Village of Westmont
VILLAGE BOARD

31 West Quincy Street, Westmont, Illinois 60559

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

Village Board Meeting
August 7, 2025
6:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. OPEN FORUM

Public Comment is subject to the public comment rules and procedures adopted by the Village.

5. REPORTS

a. Board Reports

i. Mayor

ii. Clerk

iii. Trustees

6. ITEMS TO BE REMOVED FROM CONSENT AGENDA

7. CONSENT AGENDA (OMNIBUS VOTE)

a. Village Board Minutes

i. **Board Meeting Minutes**

Board to consider approving the minutes of the Village Board meeting held July 24, 2025.

Background of Subject Matter
Required Parliamentary Procedure

Type Motion

b. Finance Ordinance(s)

i. Total of Finance Ordinance #16 - to be announced at the meeting.

c. Purchase Order(s)

i. **Monroe Truck Equipment Inc. $65,944.00**
2026 Freightliner M2106 Dump Truck Build Out. Replaces current dump

truck #14.

Type Consent Item

Budgeted Yes

d. Total of Purchase Order(s) and Finance Ordinance(s)

i. To be announced at the meeting

8. UNFINISHED BUSINESS

9. NEW BUSINESS

a. **Increase in Class 25 Liquor Licenses by One**

Board to consider an ordinance increasing the number of available Class 25 Liquor Licenses by one (1) for Westmont Yard Corporation, 233 West 63rd Street, Westmont, IL

Background of Subject Matter

Westmont Yard Corporation and the Business Owner, William Gust, have successfully passed the background review phase of the licensing process. Nothing was found that should prevent an increase in the Class 25 available licenses.

Additional Background

Recommendation

Approval

Type Ordinance

Budgeted

b. **Economic Development Advisor Services**

Board to consider an ordinance approving an independent contractor agreement with Brian Krajewski for Economic Development Advisor Services

Background of Subject Matter

The services outlined in the contract include advising on economic development issues, proactive solicitation of development in key areas, brokering conversations with large projects, and assisting in negotiations with potential developers.

Additional Background

This is in addition to the Chamber's continued contractual role in remaining a primary first point of contact for smaller projects, as well as the ongoing business recruitment, retention, and expansion efforts.

Recommendation

Enter text here.

Type Ordinance

Budgeted

c. **Vision & Vibe Fest 2025**

Board to consider an ordinance approving the following requests for the Vision & Vibe Fest on September 13 & 14, 2025:

1. Community Event Permit
2. Amplified Sound Permit
3. Temporary Liquor License Fee Waiver
4. Street Closure - Closing Dallas between Linden Ave and the alley between Linden & Warwick

Background of Subject Matter

The Vision & Vibe Fest is a new event being coordinated by the Village of Westmont to celebrate all things creative and artistic. The event will take place at Veterans Memorial Park on September 13 and 14, 2025. Craft beer will be sold and served by Whiskey Hill Brewery and Kitchen from the hours of 11:00am - 7:00pm.

Additional Background

The Board previously approved a temporary liquor license request from Taurasi to sell and serve wine at this event. This is a request from a second vendor to provide craft beer. The cost of a temporary special event liquor license is $100 / day.

Type Ordinance

Budgeted

d. **Surplus Property - Fire Department**

Board to consider an ordinance declaring certain Fire Department equipment as surplus property.

Background of Subject Matter

The items are unusable and/or expired and will be removed from the Village inventory and disposed of in the most cost-effective manner.

Recommendation

Approval

Type Ordinance

Budgeted

e. **Zoning Ordinance - Comprehensive Text Amendments**

Board to consider an ordinance approving a request from the Village of Westmont regarding Zoning Ordinance text amendments as follows:

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.

Background of Subject Matter
The Village of Westmont began updating its Zoning Ordinance in Spring 2023 by contracting Duncan Associates for consulting services. By Spring 2024, staff reviewed drafts and gathered input from the public during listening sessions and presented changes at the Westmont Chamber of Commerce. Discussions were also held with officials at the Community Development Committee (CDC) and Planning & Zoning Commission (PZC) meetings through Fall 2024. The first full draft was presented to the CDC on January 23, 2025, leading to public hearings with the PZC starting April 23, 2025. After five public hearings and extensive input from commissioners and the public, totaling approximately 18 hours, the Commission recommended approval on July 23, 2025, conditional on revisions which have been added to the draft text.

Recommendation
Following five meetings, the Planning & Zoning Commission voted 5-0 (with two members absent) at its July 23, 2025, meeting to recommend approval of the comprehensive text amendments request.

