary holiday lighting and seasonal decorations using unshielded low-intensity lamps typical of holiday displays; and

**(S)** Signs that are obscene or that when considered as a whole predominantly appeal to prurient interest.

## Sec. 11.03 Sign Exceptions

The following signs are not counted as signs for purposes of determining the number of signs or sign area on a lot. Such signs are subject to the regulations of Sec. 11.02, Sec. 11.07, and Sec. 11.08 as well as the following:

### (A) Driveway and Parking Lot Signs

**(1)** One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may not exceed 9 square feet in area or 6 feet in height.

**(2)** Off-street parking areas may display signs within parking lots. Such signs must be oriented to be visible by parking lot users and may not exceed 6 square feet in area or 6 feet in height.

### (B) Real Estate Signs

One temporary real estate sign is allowed per street frontage. Such signs may not exceed:

**(1)** 32 square feet in area or 8 feet in height on lots occupied by nonresidential uses or buildings containing 3 or more dwelling units; or

**(2)** 9 square feet in area or 6 feet in height on lots occupied by fewer than 3 dwelling units.

### (C) Construction Signs

**(1)** One temporary construction sign is allowed per street frontage. Such signs may not exceed:

**(a)** 32 square feet in area or 8 feet in height on lots occupied by nonresidential uses or buildings containing 3 or more dwelling units; or

**(b)** 9 square feet in area or 6 feet in height on lots occupied by fewer than 3 dwelling units.

**(2)** Construction signs may be attached to construction fences.

### (D) ~~Bulletin Board~~ Static Changeable Message Board Signs

One static changeable ~~bulletin~~ message board sign is permitted per lot ~~occupied by a public or institutional use~~. Such signs may not exceed 32 square feet in area.

### (E) Fuel Pump Signs

One sign (including an~~d~~ electronic display) is permitted per fuel pump and electric vehicle charging station. Such signs may not exceed 2 square feet in area per pump or charging station. Operational and payment instructions on the face of the pump or station are exempt from this sign area limitation.

### (F) Drive-Through Signs

Drive-through signs are permitted in conjunction with drive-through uses, as follows:

#### (1) Number and Size

**(a)** A maximum of one primary drive-through sign and one secondary drive-through sign is allowed per drive-through lane.

**(b)** Primary drive-through signs may not exceed 50 square feet in area.

**(c)** Secondary drive-through signs may not exceed 12 square feet in area.

**(d)** Signs on vertical (vehicle height) clearance barriers are not counted as signs if they contain no commercial message.

**(2) Visibility**
Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

**(G) Sandwich Board Signs**

**(1)** Sandwich board signs are permitted only in B-1(A), B-1, B-2, B-3, C-1, R-4, R-5, ~~and~~ R-6, and R-7 districts.

**(2)** One sandwich board sign is permitted per business, subject to location and separation distance or additional allowances specific to the districts listed below.

**(3)** Sandwich board signs may not exceed 8 square feet per side or 4 feet in height.

**(4)** Sandwich board signs must be removed and stored indoors when the establishment is not open for business.

**(5)** Sandwich board signs must be professionally made and maintained in good condition.

**(6)** Sandwich board signs must be of an A-frame design and properly weighted so as not to create a windblown hazard.

**(7)** Sandwich board signs may not have any protruding nails, tacks, wires or sharp metal edges.

**(8)** Sandwich board signs must be located on the ground and not be attached to any structure or person.

**(9)** Sandwich board signs must be set back at least 15 feet from any vehicular private drives or entries, may not obstruct or impede traffic flow.

**(10)** A minimum separation distance of 25 feet between any other commercial signage must be maintained, including freestanding temporary signs.

**(11)** Sandwich board signs are permitted on private sidewalks (except in B-1(A) and B-1 districts where they are permitted on public and private sidewalks), provided that the signs must be located entirely or partially on the sidewalk in front of the business, allowing for at least 5 feet of continuous sidewalk clearance.

**(12)** Sandwich board signs are prohibited in parking lots, parking spaces or vehicular drives.

**(H) Window Signs**
Window signs, including but not limited to "open" ~~of paper or similar materials are allowed as sign exceptions. Such window signs may not~~ covering no more than 40% of the total window area are allowed as sign exceptions. ~~and may not create a safety hazard to customers, employees, pedestrians, or traffic.~~ Window border lighting is prohibited, as stated in Sec. 11.02(R).

**(I) Pennants**
Pennants may be attached to private light poles in nonresidential districts. No more than one pennant is permitted on each light pole and such signs may not exceed 4 square feet in area. Pennant signs must be attached with a rigid frame that does not allow for wind movement.

**(J) Temporary Signs and Banners**

**(1)** In nonresidential districts, temporary signs and banners ~~conducted by or on behalf of an on-premises business, business commodity, business service or for-profit entertainment shall be permitted with a permit~~ may be approved, subject to the following conditions:

**(a)** A maximum of one temporary sign is permitted per business per display period.

**(b)** The maximum display period may not exceed 30 days.

**(c)** Temporary signs may be displayed for no more than 60 days each calendar year per business. Any display of a temporary sign counts towards the maximum number of days for the business.

**(d)** Temporary signs may not exceed 32 square feet in area. They may be freestanding or attached to the leased frontage of the building.

**(e)** For multi-tenant centers, only one freestanding temporary sign is permitted per street frontage at any time.

**(f)** Freestanding signs must be at least 5 feet from property lines and 15 feet from any driveways. They may not exceed 8 feet in height.

~~**(g)** Temporary special event signs may not be used concurrently with a sandwich board sign for the same business.~~

### (K) Special Event Signs

Special event signs and banners ~~or posters publicizing approved special events sponsored in whole or in part by the village~~ located in, on or over the public right-of-way~~. Such signage shall~~ require ~~the~~ approval by ~~of~~ the board of trustees as part of the special event permit approval and ~~shall be~~ are subject to time, place and size restrictions imposed by the board of trustees. Board of trustees-approved special event signs are not subject to the sign regulations of this article unless otherwise expressly stated at the time of approval.

### (L) Grand Opening Event Signs

Grand opening event signs are permitted in business and employment districts in association with a business opening in a new space. Such signs are subject to the following regulations:

**(1)** Grand opening event signs are allowed for a maximum duration of 14 consecutive calendar days, beginning on the first day that the business is open to the public. Any temporary signs in place before or after this grand opening event sign period are subject to the special event sign regulations of Sec. 11.03(K);

**(2)** The following types of signs are allowed as grand opening event signs:

**(a)** Wall-mounted temporary banners;

**(b)** Flags;

**(c)** Freestanding temporary banners; and

**(d)** Feather signs.

**(3)** No more than 4 total grand opening event signs are allowed. No more than 2 of the 4 allowed signs may be feather signs, and no more than one of the 4 allowed signs may be freestanding temporary banner signs.

**(4)** Wall-mounted temporary banner signs may not exceed 32 square feet in area.

**(5)** Individual freestanding temporary banner signs and feather signs may not exceed 32 square feet in area or exceed 8 feet in height. Both types of signs must be set back at least 5 feet from lot lines and at least 15 feet from the edge of any on- or off-site driveway.

**(6)** Signs on motor vehicles are expressly prohibited as grand opening event signs.

**(7)** The zoning administrator is authorized to order the removal of any grand opening signs that are deemed a danger to the public health, safety, or welfare, or that are in violation of any zoning ordinance or village code requirements. Failure to immediately remove such signs is a violation of this zoning ordinance.

**(8)** Grand opening event signs are exempt from otherwise applicable window sign area limits (see Sec. 11.03(H)) for the 14-day period during which these grand opening event sign provisions apply.

### (M) Other Sign Exceptions

The following additional signs are also allowed as sign exceptions:

**(1)** Signs erected and maintained pursuant to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right ~~and signs erected by not-for-profit organizations located within the village and which are funded in whole or in part by the village, and which promote such organizations. For such not-for-profit organization signs, the advance approval of the board of trustees is required as to the time, location and size of such signage~~;

**(2)** Flags that do not contain a commercial message (flags that contain a commercial message are regulated as signs);

**(3)** Up to 6 wall plaques and wall signs that are not illuminated or are directly illuminated and that do not exceed 4 square feet in area per sign;

**(4)** Signs within completely enclosed buildings, unless otherwise expressly stated in this zoning ordinance;

**(5)** Labels and notices on equipment or structures, provided the label or notice does not exceed 15 square inches in area; and

**(6)** Temporary signs with a noncommercial message. Such signs may not exceed:

**(a)** 12 square feet in area or 5 feet in height on lots occupied by nonresidential uses or buildings containing 3 or more dwelling units; or

**(b)** 4 square feet in area or 5 feet in height on lots occupied by fewer than 3 dwelling units.

## Sec. 11.04 Allowed Signs

Signs are allowed in accordance with the regulations of Table XI-1.

Table XI-1: Allowed Signs

| SIGN TYPE | General Standards | | | | | | | | | Sign Illumination | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Affixed to Wall | | Freestanding Signs | | | | | | Type of Illumination [3] | | | Max. Intensity [1] | |
| | Maximum Total Sign Area (all signs; sq. ft.) | Permitted (P) or not (–) | Max. projection from wall (in) | Permitted (P) or not (–) | Height Max. (Grade to Top) | Height Min. (Grade to Bottom) | Min. Street Setback | Min. Interior Side Setback | | Reflecting | Radiating | Permitted Color | Footlamberts (at light source) | Footcandles (at sign face) |
| **IDENTIFICATION** | | | | | | | | | | | | | | |
| **Residential Uses** | | | | | | | | | | | | | | |
| Lots with single dwelling unit | 1 | P | 18 | P | None | None | None | None | | P | – | White | — | 20 |
| Lots with 2 to 3 dwelling unit | 1 | P | 18 | P | None | None | None | None | | P | – | White | — | 20 |
| Lots with more than 3 dwelling units | 0.5 per dwelling-max. 30 | P | 18 | P | 8 | 1 | 10 | 10 | | P | – | White | — | 20 |
| **Commercial and Employment Uses** | | | | | | | | | | | | | | |
| B-1(A) and B-1 districts | 2.0 per linear foot of building façade [5] | P | 18 | P | 16 | 4 | 5 | 5 | | P | P | Any [12] | 100 | 30 |

| SIGN TYPE | General Standards | | | | | | | | Sign Illumination | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Affixed to Wall | | Freestanding Signs | | | | | Type of Illumination [3] | | | Max. Intensity [1] | |
| | | | | | Height | | | | | | | | |
| | Maximum Total Sign Area (all signs; sq. ft.) | Permitted (P) or not (–) | Max. projection from wall (in) | Permitted (P) or not (–) | Max. (Grade to Top) | Min. (Grade to Bottom) | Min. Street Setback | Min. Interior Side Setback | Reflecting | Radiating | Permitted Color | Footlamberts (at light source) | Footcandles (at sign face) |
| B-2, C-1, O-R and O-R/1 Districts | 2.0 per linear foot of building facade [4][5] | P | 18 | P | 16 [8] | 4 | 5 | 5 | P | P | Any | 100 | 30 |
| B-3 district | Wall-300 Ground-150 | P | 18 | P | 16 | 4 | 5 | 5 | P | P | Any | 100 | 30 |
| M-1 and M districts | 1.0 per linear foot of building facade | P | 18 | P | 16 | None | 5 | 10 | P | P | Any | 100 | 30 |
| **Public and Institutional Uses** | 0.1 per linear foot of lot width | P | 18 | P | 15 | None | 15 | 15 | P | – | White | — | 30 |
| **Off-street Parking Lot** | 0.3 per linear foot of lot width – max. 20 | – | – | P | 10 | 3 | 5 | 10 | P | – | White | — | 30 |
| **Other Uses** | As approved by the Board of trustees | | | | | | | | | | | | |
| **SPECIAL SIGNS AND DEVICES** | | | | | | | | | | | | | |
| **Traffic & Public Safety Signs** | As required by the Chief of Police | | | | | | | | | | | | |
| **Off-Premises Advertising Signs [2]** | 200 [10] | – | – | P | 20 [9] | None | 5 [11] | – [11] | P | – | White | — | 20 |

**Table XI-1 Notes:**

[1] Intrinsic brightness may not exceed 50 footcandles per square inch or 10 per square inch if visible from an R district. Illumination levels on R-zoned lots may not exceed one-tenth of a footcandle.

[2] This provision applies only to signs located within 660 feet of the right-of-way of Ill. Route 83 (Kingery Highway) and U.S. Route 34 (Ogden Avenue). Maximum height is measured from grade at centerline of right-of-way.

[3] Where reflecting, radiating or other illumination of signs is permitted:

(a) Light may not be projected toward or onto properties located in an R district.

(b) Any illumination in the line of vision of approaching vehicular traffic may not resemble any authorized traffic sign.

(c) Flashing, blinking, ~~incandescent~~ or stroboscopic lights are prohibited.

(d) Gooseneck reflectors and lights are permitted on permanent signs; provided, however, that any such reflectors or lights must be installed in such a manner that the direct rays of light are concentrated on the sign and are shielded or otherwise constructed to prevent glare upon streets or adjacent properties.

[4] In multi-tenant centers with independent outdoor entrances to individual units, each unit is allowed a sign on the leased frontage.

[5] Notwithstanding the maximum gross sign area standards, all business and office buildings have an assumed minimum facade width of 30 linear feet. If multiple enterprises occupy the 30-foot frontage, each must proportionately share the allowable maximum gross sign area allowance.

[6] RESERVED

[7] RESERVED

[8] Maximum height of freestanding signs located within 660 feet of the right-of-way of Illinois Route 83 (Kingery Highway) is 20 feet, measured from grade at centerline of right-of-way.

[9] Maximum height measured from grade or elevation of the site on which the sign is to be placed.

[10] The maximum gross sign area of off-premises advertising signs is counted toward the total sign area allowed in the applicable zoning district and the total number of signs permitted on any premises.

[11] Off-premises advertising signs must also comply with all rear and side yard setbacks of the applicable zoning district.

[12] In B-1(A) and B-1 districts, interior illuminated box (panel) signs with translucent faces are prohibited. Box signs are permitted only when they have a completely opaque (screened) ~~material~~ background~~s~~ and backlighting that highlights only individual letters, symbols, or logos.

## Sec. 11.05 Additional Regulations for Specific Sign and Site Types

### (A) Wall Signs

**(1)** A maximum of one wall sign is permitted for each business except on corner lots, where businesses are permitted a maximum of one wall sign per street-facing building frontage.

**(2)** Wall signs must be oriented to the street, except as follows:

**(a)** When a business or building has a primary entrance oriented to an internal parking lot rather than a primary street, permitted wall sign allowances are calculated based on the building frontage facing the parking lot.

**(b)** If the portion of the building that faces the street is considered the rear of the building, but has been architecturally designed with the same material integrity as the front facade, then one additional sign facing the street frontage is permitted; however, the rear building frontage does not ~~contribute~~ count when calculating ~~to~~ the allowed gross sign area permitted on the site.

**(c)** In B-1(A) and B-1 districts, when access for patrons is provided from the rear of the principal building, one additional wall sign is permitted; however, the rear building frontage does not count when calculating the allowed gross sign area permitted on the site.

**(3)** All new wall signs must be individual letter signs, with each letter ~~either~~ mounted independently on the wall or attached to a typical raceway. Square or rectangular-shaped ~~C~~cabinet or box type signs are expressly prohibited as wall signs. One small cabinet sign may be used as a component of a wall sign that is composed primarily of individual letters, provided that the cabinet sign component:

**(a)** Does not exceed 20% of the area of the individual letter components of the sign;

**(b)** Is not square or rectangular; and

**(c)** Reflects the design of the individual letter sign components in terms of color and shape.

### (B) Freestanding Signs

**(1)** A maximum of one freestanding sign is permitted on each lot except on corner lots, where a maximum of one freestanding sign is permitted per street frontage with driveway access to the street. Except as otherwise expressly stated in this section, this limit applies to single-tenant and multi-tenant centers. Any subdivided outlots within multi-tenant centers are allowed a maximum of one freestanding sign.

**(2)** In the O/R district, additional freestanding wayfinding signs are allowed as follows:

**(a)** One additional freestanding wayfinding sign is permitted per each entrance into the property/development with a maximum of 4 additional freestanding wayfinding signs for the entire property.

**(b)** Freestanding wayfinding signs may not exceed 35 square feet in area or 10 feet in height.

**(c)** Freestanding wayfinding signs must be set back at least 25 feet from all property lines.

~~**(d)** Graphics: Graphics are limited to tenant names and logos, addresses, directional symbols and architectural elements associated with the development.~~

**(3)** The maximum sign area for an individual freestanding sign is a portion of the permitted maximum sign area of all signage as determined by the frontage (see Table XI-1) and may account for no more than 50% of overall allowed signage, except as follows:

**(a)** When only one freestanding sign is installed on a corner lot (when multiple freestanding signs are permitted), the cumulative frontage for each street may be used for calculations; however signage may only account for up to 35% of overall allowed signage.

**(b)** Multi-tenant centers are permitted a maximum gross sign area equal to 50% of the lot frontage or 200 square feet per sign, whichever is less.

**(4)** All freestanding signs must be constructed with a base that is at least 50% as wide as the overall sign width up to 8 feet in height, or 75% when permitted to be taller; pole signs are prohibited.

**(5)** Freestanding signs must be separated by a distance of at least 10 feet from any other sign.

**(6)** Freestanding signs must prominently display the building addresses (with numerals) that are a minimum height of 6 inches.

**(7)** All newly constructed freestanding signs must be landscaped in accordance with the following regulations and approved as part of a landscape plan for the subject property:

**(a)** Freestanding sign must have a minimum landscaped area of 5 feet around the base of the sign.

**(b)** 75% of the landscape bed must be planted with vegetation.

**(c)** Vegetation must include shrubs, ornamental grasses and perennials that provide year-round interest.

**(d)** Plantings must be large enough to conceal the base of the sign.

**(e)** Freestanding signs in parking areas must be surrounded by bollards or a masonry barrier.

**(f)** All plantings must be continuously maintained and replaced as necessary.

### (C) Electronic Message Board Signs

**(1)** Electronic message board signs are permitted as of right in B-2, B-3, C-1, O/R, O/R-1, ~~and~~ M-1, M, and P/I districts, provided that such signs require special use permit approval when the subject lot's street yard or interior side yard abuts an R-zoned lot.

**(2)** Electronic message board signs may be approved by special use permit in R districts when located on lots occupied by public or institutional uses subject to compliance with all applicable regulations of this article. ~~Electronic message board sign messages for educational, governmental and religious uses may advertise for the on-site use and may advertise for community events within the village.~~

**(3)** Electronic message board signs are expressly prohibited in B-1(A) and B-1 zoning districts.

**(4)** The electronic message board component of a sign may not comprise more than 40% of a freestanding sign's total allowable sign face area, or 75% if the freestanding sign is in a monument style (not a pole sign).

**(5)** Electronic message board signs may not display flashing, animation, illusion of movement, or similar displays.

**(6)** Live or pre-recorded video is prohibited.

**(7)** Messages must instantaneously change; no transitions are allowed.

**(8)** Messages may not change more than once every 5 seconds.

**(9)** Electronic message board signs are subject to compliance with maximum light intensity and illumination regulations of this article.

~~**(10)** Text and numeral displays on electronic message board signs must appear with a solid black background.~~

~~**(11)**~~**(10)** The electronic message board sign module must include dimmer controls that can be adjusted to meet village light emission standards. Proof of such sign module controls must be provided.

### (D) Projecting Signs

Projecting signs are permitted only in B-1(A) and B-1 districts, subject to the following regulations:

**(1)** A maximum of one projecting sign is permitted per each ground-floor business abutting a street-facing building or building wall facing an off-street parking area where customer access is also available. When a business occupies a corner frontage and is permitted 2 signs, the business may elect for a single corner projecting sign installed at 45 degrees at the corner.

**(2)** Projecting signs may not exceed 6 square feet in area, or 10 square feet for a corner-mounted projecting sign.

**(3)** Projecting signs must be mounted to ensure a minimum clearance of 8 feet measured from the bottom of the sign to the sidewalk or grade above which the sign extends.

**(4)** Projecting signs may not be placed higher than 15 feet above grade, and sign structure and light fixtures may not extend higher than 18 feet above grade. No portion of the sign, structure or lighting may exceed the height of the building or architectural first-floor facade. Projecting signs may not obstruct windows or accessways.

**(5)** Projecting signs may not extend or project more than 3 feet from building facade.

**(6)** External illumination, internally illuminated individual channel letter signs, and bare bulb signs are permitted as projecting signs. Internally illuminated box signs are permitted when accessory to a primary sign and letters/sign copy must be dimensional. Sign lighting must be designed to prevent light spillage and glare onto any adjacent R-zoned property or public right-of-way. External light fixtures may not extend beyond 2 feet from the centerline of the sign.

**(7)** Projecting signs that encroach over public property or right-of-way, require a license agreement between the village and property and/or business owners. Such agreement requires the owner to specifically acknowledge responsibility for any injury or property damage caused by the sign encroachment, agrees to indemnify the village, and provide proof of insurance. The zoning administrator is authorized to execute all such agreements on behalf of the village, utilizing a form agreement prepared by the village attorney.

### (E) Fueling Stations and Vehicle Sales Establishments

**(1)** The total gross area of signs on lots occupied by fueling stations or vehicle sales establishments (auto dealerships) may not exceed 0.5 square feet per linear foot of street frontage.

**(2)** Fueling stations are allowed one additional wall (canopy) sign in addition to permitted wall signs; however, all signs are counted when determining compliance with applicate total sign area limits. Canopy signs may not face a residential district.

**(3)** Vehicle sales establishments are allowed one additional wall sign in addition to permitted wall signs; however, all signs are counted when determining compliance with applicate total sign area limits.

## Sec. 11.06 Construction Standards

**(A)** All signs and other advertising structures must be designed and constructed in accordance with the building code (Chapter 18) and all other applicable ordinances of the village.

**(B)** Signs may not be painted on the wall of a building or adhered to the wall of a building with glue or mastic. Wall signs may not be secured with wire, strips of wood or nails.

**(C)** All new freestanding sign structures must be properly engineered. No building permit may be granted or plans approved for any new freestanding sign structure unless such plans are prepared by an Illinois licensed architect or structural engineer. The requirement for plans to be prepared by an Illinois licensed architect or structural engineer may be waived by the zoning administrator.

**(D)** The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semi-transparent material. Any glass forming a part of any sign must be safety glass or plate glass at least 0.25 inches thick. Any single piece or pane of glass with an area or more than 3 square feet must be wired glass.

**(E)** Any movable part of a sign such as the cover of a service opening must be securely fastened by chains or hinges.

**(F)** Signs must be constructed with rigid materials. Vinyl and fabric are considered temporary signs and are expressly prohibited as permanent signs.

**(G)** Every sign must identify the date of installation, the permit number and the voltage of any electrical apparatus.

## Sec. 11.07 Maintenance

**(A)** All signs together with their supports, braces, guys and anchors must be kept in good repair and must be maintained to comply with the standards established in this zoning ordinance and all other applicable ordinances.

**(B)** It is the duty of the owner of the lot or premises on which signs are located to maintain sign and the area around such signs in neat, clean, sanitary and inoffensive condition and to keep the area free and clean of all debris, junk and other materials and substances that would tend to create a condition detrimental to the public health, safety and welfare.

~~If the zoning administrator find that any sign or other structure regulated in this article is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this article or other applicable regulations of the village, the zoning administrator must give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with applicable regulations within 10 days of such notice, the zoning administrator may request the village attorney to apply to a court of competent jurisdiction for an order that the violation be abated and that such sign be removed or altered to comply at the expense of the permittee or owner of the property upon which it is located, or to take whatever other action to enforce this ordinance as may be permitted by law. The economic development director shall refuse to issue a permit to any permittee or owner who refused to pay costs so assessed.~~

## Sec. 11.08 Abandoned Signs

Any sign that no longer advertises a bona fide business conducted, or a product sold is considered abandoned and must be removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. This provision does not apply to signs displaying a noncommercial message.

## Sec. 11.09 Nonconforming Signs

See Sec. 13.05.

## Sec. 11.10 Permits

**(A)** Except as otherwise provided in this zoning ordinance, it is unlawful for any person to erect, enlarge, alter or maintain a sign without first obtaining a permit for such sign from the community development department.

**(B)** Permit fees must be calculated in accordance with the building permit fee schedule of section 18-487. Temporary signs and banners require a flat fee of $25.00 per display period.

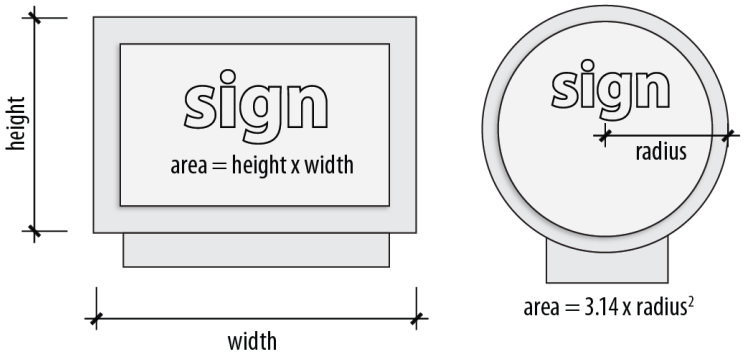
## Sec. 11.11 Sign-Related Measurements

### (A) Sign Area

#### (1) Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame, box or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.

Figure XI-1~~XI-1~~: Sign Area Measurement (Signs in Cabinets or Frames)




#### (2) Channel (Individual) Letter Signs

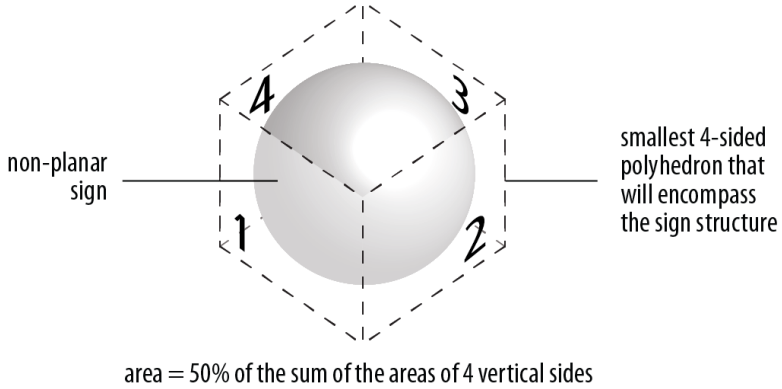
The area of a sign comprised of individual letters or elements attached directly to a building wall is determined by calculating the area of the smallest rectangular polygon that can be drawn around the letters or elements.