Type Ordinance

Budgeted

f. **Municipal Code Text Amendments**
Board to consider an ordinance approving a request from the Village of Westmont for various text amendments to various chapters of the Village's Code of Ordiances including: Ch. 1, Ch. 6, Ch. 10, Ch. 14, Ch. 19, Ch. 18, Ch. 22, Ch. 34, Ch. 38, Ch. 46, Ch. 58, Ch. 63, Ch. 70, Ch. 76, Ch. 80, Ch. 90, Appendix C, and Appendix D.

Background of Subject Matter
To facilitate the comprehensive zoning ordinance text amendments, other municipal code edits are required to update cross-references and clarify processes or terms. These text amendments are also attached for reference. The following chapters of the municipal code are being proposed to be amended: Ch. 1, Ch. 6, Ch. 10, Ch. 14, Ch. 19, Ch. 18, Ch. 22, Ch. 34, Ch. 38, Ch. 46, Ch. 58, Ch. 63, Ch. 70, Ch. 76, Ch. 80, Ch. 90, Appendix C, and Appendix D.

Type Ordinance

Budgeted

10. MISCELLANEOUS

11. EXECUTIVE SESSION

This Board may adjourn to closed session to discuss matters so permitted and may act upon such matters upon returning to open session.

12. ADJOURN

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
ADMINISTRATION
Village Clerk
31 West Quincy Street, Westmont, Illinois 60559

clerks@westmont.il.gov | 630-981-6210
westmont.illinois.gov | 630-981-6200

Clerk's Office
Village of Westmont

MINUTES OF THE BOARD MEETING HELD Thursday, July 24, 2025.

Mayor Nero called the meeting to order at 6:00 P.M.

WESTMONT VILLAGE BOARD MEETING ROLL CALL:

PRESENT:	Mayor Nero	P	Clerk A. Szymski	P
TRUSTEES:	Barker	A	Parrilli	P
	Guzzo	P	Plowman	P
	Liddle	P	Scales	P

STAFF:

Gunther (Village Manager)	P	**Parker** (Assistant Manager)	P	**Brainerd** (H.R. Director)	P
Hennerfeind (CDD Director)	P	**McIntyre** (Communications)	P	**Liljeberg** (I.T.)	A
Gruen (Police Department)	P	**Thompson** (Police Department)	P	**Altic** (Finance Director)	A
Chief Riley (Fire Dept.)	A	**D.C. Frank** (Fire Department)	A	**Mielcarski** (Gov't Services)	P
Richards (Deputy Village Clerk)	P	**Mulhearn** (Deputy Liquor Commissioner)	P	**Ries** (Public Works Director)	P

ATTORNEY: **Zemenak** P **Lampariello** A

A QUORUM WAS PRESENT TO TRANSACT BUSINESS.

PRESS:
Bugle A

THOSE PRESENT RECITED THE PLEDGE OF ALLEGIANCE.
Mayor welcomed everyone to the meeting.

OPEN FORUM:
- None

VOTING KEY: **A**=ABSENT **AB**=ABSTAIN **N**=NO **W**=Withdrawn
P=PRESENT **Y**=YES **R**=RECUSE

Note: *The items listed in these minutes are summaries only and are not meant to be a direct transcript of the Mayor's, Manager's, Clerk's and Trustees' comments. For actual quotes of the referenced items please refer to the Archival video copy of this meeting.*

VOTING SUMMARY

	1	2	3	4	5	6	7
TRUSTEE BARKER	A	A	A	A	A	A	A
TRUSTEE GUZZO	Y	Y	Y	Y	Y	Y	Y
TRUSTEE LIDDLE	Y	Y	Y	Y	Y	Y	Y
TRUSTEE PARRILLI	Y	Y	Y	Y	Y	Y	Y
TRUSTEE PLOWMAN	Y	Y	Y	Y	Y	Y	Y
TRUSTEE SCALES	Y	Y	Y	Y	Y	Y	Y

	8	9	10
TRUSTEE BARKER	A	A	A
TRUSTEE GUZZO	Y	Y	Y
TRUSTEE LIDDLE	Y	Y	Y
TRUSTEE PARRILLI	Y	Y	Y
TRUSTEE PLOWMAN	Y	Y	Y
TRUSTEE SCALES	Y	Y	Y

Mayor Nero conducted the swearing in ceremony for Brain Gruen as Police Chief of Westmont.

Brian Gruen took the oath for the Police Chief of Westmont.

- Police Chief Gruen expressed his appreciation and thanks to the Village Board, Village Manager Gunther, Retired Chief Mulhearn, the entire Police Department, and his family. He is looking forward to the challenges and opportunities that lie ahead in this new role.