Figure XI-2: Sign Area Measurement (Individual Letter Signs)

**(3) Non-Planar Signs**

Spherical, free-form, sculptural or other non-planar sign area is measured as 50% of the sum of the areas using only the 4 sides of the smallest 4-sided polyhedron that will encompass the sign structure. Signs with greater than 4 polyhedron faces are expressly prohibited.

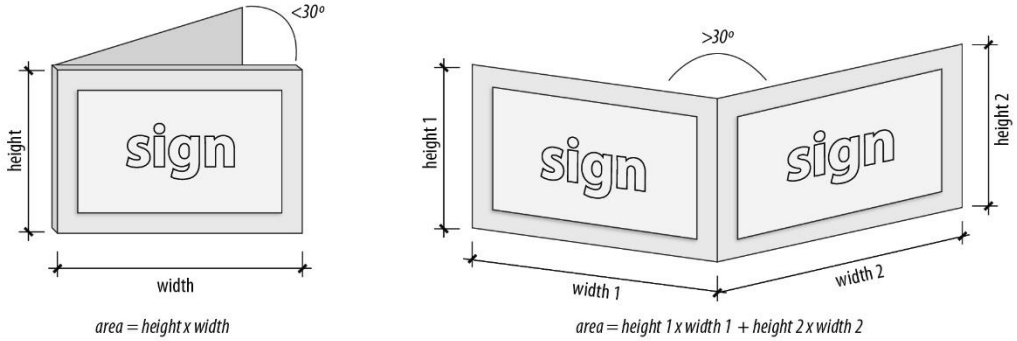
Figure XI-3: Non-Planar Sign Measurement




**(4) Multi-Sided Signs**

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, each sign face is counted as a separate sign. If the size of one sign face is larger than another, the size of the largest sign face is the area of the sign.

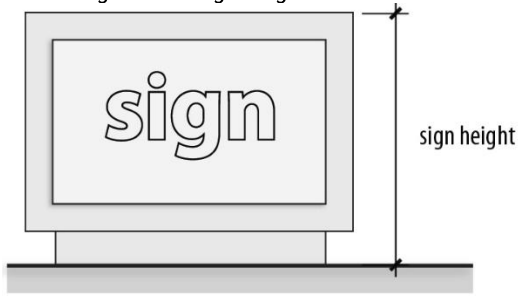
Figure XI-4: Multi-Sided Signs




**(B) Sign Height**

The height of a sign is measured as the vertical distance from ground level to the top of the sign. The sign height includes the sign base.

Figure XI-5: Sign Height Measurement




### (C) Building Frontage

Many of the sign regulations of this article are based on building frontage. The following rules govern the measurement of building frontage.

**(1)** For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the exterior building wall that: (1) is adjacent to a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. Allowed wall sign area for a building that has 2 or more building frontages must be calculated on the basis of each individual building frontage.

**(2)** On buildings housing more than one tenant where each tenant has their own outside entrance, a tenant's building frontage is the exterior building wall (or walls) that directly abut the tenant's interior floor space and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant with 2 or more building frontages must calculate the permitted sign area on the basis of each individual building frontage.

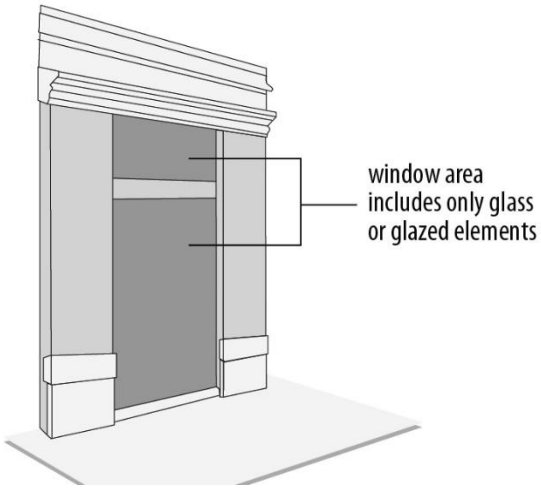
**(3)** Regardless of the height, number of stories, or number of tenants in a building, building frontage is determined by one measurement of the horizontal length of the wall at finished grade. Building walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.

**(4)** As an alternative to the allocation of permitted sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to the various tenants upon receipt and approval by the zoning administrator of written authorization from the building's owner or authorized management firm. In no instance may the total combined sign area for all signs exceed the maximum allowed sign area for the individual building frontages, as determined in accordance with building frontage measurement rules of this section.

### (D) Window Area

The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area. Limits on window coverage apply to each individual window and door. The area of a window sign is based on the entire outer dimensions of the sign, regardless of whether the sign includes see-through mesh or other transparent or semi-transparent material.

Figure XI-6: Measurement of Window Area



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# Article XII General Development Regulations


Sec. 12.01 Outdoor Lighting..... XII-1
Sec. 12.02 Underground Utilities..... XII-5
Sec. 12.03 Street Access..... XII-6
Sec. 12.04 Outdoor Storage of Junk and Debris..... XII-6
Sec. 12.05 Sight Vision Triangles..... XII-6


## Sec. 12.01 Outdoor Lighting[7]

### (A) Purposes

The outdoor lighting regulations of this section are intended to help ensure safe and adequate lighting; provide for the efficient use of energy; and reduce the impacts of sky glow, nuisance lighting, and glare on nearby areas.

### (B) Applicability

**(1)** The outdoor lighting regulations of this section apply to new construction activity that is subject to the site plan approval procedures of Sec. 14.05. "New construction" for the purposes of administering and interpreting these outdoor lighting regulations means the construction of new buildings and/or parking lots that include the installation of exterior lighting.

**(2)** The zoning administrator is also authorized to require compliance with these outdoor lighting regulations when existing light fixtures are being replaced on nonresidential properties. In applying such regulations to replacement lighting, the zoning administrator is expressly authorized to require incremental improvements and to waive strict compliance based on the scope of work and contextual considerations.

### ~~(B)~~(C) ~~Applicability and~~ Exemptions

The following are expressly exempt from compliance with outdoor lighting regulations of this section ~~apply to all outdoor lighting except the following~~:

**(1)** Outdoor lighting on lots occupied by detached houses, semi-detached houses, or two-unit houses;

**(2)** Illuminated signs;

**(3)** Emergency lighting used by police, fire fighting, or medical personnel;

**(4)** Traffic control devices or streetlights installed by the village or other governmental entity;

**(5)** Aviation safety lights required by the FAA (e.g., warning lights on radio, communication and navigation towers);

**(6)** Spotlighting of official government flags if the spotlighting is contained within the area of the flag;

**(7)** Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety or welfare;

**(8)** Outdoor lighting used for a village-approved temporary use or event;

**(9)** Lighting fixtures with a light output of no more than 1,500 lumens; ~~and~~

[7] These outdoor lighting regulations are all new.

**(10)** Temporary holiday lighting and seasonal decorations using typical unshielded low-intensity lamps; and

**~~(10)~~(11)** Properties with approved site plans requesting amendments not related to exterior lighting.

### ~~(C)~~(D) Prohibited Lighting

The following types of outdoor lighting are prohibited:

**(1)** Any lighting that could interfere with the safe movement of motor vehicles, bicycles, or pedestrians on public or private streets;

**(2)** Laser, strobe, and or flashing light sources or any similar high-intensity light;

**(3)** Mercury vapor and low-pressure sodium lighting; ~~and~~

**(4)** Tower lighting, unless required by the Federal Aviation Administration (FAA) and

**~~(4)~~(5)** Any permanent lighting used to outline or highlight an architectural element or feature of a building or other structure that has not been previously authorized by a site plan approval.

### ~~(D)~~(E) Lighting Types and Efficiency

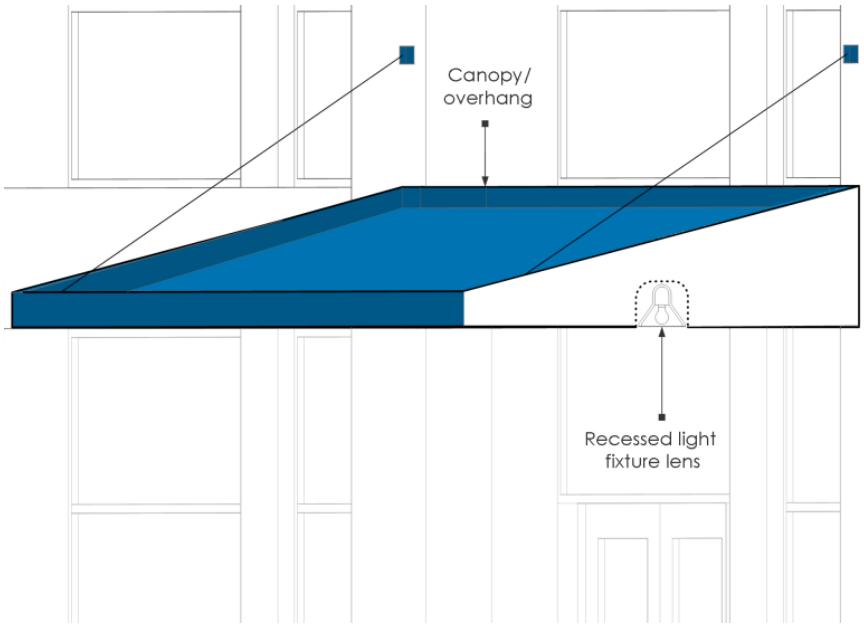
**(1)** Light sources must be color-correct types such as Halogen, LED, or metal halide.

**(2)** All lighting must have a nominal correlated color temperature (CCT) of no greater than 3,000 degrees Kelvin.

### ~~(E)~~(F) Canopy Lighting

Light fixtures installed in canopies, pavilions, drive-through bays, or similar structures must be flush-mounted or recessed above the lower edge of the canopy and equipped with flat lenses that do not project below the canopy ceiling. The canopy fascia may not be internally illuminated.

Figure XII-1: Canopy Lighting

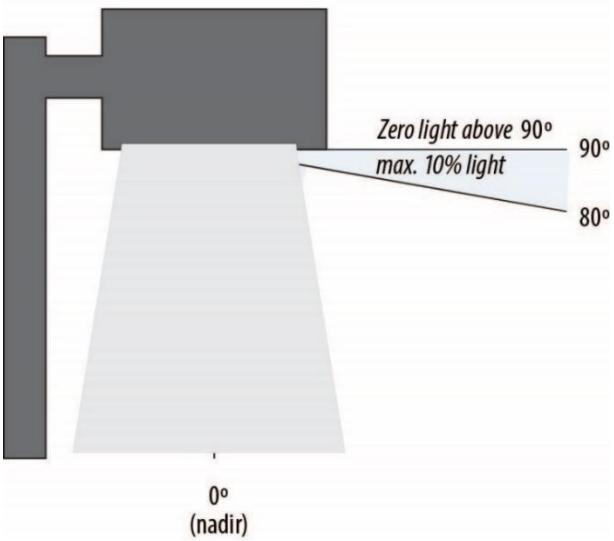



### ~~(F)~~(G) Arrangement and Shielding

**(1)** All lighting fixtures, except motion detector-activated lighting, must be fully shielded so that the lighting element is not visible to an observer at any property line, as measured 5 feet above grade (see Figure XII-4 for examples)

**(2)** Light-producing elements must be shielded with full cutoffs so that no light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir.

Figure XII-2: Ful Cutoff Light Fixture

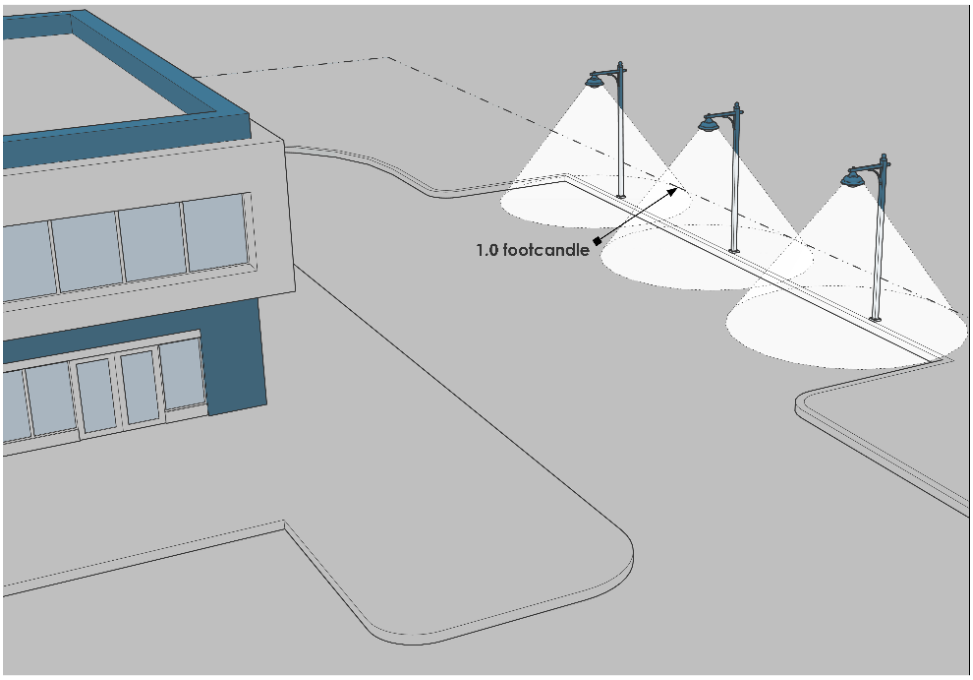



**(3)** A light fixture may cast light upward only if all upward light is reflected back down by a canopy, roof, or similar feature.

**~~(G)~~(H) Light Trespass**

Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting a residential zoning district or 1.0 foot-candle when abutting any other zoning district or public right-of-way. B-1(A)- and B-1-zoned lots are exempt from the light trespass limitations of this section except when such lot abuts an R-zoned lot.

Figure XII-3: Light Trespass Along Property Line



## ~~(H)~~(I) Lighting Plans

### (1) General

Outdoor lighting plans demonstrating compliance with the regulations of this section are required with the submittal of a site plan for new or replacement outdoor lighting. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

**(a)** A lighting plan that complies with the fixture height lighting plan requirements of Sec. 12.01(I)(2); or

**(b)** A photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with Sec. 12.01(I)(3).

### (2) Option 1: Fixture Height Standard Lighting Plan

Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

#### (a) Information Required

Fixture height standard lighting plans must include at least the following:

i. A scale drawing of the site with all outdoor lighting locations shown;

ii. Fixture specifications, including catalog cut-sheets or generic standards;

iii. Pole type and height of fixture;

iv. Lamp type and size; and

v. Fixture mounting and orientation.

#### (b) Maximum Fixture Heights

Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any R-zoned lot or public right-of-way, as established in Table XII-1:

Table XII-1: Maximum Fixture Heights

| Distance from R-Zoned Lot or Public ROW (feet) | Maximum Fixture Height (feet) |
|---|---|
| 0 – 50 | 16 |
| 50.01 – 250 | 20 |
| More than 250 | 35 |

### (3) Option 2: Photometric Study Lighting Plan

Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in enough detail to demonstrate that all applicable outdoor light regulations will be met. The photometric study must include at least the following:

**(a)** A scale drawing of the site with all outdoor lighting locations shown;

**(b)** Fixture specifications, including catalog cut-sheets or generic standards;

**(c)** Lamp type and size;

**(d)** Fixture mounting heights, mounting orientation, and tilt angles if applicable; and

**(e)** A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

### ~~(I)~~(J) Measurement of Illumination

**(1)** For purposes of administration and enforcement, light levels must be measured with a direct-reading light meter, calibrated at least annually.

**(2)** The meter's sensor must be located at the top of the any fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized.

**(3)** Measurements must be made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings must be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by night sky and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

Figure XII-4: Light Fixture Examples

## Sec. 12.02 Underground Utilities

For all new construction, electric power transmission and telephone lines, and other appurtenant installations, other than transformers and street lights, must be installed underground. For all electrical upgrades and remodeling projects, such service may remain overhead.

## Sec. 12.03 Street Access

All buildings must be on a lot with frontage on a public street or a permanent access easement with a minimum width of 30 feet.

## Sec. 12.04 Outdoor Storage of Junk and Debris

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts. For the purposes of interpretation, open storage is any storage not contained completely within a building or structure enclosed on all sides by walls and by a solid roof on the top.

## Sec. 12.05 Sight Vision Triangles

### (A) General

Sight visibility triangles are designated areas located near streets, alleys and driveway intersections that must remain free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All properties must maintain sight visibility triangles at non-signalized intersections, as described in this section. See also Sec. 70-7 of the village code.

**(1)** Sight visibility triangles shall be provided on all corners at the intersection of any street with another street, an alley or a driveway.

**(2)** Within sight visibility triangles, unobstructed sight lines and cross visibility must be maintained between a height of 3 feet and 8 feet above the curb.

**(3)** No structure, object, or vegetation may be placed or maintained in a manner that impedes the visibility from a street, alley or driveway of oncoming traffic from any direction on the intersecting public street.

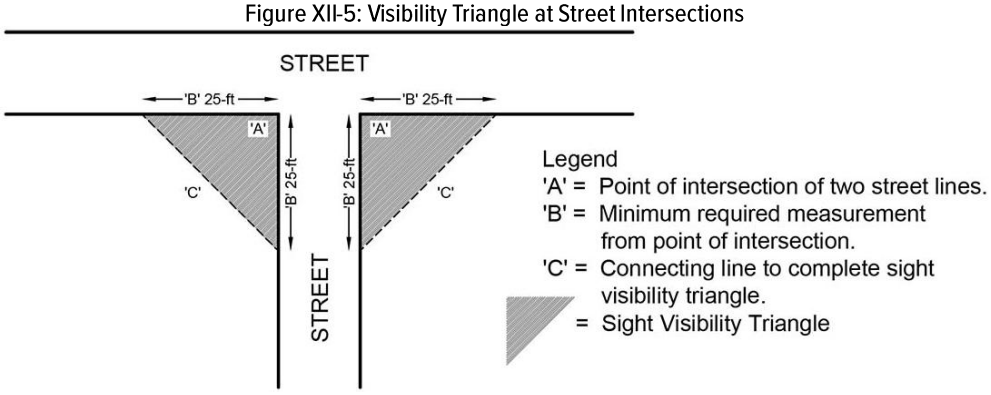
### (B) Sight Visibility Triangle Areas

The required sight visibility triangle area is based on the type of intersection, as follows:

#### (1) Intersection of Streets

The sight visibility triangle at the intersection of two streets is formed with 2 sides 25 feet in length along the abutting street rights-of-way lines (illustrated by the letter "B" in Figure XII-5), measured from their point of intersection (illustrated by the letter "A" in Figure XII-5), and the third side being a line connecting the ends of the other 2 sides, illustrated by the letter "C" in in Figure XII-5.[8]

Figure XII-5: Visibility Triangle at Street Intersections



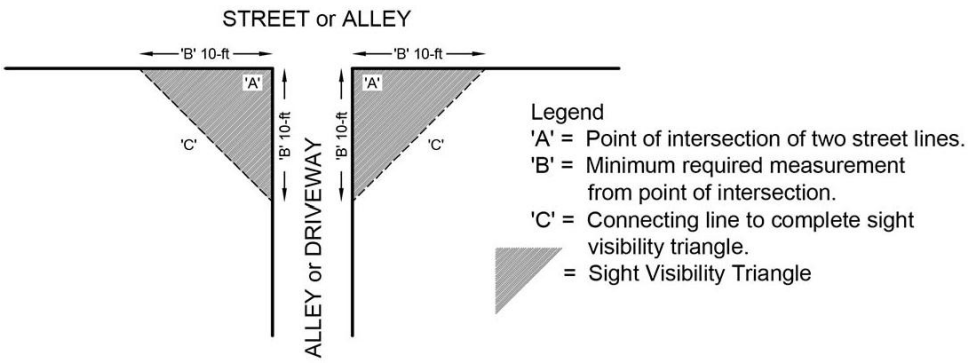

#### (2) Intersection of an Alley and a Street or a Driveway and a Street

The sight visibility triangle at the intersection of an alley and a street or a driveway and a street is formed on both sides of the alley or driveway with 2 sides of each

[8] Currently, 55 feet at all street intersections and alley and street intersections.

triangle being 10 feet in length along the abutting street right-of-way lines, measured from their point of intersection, illustrated by the letter "A" in Figure XII-6, and the third side being a line connecting the ends of the other 2 sides, illustrated by the letter "C" Figure XII-6.

Figure XII-6: Visibility Triangle at Alley and a Street and Driveway and a Street Intersections




**(C) Exemptions**

The following are exempt from the sight visibility regulations of this section:

**(1)** The B-1 and B-1(A) districts are exempt from the sight visibility triangle regulations of this section, provided that other engineering and design methods are implemented to ensure visibility and safety, as reviewed and approved at the time site plan review.

**(2)** Governmental signage and governmental sign posts in the right-of-way.

**(3)** Fire hydrants, benches, and traffic control devices in the right-of-way.

**(4)** Utility poles and one utility transmission or control device in the right-of-way.

**(5)** Open-design fences that comply with the regulations of Sec. 7.11(A)(3).

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# Article XIII Nonconformities


Sec. 13.01 General ..... XIII-1
Sec. 13.02 Nonconforming Lots ..... XIII-2
Sec. 13.03 Nonconforming Uses ..... XIII-2
Sec. 13.04 Nonconforming Structures ..... XIII-4
Sec. 13.05 Nonconforming Signs ..... XIII-5
Sec. 13.06 Nonconforming Development Features ..... XIII-6


## Sec. 13.01 General

### (A) Purpose

The regulations of this article govern nonconforming lots, uses, structures, and signs that were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this zoning ordinance. These regulations are intended to ensure that ~~zoning ordinance establishes separate zoning districts, each of which is an appropriate area for the location of the structures and uses in that district. It is necessary and consistent with the establishment of those districts that~~ any nonconformities ~~nonconforming structures and uses which~~ that adversely affect the orderly development and taxable value of other property ~~in the district~~ not be permitted to continue without restriction. This article provides for the regulation of nonconformities ~~of lawfully established nonconforming structures and uses~~ and specifies those circumstances and conditions under which ~~those nonconforming structures and uses shall be~~ such nonconformities are ~~permitted~~ allowed to continue. ~~Nonconforming structures and uses established illegally shall be removed or discontinued immediately and shall be subject to enforcement action by the village for the failure to do so.~~

### (B) Determination of Nonconformity Status

The burden of ~~establishing the legality of a nonconformity under the provisions of this article~~ proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) is the responsibility of the property owner or the operator of the use. The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the owner or operator. Such evidence may include historical documents, including building permits, lawfully recorded plats, aerial photography, professional registrations or licenses, utility billing records, leasing records, advertisements, listings in telephone or business directories, and notarized affidavits affirming the date of lawful establishment of nonconformity.

### (C) Authority to Continue

Any nonconformity that existed on the effective date specified in Sec. 1.03 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this article unless otherwise expressly stated.

### (D) Repairs and Maintenance

**(1)** Nonconformities must be maintained to be safe and in good repair.

**(2)** Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.

### (E) Changes in Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

**(F) Regulations in Other Sections**

Some nonconforming situations are more specifically regulated in other sections of this zoning ordinance. If any of these more specific regulations conflict with the nonconformity regulations of this article, the more specific regulations found in other sections of this zoning ordinance govern.

## Sec. 13.02 Nonconforming Lots

**(A) Description**

A nonconforming lot is a lot that was lawfully created in accordance with any applicable lot area, lot width, and lot depth regulations in effect at the time of the lot's establishment but that because of the adoption of new or amended regulations does not comply with currently applicable lot area, lot width, or lot depth regulations.

**(B) Regulations**

**(1)** A nonconforming lot in an R district may be used as a building site for a single detached house and related accessory uses, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width.

**(2)** Nonconforming lots in non-R districts may be used as a building site for any use allowed in the subject zoning district, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width.

**(3)** Any lot of record at the time of adoption of this zoning ordinance that contains a minimum lot width of 50 feet or greater may be used, developed or redeveloped without a variance provided all other provisions of this zoning ordinance are met.

**(4)** Any lot of record at the time of adoption of this zoning ordinance that contains a minimum lot width of less than 50 feet or that does not comply with the minimum lot area requirements of this zoning ordinance may only be used, developed or redeveloped after obtaining a variance.

**(5)** Any vacant lot abutting another lot under common ownership is considered a single lot for purposes of administering and enforcing the nonconforming lot provisions of this section.

## Sec. 13.03 Nonconforming Uses

**(A) Description**

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that because of the adoption of new or amended regulations is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.

**(B) Authority to Continue**

**(1)** Any nonconforming use of all or part of a structure, or any nonconforming use of land not involving a structure or involving an accessory structure may be continued as long as it remains otherwise lawful, subject to the requirements of this section. ~~Expansion of a lawfully existing nonconforming use is prohibited as set forth in subsection (C) of this section.~~ The continuation of such nonconforming use must be for the exact same use as originally established, and variances of such use are not permitted. For example, and without limitation, a lawfully existing nonconforming general practice doctor's office may not be changed to and continued as a nonconforming emergency care facility or a dentist's office; a lawfully existing facility that repairs small engines may not be changed to and

continued as a nonconforming facility that repairs other products; a lawfully existing outdoor storage use of lumber on land may not be changed and continued for the nonconforming outdoor storage use of other products.

**(2)** A ~~The lawfully existing~~ nonconforming accessory use ~~of land that is accessory to the use of a principal structure~~ must cease when the principal use ~~of the principal structure~~ of the subject property ceases.

**(3)** Residential accessory uses are permitted on lots occupied by a nonconforming residential use, subject to the accessory use regulations of Article VII.

**(4)** Residential accessory structures are permitted on lots occupied by a nonconforming residential use, subject to the accessory structure regulations of Article VII and the lot coverage regulations that apply in the zoning district in which such residential use is a permitted use.

### (C) Repair and Maintenance

Normal maintenance and incidental repair or replacement, and installation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided that the other requirements of this article are met.

### (D) Expansion

**(1)** A nonconforming use may not be extended, expanded, enlarged or increased in intensity. Such prohibited activity includes:

**(a)** Expansion of such use to any structure or land area other than that occupied by such nonconforming use at the time such use became nonconforming.

**(b)** Expansion of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use at the time such use became nonconforming.

**(c)** Operation of such nonconforming use in such a manner that conflicts with, or further conflicts with any requirement or standard established for the district in which such use is located.

### (E) Relocation

A structure that is devoted in whole or in part to a nonconforming use may not be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and use complies with all regulations of the zoning district in which such structure and use are located after being relocated. A nonconforming use of land may not be relocated in whole or in part to any other location on the same or any other lot, unless such use complies with all regulations of the zoning district in which such use of land is located after being relocated.

### (F) Change in Use

A nonconforming use of a structure or land may not be changed to any other use other than a use permitted in the zoning district in which such structure or land is located. When such nonconforming use has been changed to a permitted use, it may only be used thereafter for a use permitted in the zoning district in which it is located. See also Sec. 13.03(B).

### (G) Abandonment or Discontinuance

When a nonconforming use of all or part of a structure or land is discontinued or abandoned for a period of 180 consecutive days, such use may not thereafter be re-established or resumed. Any subsequent use of such structure or land after such discontinuation or abandonment must comply with the regulations of the subject zoning district.

### (H) Damage or Destruction

**(1)** If a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of more than 50% of the fair market value of the structure immediately before such damage or destruction, such structure may not be restored unless such structure and the use thereof complies with all regulations of the zoning district in which such structure and use are located.

**(2)** When such damage or destruction is 50% or less of the fair market value of the structure immediately before the damage, such structure may be repaired and reconstructed and used for the same use as it was before the damage or destruction, provided that a building permit is secured within 180 days of the date of partial damage or destruction and restoration is started within 365 days of the date of the partial damage or destruction and is diligently pursued to completion in accordance with the requirements for permits contained in Chapter 18 of the village code. The zoning administrator is authorized to extend these deadlines for good cause shown. The failure to commence and complete restoration of a partially destroyed or damaged structure in accordance with these regulations will result in the loss of nonconforming status.

**(3)** The burden is on the property owner to prove the fair market value of the damaged or destroyed structure by providing an appraisal from a licensed appraiser that is ~~not less than~~ no more than 2 years old, or by other means acceptable to the zoning administrator.

## Sec. 13.04 Nonconforming Structures

### (A) Description

A nonconforming structure is any structure, other than a sign, that was lawfully established but that because of the adoption of new or amended regulations no longer complies with applicable lot and building regulations or other structure-oriented dimensional or locational requirements of this zoning ordinance.

### (B) Authority to Continue

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the regulations of article.

### (C) Repairs and Alterations

Normal repairs, enlargements and improvements may be made to a nonconforming structure, provided that repairs, enlargements and improvements do not create an additional nonconformity or increase the degree of the existing nonconformity. For example, a structure with a nonconforming front setback may be expanded to the rear as long as the rear expansion complies with the applicable rear setbacks and other zoning regulations. However, a structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that a residential dwelling unit with a nonconforming front setback or street side setback may be expanded vertically though the addition of a second story if such addition matches the original building footprint. No structural enlargements may be made in or to a structure, all or substantially all of which is designed and intended for a use not permitted in the subject zoning district. The zoning administrator is authorized to determine the extent of allowed normal repairs, enlargements and improvements.

### (D) Relocation

A nonconforming structure may not be moved, in whole or in part, to any other location on the same or any other lot unless every portion of such structure and the use thereof is designed and used or intended for a use permitted in the district in which it is (re)located, and further such structure mut comply with the other regulations of the subject zoning district and all other applicable regulations of this zoning ordinance.

### (E) Damage or Destruction

**(1)** A nonconforming structure that is destroyed or damaged by any means to the extent of 50% or more of the structure's fair market value immediately before the damage was sustained, may not be restored unless such structure complies with all regulations of the subject zoning district.

**(2)** If a nonconforming structure is damaged to the extent of less than 50% of the structure's fair market value, such structure may be repaired and reconstructed as it was before the damage or destruction, provided that ~~no restoration is allowed unless~~ a building permit is secured within 180 days of the date of partial damage or destruction and restoration is started within 365 days of the date of the partial damage or destruction and is diligently pursued to completion in accordance with the requirements for permits contained in Chapter 18 of the village code. The zoning administrator is authorized to extend these deadlines for good cause shown. The failure to commence and complete restoration of a partially destroyed or damaged structure in accordance with these regulations will result in the loss of nonconforming status and such structure must thereafter be removed and the site cleaned.

**(3)** The failure to timely commence restoration of a partially destroyed or damaged nonconforming structure, and/or the failure to diligently pursue restoration to completion, results in the loss of the legal, nonconforming status of such structure

**(4)** The burden is on the property owner to prove the fair market value of the damaged or destroyed structure by providing an appraisal from a licensed appraiser that is ~~not less than~~ no more than 2 years old, or by other means acceptable to the zoning administrator.

## Sec. 13.05 Nonconforming Signs

### (A) Description

Any sign that was lawfully established but that because of the adoption of new or amended sign regulations no longer complies with the sign regulations of this zoning ordinance.

### (B) Regulations

**(1)** Ordinary repairs and maintenance, including the removal and replacement of outer sign panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.

**(2)** Individual panels on multi-panel monument signs on the site of multi-tenant ~~shopping centers~~ centers may be changed to reflect tenant changes.

**(3)** Repairs or alterations that increase the size or height of a nonconforming sign are expressly prohibited.

**(4)** Nonconforming signs may not be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to regulations applicable to the new location.

**(5)** If a nonconforming sign structure or cabinet is abandoned or discontinued for a continuous period of 365 days or more, it must be removed, and any subsequent sign must conform to sign regulations of Article XI.

~~These provisions do not apply to signs granted s by the board of trustees.~~

## Sec. 13.06 Nonconforming Development Features

### (A) Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure, nonconforming use or nonconforming sign—that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more applicable zoning regulations. Common examples are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping, screening or lighting regulations.

### (B) Regulations

Nonconforming development features may remain except as otherwise expressly stated in this zoning ordinance, but the nature and extent of nonconforming development features may not be increased.

# Article XIV Review and Approval Procedures


Sec. 14.01 Common Procedures ..... XIV-1
Sec. 14.02 Zoning Ordinance Text and Zoning Map Amendments ..... XIV-5
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## Sec. 14.01 Common Procedures

### (A) Applicability

The common provisions of this section apply to all the review and approval procedures in this article unless otherwise expressly stated.

### (B) Review and Decision-making Authority (Summary Table)

Table XIV-1 provides a summary of the review and approval procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table XIV-1: Review and Decision-making Authority Summary Table

| Procedure | Staff | Planning and Zoning Commission | Board of Trustees |
|---|---|---|---|
| Zoning Ordinance Text & Map Amendments | ☐ | < ☑ > | ■ |
| Planned Unit Developments | | | |
| PUD Development Plans | ☐ | < ☑ > | ■ |
| Minor Development Plan Amendment | ☐ | ■ | – |
| PUD Site Plans | ■ | – | – |
| Special Uses | ☐ | < ☑ > | ■ |
| Site Plans | | | |
| Major Site Plans | ☐ | ☑ | ■ |
| Administrative Site Plans | ■ | – | – |
| Variances | ☐ | < ☑ > | ■ |
| ~~Zoning Certificates~~ | ■ | – | – |
| Zoning Verification Letters | ■ | – | – |
| ~~Certificates of Occupancy~~ | ■ | – | – |
| Appeals of Administrative Decisions | ☐ | < ■ > | – |

☐ = Review | ☑ = Recommendation | ■ = Final Decision | < > = Public hearing

### (C) Applications and Fees

#### (1) Owner-initiated Applications

Whenever the provisions of this zoning ordinance allow the filing of an application by the owner of the subject property, that application must be filed by a person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest that may become a freehold interest, an option to purchase, or any exclusive possessory interest that is specifically enforceable on the land described in the application or by the property owner's authorized agent.

**(2) Pre-application Meetings**

**(a) Purpose**

Pre-application meetings provide an early opportunity for staff and applicants to discuss the procedures, standards and regulations required for approval under this zoning ordinance. Pre-application meetings include all direct correspondence between staff and the applicant including in-person and online meetings, emails, and phone calls.

**(b) Applicability**

Pre-application meetings are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.

**(c) Scheduling**

In-person and online pre-application meetings must be scheduled with the zoning administrator.

**(3) Form of Application**

Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the zoning administrator.

**(4) Filing Fees and Deposits**

**(a) General**

All applications must be accompanied by an application fee and such deposits for reimbursable out-of-pocket expenses as described in this section. No action may be taken on such applications until the fee has been paid and required deposits made unless the board of trustees waives otherwise applicable requirements.

**(b) Escrow Deposits**

Any applicant who files an application requiring review by the planning and zoning commission must, in addition to meeting all other application requirements, fund an escrow account with the village to secure and cover reimbursement to the village for the reasonable fees of third-party consultants to the village who provide professional consulting services on any matter pertaining to the applicant's application. The applicant must complete a development escrow agreement in such form as prescribed by the zoning administrator. The zoning administrator is authorized to reasonably determine the amount of the escrow deposit required based on the complexity of the proposed development and the nature and extent of consulting services anticipated. If the escrow deposit is depleted and additional consultant reviews are required, the applicant must replenish the escrow account in such amount as reasonably determined by the zoning administrator before further consultant reviews are performed. The zoning administrator must promptly refund to the zoning applicant any deposit remaining in an escrow account after the completion of all consultant reviews.

**(D) Application Completeness, Accuracy and Sufficiency**

**(1)** An application required under this zoning ordinance will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by all required fees and deposits.

**(2)** The zoning administrator must make a determination of application completeness within a timely manner.

**(3)** If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's deficiencies. Notice of an incomplete application may be provided by personal service, electronic mail, or first-class mail.

**(4)** No processing of incomplete applications will occur. When application deficiencies are corrected, the application must be placed in the first available processing cycle. If the deficiencies are not corrected by the applicant within a time period specified by the zoning administrator, the application will be deemed to have been withdrawn.

**(5)** Complete applications must be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.

**(6)** The zoning administrator may require that applications or plans be revised before being placed on an agenda for possible action if the zoning administrator determines that:

**(a)** The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations;

**(b)** The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations.

### (E) Application Processing Cycles

Officials responsible for accepting applications, after consulting with review and decision-making bodies, are authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

### (F) Public Hearing Notice

#### (1) Newspaper Notice

Notice of public hearings required under the provisions of this article must be published in a newspaper of general circulation in the village at least 15 days before and no more than 30 days before the public hearing. Required notices must include at least the following information:

**(a)** An address or legal description of the property that is the subject of the hearing, along with the property's permanent index number;

**(b)** A summary of the nature of the application; and

**(c)** The time and place of the hearing.

#### (2) Courtesy Notice

In addition to notice required by the Illinois Compiled Statutes, the village may provide, as a matter of practice, several types of courtesy notice. Failure to provide any form of courtesy notice that is not required by state law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

**(a) Mailed Notice**

i. Unless otherwise directed by the zoning administrator, whenever the provisions of this article require mailed notice, the applicant must provide mailed notice to owners of the subject property and all owners of property within 250 feet of the property lines of the subject property, as measured from the property line to property line, but excluding public

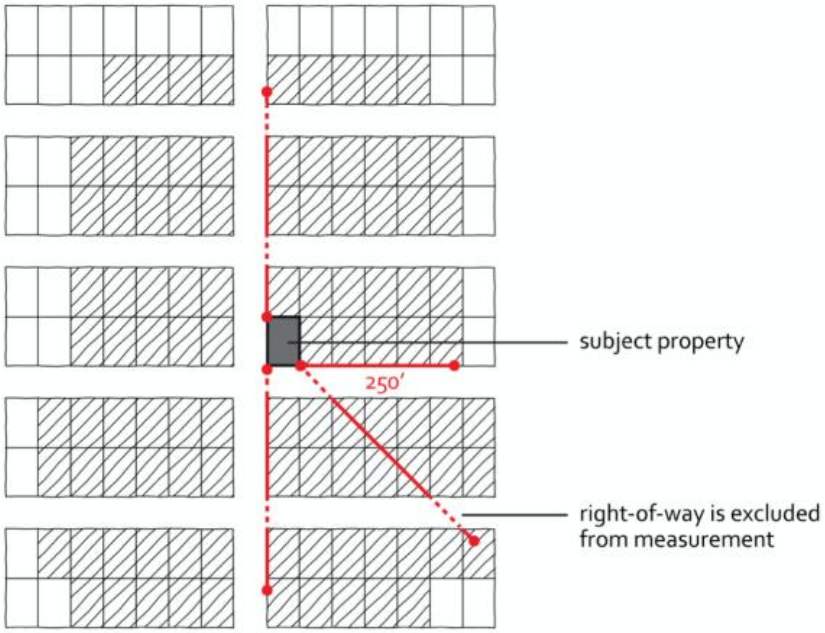
rights-of-way (i.e., rights-of-way are not counted in calculating the required notification radius). See Figure XIV-1

ii. Such notices must be deposited in the U.S. mail at least 15 days before but no more than 30 days before the scheduled public hearing.

iii. Mailed notices must include the time and place of the public hearing; the address of the property that is the subject of the public hearing; the name and address of the applicant; and a brief statement describing the matter to be considered in the public hearing.

iv. The zoning administrator is authorized to specify the source of property ownership information and to specify the means by which applicants demonstrate compliance with mailed notice requirements.

Figure XIV-1: Calculation of Mailed Notice Radius




**(b) Posted Notice (Signs)**

i. Whenever the provisions of this article require posted notice signs, the community development department must post or require that the applicant post at least one sign on each public street frontage of the property that is the subject of a public hearing.

ii. Required signs must be posted at least 15 days before the hearing in a location that is clearly visible from all abutting public rights-of-way. Posted notice signs must include the name of the village, a statement indicating that the property will be the subject of an upcoming public hearing, an indication of where additional information may be obtained, and any additional information required by the zoning administrator. ~~The applicant must reimburse the village for expense incurred in posting signs before final disposition of the zoning matter.~~

**(G) Hearing Procedures**

**(1)** The body conducting a required public hearing is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

**(2)** Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.

**(3)** If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing.

**(4)** If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification.

### (H) Action by Review Bodies and Decision-Making Bodies

**(1)** In taking action under the procedures of this article, review and decision-making bodies must act by simple majority vote of a quorum, unless otherwise expressly stated in this zoning ordinance or statutes.

**(2)** Review and decision-making bodies may take any action that is consistent with:

**(a)** The regulations of this zoning ordinance;

**(b)** Any rules or by-laws that apply to the review or decision-making body; and

**(c)** The notice that was given.

**(3)** Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

### (I) Conditions of Approval

Decision-making bodies are authorized to impose reasonable conditions on approved applications to ensure that the proposed use or development meets the standards required for approval and that are reasonably necessary to protect the public health, safety, and general welfare.

### (J) Decision-Making Criteria; Burden of Proof or Persuasion

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

### (K) Required Time-frames for Action

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

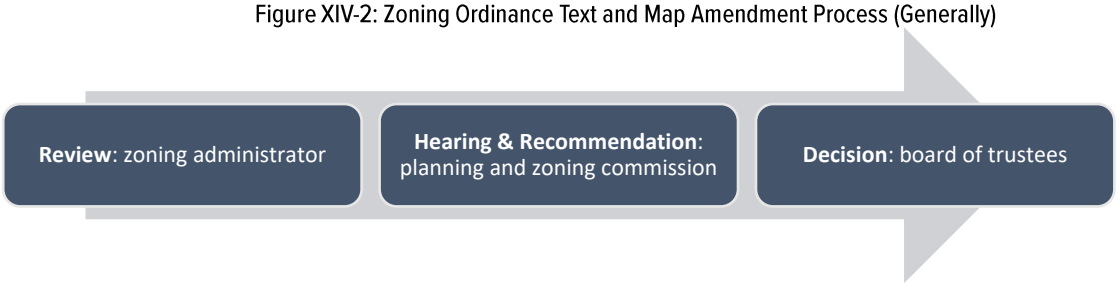
## Sec. 14.02 Zoning Ordinance Text and Zoning Map Amendments

### (A) Authority to File

**(1)** Amendments to the text of this zoning ordinance may be initiated by the board of trustees, the planning and zoning commission, the zoning administrator, or by an owner of property within the village.

**(2)** Amendments to the zoning map may be initiated by the board of trustees, the planning and zoning commission, or the owner of the property that is the subject of the proposed zoning map amendment.

Figure XIV-2: Zoning Ordinance Text and Map Amendment Process (Generally)




**(B) Application Filing**

Property owner-initiated applications for zoning map amendments must be filed with the zoning administrator.

**(C) Review—Zoning Administrator**

Upon initiation of a zoning text amendment or receipt of a complete application for a zoning map amendment, the zoning administrator must review the proposal and transmit relevant information to the planning and zoning commission before their public hearing on the proposed amendment.

**(D) Hearing and Recommendation—Planning and Zoning Commission**

The planning and zoning commission must hold a public hearing on the proposed amendment, with newspaper notice of the hearing provided in accordance with Sec. 14.01(F)(1). For zoning map amendments, mailed notice and posted notice of the hearing must also be provided in accordance Sec. 14.01(F)(2)(a) and Sec. 14.01(F)(2)(b), respectively. Following the public hearing, the planning and zoning commission must act to recommend that the proposed amendment be approved, approved with modifications, or denied and transmit its recommendation to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the amendment.

**(E) Final Action— Board of Trustees**

Following receipt of the planning and zoning commission's report and recommendation, the board of trustees must act to approve the proposed amendment, approve the proposed amendment with modifications or deny the proposed amendment. The board of trustees is also authorized to remand the proposed amendment to the planning and zoning commission for further consideration.

**(F) Review and Approval Criteria**

**(1) Zoning Ordinance Text Amendments**

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

**(a)** Whether the proposed text amendment is in conformity with the comprehensive plan;

**(b)** Whether the proposed text amendment is consistent with the purposes of this zoning ordinance; and

**(c)** Whether the proposed text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition or law.

**(2) Zoning Map Amendments**

**(a)** The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations

and decisions about zoning map amendments, review and decision-making bodies must consider at least the following factors:

i. The existing use and zoning of nearby property;

ii. The extent to which the particular zoning restrictions affect property values;

iii. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;

iv. The suitability of the subject property for its zoned purposes;

v. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;

vi. The value to the community of the proposed zoning map amendment; and

vii. The comprehensive plan.

**(b)** In acting on zoning map amendments, review and decision-making bodies are expressly authorized to recommend and approve a less intensive zoning district classification than the zoning district that was described in required public notices.

### (G) Protest Petitions

**(1)** If a valid protest petition is filed against any proposed zoning map amendment, passage of the zoning map amendment requires a favorable vote of two-thirds of the members of the board of trustees then holding office.

**(a)** A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately abutting or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered.

**(b)** A written protest petition opposing a zoning map amendment must be submitted to the zoning administrator at least 5 business days before the board of trustees' vote.

**(c)** When a written protest petition has been submitted, the protest petition must be served by the protestors upon the applicant and upon the applicant's attorney, if any, by certified mail at the address shown on the application.

## Sec. 14.03 Development Plans

### (A) Purpose

Development plans are required to accompany requests for PUD approval and PUD amendments and some property owner-initiated rezonings. They are optional with other property owner-initiated rezonings. Their purpose is to depict a property owner's generalized plan for the type, amount and physical character of development proposed on the subject property. By providing greater certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base rezoning and related decisions.

### (B) Applicability

#### (1) Mandatory

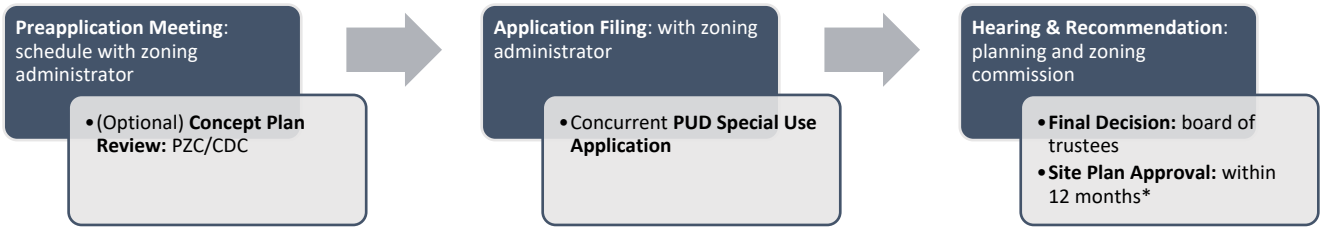
Development plans are required (mandatory) for special use requests for Planned Unit Development (PUD) approval and PUD amendments and for Resort District (B-3) zoning map amendments. They are also required for major amendments to

Planned Developments (PDs) that were established before the effective date specified in Sec. 1.03. In acting on mandatory development plans, the planning and zoning commission is authorized to recommend and the board of trustees is authorized to approve use and development limitations that comply with, are more restrictive than or, if permitted by the respective PUD, B-3, or PD provisions of this zoning ordinance, are less restrictive than the base zoning district regulations and otherwise applicable regulations of this zoning ordinance.

**(2) Optional**

Property owners may elect to submit a development plan with any zoning map amendment application. In acting on optional development plans, the planning and zoning commission is authorized to recommend and the board of trustees is authorized to approve use and development limitations that are at least as restrictive or are more restrictive than otherwise applicable regulations of this zoning ordinance. Optional development plans may not be used to obtain variances, exceptions , or other relief from otherwise applicable zoning ordinance regulations.

Figure XIV-3: Development Plan Approval Process (Generally)




*See Sec. 14.03(H)

## (C) Preapplication Meeting and Concept Plan

**(1)** Before filing an application for mandatory or optional development plan approval, a preapplication meeting is required in accordance with Sec. 14.01(C)(2).

**(2)** In addition to the preapplication meeting with community development department staff, the zoning administrator may require that applicants for development plan approval present a concept plan to the planning and zoning commission or community development committee for the purpose of obtaining guidance prior to formally filling an application. No notice is required for concept plan review. Opinions or advice provided during the preapplication and concept plan review stage are not binding with respect to any official action of the planning and zoning commission or board of trustees.

## (D) Application Filing

Complete applications for development plan approval must be filed with the zoning administrator at the same time as a zoning map amendment application for the subject property. The development plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed development without incurring undue cost. The development plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal. In order to permit the village and the applicant to proceed with some assurance, approval of the development plan binds the applicant and the village with respect to the following basic elements of development:

**(1)** Categories of uses to be permitted;

**(2)** General location of all land uses;

(3) Overall maximum density of residential uses and intensity of nonresidential uses;

(4) General building design;

(5) General location and extent of public and private open space, including recreational amenities;

(6) General location of vehicular and pedestrian circulation systems;

(7) Staging of development; and

(8) Nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

### (E) Requirements for Development Plan

The development plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed development without incurring undue cost. The development plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest stage possible. When submitting a development plan to the village, the applicant must also submit a preliminary plat of subdivision (if subdivision is required), a developer's statement of intent (if PUD approval is sought), and a statement demonstrating that the proposed development meets the standards for PUD approval (if PUD approval is sought), in addition to such other items required by this zoning ordinance or otherwise required by the zoning administrator. In order to permit the village and the applicant to proceed with some assurance, approval of the development plan binds the applicant and the village with respect to the basic elements of the development. Development plans must include, at a minimum, the following information:

(1) Categories of uses to be permitted;

(2) Location and approximate dimensions of buildings and structures on the property;

(3) Location of residential and/or nonresidential uses on the property.

(4) Overall maximum density of residential uses and/or intensity of nonresidential uses;

(5) General architectural style of proposed buildings and structures;

(6) General location and extent of public and private open space, including recreational amenities;

(7) General location of vehicular and pedestrian circulation systems and off-street parking;

(8) Location and identification of adjacent public and private streets that will serve the development;

(9) General location and extent of stormwater management facilities;

(10) General layout of water main, water line extensions, sanitary sewer, and sanitary sewer line extensions;

(11) General layout of proposed drainage and utility easements on the property;

(12) Nature, scope, and extent of landscaping proposed for the development;

(13) Nature, scope, and extent of public improvements and public dedications or contributions to be provided by the applicant;

(14) Information about the zoning and uses of adjoining properties; and

(15) Staging of the development.

### (F) Hearing and Recommendation—Planning and Zoning Commission

The planning and zoning commission must hold a public hearing to consider the proposed development plan and zoning map amendment or other request, with notice of the hearing provided in accordance with the newspaper notice, mailed notice, and posted notice sign provisions of Sec. 14.01(F)(1), Sec. 14.01(F)(2)(a), and Sec. 14.01(F)(2)(b), respectively. Following the public hearing, the planning and zoning commission must act to recommend that the proposed development plan and map amendment or other request be approved, approved with modifications or conditions, or denied and transmit its recommendations to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the development plan and zoning map amendment.

### (G) Final Action—Board of Trustees

**(1)** Following receipt of the planning and zoning commission's recommendation, the board of trustees must act to approve the proposed development plan and zoning map amendment or other request, approve the proposed development plan and map amendment with modifications or conditions, or deny the proposed development plan and map amendment or other request. The board of trustees may also may remand the matter to the planning and zoning commission for further consideration.

**(2)** Development plans and accompanying zoning map amendments may be approved by a simple majority vote, except as stated in Sec. 14.02(G).