REPORTS

Mayor Nero

- Gave an update for the return of the US Luge Slider Search. It will be coming back to Westmont and will take place on August 17, 2025.
- Announced Concerts and Movies in the Park. This is coordinated by the Park District and takes place at Ty Warner Park.
- Gave an update on attending the DuPage Mayor's and Manager's Legislative Committee.

Clerk Szymski

- Village offices will be closed for Labor Day. More information is on the Village website.

Trustee Guzzo

- The next Fire Public Safety Committee meeting is August 7, 4:30pm at Village Hall.
- Encouraged the public to check out the Village website for the new fire facility information webpage. As updates are confirmed they will be published on the website.

Trustee Scales

- Recapped the Community Development Committee meeting held earlier in the day.
    - The zoning ordinance update received approval at last night's planning and zoning meeting.
        - 17 - 18 hours of public hearings were held.
        - Changes were made to be more business friendly while still maintaining an appropriate amount of regulation in place.
        - A new zoning district was created called the "Public and Institutional District".
- We are in very early stages of the Comprehensive plan.

Trustee Parrilli

- The next Public Works Committee meeting is September 18th, 4:30pm, at Village Hall.
- The 2025 MFT resurfacing project is underway. The contractor is working on paving of the leveling binder. Motorists should use caution while driving in the area, and seek alternate routes when possible. Please check the website for more information.
- Work is continuing on the Washington and Traube infrastructure improvement project. The contractor is installing main line storm sewer on Traube in a very deep excavation which requires intermittent road closures. Motorists should allow for extra time and seek alternate routes where possible. Information can also be found on the Village Website and Facebook page for latest construction information.

Mayor Nero thanked our Chairperson, Doug Carmichael, who is in the audience. There was 17 - 18 hours of public testimony and Mayor Nero wanted to acknowledge that effort.

Trustee Plowman

- The next Police Public Safety Committee meeting will be September 4, 2025, 4:30pm at Village Hall. All are invited to attend.
- National Night out is August 5th from 5pm - 8pm at Ty Warner Park. It's a great opportunity for the public to meet Police officers, and employees. The Lions Club will be there serving hot dogs.
- Trustee Plowman invited Dan from Lions Club to the podium to recap the Spring Fling Event.
    - Dan Buczkowski stated that the event made a profit of $34,376. The Lions Club gives a portion of the carnival proceeds to Rotary. The Rotary Club received a check for $6,259. They are grateful for the money that was made because that will be going back into the community to provide charity to people who are in need. Thanked the Board for their support.

Trustee Liddle

- The next Administration Finance Committee meeting will be at Village Hall, August 21st, at 4:30pm.

- Thanked everyone who helped make the Taste of Westmont possible.
- Cruisin' Nights takes place every Thursday from 5pm - 9pm in downtown Westmont.

Trustee Barker was absent, Mayor Nero gave the report on his behalf

- The Village has a new art event, which is the first annual Vision and Vibe fest. This is scheduled for September 13 & 14 at Veterans Memorial Park.
- Information about mosquito abatement is on the website. Residents can sign up to receive notifications.

ITEMS TO BE REMOVED FROM CONSENT AGENDA:

- No items to be removed from the consent agenda.

(1) CONSENT AGENDA [Omnibus Vote]:

Village Manager Gunther addressed the Board on this agenda item.

Motion by **Trustee Liddle** to approve the consent agenda.

(A) VILLAGE BOARD MINUTES

Board Meeting Minutes

- Board to consider approving the Village Board Meeting held on **July 10, 2025.**

(B) FINANCE ORDINANCE

Finance Ordinance # 15 **$ 2,925,922.76**

(C) PURCHASE ORDERS:

No purchase orders for this meeting

(D) TOTAL OF PURCHASE ORDER(S) AND FINANCE ORDINANCE(S): $ 2,925,922.76

(E) JUNE 2025 MONTHLY BOARD TREASURER'S REPORT

Seconded by **Trustee Parrilli** and the motion passed.

VOTE ON MOTION #1

Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

UNFINISHED BUSINESS

NEW BUSINESS

(2) LOT COVERAGE VARIANCE REQUEST FOR A PATIO AND WALKWAYS - 102 WEST NAPERVILLE ROAD

Community Development Director Hennerfeind addressed the Village Board on this item.

Motion by **Trustee Plowman** to consider an ordinance approving a 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.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #2
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(3) LOT COVERAGE VARIANCE FOR A RESIDENTIAL POOL - 232 EAST DES MOINES STREET

Community Development Director Hennerfeind addressed the Village Board on this item.