### (H) Requirement for Filing of Site Plan

**(1)** Unless a longer time period or a phasing plan is approved at the time of approval of a mandatory development plan, a complete application for site plan approval must be filed within 12 months of the date of mandatory development plan approval. If an application for site plan approval is not filed within the time required, no further site plans may be approved for the project until the subject property owner has filed the original or amended development plan for re-review and reconsideration by the planning and zoning commission and board of trustees. Such re-review and reconsideration must follow the mandatory development plan review procedures of this zoning ordinance. Following re-review and reconsideration, the planning and zoning commission is authorized to recommend and the board of trustees is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the planning and zoning commission and board of trustees:

**(a)** An extension of time for filing a site plan

**(b)** An amendment to the approved mandatory development plan; or

**(c)** Rezoning to another zoning district in accordance with the zoning map amendment procedures of Sec. 14.02.

**(2)** The site plan filing deadline established in Sec. 14.03(H)(1) does not apply to optional development plans or PD district development plans approved before the effective date specified in Sec. 1.03. The site plan filing deadline established in Sec. 14.03(H)(1) does apply to any major amendments to mandatory development plans approved after the effective date specified in Sec. 1.03

### (I) Amendments to Approved Development Plans

#### (1) Minor Amendments

**(a)** The planning and zoning commission is authorized to approve amendments to approved development plans as minor amendments if the planning and zoning commission determines that substantial compliance is maintained

with the approved development plan. The following is a non-exhaustive list of changes that the zoning administrator may refer to the planning and zoning commission to be considered as minor amendments:

i. Any deviation expressly authorized at the time of development plan approval;

ii. The relocation or addition of customary accessory uses and structures;

iii. Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered;

iv. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered;

v. Modification of the internal circulation system that would not increase points of access from adjacent streets, change access to another street or increase projected traffic volumes;

vi. Modifications to approved signage, provided the size, location, number and type of signs is not substantially altered;

vii. Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan;

viii. Changes reducing the number of permitted dwelling units, the amount of nonresidential floor area or the area covered by buildings or paved areas; and

ix. Reductions in off-street parking or loading by more than 10% or one required space, whichever results in a greater reduction.

**(b)** In those cases when the board of trustees has expressly imposed a condition of development plan approval, any amendment of that board of trustees-imposed condition must be reviewed and approved by the board of trustees.

**(c)** If the planning and zoning commission determines that the proposed development plan amendment, if approved, will result in a significant departure from the approved development plan or otherwise significantly change the character of the subject area or that the cumulative effect of a number of minor amendments substantially alters the approved development plan, then the amendment must be deemed a major amendment to the development plan and processed as a new development plan following the development plan approval procedure of this section (Sec. 14.03), including all requirements for fees, notices and hearings.

**(2) Major Amendments**

Any amendment to an approved development plan that is not authorized or approved as a minor amendment is considered a major amendment and must be processed as a new development plan following the development plan approval procedure of Sec. 14.03, including all requirements for fees, notices and hearings.

## Sec. 14.04 Special Uses

### (A) Intent

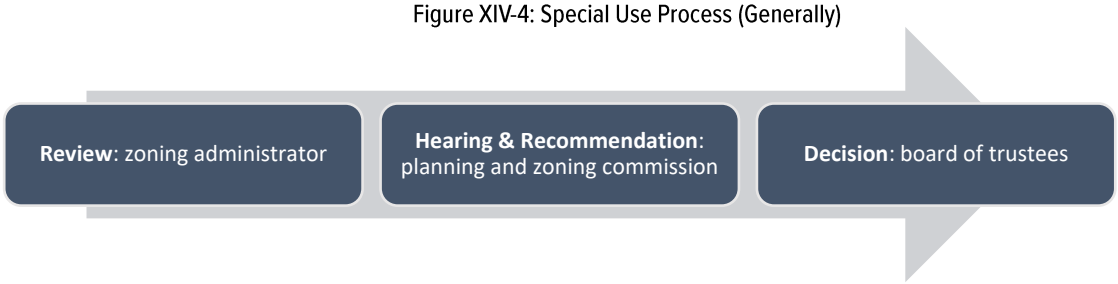
The special use approval procedures of this section are intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to

determine whether they will be compatible with surrounding uses and development patterns.

**(B) Authorized Special Uses**
Only those special uses expressly authorized in this zoning ordinance may be approved as special uses.

**(C) Authority to File**
Applications for special use approval may be filed only by the owner of the subject property or the owner's authorized agent.

Figure XIV-4: Special Use Process (Generally)




**(D) Application Filing**
Complete applications for special use approval must be filed with the zoning administrator. The zoning administrator is authorized to require that the applicant submit a site plan in conjunction with the special use application.

**(E) Review and Report—Zoning Administrator**
Following receipt of a complete application, the zoning administrator must review the application and transmit relevant information to the planning and zoning commission before their public hearing on the proposed special use.

**(F) Hearing and Recommendation—Planning and Zoning Commission**
The planning and zoning commission must hold a public hearing on the proposed special use, with notice of the hearing provided in accordance with the newspaper notice, mailed notice, and posted notice sign provisions of Sec. 14.01(F)(1), Sec. 14.01(F)(2)(a), and Sec. 14.01(F)(2)(b), respectively. Following the close of the public hearing, the planning and zoning commission must act to recommend that the proposed special use be approved, approved with conditions, or denied and transmit its recommendation, together with its findings of fact, to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the special use.

**(G) Final Action— Board of Trustees**
Following receipt of the planning and zoning commission's report and recommendation, the board of trustees must act to approve the proposed special use, approve the proposed special use with conditions or deny the proposed special use. The board of trustees is also authorized to remand the proposed special use application to the planning and zoning commission for further consideration.

**(H) Review and Approval Criteria**
No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village ordinances and regulations and that the applicant has presented evidence to support each of the following conclusions:

**(1)** That the proposed use or activity is expressly authorized in this zoning ordinance as a special use;

**(2)** That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

**(3)** That the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity;

**(4)** That approval of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

**(5)** That the proposed special use will be served by adequate utilities, access roads, parking, drainage and other important and necessary facilities, infrastructure and community services; and

**(6)** That the proposed special use complies with all applicable regulations of this zoning ordinance except as expressly approved in accordance with the procedures of this zoning ordinance.

### (I) Lapse of Approval

**(1)** Special use approval lapses and becomes void:

**(a)** Six months after the date of approval by the board of trustees, unless such special use is established within such period or the delay is due to construction or alteration of any structures in connection with the special use; or

**(b)** Twenty-four months after the date of approval by the board of trustees if any construction or alteration of any structures in connection with the special use is not substantially completed and the special use in not commenced within that time period.

**(2)** Upon written request and good cause shown, the zoning administrator is authorized to grant one extension of the time limitations set forth in this section for up to 6 months. Any additional extension requests require approval by the board of trustees.

### (J) Termination

**(1)** An approved special use automatically terminates upon the cessation of the special use for a consecutive period of 365 days or more. For purposes of this section, cessation of the special use means a failure to substantially operate the special use activity upon the property, whether by affirmative choice, bankruptcy, liquidation, foreclosure, eviction, or other reason. Cessation is not deemed to occur when the special use activity is temporarily halted due to the making of repairs or upgrades to the property when a building permit is obtained, when the nature of the repairs or upgrades makes the continued operation of the special use impractical, and when the repairs or upgrades are diligently pursued to completion.

**(2)** An approved special use also terminates upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the special use.

**(3)** The zoning administrator must provide written notice of special use termination to the subject property owner.

### (K) Transferability

Unless otherwise expressly indicated in the special use approval, approved special uses run with the land and are not affected by changes of tenancy, ownership, or management.

### (L) Amendments

Amendments to approved special uses must be processed as new special use applications, including all requirements for fees, notices and public hearings. However, the zoning administrator is authorized to approve the following:

**(1)** Any amendments expressly authorized as minor amendments at the time of special use approval;

**(2)** The addition of allowed accessory uses and structures; and

**(3)** Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the special use was approved and that are determined by the zoning administrator to not constitute major changes.

## Sec. 14.05 Site Plans

### (A) Purpose

This section establishes a procedure to ensure timely, competent review of site plans in order to determine whether proposed building and development activities comply with the regulations of this zoning ordinance and with other applicable regulations.

### (B) Applicability

~~Site plan review and approval, in accordance with the procedures of this section, is required before the issuance of a building permit for any structure located in an R-4, R-5, R-6, or any business and employment district established in Article III.~~ Unless otherwise expressly exempted under provisions of this zoning ordinance, site plan review and approval is required for all of the following:

**(1)** Construction or enlargement of a principal building occupied by 3 or more dwelling units or the addition of more than 1,000 square feet of impervious surface on any lot occupied by 3 or more dwelling units;

**(2)** Construction or enlargement of a principal building occupied by one or more nonresidential uses or the addition of more than 1,000 square feet of impervious surface on any lot occupied by a nonresidential use;

**(3)** Reconstruction or replacement of more than 50% of the street-facing façade of any principal building in a downtown zoning district; and

~~**(1)**~~**(4)** Any other use or activity for which site plan approval is expressly required under this zoning ordinance.

### (C) Authority to File

Applications for site plan approval may be filed only by the owner of the subject property or the owner's authorized agent.

### (D) Application Filing

Applications for site plan approval must be filed with the zoning administrator. Unless otherwise approved by the zoning administrator, complete applications for site plan approval must include an accurate dimensioned site plan with ~~,~~at least the following data and information, on one or more sheets:

**(1)** A graphic rendering of the existing conditions, depicting:

**(a)** All significant natural, topographical and physical features of the subject property including topographical contours at one-foot intervals;

**(b)** A tree survey;

**(c)** The location and extent of water bodies and courses, wetlands, and special flood hazard areas, floodplains, and floodways on or within 100 feet of the subject property;

**(d)** Existing drainage structures and patterns; and

**(e)** Soil conditions as they affect development.

**(2)** The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.

**(3)** Data concerning proposed structures and existing structures that will remain, including:

**(a)** Location, size, use and arrangement, including height in stories and feet;

**(b)** Where relevant, floor area ratio, gross floor area and net floor area;

**(c)** Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms;

**(d)** Building coverage and lot coverage; and

**(e)** Description of the calculation method utilized in computing all required statistics shown.

**(4)** Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width and depth of any structure.

**(5)** A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs and curb cuts; parking spaces, loading spaces and circulation aisles; sidewalks, walkways and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.

**(6)** All existing and proposed surface and sub-surface drainage and retention and detention facilities and existing and proposed water, sewer, gas, electric, telephone and cable communications lines and easements and all other utility facilities.

**(7)** Location, size and arrangements of all signs and outdoor lighting.

**(8)** Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

**(9)** Location, designation and total area of all usable open space.

**(10)** A detailed landscaping plan, showing location, size and species of all trees, shrubs and other plant material.

**(11)** An erosion control plan for the period during which construction will be taking place.

**(12)** Building elevations.

**(13)** Any other and additional data, information or documentation that the zoning administrator, planning and zoning commission, or board of trustees deems necessary for a full and competent consideration and disposition of the particular application.

### (E) Site Plan Review and Decision-Making Authority

Site plans required under this zoning ordinance are classified as either “major” site plans or “administrative” site plans, as follows:

**(1) Major Site Plans**

Major site plans require review and recommendation by the planning and zoning commission and final review and decision-making by the board of trustees. Major site plan review is required for all of the following:

**(a)** Construction of any new building subject to site plan (see Sec. 14.05(B)) review that includes more than 10,000 square feet of gross floor area;

**(b)** Enlargement of any existing building subject to site plan review (see Sec. 14.05(B)) that results in the addition of more than 10,000 square feet of gross floor area;

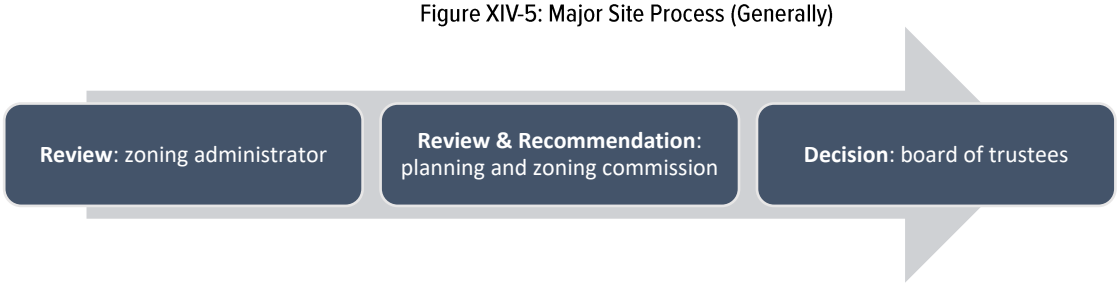
**(c)** Site plans that qualify as administrative site plans but which are referred by the zoning administrator for processing as a major site plan due to potential adverse impacts on neighboring properties, noncompliance with applicable zoning or other village regulations; and

**(d)** Any other activities for which major site plan approval is expressly identified in this zoning ordinance.

**(2) Administrative Site Plans**

Any site plan that is not classified as a major site plan is eligible for processing as an administrative site plan.

Figure XIV-5: Major Site Process (Generally)




## (F) Major Site Plan Review Process

### (1) Review and Report—Zoning Administrator

Following receipt of a complete application for major site plan review, the zoning administrator must review the site plan, forward to site plan application to other reviewers and agencies for review and comment and transmit relevant information to the planning and zoning commission before their consideration of the proposed site plan.

### (2) Meeting and Recommendation—Planning and Zoning Commission

The planning and zoning commission must hold a meeting on the proposed major site plan and act to recommend that the proposed major site plan be approved, approved with conditions, or denied and transmit its recommendation to the board of trustees. If the planning and zoning commission arrives at a tie vote, such tie vote is deemed a recommendation to deny (not to approve) the major site plan

### (3) Final Action— Board of Trustees

Following receipt of the planning and zoning commission's report and recommendation, the board of trustees must act to approve the proposed major site plan, approve the proposed major site plan with conditions or deny the proposed site plan. The board of trustees is also authorized to remand the proposed major site plan application to the planning and zoning commission for further consideration.

## (G) Review and Approval Criteria

**(1)** Final action to approve or disapprove a proposed major site must be based on whether the new or modified improvements shown on the site plan, as proposed, comply with the regulations of this zoning ordinance and all other applicable village ordinances and regulations. In reviewing and acting on proposed major site plans, review and decision-making bodies may also consider and be guided in the reasonable exercise of their discretion by the following standards and criteria:

**(a)** Whether the proposed plans will protect the public health, safety, and welfare;

**(b)** Whether the proposed plans will avoid substantial injury to the value of other property in the area;

**(c)** Whether the proposed plans will provide for protection of community appearance and the function of the natural environment, including floodplains, soil and geologic characteristics, and preservation of vegetation;

**(d)** Whether the proposed plans comply with all applicable village and county stormwater regulations; and ~~will provide for the transmission, retention or detention of stormwater with such facilities installed in a manner that complements existing or proposed stormwater facilities, unless the board of trustees determines, upon recommendation of the public works director, that stormwater facilities are not necessary or that a cash contribution in lieu of installation of stormwater improvements would result in equal or superior stormwater management. If the board of trustees approves a cash contribution be made in lieu of installation of stormwater facilities, the public works director is authorized to determine the amount of such contribution, and such funds must be used to provide of stormwater facilities within the village.~~

~~**(d)**~~**(e)** Whether the proposed plans comply with adopted building and site design guidelines.

~~**(2)** Major site plan approval may not be denied unless the board of trustees determines that one or more of the foregoing standards are not satisfied. The reason for any such denial must be recorded in the proceedings of the board of trustees.~~

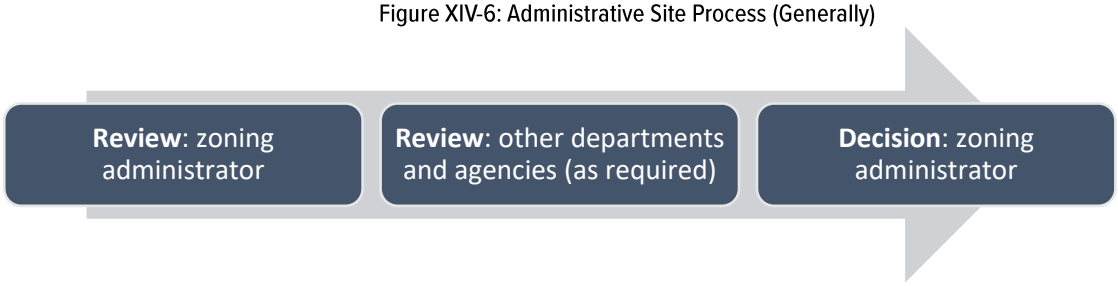
### (H) Administrative Site Plan Review Process

**(1)** Following receipt of a complete application for administrative site plan review, the zoning administrator must review the administrative site plan application and act to approve the site plan, approve the site plan with modifications, or disapprove the site plan. The zoning administrator is also authorized to refer a site plan that is otherwise eligible for processing as an administrative site plan for processing as a major site plan in accordance with Sec. 14.05(E)(1).

**(2)** The zoning administrator is authorized to forward administrative site plans to other village departments and other agencies for the purpose of receiving assistance with reviews.

**(3)** Final action to approve or disapprove a proposed administrative site plan must be based on whether the new or modified improvements shown on the site plan, as proposed, comply with the regulations of this zoning ordinance and all other applicable ordinances and regulations. The final action must be transmitted by the zoning administrator in writing to the applicant.

Figure XIV-6: Administrative Site Process (Generally)



**(I) Lapse of Approval**

**(1)** Once a major or administrative site plan has been approved, a building permit to carry out the proposed building or development activity must be obtained within 24 months, otherwise the site plan approval lapses and becomes void.

**(2)** Upon written request and good cause shown, the authorized decision-making authority for the subject site plan is authorized to grant extensions of the time limitations set forth in this section. Requests for extensions must be filed before site plan approval lapses and must be processed in accordance with the applicable site plan procedures of this section.

**(J) Continued Compliance**

An approved site plan governs all development and construction on the subject property. No permits or other approvals may be granted that are inconsistent with the approved site plan.

**(K) Termination**

An approved major or administrative site plan terminates upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the site plan.

**(L) Transferability**

Approved major or administrative site plans run with the land and are not affected by changes of tenancy, ownership, or management.

**(M) Amendments**

**(1)** Significant amendments to approved major or administrative site plans, as determined by the zoning administrator, must be processed as new site plan applications, including any applicable requirements for fees and meetings. However, the zoning administrator is authorized to approve minor amendments to approved major site plans without a formal application for amendment. Minor amendments include, but are not limited to:

**(a)** Any amendments expressly authorized at the time of major or administrative site plan approval;

**(b)** The addition of customary accessory uses and structures; and

**(c)** Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the site plan was approved and that are determined by the zoning administrator to not constitute major changes.

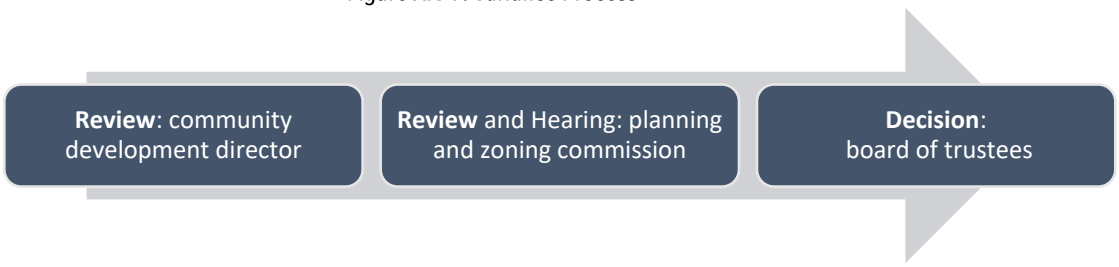
**(2)** Records documenting any approved minor site plan amendments must be maintained in the office of the zoning administrator.

## Sec. 14.06 Variances

**(A) Intent**

A variance is a grant of relief to a property owner from strict compliance with the regulations of this zoning ordinance. The intent of a variance is not to simply remove an inconvenience or general financial burden that may result from compliance with applicable zoning requirements. Variances are intended to help alleviate practical difficulties or particular hardships that would result from strict enforcement of the subject zoning ordinance requirements. They are intended to provide relief when the requirements of this zoning ordinance render property very difficult or impossible to put to reasonable use because of unique or special characteristics of the subject property or to address other hardships.

Figure XIV-7: Variance Process




**(B) Authorized Variances**

The board of trustees is authorized to grant a variance to any regulation in this zoning ordinance in accordance with the variance procedures of this section, except that the variance procedures of this section may not be used to do any of the following:

**(1)** Allow a principal or an accessory use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are expressly prohibited);

**(2)** Waive, modify, or vary any use classification;

**(3)** Waive, modify, or otherwise vary any of the review and approval procedures of this article; or

**(4)** Allow a sign, structure, feature, or activity that is expressly prohibited.

**(C) Authority to File**

Variance applications, including a written statement describing the practical difficulty or particular hardship that would result from denial of the variance request and written statements in response to each of the standards and review criteria in Sec. 14.06(H), must be filed by the owner of the subject property or the owner's authorized agent.

**(D) Application Filing**

Variance applications must be filed with the zoning administrator.

**(E) Review and Report—Zoning Administrator**

Following receipt of a complete application, the zoning administrator must prepare a report on the requested variance. The report must be transmitted to the planning and zoning commission before the required public hearing.

**(F) Review and Recommendation—Planning and Zoning Commission**

**(1)** Following receipt of a complete variance application, the planning and zoning commission must hold a public hearing to consider the requested variance, with notice of the hearing provided in accordance with the newspaper notice, mailed notice, and posted notice sign provisions of Sec. 14.01(F)(1), Sec. 14.01(F)(2)(a), and Sec. 14.01(F)(2)(b), respectively. Following the close of the public hearing, the planning and zoning commission must act to recommend that the requested variance be approved, be approved with conditions, or denied based on the standards and review criteria of Sec. 14.06(H). The planning and zoning commission must make its report promptly, together with its findings of fact, to the board of trustees.

**(2)** In recommending approval of a variance, the planning and zoning commission is authorized to recommend such conditions and restrictions as the commission determines to be necessary to ensure compliance with the standards of Sec. 14.06(H), to reduce or minimize the effect of the variance upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

**(3)** Each variance request must be considered by the planning and zoning commission on a case-by-case basis solely on the evidence presented by the applicant in the particular case.

### (G) Review and Final Decision—Board of Trustees

Following the public hearing before the planning and zoning commission, the variance request must be considered by the board of trustees. The board of trustees must act to approve the variance, approve the variance with conditions, or deny the variance. The board of trustees is also authorized to remand the proposed variance application to the planning and zoning commission for further consideration.

### (H) Standards and Review Criteria

No variance may be approved or recommended for approval unless authorized review and decision-making bodies have made findings of fact based upon the evidence provided by the applicant the variance being sought satisfies each of the standards set forth in this section (Sec. 14.06(H)).

#### (1) Particular Hardship or Practical Difficulty

The applicant must demonstrate that requiring strict compliance with the regulation for which a variance is sought would create a particular hardship or a practical difficulty.

#### (2) Unique Physical Condition

The applicant must demonstrate that the subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the subject lot rather than the personal situation of the current owner of the lot.

#### (3) Not Self-Created

The applicant must demonstrate that the unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner before acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action for which no compensation was paid.

#### (4) Denied Substantial Rights

The applicant must demonstrate that requiring strict compliance with the regulation for which a variance is sought would deprive the subject property owner of substantial rights commonly enjoyed by owners of other lots subject to the same regulation.

#### (5) Not Merely Special Privilege

The applicant must demonstrate that the alleged particular hardship or practical difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from use of the subject property.

#### (6) Zoning Ordinance and Comprehensive Plan

The applicant must demonstrate that the variance would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this zoning ordinance and the comprehensive plan.

#### (7) Essential Character of the Area

The applicant must demonstrate that the variance would not result in a use or development of the subject property that:

**(a)** Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity;

**(b)** Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;

**(c)** Would unduly increase the danger of flooding or fire;

**(d)** Would unduly tax public utilities, facilities, or services in the area; or

**(e)** Would endanger the public health or safety.

**(8) No Other Remedy**

The applicant must demonstrate that there is no means other than the requested variance by which the alleged hardship or practical difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

~~No variance may be approved or recommended for approval unless authorized review and decision-making bodies have made findings of fact based upon the evidence presented to it in each specific case that:~~

~~The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;~~

~~The plight of the owner is due to unique circumstances related to the subject property; and~~

~~The variance, if granted, will not alter the essential character of the area.~~

~~For purposes of interpreting and implementing the preceding variance standards and review criteria, review and decision-making bodies must take into consideration the extent to which the following facts, favorable to the applicant, have been established by evidence:~~

~~The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if strict compliance with applicable regulations was required.~~

~~The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.~~

~~The purpose of the variance is not based exclusively upon a desire to increase the property's financial value or remove a financial limitation.~~

~~The alleged difficulty or hardship has not been created by the owner of the property.~~

~~The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.~~

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

### (l) Lapse of Approval

**(1)** An approved variance lapses and becomes void 12 months after it is granted by the board of trustees, unless:

**(a)** A building permit for improvements directly related to the variance has been issued (if required); or

**(b)** The use or structure directly related to the variance has been lawfully established.

(2) Upon written request and good cause shown, the zoning administrator is authorized to grant one extension of the time limitations set forth in this section for up to 6 months. Any additional extension requests require approval by the board of trustees. All requests for extensions must be filed before the variance lapses.

**(J) Termination**

An approved variance terminates upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variance.

**(K) Transferability**

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

**(L) Amendments**

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices, and public hearings.

**(M) Reasonable Accommodation**

Notwithstanding any of the preceding zoning variance procedures of this section, the zoning administrator is authorized to issue a permit to the owner of a dwelling unit for the purpose of making the dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If issuance of the permit would otherwise require a variance, the permit is deemed to include the needed variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The zoning administrator is authorized to impose conditions on the permit, including limiting the duration of the permit to the time that the person with a disability lives or regularly uses the dwelling.

### ~~Zoning Certificates~~

~~No building permit or license pertaining to the use of structures or land may be issued by any officer or employee of the village unless an application for such permit has been examined by the zoning administrator and has affixed to it a certificate of the community development director that the proposed structure and uses comply with all of the provisions of this zoning ordinance.~~

~~It is unlawful to begin the construction of a new building, structure or sign, or to enlarge or alter or remove a building or structure that involves a change in use, without having received a zoning certificate.~~

~~All applications for zoning certificates must be accompanied by a survey of the lot, drawn to scale, showing the shape, area and dimensions of the lot to be built upon, the exact size and location on the lot of the existing buildings and accessory buildings, and the lines within which the new structures will be erected, all prepared by a registered surveyor. The plans must identify existing and proposed uses of each structure, the number of dwelling units or lodging rooms a building is designed to accommodate, location of driveways, and location and number of off-street parking and off-street loading spaces, and such other information with regard to the lot and neighboring lots and performance standards, as necessary to determine and provide for a determination that such plans comply with all applicable provisions of this zoning ordinance. A copy of such plans must be returned to the owner when such plans have been approved by the zoning administrator. The lot and location of the building must be staked out on the ground before any construction is started.~~

~~Construction or development authorized by a permit must begin within 6 months and must proceed with reasonable continuity until completion, the permit otherwise becoming invalid.~~

~~Any zoning certificate issued in conflict with the provisions of this zoning ordinance is null and void.~~

## Sec. 14.07 Zoning Verification Letters

Any person may request a zoning verification letter from the zoning administrator pertaining to property located within the village. A zoning verification letter provides verification of zoning-related information for

a particular property, including but not limited to, the zoning classification of the property, whether existing improvements comply with the bulk and development standards of the underlying zoning district, whether existing off-street parking meets minimum parking requirements, whether the existing use is lawful and conforming, and whether signs on the property are lawful and conforming. Zoning verification letter requests must be filed with the zoning administrator and be accompanied by the required filing fee.

## Sec. 14.08 Certificates of Occupancy

See Chapter 18, Article X of the village code.

~~Land may not be occupied or used in a manner different than the effective date specified in Sec. 1.03, and no structure erected or altered may be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy has been issued by the community development director stating that the structure or land improvement complies with all its plans and all the building and health laws and with the provisions of this zoning ordinance.~~

~~No change of use may be made in any structure or land improvement or part thereof, now or hereafter erected or altered, before an occupancy permit has been issued by the community development director, and no permit may be issued to make such change unless it is in compliance with all applicable provisions of this zoning ordinance. The provisions of this section are not intended to prevent the continuance of the present occupancy or use of any existing structure or land improvement, except as may be necessary for the safety of life and property.~~

~~No certificate of occupancy permit for a change of use in an existing structure or land improvement may be issued until the premises have been inspected and certified by the community development director to be in compliance with applicable requirements for the zoning district in which it is located.~~

~~Application for a certificate of occupancy must be made and issued within 10 days after the erection or alteration of the structure has been completed. A record of all certificates of occupancy must be kept on file in the office of the community development director, and copies must be furnished on request to any person having proprietary or tenancy interest in the land or structure affected.~~

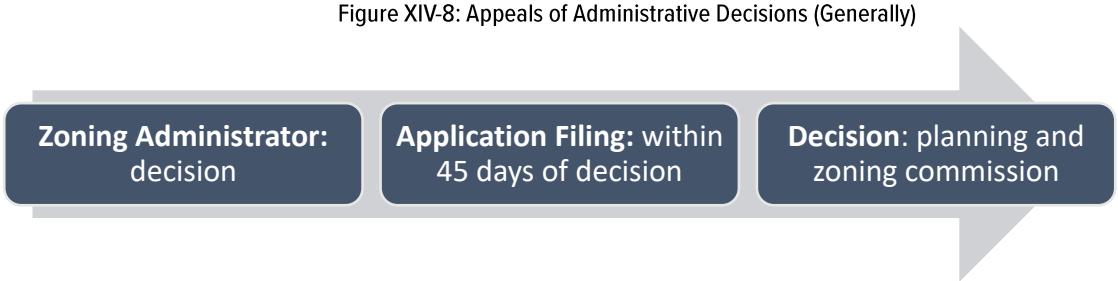
~~Pending the issuance of a regular certificate of occupancy, a temporary permit may be issued to be valid for a period of no more than 60 days during months of the year permitting exterior construction and not more than 180 days during other times of the year. Application for a temporary permit must be accompanied by a statement covering the items of work to be completed and the reasons the temporary permit is requested.~~

## Sec. 14.09 Appeals

### (A) Authority

The planning and zoning commission is authorized to hear and decide all appeals where it is alleged there has been an error in any final order, requirement, decision, or determination made by the zoning administrator in the administration, interpretation, or enforcement of this zoning ordinance. Such appeals must be processed in accordance with Illinois Compiled Statutes and the provisions of this section.

Figure XIV-8: Appeals of Administrative Decisions (Generally)




### (B) Right to Appeal

Appeals of administrative decisions may be filed by any person, firm or corporation aggrieved by the zoning administrator's decision or action. The planning and zoning

commission is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

### (C) Application Filing

**(1)** Appeals must be made by filing a notice of appeal with both the zoning administrator and with the planning and zoning commission. The notice of appeal must specify the decision that is being appealed and the grounds for the appeal.

**(2)** Appeals of administrative decisions must be filed within 45 days of the date of the decision being appealed.

### (D) Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the zoning administrator certifies to the planning and zoning commission, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the planning and zoning commission or by the circuit court based on due cause shown.

### (E) Record of Decision

Upon receipt of a complete notice of appeal, the zoning administrator must transmit to the planning and zoning commission the notice of appeal and information constituting the record related to decision being appealed.

### (F) Processing

**(1)** The planning and zoning commission must:

- **(a)** Fix a reasonable time for hearing the appeal;
- **(b)** Give due notice thereof to parties; and
- **(c)** Decide the appeal within reasonable time.

**(2)** Any party to the appeal may appear at the hearing in person or by an agent or by an attorney.

**(3)** In acting on the appeal, the planning and zoning commission has all the powers of the zoning administrator from whom the appeal is taken. The planning and zoning commission may affirm or reverse, wholly or in part, or modify the decision being appealed.

**(4)** The planning and zoning commission may adopt additional procedures and requirements with respect to hearings on appeals.

**(5)** All decisions made by the planning and zoning commission on appeals are considered final administrative determinations and are subject to judicial review only in accordance with applicable Illinois statutes.

# Article XV Administration and Enforcement

Sec. 15.01 Administration ..... XV-1
Sec. 15.02 Enforcement ..... XV-2

## Sec. 15.01 Administration

### (A) Generally

The administration of this zoning ordinance is hereby vested in:

(1) The zoning administrator;

(2) The planning and zoning commission; and

(3) The board of trustees.

### (B) Zoning Administrator

The community development director serves as the zoning administrator and has the authority to delegate zoning administration duties to other staff within the community development department. The zoning administrator has primary responsibility for administering and carrying out those powers and duties expressly identified in this zoning ordinance or those authorized by law, including the following:

(1) Interpreting and administering the provisions of this zoning ordinance;

(2) Conducting needed inspections of structures and uses of land to determine compliance with this zoning ordinance;

(3) Notifying persons responsible for violating this zoning ordinance;

(4) Taking appropriate actions to ensure compliance with this zoning ordinance and remedying violations of its provisions, including but not limited to:

(a) Ordering discontinuance of any illegal use of land or structures;

(b) Ordering removal of illegal structures and additions or alterations thereto;

(c) Ordering discontinuation of work being done in violation of zoning ordinance provisions;

(5) Maintaining permanent and current records related to this zoning ordinance, including all zoning maps, amendments, planned unit developments, special uses, and variances;

(6) Maintaining a record of permits and notices of violation and orders of discontinuances or removal for such time as necessary to ensure continuous compliance with zoning ordinance provisions;

(7) Receiving and processing all applications for permits and development approvals under this zoning ordinance;

(8) Providing technical assistance and support to the board of trustees, and the planning and zoning commission; and

~~(1)~~(9) Exercising other powers and performing other duties as specified or necessarily implied by the provisions of this zoning ordinance.

~~The powers and duties of the community development director in administration and enforcement of this zoning ordinance area as follows:~~

~~(2) Determine and enforce conformance with the regulations of this zoning ordinance;~~

~~(3) Issue zoning certificates and zoning verification letters;~~

~~(4) Issue certificates of occupancy;~~

~~(5) Conduct inspections of structures and uses of land as required;~~

~~(6) Maintain records of the administration and enforcement of this zoning ordinance including applications, processing and decisions for amendments, special uses, and variances;~~

~~(7) Maintain and update the official zoning map;~~

~~Initiate, direct and review, from time to time, a study of the provisions of this zoning ordinance, and make reports of his recommendations to the planning and zoning commission not less frequently than once a year.~~

~~(8) Upon authorization from the board of trustees, issue permits regulating the erection and use of temporary buildings for specific periods of time for purposes such as community, religious, eleemosynary, education, amusement, recreation and commercial; provided, however, that uses thereof are in conformance with all other ordinances and codes of the village;~~

~~(9) Provide and maintain public information facilities relative to all matters pertaining to this zoning ordinance; and~~

~~(10) Collect and administer zoning escrow deposits.~~

## Sec. 15.02 Enforcement

### (A) Violations

Unless otherwise expressly stated in this zoning ordinance or state law, any violation of a provision of this zoning ordinance—including any of the following—are subject to the remedies and penalties provided for in this zoning ordinance:

(1) To use land, buildings, or other structures in any way that is not consistent with the requirements of this zoning ordinance;

(2) To erect a building, sign, or other structure in any way not consistent with the requirements of this zoning ordinance;

(3) To establish or use a sign in any way not consistent with the requirements of this zoning ordinance;

(4) To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance without obtaining such required permits or approvals;

(5) To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under this zoning ordinance or under previous zoning regulations of the village in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;

(6) To violate the terms of any permit or approval granted under this zoning ordinance or under previous zoning regulations of the village or any condition imposed on the permit or approval;

(7) To obscure, obstruct or destroy any notice required to be posted under this zoning ordinance;

(8) To violate any lawful order related to this zoning ordinance issued by any authorized public official;

(9) To establish, maintain or conduct in any business, establishment or activity that causes or results in a nuisance by reason of dust, smoke, vibrations, fumes, noise or any other factor harmful to the general health and welfare; or

(10) To continue any violation after receipt of notice of a violation.

**(B) Continuing Violations**

Each day that a violation continues constitutes a separate violation of this zoning ordinance.

**(C) Remedies and Enforcement Powers**

The village has all remedies and enforcement powers allowed by law, including those established in Chapter 1, Article II of the village code (Administrative Code Hearing System), and the following:

**(1) Fines**

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this zoning ordinance may, upon conviction, be fined not less than $~~25~~ 75 nor more than $~~500~~ 750 for each offense.

**(2) Liens**

The village may file liens against a property for failure to pay levied fines or fees and to cover any expenses incurred by the village for remedying violations of this zoning ordinance, as authorized by law.

**(3) Withhold Permit**

**(a)** The zoning administrator may deny or withhold permits or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, approval, or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.

**(b)** The zoning administrator may also withhold all permits or other forms of authorization on any other land owned by the owner of land on which an uncorrected violation exists. This enforcement provision may be used regardless of whether the property for which the permit or other approval is sought is the property in violation.

**(c)** Instead of withholding or denying a permit or other authorization, the zoning administrator may issue such permit or grant such authorization subject to the condition that the violation be corrected.

**(4) Revoke Permits**

**(a)** A permit or other form of authorization required under this zoning ordinance may be revoked by the zoning administrator when the zoning administrator determines:

i. That there are unapproved significant, material departures from approved plans or permits;

ii. That the development permit was procured by false representation or was issued by mistake; or

iii. That any of the provisions of this zoning ordinance or approval previously granted by the village are being violated.

**(b)** Written notice of revocation must be served upon the owner, the owner's agent, or contractor, or upon any person employed in the construction of the building or structure for which such permit was issued. If no individual can reasonably be served with notice, the notice must be posted in a prominent location on the subject property.

**(5) Revoke Plan or Other Approval**

When a violation of this zoning ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the zoning administrator may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):

**(a)** Revoke the plan or other approval; or

**(b)** Condition its continuance on strict compliance with this zoning ordinance or the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the zoning administrator may reasonably impose.

**(6) Stop Work**

With or without revoking permits, the zoning administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning ordinance or of a permit or other form of authorization issued under this zoning ordinance or previous zoning regulations.

**(7) Injunctive Relief**

The village may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit or other form of authorization granted under this zoning ordinances or previous zoning regulations.

**(8) Forfeiture and Confiscation of Signs on Public Property**

Any sign installed or placed in the public right-of-way or on other public property, except in compliance with the regulations of this zoning ordinance will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this article, the village has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

**(9) Abatement**

The village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed before the violation.

**(10) Other Penalties, Remedies and Powers**

The village may seek such other penalties and remedies as are provided by law.

**(11) Continuation of Previous Enforcement Actions**

Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the village pursuant to previous valid ordinances and laws.

**(D) Remedies Cumulative**

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the village may exercise them in any combination or order.

**(E) Persons Subject to Penalties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies, and enforcement actions.

# Article XVI Measurements


Sec. 16.01 Lot Area ..... XVI-1
Sec. 16.02 Lot Area per Dwelling Unit ..... XVI-1
Sec. 16.03 Lot Width ..... XVI-1
Sec. 16.04 Building Width ..... XVI-1
Sec. 16.05 Build-to Zone ..... XVI-1
Sec. 16.06 Outdoor Open Space ..... XVI-1
Sec. 16.07 Setbacks ..... XVI-2
Sec. 16.08 Lot Coverage ..... XVI-6
Sec. 16.09 Lot Depth ..... XVI-7
Sec. 16.10 Streetwall Width ..... XVI-7
Sec. 16.11 Transparency ..... XVI-8
Sec. 16.12 Building Entrances ..... XVI-9
Sec. 16.13 Height ..... XVI-9


## Sec. 16.01 Lot Area

Lot area is measured as the total ground-level surface area contained within the property lines of a lot.

## Sec. 16.02 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on a lot. To determine the number of dwelling units allowed on a lot, divide the lot area by the minimum lot-area-per-unit requirement, and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

## Sec. 16.03 Lot Width

Lot width is measured as the horizontal distance between the side lot lines of a lot measured at the narrowest width between the ~~front yard line~~ minimum front setback and a point 30 feet to the rear of the minimum front ~~yard line~~setback. On cul-de-sac lots and similarly shaped lots, ~~the~~ lot width ~~shall be~~ is measured along a line tangent to and at the midpoint of the minimum front ~~yard~~ setback line. On lots located along an opposite shaped curve (i.e., pie-shaped lots or those narrowing toward the rear of the lot), ~~the~~ lot width ~~shall be~~ is measured along a line parallel to and 30 feet to the rear of a chord drawn between the opposite ends of the front ~~yard~~ setback line.

## Sec. 16.04 Building Width

Building width is measured as the horizontal measurement along the building facade that is generally parallel and facing the front lot line.

## Sec. 16.05 Build-to Zone

Build-to zones are defined by a minimum and a maximum setback generally parallel and measured from the street lot line or actual right-of-way line. Upper-story recessed balcony facades and courtyard facades are not required to be located within the build-to zone.

## Sec. 16.06 Outdoor Open Space

Minimum outdoor private space required per unit must be open air and available specifically for the use of the building occupants. The form of the space must meet one or a combination of the following:

**(A)** The space must be attached to the unit in the form of a patio, balcony, or terrace, located in any abutting yard, with a minimum dimension of 6 feet in any direction; or

~~(A)~~(B) The space must be common space for residents only in the form of one or more of the following: a garden, courtyard, roof deck, or terrace; each with a minimum dimension of 10 feet in any direction. Common space must be accessible and available to all occupants.

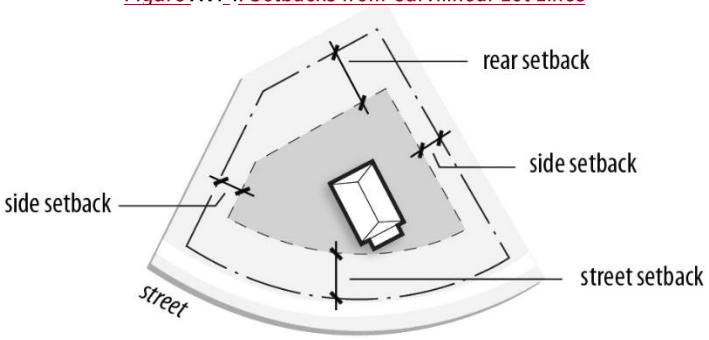
## Sec. 16.07 Setbacks

The minimum horizontal distance between ~~a street~~ lot line and the nearest wall of a building or other structure for which minimum setback applies~~side of a structure facing such street line~~.

### (A) General Rules of Measurement

(1) Required setbacks are measured from the applicable lot line or street right-of-way line. Setbacks from streets must be measured from the actual right-of-way line or from the proposed right-of-way as designated on the official map of the village or as established by county or state highway authorities, whichever results in a greater setback. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line.

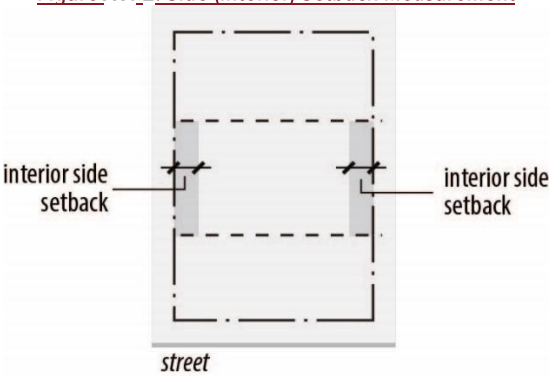
Figure XVI-1: Setbacks from Curvilinear Lot Lines




(2) Street setbacks are measured from the actual right-of-way line of the street (other than an alley).

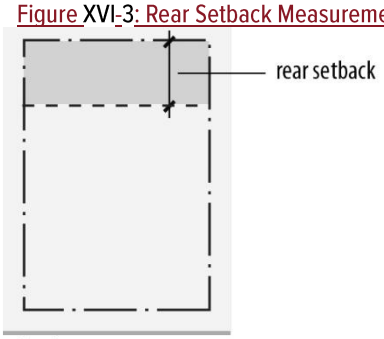
(3) Interior side setbacks are measured from a side lot line that does not abut a street. When there are multiple interior side lot lines, the zoning administrator is authorized to determine the setback regulations that apply (e.g., determining that a minimum front setback is required based on the orientation of streets and buildings in the immediate vicinity).

Figure XVI-2: Side (Interior) Setback Measurement



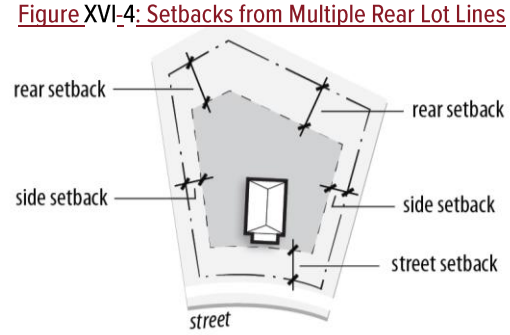

(4) Rear setbacks are measured from the rear lot line.

Figure XVI-3: Rear Setback Measurement



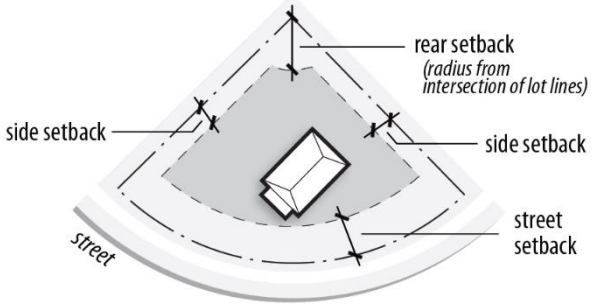

**(a)** When there are multiple rear lot lines, the rear setback must be measured from each rear lot line.

Figure XVI-4: Setbacks from Multiple Rear Lot Lines




**(b)** When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

Figure XVI-5: Rear Setback Measurement When There is No Rear Lot Line




**(c)** Double-frontage lots are subject to the measurement rules of Sec. 16.07(B).

## (B) Double Frontage Lots

The following measurement rules apply to double-frontage lots:

### (1) Abutting Lots Facing Same Direction

When abutting lots take primary access to the same street as the subject lot or are occupied by principal buildings that are oriented to the same street as the principal building on the subject lot, the front lot line is the lot line abutting the street that provides primary access to the subject lot or towards which the principal building on the subject lot is oriented, and the rear lot line is the lot line abutting the street on the opposite side of the subject lot. In such cases, the rear street yard is considered the rear yard.

### (2) Abutting Lots Facing Different Direction

When abutting lots take primary access to a different street that the subject lot or are occupied by principal buildings that are oriented to a different street than the principal building on the subject lot, both street lot lines on the subject lot are considered front lot lines. The required front setback must be provided from the lot line abutting the street that provides primary access to the subject lot or towards which the principal building on the subject lot is oriented. The required setback from the opposite front lot line must equal at least the average depth of the front building setbacks that exist on the abutting lots.

## (C) Contextual Setbacks

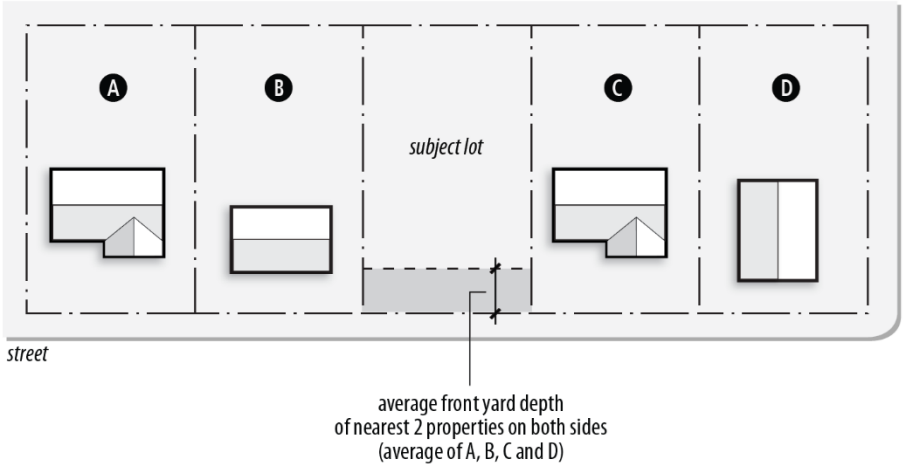
### (1) Applicability; Eligible House Types

The contextual setback provisions of this section apply only in R districts and only to the construction of a new detached house, attached house, semi-detached house, or two-unit house or to a street-facing addition to an existing detached house, attached house, semi-detached house, or two-unit house.

### (2) General

When existing buildings on one or more lots abutting a lot on which an eligible house type is proposed to be constructed or altered are closer to the street property line than the otherwise required street setback, additions to existing houses or construction of new houses on the subject lot may comply with the average (i.e., mean) street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement, provided that the required setback may not be reduced by more than 10 feet. See Figure XVI-6.

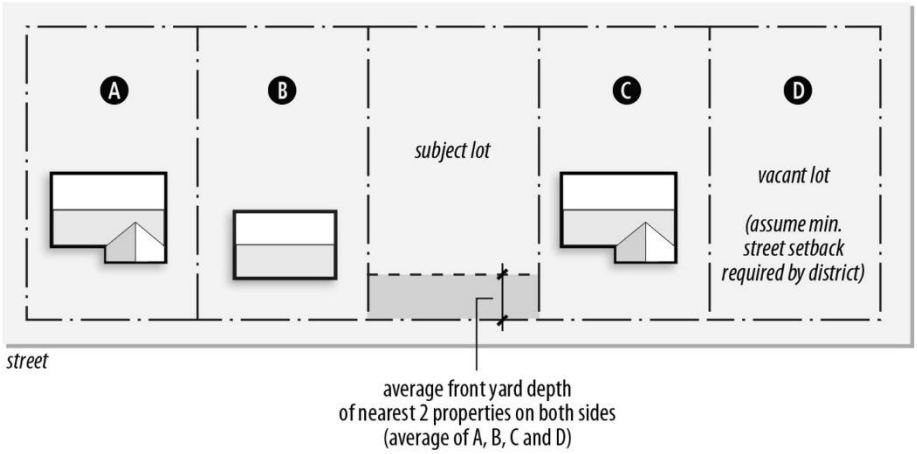
Figure XVI-6: Contextual Setbacks (1)




### (3)

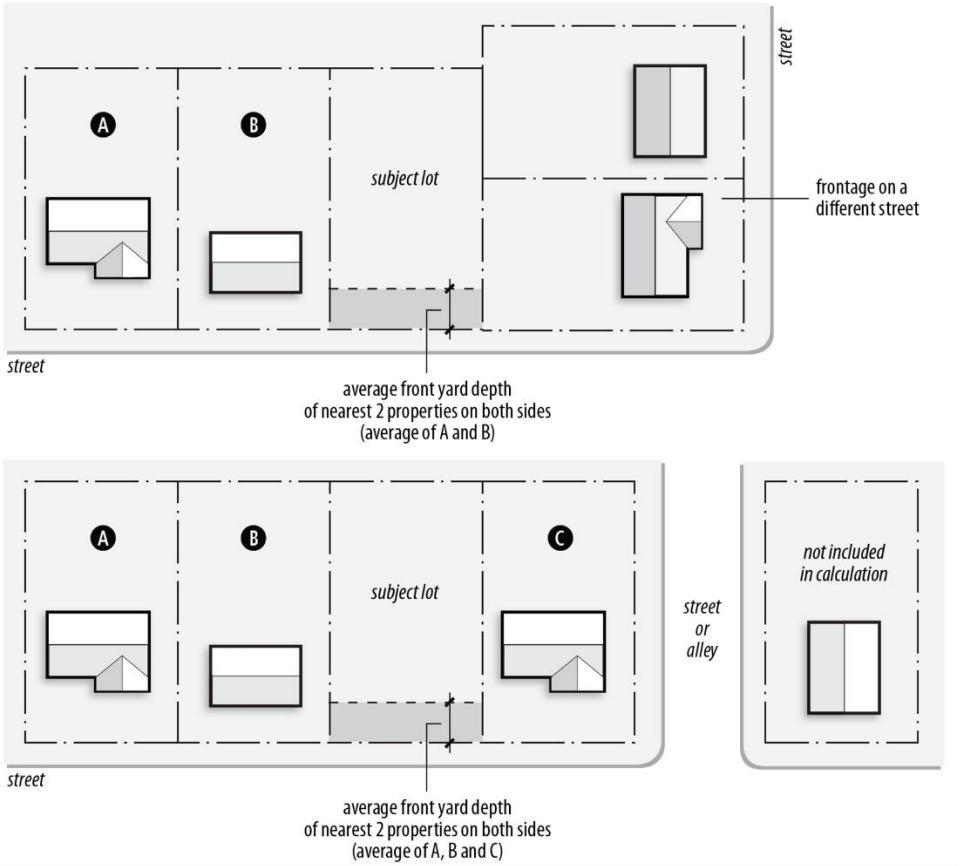
If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Figure XVI-7.

Figure XVI-7: Contextual Setbacks (2)



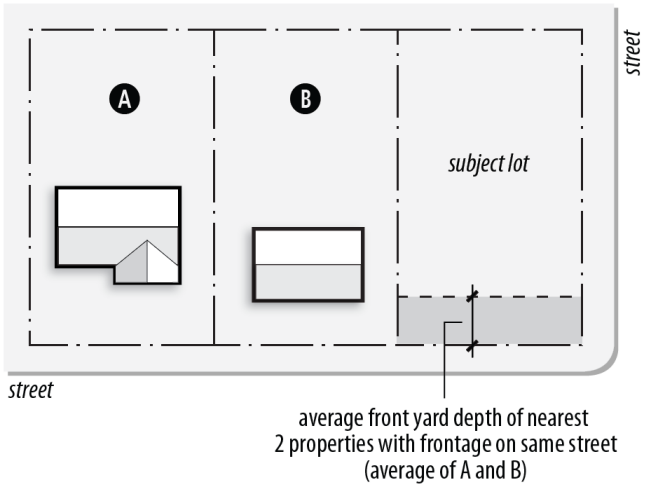

**(4)** Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley or that are not within an R zoning district may not be used in computing the average setback. See Figure XVI-8.

Figure XVI-8: Contextual Setbacks (3)



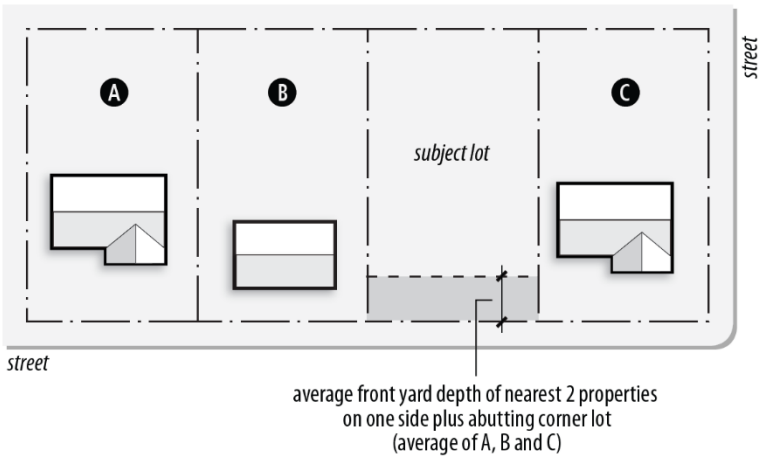

**(5)** When the subject lot is a corner lot, the average street yard depth must be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-9.

Figure XVI-9: Contextual Setbacks (4)




**(6)** When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth must be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-10.

Figure XVI-10: Contextual Setbacks (5)




**(7)** These contextual setback provisions may not be used to reduce the setback of an attached garage unless such garage is set back at least 5 feet from the front façade of the principal building.

**(8)** If one or more of the lots required to be included in the contextual setback calculation exceeds the minimum street setback, then the required minimum street setback of the subject zoning district applies.

~~(1)~~**(9)** When calculating the average, only the front wall of the principal building may be used. Attached accessory structures, such as covered porches, landings, decks, etc, may not be used when calculating the contextual setback

## Sec. 16.08 Lot Coverage

Lot coverage is measured as the percentage of a lot covered by ~~all~~ buildings, structures and permanent ~~hardscape~~ impervious surfaces~~improvements~~. Small accessory buildings that comply with the regulations of Sec. 7.02(A)(2) ~~Sheds and similar small accessory buildings that are not supported by a foundation or concrete slab and that do not exceed 12 square feet in area~~ are not counted when calculating lot coverage.

## Sec. 16.09 Lot Depth

Lot depth is measured as the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the boundaries of the lot.

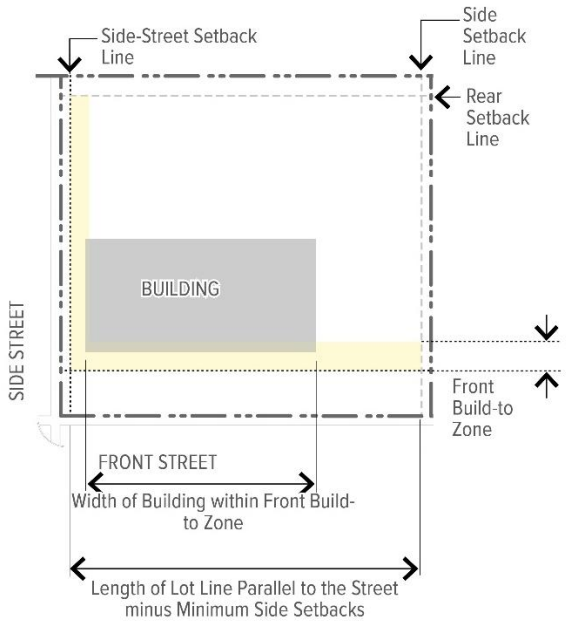
## Sec. 16.10 Streetwall Width

**(A)** Some building types in downtown zoning districts are subject to minimum front streetwall requirements. These regulations establish a minimum percentage of the required build-to-zone that must be occupied by a building. Compliance with minimum front streetwall (percentage) requirements is calculated as follows:

$$\frac{\text{Width of Building Wall within Build-to Zone}}{\text{Length Front Lot Line – Minimum Required Side Setbacks}}$$

**~~(A)~~(B)** The streetwall being measured must meet the minimum height required for the subject building type.

Figure XVI-11: Streetwall Measurement




**(C)** Courtyards may be counted towards meeting minimum front streetwall requirements if such courtyards comply with all of the following:

**(1)** The courtyard must be located within the build-to zone. Courtyards on the interior or in the rear of the lot behind the front facade are not subject to the regulations of this subsection.

**(2)** The width of a courtyard at the street may not occupy more than 30% of a building's front façade.

**(3)** Parking is not allowed in a courtyard.

**(4)** Building frontages on courtyards must meet all regulations for street facades, including all the transparency and entrance regulations in the building type regulations and facade materials and facade element regulations.

**(5)** All ground surfaces in the front courtyard must be treated as either pedestrian paving or landscape bed. Pedestrian paving may include no more than 80% standard concrete.

**(6)** Buildings abutting the courtyard must have an entrance on the street.

**(7)** Landscape materials, such as trees in grates or planters and/or landscape beds, are required and at least one tree is required per courtyard.

**(8)** Fences or walls are required along at least 50% of the build-to zone to continue the building streetwall. Fences and walls may not be more than 50% opaque. Allowed fence materials include masonry and metal.

**(9)** Seating is required in the courtyard area, and at least one other amenity must be included. Amenities may include pergolas, trellises, catenaries, string overhead lighting, fountains, sculptures, murals, or similar features, as approved by the zoning administrator.

## Sec. 16.11 Transparency

Transparency is the measurement of the percentage of a facade that windows and doors with highly transparent, low-reflectance glass. Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25 unless required by state law or local energy or building codes.

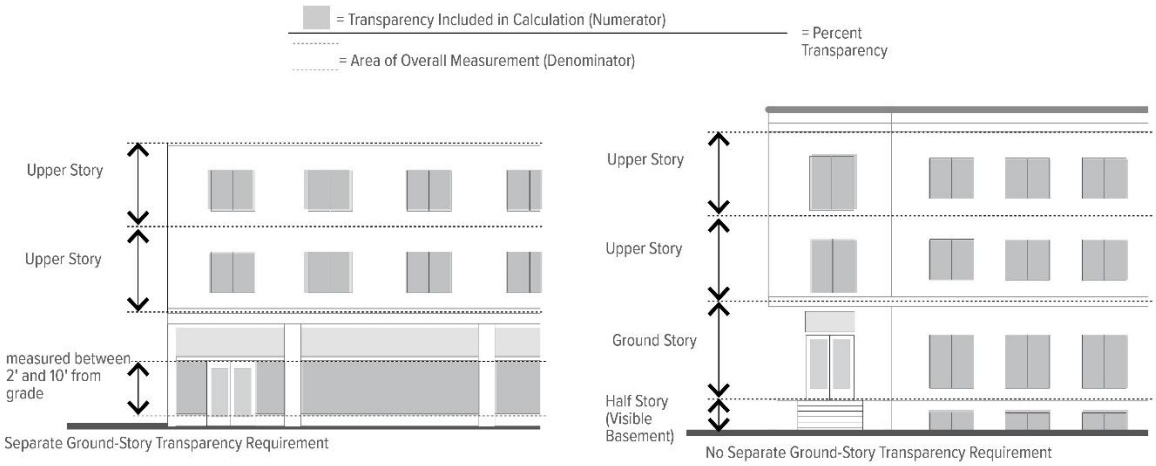
### (A) False Windows

The use of false or faux windows, where the window is visible from the exterior with no opening from the interior, to meet the transparency requirement is not allowed.

### (B) Measurement

Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below. See Figure XVI-12.

Figure XVI-12: Transparency Measurement




**(1)** Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors.

**(2)** The measurement may include the frame, mullions, and muntins, but may not include trim or casing.

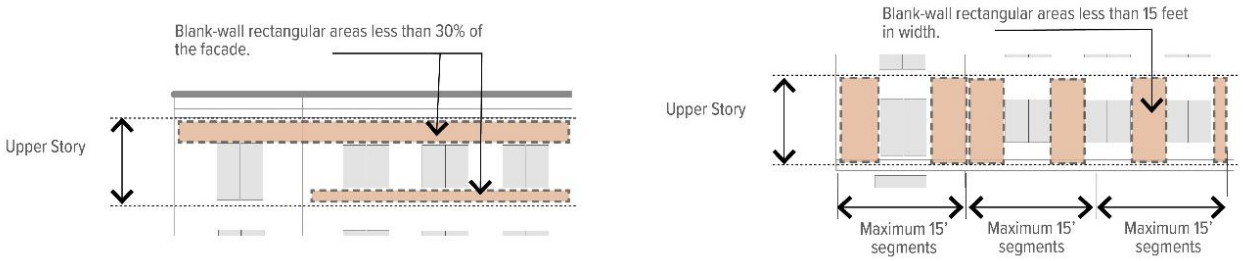
### (C) Blank Wall Segments

When stipulated by applicable building type regulations, blank wall segments on all facades must meet the following:

**(1)** No rectangular areas greater than 30% of a story's facade, as measured floor to floor, may be blank wall, without transparency. See Figure XVI-13.

**(2)** No horizontal segments of a story's facade greater than 15 feet in width may be blank wall, without transparency. See Figure XVI-13.

Figure XVI-13: Blank Wall Segments




**(D) Minimum Ground-Story Transparency**

When a separate minimum ground-story transparency is required per the building type regulations, ground-story transparency is measured between 2 feet and 10 feet from the average grade at the base of the facade.

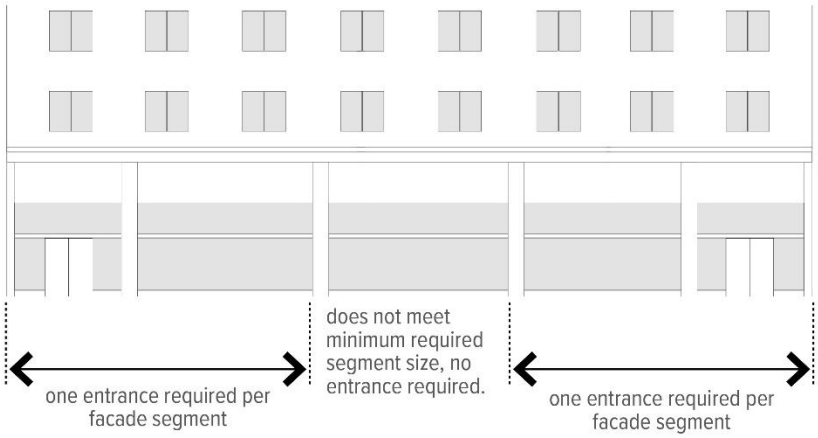
**(E) Half Stories**

All half-story facades located within the roof structure and within visible basements must meet the minimum required transparency for the facade.

## Sec. 16.12 Building Entrances

Entrances must be provided in accordance with the entrance location and number requirements established for the applicable building type and consistent with Figure XVI-14.

Figure XVI-14: Building Entrances




## Sec. 16.13 Height

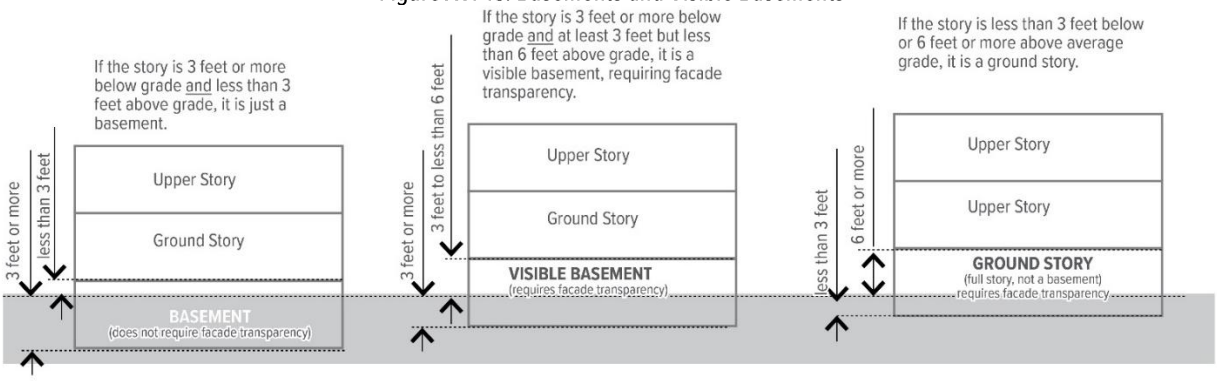
**(A) Measurement**

**(1)** Except as otherwise expressly stated, building height is measured as the vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. For the purpose of measuring height, grade is the existing or established grade at the building setback line midway between side lot lines.

**(2)** Whenever building height limits are expressed in stories, the following rules of measurement apply.

**(a)** Building height is measured in stories plus any visible basement, exposed basement, and roof type. See Figure XVI-16.

Figure XVI-15: Basements and Visible Basements



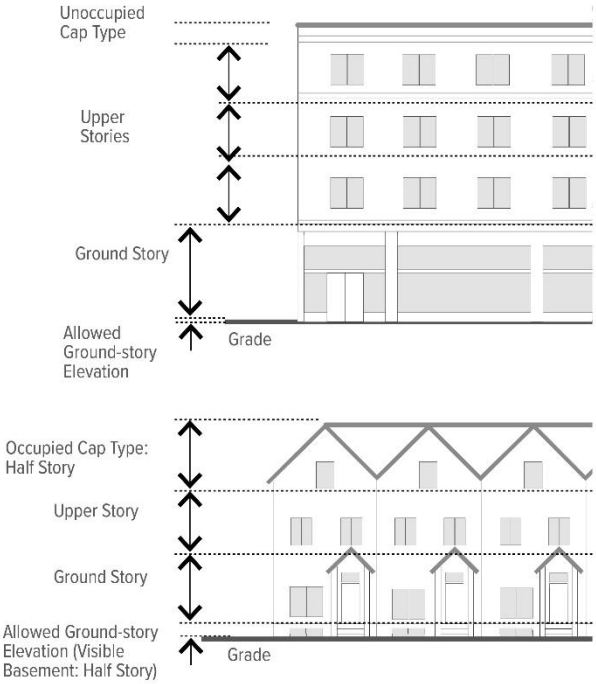

**(b)** Buildings must meet any applicable minimum height requirements along all front street facades and for a depth of at least 20 feet into the building.

**(c)** All building facades located within the street setbacks must meet applicable minimum building height requirements.

**(d)** Maximum height limits apply to the entire building.

**(e)** If a building has both a half-story within the roof and a half-story that is a visible basement, the combined height of the 2 half stories is considered one full story.

Figure XVI-16: Building Height Measurement (Stories)




**(f)** Any building may have a basement, unless expressly prohibited in this ordinance. Visible basements count as a half-story towards the minimum or maximum height of a building. Basements that are not visible basements do not count as a half-story.

**(g)** Each story is measured with a range of permitted floor-to-floor heights.

i. All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights

are required along a minimum of 80% of each facade's horizontal length for each story.

ii. When noted as a separate story height, the ground-story height must extend from the front street facade into the building a minimum of 20 feet. The remainder of the ground-story may meet either the front street frontage ground-story heights or the height range permitted for all stories.

iii. For single-story buildings and the uppermost story of a multi-story building, the floor-to-floor height is measured from the floor of the story to the ceiling, unless a specific height is provided for a single-story building.

iv. Spaces exceeding the maximum allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of street facades.

**(B) Exemptions**

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building; and chimneys, fire and parapet walls, water tanks or similar structures may be erected 15 feet above the height of the structure on which it is located even though the overall height may exceed the height limitation of the district in which it is located; however, such building appurtenances must be located or screened by parapet walls or similar screening ~~as~~ to conceal their view when viewed from the adjoining street from an eye level height of 5 feet.

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# Article XVII Definitions


Sec. 17.01 General ..... XVII-1
Sec. 17.02 Abbreviations ..... XVII-1
Sec. 17.03 General Rules of Language and Ordinance Construction ..... XVII-1
Sec. 17.04 Use Definitions ..... XVII-1
Sec. 17.05 Measurement-Related Terms ..... XVII-1
Sec. 17.06 Definition of Words and Terms ..... XVII-1


## Sec. 17.01 General

Words and terms expressly defined in this zoning ordinance have the meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have their ordinary dictionary meaning.

## Sec. 17.02 Abbreviations

Abbreviations used in this zoning ordinance have the following meanings:

Table XVII-1: Abbreviations

| Abbreviation | Meaning |
|---|---|
| % | Percent |
| DU | Dwelling Unit |
| ft. | Feet (or foot) |
| ILCS | Illinois Compiled Statutes |
| In. | Inches (or inch) |
| max. | Maximum |
| min. | Minimum |
| no. | Number |
| NA (or N/A) | Not applicable (no requirement) |
| sq. ft. | Square feet |

## Sec. 17.03 General Rules of Language and Ordinance Construction

See Sec. 1.10 for general rules for interpreting the general language of this zoning ordinance.

## Sec. 17.04 Use Definitions

See Article VI for an explanation of the use categorization system used in this zoning ordinance and for use type definitions.

## Sec. 17.05 Measurement-Related Terms

See Article XVI for an explanation of various lot and building regulation terms, such as “lot area,” “building height,” “setbacks.”

## Sec. 17.06 Definition of Words and Terms

**Abut, Abutting**
Having a common property line or district line.

**Accessory Building**
A building that is incidental and subordinate to the principal building on the subject lot in terms of its size and purpose and that is customarily found in association with the principal building on the subject lot. Typical examples of accessory buildings include sheds, detached garages, and detached accessory dwelling units.

**Accessory Structure**
Any structure that is incidental and subordinate to the principal structure on the subject lot in terms of its size and purpose and that is customarily found in association with the principal structure on the subject lot. Typical examples of accessory structures include decks, pergolas, trellises, swimming pools, hot tubs,

flagpoles, and playground/recreational equipment. Accessory buildings are also considered to be accessory structures, although the regulations of this zoning code often distinguish between those that apply to accessory buildings versus the broader category of accessory structures.

**Accessory Use**
A use is incidental and subordinate to the principal use of the subject property and that meets the criteria established in Sec. 7.01(A).

**Agent**
A person duly authorized to act on behalf of the owner of the subject property.

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

**Adjoining**
Touching or contiguous, as distinguished from lying near or adjacent.

**Alley**
A right-of-way, with a width of not more than 24 feet that affords a secondary means of vehicular access to abutting properties. A street is not an alley.

**Alteration**
A change in size, shape, occupancy or use of a building or structure.

**Amateur Radio Facility**
Any tower or antenna used for non-commercial radio communications (transmission and reception) maintained by an FCC-licensed amateur radio operator.

**Animal, Companion**
Animals that are commonly kept by households as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on people; commonly live inside a residence in close proximity with humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals.

**Antenna**
An exterior transmitting or receiving device mounted on the ground or on a freestanding tower, building, or structure and used in communications that radiate or capture electromagnetic waves, microwaves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

**Antenna, Amateur Radio**
An antenna used for transmitting and receiving noncommercial shortwave or citizens-band radio communications maintained by a Federal Communications Commission-licensed amateur radio operator.

**Antenna, Broadcast Band, Receive-Only**
An antenna used for noncommercial reception of broadcast band radio, broadcast band television, or other broadcast band signals.

**Antenna, Satellite Dish, Receive-Only**
A parabolic, disc-type or micro-replay, "receive only antenna" designed to receive information by radio waves from a communication satellite and used for noncommercial purposes.

**Applicant**
The owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

**Awning**
A roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and

they may be raised or retracted to a position adjacent to the building.~~A roof-like mechanism, retractable in operation that projects from the wall of a building.~~

**Balcony**
Any roofed or unroofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include balconettes, otherwise known as Juliet balconies or false balconies.

**Base (Zoning) District**
Any zoning district that is not an overlay district.

**Basement**
A portion of a building having part but not more than one-half of its floor to ceiling height below grade. See also Sec. 16.13(A). ~~When a basement is used for storage, garages for use of occupants of the building, or other facilities common for the rest of the building, it is not counted as a story.~~

~~**Bedroom**~~
~~Shall have the following meaning and meet the following minimum requirements:~~

~~a. Each bedroom shall have walls that extend from floor to ceiling on all sides.~~

~~b. Each bedroom shall contain at least one closet.~~

~~c. Each bedroom shall have a door providing separation from the remainder of the dwelling unit.~~

~~d. Each bedroom shall be used primarily for sleeping purposes, and no kitchen, dining room, living room, hallway or uninhabitable space shall be used as a bedroom.~~

~~e. Each bedroom shall comply with all other codes and ordinances of the Village of Westmont.~~

**Basement, Visible**
A basement having more than 3 feet of its floor-to-ceiling height above the average finished grade of the adjoining ground.

**Bay Window**
A building projection that (1) is primarily comprised of a large window or series of windows; (2) is not supported by a building foundation beneath the window; and (3) has glazing over at least 33% of its vertical surface area.

**Bioretention**
The use of soil and plants to remove pollutants from stormwater runoff.

**Block Face**~~**Street Frontage**~~
All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property fronting on one side of the street between an intersecting street and the end of such dead-end street.

**Board of Trustees**
The President and Board of Trustees of the Village of Westmont, Illinois.

~~**Buildable Area (for the Purpose Of Measuring Lot Width)**~~
~~See definition of lot width.~~

**Building**
A structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and that is permanently affixed to the land. When any portion thereof is completely separated from every other portion by a party wall, then such portion is deemed to be a separate building.

**Building, Principal**
A non-accessory building in which the principal use of the lot is conducted.

**Building, Completely Enclosed**
A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

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

**Building, Detached**
A building surrounded by open space.

**Building, Height**
See Sec. 16.13.

**Building Materials**
Dimension lumber, millwork, cabinets and other building materials, including milling, planning, jointing or manufacturing of millwork.

~~**Bulk**~~
~~The term used to indicate the size and setback of buildings or structures, and the location of same with respect to one another, and includes the following:~~

~~(a) Size and height of buildings;~~

~~(b) Required setbacks and yards and the location of exterior walls;~~

~~(c) Floor area ratio;~~

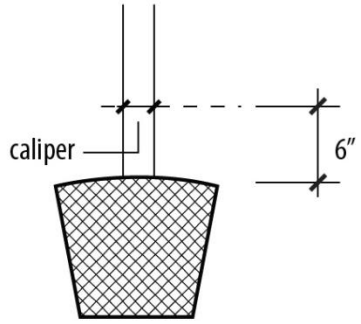
~~(d) Open space allocated to buildings; and~~

~~(e) Lot area and lot width.~~

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

Caliper
The diameter of the tree trunk measured at a point 6 inches above the root ball or soil level.

Figure XVII-1: Caliper (Tree) Measurement




~~**Capacity**~~
~~The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety, or as may be determined by the local fire and safety code.~~

**Carport**
A roofed passenger motor vehicle shelter that is open (without enclosing walls) on 2 or more sides and that has vehicle access provided by a driveway.

**Car-share Program**
A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. Car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

**Cellar**
A portion of a building having more than one-half of its floor to clear ceiling height below grade. See also Sec. 16.13(A).

**Cold Frame**
An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

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

**Conforming Building or Structure**
A building or structure that complies with all ~~the~~ applicable lot and building regulations and structure-oriented dimensional or locational regulations ~~regulations of this zoning ordinance or of any amendment thereto governing bulk~~ of the district in which the building or structure is located.~~; or (b) Is designed or intended for a permitted or special use as allowed in the district in which it is located.~~

**Contiguous**
In actual contact.

~~**Court**~~
~~An open unoccupied space other than a yard on the same lot with a building or group of buildings and that is bounded on two or more sides by such building or buildings.~~

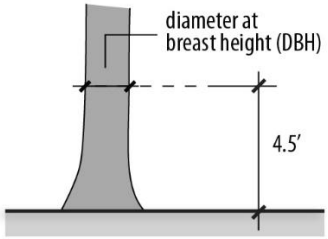
**Craft Alcoholic Beverages**
Any fermented specialty beverage for sale or for consumption on the premises in which it is produced and that contains ethyl alcohol as an intoxicating agent and that is fit for human consumption. Craft alcoholic beverages include craft beer or artisanal wine.

**Courtyard**
An open air, uncovered landscape, sidewalk, terrace, and/or deck area, enclosed on at least 2 sides and with a maximum opening of 50% of any street facade.

**Curbside Pickup**
The delivery of foods, drinks, or goods to a customer in parked vehicle on the same site where the goods are produced or sold.

**Diameter at Breast Height (DBH)**
The diameter of a tree measured at a point 4.5 feet above ground level at the base of the tree. For trees with rounded, knotty growths, or burls, limb extensions or any other abnormalities at 4.5 feet above ground level, the diameter measurement is taken at the point of smallest diameter between the ground and 4.5 feet above ground level. All tree measurements must be calculated to the nearest tenth of an inch.

Figure XVII-2: Diameter at Breast Height (DBH)



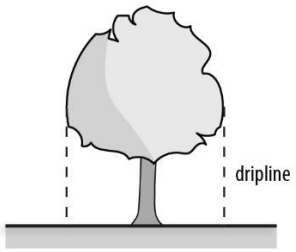

**Disability or Disabled**
A defined in the *Americans with Disabilities Act* and the *Fair Housing Amendments Act.*

**District**
See Zoning District. ~~A portion of the Village of Westmont within which, on a uniform basis, certain uses of land and buildings are allowed and certain other uses of land and buildings are prohibited as set forth in this zoning ordinance, or within which certain yards and other open spaces are required or within which certain lot areas, dwelling sizes and density requirements are established or within which a combination of such aforesaid regulations are applied.~~

**Donation Drop Box**
An unattended container, receptacle, or similar device used for the collection of used clothing, shoes, and small household items donated by the public for redistribution.

**Dripline**
An imaginary, perpendicular line that extends downward from the outermost tips of a tree's branches to the ground below.

Figure XVII-3: Dripline (of a Tree)




**Drive-Through Facility**
~~An establishment or part thereof in which are provided facilities for serving patrons parked in automobiles on the premises.~~ See Sec. 6.08(B).

**Dumpster**
A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck.

**Dwelling**
A building or portion thereof designed or used exclusively for residential purposes, but not including mobile homes or other trailers or lodging rooms in hotels or motels.

**Dwelling Unit**
One or more rooms that are arranged, designed or used as living quarters for ~~one family only~~a single household. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire ~~family~~household, must always be included within each "dwelling unit."

~~**Economic Development Director**~~
~~The official of Westmont duly appointed and designated as the economic development director.~~

**Electric Vehicle**
Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. “Electric vehicle” includes:  battery electric vehicles; and (2) plug-in hybrid electric vehicles.

**Electric Vehicle (EV) Charging Station**
A public or private parking space that is served by battery charging station equipment.

**Electric Vehicle Charging Station, Private (Restricted-Access)**
An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

**Electric Vehicle Charging Station, Public**
An EV charging station that is accessible to and available for use by the general public.

**Electric Vehicle Parking Space**
Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

**Establishment, Business**
A place of business carrying on operation, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.

~~**Fallout Shelter**~~
~~An accessory building or use that incorporates the fundamentals for fallout protection—shielding mass, ventilation, and space to live—and that is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.~~

~~**Family**~~
~~Either (1) an individual or two or more persons, related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (2) a group of not more than four persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; together with, in either case, not more than one domestic servant.~~

**Façade**
The exterior wall of a building,

**Facade, Front**
A building facade generally parallel and facing the right-of-way line along a front street.

**Facade, Rear**
Any facade of a building generally parallel to and facing the rear lot line.

**Facade, Side-Street**
Any facade of a building generally parallel to and facing a side street lot line.

**Facade, (Interior) Side**
Any facade of a building generally parallel to and facing an interior side lot line.

**Facade, Street**
Any facade of a building generally parallel to and facing any street right-of-way and including bays or minor walls perpendicular to the facade. A street facade may be a front or side-street facade, depending on whether it is facing a front or side street, respectively.

**Fence**
A structure that is a barrier and used as a boundary or means of protection or confinement.

**Fence, Open**
A fence, including gates, that has, for each one-foot-wide segment extending over its entire length and height of the fence, at least 50% of the surface area in open spaces that afford a direct view through the fence.

**Fence, Solid**
A fence, including gates, that conceals from view from adjoining properties, streets or alleys activities conducted behind it.

**Firearm**
A device, including without limitation, a pistol, handgun, revolver, shotgun, machine gun, rifle, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon, that is designed to or that may readily be converted to expel a projectile by the force of any explosion or force of combustion. Firearms also includes, without limitation, any firearm that is in the nature of an air gun, spring gun or pistol, or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile with sufficient force to injure a person. For purposes of this definition, firearms also include ammunition, including without limitation, a bullet, self-contained cartridge, shotgun shell, or other implement that is designed to be used to adaptable to use in a firearm. For purposes of this definition, firearms also include accessories, including without limitation, scopes, silencers, chargers, and related equipment to be used with firearms. Paint ball guns, and BB guns, that expel a dingle projectile not exceeding 0.18 inches in diameter or that have a maximum muzzle velocity of less than 700 feet per second, are excluded from this definition. Antique firearms are excluded from this definition.

**Firearm, Antique**
Any rifle, shotgun or "antique cannon" that was manufactured before 1898 and for which cartridge ammunition is not commercially available, and that is sold or possessed as a curiosity or ornament or for its historical significance or value.

~~**Floor Area**~~
~~For determining floor area ratio~~

~~The sum of the gross horizontal areas of the several floors including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the centerlines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to~~

~~(a) Elevator shafts and stairwells;~~

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

~~(c) Habitable attic space as permitted by the building code of the Village of Westmont;~~

~~(d) Interior balconies and mezzanines;~~

~~(e) Enclosed porches; and~~

~~(f) Accessory uses.~~

~~Floor area for single-family detached dwellings in the R-1, R-2, R-3 and R-4 zoning districts shall not include the horizontal area of any garage, basement, crawl space, cellar or attic; but shall include any other attached structure on the lot having a roof.~~

~~In the M manufacturing district and the O/R office/research district for any building which has floor-to-ceiling heights exceeding 15 feet, the floor area shall be determined by multiplying the ground floor area by the total height of the building divided by 15.~~

~~The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area."~~

~~**Floor Area Ratio**~~
~~The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot.~~

**Footcandle**
A unit of illumination, equivalent to the illumination at all points that are one foot distant from a uniform point source of one candlepower.

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

**Garage~~, Private~~**
Completely enclosed space within ~~An accessory~~ a principal or accessory building~~, attached or detached, designed and~~ used for the storage of motor vehicles with a (typically overhead) door and vehicle access provided by a driveway.~~owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on. Not more than one of the motor vehicles may be a commercial vehicle of not more than one ton capacity~~.

~~**Garage, Public**~~
~~A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring or storing of motor vehicles awaiting repair may be included.~~

~~**Garage, Storage, or Off Street Parking**~~
~~A building or portion thereof designed or used, or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.~~

**Geothermal Heat Exchange System**
Equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

**Grade** (for purposes of building height measurement)
See Sec. 16.13(A)(1).

**Grade, Finished**
The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

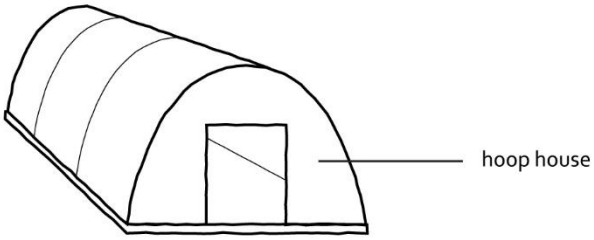
**Greenhouse**
A building comprised largely of glass or polycarbonate panels and designed for the purposes of protecting and cultivating plants.

~~**Gross Density**~~
~~The ratio between total number of dwelling units on a lot and total lot areas in acres, the area to include local streets, school and park sites, and one-half of the right-of-way width of perimeter streets, if any, but not to exceed a width of 50 feet.~~

**Home Occupation**
An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of Sec. 7.10(A).

**Hoop House**
A temporary structure typically made of flexible pipe or other material covered with translucent plastic or similar non-rigid material, constructed in a “half-round” or “hoop” shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse. Sometimes called a “polyhouse” or “polytunnel”.

Figure XVII-4: Hoop House




**Household**
A person living alone, or any of the following groups living together as a single housekeeping unit who have established ties and familiarity with one other, who jointly use common areas, and who share meals, household activities, expenses, and responsibilities:

1. Any number of persons related by blood, marriage, civil union, adoption, guardianship, or duly-authorized custodial relationship;
2. A maximum of 5 unrelated persons; or
3. Two unrelated persons and any parents or children related to either of such persons.

**Hybrid Uses**
The use of a property for multiple principal uses (see also Sec. 6.02(D)(2)).

**Inoperable Vehicle**
Any motor vehicle from which, for a period of 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 modified so that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" does not include a motor vehicle that has been rendered temporarily incapable of being driven under its own motor power, solely to perform ordinary service or repair operations.

**Lawfully Established**
A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning ordinance regulations in effect at the time of its establishment.

**Lighting, High-Intensity**
A lamp or light source that emits a total initial output greater than 1,500 lumens. High-intensity lamps are intended to illuminate large areas such as commercial parking lots, loading zones, sports fields, or industrial yards. These lamps may include high-intensity discharge (HID) technologies such as metal halide, high-pressure sodium, or LED equivalents, and are typically mounted above 12 feet in height.

**Lighting, Low-Intensity**
A lamp or light source that emits a total initial output of 1,500 lumens or fewer. Low-intensity lamps are typically used for residential, pedestrian-scale, or decorative purposes, including but not limited to porch lights, pathway lighting, landscape accents, and signage illumination. Such lamps are generally mounted at a height of 12 feet or less and must be fully shielded to prevent glare and light trespass.

**Light Trespass**
Light that is emitted into an unintended area.

**Loading Space**
A space ~~within the principal building or on the same lot as the principal building providing~~ for the standing, loading or unloading of trucks and delivery vehicles and with access to a street or alley.

~~**Logo Flag**~~
~~A flag bearing a logotype or distinctive company or firm signature, trademark or other symbol.~~

**Lot**
A tract of land that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit. ~~Therefore, a~~ A "lot" may or may not ~~coincide with~~ be a lot of record.

**Lot Area**
See Sec. 16.01.

**Lot, Corner**
A lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street and any 2 chords of which form an angle of 120 degrees or less measured on the lot side.

**Lot Coverage**
See Sec. 16.08.

**Lot Depth**
See Sec. 16.09.

**Lot, Double-Frontage**
An interior lot with frontage on more than one street or a corner lot with frontage on more than 2 streets. ~~Double-frontage lots have two front lot lines.~~ See also Sec. 16.07(B).

**Lot Line, Front**
~~That boundary of a~~ A lot line that abuts a street ~~line~~. On a corner lot the lot line having the shortest length abutting a street line is deemed to be the front lot line, unless otherwise determined by the zoning administrator. The other lot line abutting a street is the street side lot line.

**Lot Line, Interior**
A lot line that does not abut a street.

**Lot Line, Rear**
The lot line that is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular or gore-shape lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Interior Side**
Any lot line that is not a front lot line, street side lot line, or a rear lot line.

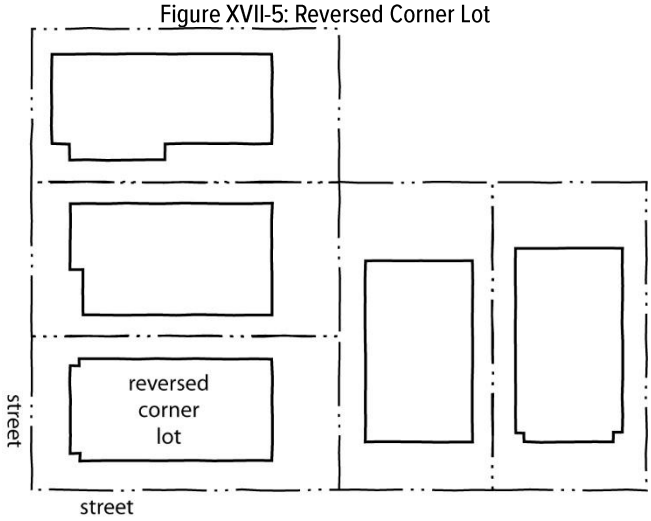
**Lot Line, Street**
A lot line that abuts a street. A lot may have more than one street lot line, and a street lot line may be a front lot line or street side lot line.

**Lot Line, Street Side**
A lot line that abuts a street and that is not a front lot line.

**Lot of Record**
A lot that is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of DuPage County, Illinois, before the effective date of this zoning ordinance.

**Lot, Reversed Corner**
A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Figure XVII-5: Reversed Corner Lot




**Lot Width**
See Sec. 16.03.

**Marquee or Canopy**
A roof-like structure of a permanent nature that projects from the wall of a building.

~~**Motor Home**~~
~~A vehicle that can be driven and that is designed and constructed for dwelling purposes and that may contain cooking, sanitary and electrical facilities.~~

**Multi-Tenant ~~Commercial Building~~Center**
A single building, ~~containing~~ on one lot, under unified control that is occupied by 2 or more commercial uses. ~~in a horizontal configuration in designated units/spaces within such building~~. Office buildings are excluded from this definition.

**Nonconforming Building or Structure**
See Sec. 13.04.~~Any building or structure lawfully established that:~~

~~(a) Does not comply with all the regulations of this ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or~~

~~(b) Is designed or intended for a nonconforming use.~~

**Nonconforming Use**
See Sec. 13.03(A).~~Any building or structure and the use thereof or the use of land that does not conform with the regulations of this ordinance or any amendment thereto governing use in the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.~~

**Occupied (or Occupiable) Building Space**
Interior building space occupiable by people, not including storage, mechanical, utility, or garage or parking space.

**Open Sales Lot**
Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors before sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

~~**Open Air and Tent Sales**~~
~~Christmas tree sales not to exceed 45 days; garden and landscaping supplies not to exceed 90 days with an interval of 60 days between each sale and be sponsored by local business owners on their property;~~

~~and other commodities not to exceed 30 days with an interval of 60 days between each sale, and be related to the normal lines of commodities generally sold by sponsoring business owners on their property. Refer to Section 4.09 for tent erection and use guidelines. The above noted time frames and time limits do not take precedence over established tent use guidelines.~~

**Outdoor Storage**
Any open storage of goods, equipment, materials, or vehicles that does not occur in a completely enclosed building~~is not fully enclosed in a principal structure~~.

~~**Parking Space**~~
~~An area, enclosed in a building or unenclosed, reserved for the parking of one motor vehicle and that is accessible to and from a street or alley.~~

**Parcel**
A contiguous area of land under single ownership or control that is used, developed, or built upon as a whole.

**Party Wall**
A common wall dividing a building that extends from its footing below grade to the underside of the roof.

**Pennant**
A long, narrow, usually, but not necessarily, triangular flag that is rigid with no movement.

~~**Performance Standard**~~
~~A criterion established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.~~

**Planning and Zoning Commission**
The planning and zoning commission of the Village of Westmont, as created in Chapter 2 of the village code.

**Planned Unit Development**
~~A lot initially under unified ownership or control within which allowable exceptions in the district regulations are specified.~~ See Sec. 5.04

~~**Public Works Director**~~
~~The Public Works Director of the Village of Westmont, Illinois.~~

**Railroad Right-Of-Way**
A strip of land containing railroad tracks and customary auxiliary facilities for track operations, serving as the main line for trains. For the purposes of this zoning ordinance, a “railroad right-of-way” does not include land used or intended to be used for switching, spur, lead, term, or siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards, or classification yards.

**Rain Barrell**
An above-ground prefabricated storage receptacle with an automatic overflow diversion system that collects and stores rainwater runoff from the roof of a structure that would have been otherwise routed into a storm drain.

**Recreational Equipment**
Snowmobiles, all-terrain vehicles (as defined in the Illinois Motor Vehicle Code), and any watercraft such as personal watercraft and specialty prop craft (as defined in the Illinois Boat Registration and Safety Act). Also includes trailers used for their transportation of personal goods.

**Recreational Vehicle**
A habitable vehicle primarily used for recreational purposes, including camping trailers, motor homes, mini motorhomes, travel trailers, truck campers, and van campers, all as defined in the Illinois Motor Vehicle Code.

~~**Reservoir Standing Spaces**~~
~~Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.~~

**Residential Recreational Structure, Private**
An open-air (unenclosed) structure erected outdoors for children to play in, on and around including swing sets, jungle gyms, and trampolines.

**Roadway**
That portion of a street that is used or intended to be used for the travel of motor vehicles.

**Seating Area (Outdoor)**
A fixed permanent seat, provided in the case of open floor area used for temporary or permanent seating purposes, a minimum width of 36 inches is required. Does not include space intended to meet parking or landscaping requirements, parkways, and established paths of travel, such as sidewalks, aisles and walkways, which shall require at least 48 inches in width and which shall take precedence over seating areas.

**Setback**
An open, unobstructed area that is required to be provided by this zoning ordinance between a building and a lot line. Sometimes referred to as a "building setback." See Sec. 16.07.

**Setback, Front**
The setback required between a building and the front (street) lot line of the lot on which the building is located, extending along the full length of the front lot line between the side lot lines.

**Setback, Rear**
The setback required between a building and the rear lot line of the lot on which the building is located, extending along the full length of the rear lot line between the side lot lines.

**Setback, Side**
The setback required between a building and the side lot line of the lot on which the building is located, extending along the side lot line from the point of the minimum front setback to the point of the minimum rear setback.

**Setback, Interior Side**
The side setback required on the side of a lot that abuts another lot or alley (rather than a street).

**Setback, Street Side**
The setback required between a building and the side street line of the (corner) lot on which the building is located, extending along the side street lot line between the front building setback and the rear lot line.

**Sign**
A name, identification, description, illustration, display or device that is affixed to, painted or represented upon a building, structure or land, and that directs attention to a product, place, activity, person, institution or business. A sign does not include any display of any court, public or official notice, nor does it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign does not include a permanent sign located within an enclosed building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

**Sign, Affixed**
A sign that is affixed to any building wall or structure and extends beyond the building wall or structure.

**Sign, Animation**
The presentation of pictorials and graphics on signs displayed in a progression of frames that give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

**Sign Area**
See Sec. 11.11(A).

**(Sign) Banner**
A sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags are not considered banners.

**(Sign) Commercial Message**
Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

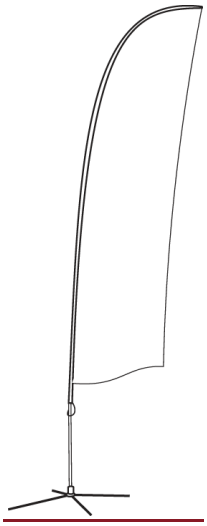
**Sign, Drive-through**
A sign located on the site of an allowed drive-through use.

**Sign, Driveway**
A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

**Sign, Electronic Message Board**
A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

**Sign, Feather**
A lightweight, portable sign mounted on vertical, flexible pole the appearance of which resembles a sail, bow, or feather.

Figure XVII-6: Feather Sign



**(Sign) Flag**
A generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.

**Sign, Flashing (Illumination)**
A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

**Sign, Freestanding**
A sign that is part of a self-supporting structure, other than a building or portion of a building. Sometimes referred to as a “ground sign.”

**Sign, Freestanding Wayfinding**
A freestanding sign intended to direct traffic to specific tenants within a multi-tenant development.

**Sign, Grand Opening Event**
A sign allowed on a temporary basis in conjunction with the opening of a business in a new space, subject to the regulations of Sec. 11.03(L).

**(Sign) Nameplate**
A sign attached flush against a building.

**Sign, Projecting**
A sign that is affixed to a building wall, canopy, awning or marquee and that extends from the wall, canopy, awning or marquee in a perpendicular manner.

**Sign, Real Estate**
A temporary sign located on a lot or portion of a lot that is actively being marketed for sale, rental or lease.

**Sign, Roof**
A sign that is affixed to a roof, extended roof, pitched roof, or canopy, and that extends above the building wall or parapet wall.

**Sign, Static Changeable Message Board**
A sign with a message that can be changed manually by manual modification of the sign message (rather than the replacing the sign face) and that, when displayed, contains no motion, flashing, changeable copy, running lights, variances in brightness, or animation.

**Sign, Wall**
A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a door that does not extend in a perpendicular manner from the wall, canopy, awning, marquee, parapet wall, or door, nor extend above the parapet wall.

**(Sign) Wind-Driven Device**
Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

**Sign, Window**
A sign attached to a window.

**Small Wireless Facilities**
See definitions and regulations of small wireless facilities found in 50 ILCS 840/1, et seq. and in Chapter 82, Article X of the village code.

**Smoke**
The visible discharge from a chimney, stack, vent, exhaust or combustion process that is made up of particulate matter.

**Specified Anatomical Areas**
(a) Less than completely and opaquely covered (i) human genitals, pubic region, or pubic hair; (ii) buttock; and (iii) female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernible turgid state, even if completely opaquely covered.

**Specified Sexual Activities**
(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breast;

(d) Excretory functions as part of or in connection with any activities set forth in [subsections] (a) through (c) above.

**Shadow Line**
An architectural feature consisting of a typically decorative, 3-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.5 inch in depth from the exterior facade of a building, and creating a shadow on the facade with light overhead, and extending, with limited interruption, the length or height

of the designated story. Examples may include cast stone cornices or lintels, pilasters, or stepped brick coursing.

**Solar Energy System**
A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**Solar Energy System, Grid-Connected**
A solar photovoltaic system that is connected to an electric circuit served by an electric utility company.

**Solar Energy System, Ground-Mounted**
A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and which is accessory to the principal use of the property.

**Solar Energy System, Roof-Mounted**
A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mounted systems are accessory to the principal use.

**Solar Photovoltaic System**
A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

**Story**
See Sec. 16.10(A).

**Story, Ground**
The story closest to the ground level that does not meet the definition of a basement. Also referred to as the “ground floor.”

**Story, Half**
See Sec. 16.10(A)

**Story, Upper**
Any story that is above the ground story.

**Streamer**
A long, narrow strip of cloth, paper, ribbon, plastic or other material hanging loose at one end forming a continuous mounting device.

**Street**
Any right-of-way containing a roadway that affords the primary means of vehicular access to abutting properties. When such a right-of-way is not an existing or dedicated public "street," it must be at least 40 feet in width, unless otherwise herein regulated. An alley is not considered a street.

**Street Line**
The street right-of-way line abutting a property line of a lot.

**Structure**
Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, off-premises advertising signs and backstops for tennis courts.

**Structural Alteration**
Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

**Tent**
A structure, enclosure or shelter, meant for temporary use, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

**Tobacco and Vape Products**
Any product sold for the purposes of consumption by ingestion or inhalation through the lungs, including tobacco, vape-liquids, e-cigarette liquids, and similar tobacco and nicotine products, and the devices used to ingest or inhale such tobacco and vape products, including cigarettes, cigars, pipes, electronic cigarettes, and vape pens. Tobacco and vape products do not include cannabis or marijuana products.

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

~~**Trailer, Recreational Vehicle**~~
~~A trailer designed and constructed for temporary dwelling purposes that may contain cooking, sanitary and electrical facilities.~~

**Trailer, Business**
A vehicle without motive power, designed to be towed by another vehicle, and that is owned/leased by a business and used by the business for the short-term carrying of materials, goods, or objects, and that may also be used for food preparation and sales. A business trailer is not designed or used for human occupancy and is not used primarily for storage purposes.

**Usable Open Space**
Space suitable for recreation, gardens or household service activities, such as clothes drying. Such space must be at least 75% open to the sky, free of automobile traffic, parking and undue hazards, and readily accessible by all those for whom it is intended.

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

**Use, Permitted**
Any use that is or may be lawfully established without a special use permit in a zoning district, provided it complies with all requirements and regulations of this zoning ordinance for the district in which such use is located.

**Use, Principal**
The dominant use of land or buildings, as distinguished from a subordinate or accessory use.

**Use, Special**
A use that, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.

**Vehicle, Commercial**
A vehicle having license plates greater than "D" plates or a vehicle with apportioned plates or a vehicle designed to transport 16 or more persons, excluding school buses. “Commercial vehicle” includes a semi-tractor and a semi-trailer, whether the two are attached or not.

**Vehicle, Business**
A vehicle that is not a commercial vehicle or a school bus and that is regularly used by a business or other organization for delivery, transportation, sales, and/or related operational needs, but that is not used primarily for storage purposes. Examples include light vans and light box trucks.

**Vehicle, Motor**
Any passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

**Vending Machine**
A machine that dispenses goods to consumers after cash, a credit card, or other form of payment is made.

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

**Board of trustees**
See Board of Trustees.

**Village Clerk**
The Village Clerk of the Village of Westmont, Illinois.

**Village President**
The Village President of the Village of Westmont, Illinois.

**Wind Energy Conversion System**
A wind-powered device that converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines. The "system" includes towers and supporting structures and directly connected facilities such as generators, alternators, inverters, batteries, and associated control equipment.

**Wind Energy Conversion System, Small**
A wind energy conversion system with a power-related capacity of no more than 100 kW that is primarily intended to produce power for on-site consumption, as a supplement to utility power or in lieu of utility power. Small wind energy systems are sometimes connected to the electric utility for the purpose of "net metering."

**Yard**
An actual (as opposed to "required") open, unoccupied space that exists on a lot between a building and a lot line. ~~An open area on a lot that is unobstructed from its lowest level to the sky, except as otherwise provided in this zoning ordinance.~~

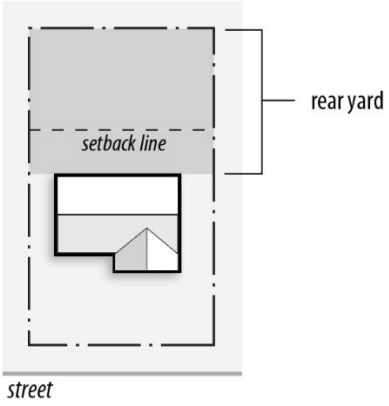
**Yard, Front**
A yard extending along the full length of the front lot lines between the side lot lines.~~A yard that is bounded by the side lot lines, front lot line, and the front yard line.~~

~~**Yard Line**~~
~~A line in a lot that is parallel to the lot line along which the applicable yard extends and that is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure or other obstruction may not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this zoning ordinance.~~

**Yard, (Interior) Side**
A yard extending from the front yard to the rear yard and lying between the side of the principal building and the side lot line.

**Yard, Rear**
A yard extending along the full length of the rear lot line between the side lot lines.~~A yard that is bounded by side lot lines, rear lot line and the rear yard line.~~

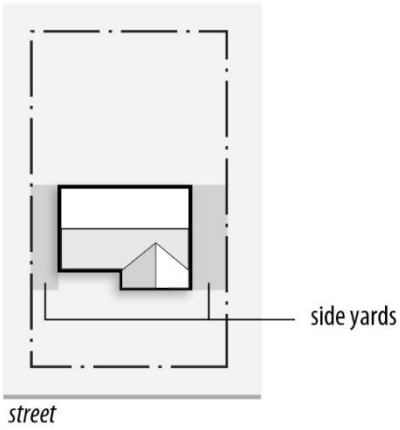
Figure XVII-7: Rear Yard




**Yard, Side**

~~A yard that is bounded by the rear yard line, front yard line, side yard line and side lot line.~~ A yard extending along a side lot line between the front yard and the rear yard.

Figure XVII-8: Side Yard




**Yard, Street**

Any yard abutting a street.

~~**Yard, Side, Adjoining a Street**~~

~~A yard that is bounded by the front lot line, side yard adjoining a street line and rear lot line.~~

~~**Yard, Interior Side**~~

~~A side yard that adjoins another lot or an alley separating such side yard from another lot.~~

~~**Zoning Certificate**~~

~~A certification signed and dated by the economic development director indicating that he has examined the application, current registered survey of the lot and the proposed site and building plans and found them to be in compliance with the zoning ordinance standards applicable to the district in which the property is located. A zoning certificate does not constitute or replace the need for a building permit. No building permit or license pertaining to the use of structure or land may be issued without a zoning certificate (see article XIII, [sections] 13.03 and 13.04).~~

**Zoning Districts**

The districts established by this zoning ordinance ~~into which the Village of Westmont, Illinois, has been divided for zoning regulations and requirements~~ and as set forth on the zoning ~~district~~ map.

# Appendix A: Recommended Trees and Shrubs

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| **CANOPY TREES** | | | | |
| **Native Canopy Trees** | | | | |
| Acer saccharum | Sugar Maple | No | No | Yes |
| Aesculus glabra | Ohio Buckeye | N | No | Yes |
| Carya cordiformis | Bitternut hickory | Yes | No | Yes |
| Carya glabra | Pignut hickory | Yes | No | Yes |
| Carya ovata | Shagbark hickory | Yes | No | Yes |
| Carya tomentosa | Mockernut hickory | Yes | No | Yes |
| Celtis occidentalis | Hackberry | Yes | Yes | Yes |
| Fagus grandifolia | American Beech | No | No | Yes |
| Gymocladus dioicus | Kentucky Coffeetree | Yes | No | Yes |
| Juglans nigra | Black walnut | No | No | Yes |
| Larix laricina | Tamarack | No | No | Yes |
| Nyssa sylvatica | Black Tupelo or sour gum | Yes | No | Yes |
| Platanus occidentalis | American Sycamore | Yes | Yes | Yes |
| Populus deltoides | Eastern cottonwood | No | No | Yes |
| Quercus alba | White Oak | No | No | No |
| Quercus bicolor | Swamp White Oak | Yes | Yes | Yes |
| Quercus coccinea | Scarlet Oak | No | No | Yes |
| Quercus imbricaria | Shingle Oak | Yes | Yes | Yes |
| Quercus macrocarpa | Bur Oak | Yes | Yes | Yes |
| Quercus muehlenbergii | Chinquapin Oak | Yes | Yes | Yes |
| Quercus palustris | Pin Oak | No | No | Yes |
| Quercus rubra | Northern Red Oak | No | No | Yes |
| Quercus velutina | Black Oak | Yes | Yes | Yes |
| Tilia americana | American Basswood or linden | Yes | Yes | Yes |
| **Non-Native Canopy Trees** | | | | |
| Acer nigrum | Black Maple | No | Yes | Yes |
| Acer pseudoplatanus | Sycamore Maple | No | No | Yes |
| Acer miyabei | Miyabe Maple | Yes | No | Yes |
| Acer rubrum | Red Maple Varieties | Yes | Yes | Yes |
| Aesculus hippocastanum | Horsechestnut | No | No | Yes |
| Cladrastis lutea | Yellowwood | No | No | Yes |
| Fagus sylvatica | European Beech | No | No | Yes |
| Ginkgo biloba (male) | Ginkgo | Yes | No | Yes |
| Liquidambar styraciflua | Sweetgum | No | No | Yes |
| Liriodendron tulipifera | Tuliptree | No | Yes | Yes |
| Metasequoia glyptostroboides | Dawn Redwood | No | No | Yes |
| Platanus acerifolia | Planetree | Yes | Yes | Yes |
| Quercus prinus | Chestnut Oak | Yes | Yes | Yes |
| Quercus robur | English Oak | Yes | Yes | Yes |
| Taxodium distichum | Bald Cypress | No | No | Yes |
| Tilia cordata | Little Leaf Linden | Yes | Yes | Yes |
| **EVERGREEN TREES** | | | | |
| **Non-Native Evergreen Trees** | | | | |
| Picea abies | Norway Spruce | No | Yes | Yes |
| Picea omorika | Serbian Spruce | No | Yes | Yes |
| Picea pungens | Colorado Spruce | No | Yes | Yes |

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| Thuja shandishii x plicata | Green Giant Arborvitae | No | No | Yes |
| **UNDERSTORY TREES** | | | | |
| **Native Understory Trees** | | | | |
| Amelanchier arborea | Serviceberry | No | No | Yes |
| Amelanchier interior | Inland shadblow | No | No | Yes |
| Amelanchier laevis | Alleghany serviceberry | Yes | No | Yes |
| Asimina triloba | Pawpaw | No | No | No |
| Betula alleghaniensis | Yellow Birch | No | No | No |
| Betula nigra | River Birch | No | No | No |
| Carpinus caroliniana | Blue beech or musclewood | No | No | Yes |
| Cercis canadensis | Eastern Redbud | No | No | Yes |
| Cornus alternifolia | Pagoda dogwood | No | No | Yes |
| Crataegus coccinea | Scarlet hawthorn | No | Yes | Yes |
| Crataegus crus-galli | Cockspur hawthorn | No | Yes | Yes |
| Crataegus mollis | Downy hawthorn | No | Yes | Yes |
| Euonymus atropurpureus | Wahoo | No | No | Yes |
| Hamamelis virginiana | Common Witchhazel | No | No | Yes |
| Malus ioensis | Prairie Crab | No | No | Yes |
| Ostrya virginiana | Hophornbeam or ironwood | Yes | Yes | Yes |
| Ptelea trifoliata | Wafer Ash | No | No | Yes |
| Sassafras albidum | Sassafras | No | No | Yes |
| **Non-Native Understory Trees** | | | | |
| Larix decidua | Larch | No | No | Yes |
| Magnolia species | Magnolia | No | Yes | Yes |
| **SHRUBS** | | | | |
| **Native Shrubs** | | | | |
| Amorpha canescens | Lead plant | NA | NA | No |
| Amorpha fruticosa | False Indigo Bush | NA | Yes | No |
| Aronia melanocarpa | Black Chokeberry | NA | No | Yes |
| Cephalanthus americanus | New Jersey tea | NA | No | Yes |
| Cephalanthus occidentalis | Buttonbush | NA | No | Yes |
| Cornus obliqua | Blue-fruited dogwood | NA | No | Yes |
| Cornus stolonifera | Red osier dogwood | NA | No | Yes |
| Corylus americana | American Filbert or hazelnut | NA | No | Yes |
| Diervilla lonicera | Dwarf honeysuckle | NA | Yes | No |
| Euonymus atropurpureus | Wahoo | NA | Yes | Yes |
| Hamamelis viginiana | Common Witchhazel | NA | Yes | Yes |
| Hydrangea arborescens | Wild Hydrangea | NA | No | Yes |
| Hypericum kalmianum | Kalm's St. John's wort | NA | Yes | Yes |
| Hypericum prolificum | Shrubby St. John's wort | NA | Yes | Yes |
| Ilex verticillate | Winterberry | NA | No | Yes |
| Lindera benzoin | Spicebush | NA | No | Yes |
| Physocarpus opulifolius | Common Ninebark | NA | Yes | Yes |
| Potentilla fruticosa | Bush/shrubby Cinquefoil | NA | Yes | Yes |
| Prunus americana | American plum | NA | No | Yes |
| Ptelea trifoliata | Wafer Ash | NA | No | Yes |
| Rhus aromatica | fragrant sumac | NA | No | Yes |
| Rhus copallina | shining sumac | NA | No | Yes |
| Rhus glabra | smooth sumac | NA | No | Yes |
| Ribes americanum | wild black currant | NA | No | Yes |
| Ribes cynosbati | prickly wild gooseberry | NA | Yes | Yes |

| Botanical Name | Common Name | Street Tree | Parking Lot | Transition Area |
|---|---|---|---|---|
| Ribes missouriense | wild gooseberry | NA | Yes | Yes |
| Rosa blanda | Early wild rose | NA | Yes | Yes |
| Rosa Carolina | Pasture rose | NA | No | Yes |
| Rosa palustris | Scarlet rose | NA | No | No |
| Rosa setigera | Illinois rose | NA | No | Yes |
| Rubus odoratus | Purple flowering raspberry | NA | No | No |
| Salix discolor | Pussy Willow | NA | No | Yes |
| Salix humilis | Prairie willow | NA | No | Yes |
| Sambucus canadensis | Elderberry | NA | No | Yes |
| Spirea alba | Meadowsweet | NA | No | Yes |
| Spirea tomentosa | Steeplebush | NA | No | Yes |
| Symphoricarpos albus | Snowberry | NA | No | Yes |
| Vaccinium angustifolium | Early low blueberry | NA | No | Yes |
| Viburnum acerifolium | maple leaf viburnum | NA | No | Yes |
| Viburnum lentago | nannyberry | NA | No | Yes |
| Viburnum rafinesquianum | downy arrowood | NA | No | Yes |
| Viburnum trilobum | American cranberry | NA | No | Yes |
| Zanthoxylum americanum | Prickly ash | NA | No | No |
| **Non-Native Shrubs** | | | | |
| Betula pumila | Dwarf Birch | NA | No | Yes |
| Chaenolmeles speciosa | Flowering Quince | NA | No | Yes |
| Clethra alnifolia | Summersweet | NA | Yes | Yes |
| Corylus cornuta | Beaked Hazelnut | NA | Yes | Yes |
| Cotoneaster species | Cotoneaster | NA | Yes | Yes |
| Deutzia | Deutzia | NA | Yes | Yes |
| Forsythia | Forsythia | NA | Yes | Yes |
| Ilex opaca | American Holly | NA | Yes | Yes |
| Itea virginica | Sweetspire | NA | Yes | Yes |
| Juniperus species | Juniper | NA | Yes | Yes |
| Myrica pennsylvanica | Northern Bayberry | NA | No | Yes |
| Syringa species | Lilac | NA | No | Yes |
| Taxus species | Yew | NA | No | Yes |

**VILLAGE OF WESTMONT**
**PLANNING AND ZONING COMMISSION**
**AGENDA ITEM**

**MEETING DATE: July 23, 2025** **PZC 001-2025**

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**TITLE: Requests from the Village of Westmont regarding Zoning Ordinance text amendments as follows:**

1) Zoning Ordinance text amendments to repeal Appendix A – Zoning, of the Westmont Code of Ordinances and to establish new Chapter 95 – Zoning, of the Westmont Code of Ordinances, with comprehensive updates to the entire Zoning Ordinance, including amendments to the zoning districts, development standards, planning processes, and other zoning regulations.

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## I. BACKGROUND OF ITEM

A. Background:

This staff report briefly recaps the previous public hearings on the proposed comprehensive text amendments to the Village's zoning ordinance, and summarizes the revisions that have been made since the June 25, 2025 special meeting.

The first public hearing on PZC 001-2025 was held on April 23, 2025. At this meeting, the Village's consultant and staff presented the proposed changes, and the public began commenting on the draft language. The second public hearing was on May 7, 2025, where more members of the public provided comments and the commissioners were able to begin their article-by-article discussion on the updates.

The third and fourth hearings, on June 11 and June 25, 2025, respectively, were focused on continuing the commissioners' review of the updates. At each meeting, an opportunity for public comments to be provided was offered.

At the June 25 public hearing, the commissioners were able to complete their discussion on the draft language initially presented to them on April 23rd. Since that meeting, staff has been working with the consultant to synthesize the comments provided by the public and direction received from this commission.

After the culmination of almost 14 hours of public hearings, the fifth public hearing, to be held on July 23, 2025, staff will propose revised language for the update. This is the first time that revised language has been provided to both the Planning & Zoning Commission and the public. The revisions were largely informed by the discussions at the four previous public hearings from the commission and public comments. Although staff discussed and

contemplated all comments received by the public and from the commissioners during the public hearings, not all comments were incorporated as revisions in the latest draft. Instead, staff directed the consultant to make certain revisions after internal discussion based on best practices, feasibility, and the context of the Village's needs.

B. Proposed Chapter 95 - Summary of Revisions from the April 2025 Draft

This list of revisions is not intended to be comprehensive. Instead, it aims to provide an overview of the more significant revisions being suggested to the updated ordinance. Additional changes, clarifications, or adjustments are included in the complete documentation, which is attached for further review. Readers are encouraged to consider this list as a summary of the key highlights rather than an exhaustive account of all proposed updates. The changes between the April 2025 draft and the attached draft are shown in red text highlighted in yellow, and ~~strikeouts~~ when necessary.

**Article I Introductory Provisions:**

Article I lays the foundation for the zoning and development regulations. It establishes the purpose, scope, and guiding principles that inform the rules throughout the document. These provisions ensure consistency in interpretation and application.

- Sec. 1.03 Effective Date: Updated to clarify the zoning ordinance is being comprehensively updated but is based on the zoning ordinance that came into effect October 1, 1979.
- Sec. 1.05 Exempt Utilities: Rephrased for clarity regarding types of public utility.
- Sec. 1.09(A-B) Conflicting Provisions: To enhance clarity, the text has been rephrased to specifically address State, Federal, and Village municipal code regulations.
- Sec 1.13 Transitional Provisions**:** Regulations regarding building permits and zoning applications were clarified and expanded upon, detailing the process and authority for determinations based on specific circumstances. Additionally, clarified violations during the transitional period.

**Article II Residential Districts:**

Article II revises and reorganizes zoning regulations for residential districts, including R-1, R-1(A), R-2, R-3, R-4, R-5, and R-6.

- Sec. 2.05, Lot and Building Regulations, Footnote [5]: Following a discussion with home builders unrelated to this update and discussion with this commission, footnote [5] has been revised to reduce the minimum street side setback to 15 feet for a buildable width of 40 feet for detached houses on corner lots.

**Article III Business and Employment Districts:**

Article III revises and reorganizes the zoning regulations for business and employment districts, including the B-2, C-1, M, M-1, O/R, and O/R-1 districts.

- Sec. 3.04 Lot and Building Regulations: Since supplemental setbacks are

proposed to be removed, staff initially suggested increasing the front yard setback in the B-2 and C-1 districts from 10 feet to 20 feet. Staff is proposing to return to a 10 foot setback with the footnote that this setback may be used as long as the required foundation landscaping is provided.

**Article IV Downtown Zoning Districts:**
Article IV provides detailed regulations tailored to the Village's distinctive downtown and transition areas, encompassing the B-1(A) Downtown Core, B-1 Downtown Edge, and R-7 Downtown Residential districts. Many of these regulations are newly introduced, offering a more structured framework by establishing two proposed zoning districts. These districts are designed to reinforce and enhance the downtown's compact, vibrant, and walkable character while recognizing the adjacent single-family and limited manufacturing districts.

- Sec. 4.04 Building Types: Clarified that the Zoning Administrator determines the applicable building type classification.
- Sec. 4.04 Table IV-2 Allowed Building Types: Per commissioner discussion, Row Building Types were removed as an allowable use in the Downtown Edge (B-1) Zoning District.
- Sec. 4.08 Storefront Buildings Table (8) Building Height: The upper-story height maximum was increased from 11 feet to 15 feet due to real world applicability.
- Sec. 4.08 Storefront Buildings Table (17) Vertical Division with Shadow Lines: The design criteria for vertical division shadow lines included 30 feet to 60 feet.
- Sec. 4.12(2)(c) Side and Rear Facades: Added language specifying that side and rear facing facades may use minor facade materials.
- Sec 4.12 Table IV-4 Allowed Minor Facade Materials (G): "*Glass curtain wall" was* revised to "*Glass System"* per commissioner direction.
- Sec. 4.12 (E)(1)(d) Visibility Through Glass: Revised "*transmission factor"* to "*visible light transmittance"* per commissioner direction.

**Article V Special Purpose Zoning:**
Article V governs the newly proposed P/I district, and proposed PUDs, existing PDs, and the existing B-3 District. These unique zoning regulations are consolidated into a single article due to their distinct processes and their misalignment with the structure of other zoning district regulations or procedures.

- Sec. 5.02(C) Lot and Building Regulations & Table V-2 (P/I district): Revisions have been proposed to make the Public/Institutional district more tailored to governmental uses like the Village, Park District, etc.
- Sec. 5.04(A-B) (PUDs): The scope and objectives for Planned Unit Developments have been broadened. PUDs are now considered appropriate for properties facing substantial economic hurdles, including infrastructure enhancements, remediation projects, or challenging market dynamics.

**Article VI Principal Uses**
Article VI regulates and addresses principal uses on private property. It defines land usage within specific zoning districts by listing allowable uses as either permitted or special, or not allowed at all. These uses are classified into groups, categories, and subcategories, with supplemental regulations and special conditions for specific uses.

- Table VI-1: Table of Allowed Uses:
    - Recategorized multiple consumer service, eating and drinking place, entertainment, office, and retail sales permissions in the B-1(A) and B-1 districts after reevaluating the appropriateness of requiring special use permits.
    - Reinserted where colleges/universities are allowed.

**Article VII Accessory and Temporary Uses:**
Article VII regulates accessory and temporary uses including accessory structures and buildings. Accessory uses are generally secondary or subordinate uses, buildings, and structures that occur in conjunction with an allowed principal use.

- Sec. 7.02(A)(2) Small Building Exemption: Amended this section to remove the building limit and allow for an aggregate of 50 square feet to be exempted.
- Sec. 7.04, Table VII-1: Allowed Setback Encroachments and Obstructions: Amendments are proposed to bay windows and raised landings to match existing permissions. Easement language regarding window wells is also proposed to be removed.
- Sec. 7.05 Accessory Dwelling Units: Clarifications are proposed to the street setbacks and heights for detached ADUs.
- Sec. 7.09 Donation Drop Boxes: Edits are proposed to the maximum number and area, how drop boxes are allowed, and that these rules are for drop boxes managed by off-site organizations.
- Sec. 7.11(B) Fences (Residential and Downtown Districts): Changes to the maximum encroachment into the front yard is proposed. Additional regulations for reverse corner lot fences are included.
- Sec. 7.12 Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor): Regulations are amended to be applicable to permanent features and removed mentions of manufacturer recommendations.
- Sec. 7.14 Business Vehicles: Formerly called “fleet vehicle storage”, this section has been significantly re-worked in response to public and commissioner comments.
- Sec. 7.20(C) Outdoor Accessory Uses (Outdoor Seating and Dining Areas): Proposed changes are made to clarify that these rules are applicable to new or expanded areas and be more flexible in terms of the perimeter barriers.
- Sec. 7.21 Recreational Vehicles and Equipment: This section was completely rewritten to be clearer and more accommodating.
- Sec. 7.23 Swimming Pools and Hot Tubs. The barrier requirement is suggested to be removed, as it is better regulated by the building codes.

**Article VIII  Wireless Telecommunications Facilities:**
Article VIII outlines rules for wireless telecommunication facilities like towers and antennas. No revisions are proposed to this article.

**Article IX Parking:**
Article IX outlines parking regulations. Parking is essential for ensuring accessibility, safety, and convenience for residents and visitors. By regulating parking spaces, the goal is to meet public needs while minimizing potential negative impacts, such as congestion or aesthetic concerns, on the surrounding area.

- Table IX-1: Minimum Motor Vehicle Parking Requirements: significant revisions are proposed to this table, largely consolidating it where subcategories have the same requirement. Changes also include departing from employee/occupancy based requirements where practical.
- Sec. 9.03(C) Area Measurements: Clarified that many areas of a building not dedicated to the principal use of the building are exempt from the parking requirement calculation.
- Sec. 9.04(A)(2)(d-e) Multi-Tenant Centers: Confirms that existing mult-tenant centers that get expanded must only provide additional off-street parking stalls if the existing parking lot does not comply with the new minimum. Also added that new multi-tenant centers must provide off-street parking at a rate of 2.5 spaces per 1,000 square feet.
- Sec. 9.05(B)(1) Off-site Parking, When Allowed: Allows for off-site parking for uses in the downtown districts.
- Sec. 9.07(H) Tandem Parking: Allows for tandem parking in the downtown districts to only serve residents and employees of the same business.
- Table IX-3: Drive-through Stacking Space Requirements: Increased the minimum stacking requirement for automated car washes and drug stores.

**Article X Tree Preservation and Landscaping:**
Article X provides regulations for tree preservation and landscaping standards on private property.

- The changes in this article were clarifications to the applicability of landscaping regulations and to match a Chapter 80 (municipal code) text amendment from earlier this year.

**Article XI Signs:**
Article XI establishes minimum standards for signs, recognizing their importance in communication, navigation, and supporting local businesses. These regulations aim to balance effective signage with visual appeal and safety by regulating design, placement, and size to reduce clutter.

- This article’s revisions are largely resolving a typo, clarifying the purpose of prohibited signage, and how sign measurements are taken

**Article XII General Development Regulations:**
Article XII provides general development regulations covering outdoor lighting, underground utilities, street access, outdoor storage of junk and debris, and sight vision triangles. These rules aim to support environmental objectives, improve safety, and maintain the community's aesthetic and functional quality.

- Sec. 12.01(B) Applicability: Created two conditions for when the Outdoor Lighting provision applied: One is for new construction activity that is subject to the site plan approval procedures. The second is for all other instances for existing fixtures on nonresidential properties, in which the zoning administrator may require incremental improvements based on the scope of works and context.
- Sec. 12.01(C) Exemptions: Rephrased for clarity and added exemption (11) for properties with an already approved site plan.
- Sec. 12.01(D) Prohibited Lighting: Added prohibited lighting for lighting of unauthorized architectural elements of a building or structure that did not receive prior approval.
- Sec. 12.01(H) Light Trespass: An additional exemption for properties in the B-1(A) and B-1 zoning districts specific to light trespassing due to the proposed reduced building setbacks.
- Sec. 12.05(C) Exemptions: An added exemption for sight visibility triangles to allow open-design fences to be erected.

**Article XIII Nonconformities:**
Article XII addresses nonconformities, including uses, structures, lots, signs, and development features. The regulations aim to manage and mitigate discrepancies between existing conditions and current standards, ensuring gradual alignment with updated codes while respecting established properties. These guidelines support orderly development and promote consistency within the community. At the same time, they acknowledge and protect property owners' rights, ensuring fairness and allowing for reasonable use and enjoyment of their properties within the scope of the regulations.

- 13.04(C) Nonconforming Structures: Added that residential dwelling units with a nonconforming street side setback may be expanded vertically if it matches the building's original footprint. This is in addition to existing permissions to the front street setback.

**Article XIV Review and Approval Procedures:**
Article XIV provides procedures for review and approval, encompassing common processes, map and text amendments, development plans, special uses, site plans, variances, zoning verification letters, and appeals. No revisions are proposed to this article.

**Article XV Administration and Enforcement:**
Article XV outlines regulations for administration and enforcement, detailing the roles, responsibilities, and processes involved in overseeing and upholding zoning and development standards. No revisions are proposed to this article.

**Article XVI Measurements:**
Article XVI defines regulations for measurements, detailing the methods and standards used to determine compliance with zoning and development requirements.

- 16.07(C) Contextual Setbacks: These revisions limited the maximum reduction of the street setback to 10 feet less than what the district requires, clarified that the minimum required setback is used in the calculation when adjacent properties have a greater setback, and that attached accessory structures may not be included when calculating the contextual setback.
- 16.08 Lot Coverage: This section was edited to match the proposed changes to the small building exemption of Sec. 7.02(A)(2).

**Article XVII Definitions:**
Article XVII provides definitions to ensure clarity and consistency in the interpretation and application of zoning and development regulations.

- Definitions of lighting intensity, recreational vehicles and equipment, and business vehicles were added to match the amended regulations in Articles XI and VII, respectively.

**Appendix A Recommended Tree and Shrubs:**
A list of largely native landscaping plants including canopy trees, evergreen trees, understory trees, and shrubs that are recommended to be implemented in landscaping plans and throughout the Village on private property. No revisions are proposed to this appendix.

## II. SUMMARY

The Village of Westmont requests approval for text amendments to repeal Appendix A – Zoning from the Westmont Code of Ordinances and establish a new Chapter 95 – Zoning. This comprehensive update modernizes the Zoning Ordinance, including revisions to zoning districts, development standards, planning processes, and other regulations. The proposed changes aim to streamline and enhance zoning practices across the Village. Pending final approval by the Village Board of Trustees, staff will proceed with any necessary rezonings, ensuring proper notice and community involvement through public hearings. Again, readers are encouraged to consider the previous list as a summary of the key revisions rather than an exhaustive account of all proposed changes.

## III. LEGAL

A. Notification: A legal notice was published in Westmont Suburban Life on April 3, 2025.
B. Code References: Appendix A

C. Other Actions: The recommendation of the Planning and Zoning Commission will be referred to the Village Board for a final decision at a date to be determined.

## IV. DOCUMENTS ATTACHED:

1. Village of Westmont Zoning Ordinance Update July 2025 Redlined Revised DRAFT