Motion by **Trustee Liddle** to consider an ordinance approving a request from Justin and Natalie Krone regarding 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.

Seconded by **Trustee Scales** and the motion passed.

VOTE ON MOTION #3
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(4) SPECIAL USE PERMIT AND VARIANCE REQUEST FOR THAT GOLF PLACE - 212 EAST CHICAGO AVENUE

Community Development Director Hennerfeind addressed the Village Board on this item.

Motion by **Trustee Guzzo** to consider an ordinance approving requests from TGP Innovations LLC, d/b/a That Golf Place (Petitioner) and Pranno Corporation (Owner) 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.

Seconded by **Trustee Plowman** and the motion passed.

VOTE ON MOTION #4

Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(5) SPECIAL USE PERMIT FOR CHICAGO LIGHTWORKS - 600 OAKMONT LANE, SUITE 600

Community Development Director Hennerfeind addressed the Village Board on this item.

Motion by **Trustee Liddle** to consider an ordinance approving a request from Chicago Lightworks, LLC (petitioner) and 1133 Cleveland properties, LLC (owner) for the property at 600 Oakmont Lane, Suite 600 for the following:

1. 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 **Trustee Scales** and the motion passed.

VOTE ON MOTION #5
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(6) VARIANCE REQUEST FOR DIRECTIONAL SIGNAGE - 639 BLACKHAWK DRIVE

Community Development Director Hennerfeind addressed the Village Board on this item.

Motion by **Trustee Plowman** to consider an ordinance approving a request from ADVOCATE HEALTH & HOSPITALS CORPORATION, for 639 Blackhawk Drive, Westmont, Illinois, 60559, for the following:

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

Seconded by **Trustee Scales** and the motion passed.

VOTE ON MOTION #6
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(7) AWARD OF BID PROPOSAL - OAKWOOD SIDEWALK IMPROVEMENTS PROJECT

Public Works Director Ries addressed the Village Board on this item.

Motion by **Trustee Liddle** to consider an ordinance awarding the bid proposal from Globe Construction, Inc. for the Oakwood Sidewalk Improvements Project and authorizing a contract in the amount of $192,100.00 consistent with the bid documents.

Seconded by **Trustee Guzzo** and the motion passed.

VOTE ON MOTION #7
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(8) OAKWOOD SIDEWALK IMPROVEMENT CHANGE ORDER #1
Public Works Director Ries addressed the Village Board on this item.

Motion by **Trustee Liddle** to consider an ordinance approving a Change Order #1 for the Oakwood Sidewalk Improvements Project, to Globe Construction, Inc. for an amount not to exceed $94,129 and a total award of $286,229.

Seconded by **Trustee Guzzo** and the motion passed.

VOTE ON MOTION #8
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

(9) SURPLUS PROPERTY - PUBLIC WORKS FLEET DIVISION
Public Works Director Ries addressed the Village Board on this item.

Motion by **Trustee Scales** to consider an ordinance declaring certain Village vehicles and equipment to be declared surplus property.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #9
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

MISCELLANEOUS

- No miscellaneous items.

(10) ADJOURNMENT
Motion by **Trustee Liddle** to adjourn the regular meeting.

Seconded by **Trustee Plowman** and the motion passed.

VOTE ON MOTION #10
Ayes: Guzzo, Liddle, Parrilli, Plowman, Scales
Nays: None
Absent: Barker

MEETING ADJOURNED AT 6:48 P.M.

ATTEST: **APPROVED:**

_____ _____

Alicja Richards, Deputy Village Clerk Steven T. Nero, Mayor

Dated this 7th day of August, 2025

Village of Westmont

Purchase Order

PO Date: 2025-07-31

Bill To:

PUBLIC WORKS
155 E. BURLINGTON
WESTMONT, IL 60559

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.	
Purchase Order #	25203667

Vendor:

MONROE TRUCK EQUIPMENT INC.
1051 WEST 7TH STREET
MONROE, WI 53566
Email: sterdich@monroetruck.com

Ship To:

See Shipping Information Below

Vendor Number	Vendor Phone Number	Vendor Fax Number	Delivery Reference
100146			

Item#	Description/PartNo	QTY	UOM	Unit Price	Extended Price
1	2026 Freightliner M2106 - build out, replacing #14 2026 Freightliner M2106 - build out, replacing #144 GL Account: 2552525 - 57096 - 1GOV $65,944.00 Ship To: PUBLIC WORKS 155 E. BURLINGTON WESTMONT, IL 60559	1.0	EACH	$65,944.00	$65,944.00

By: Spencer Parks
Authorized Signature

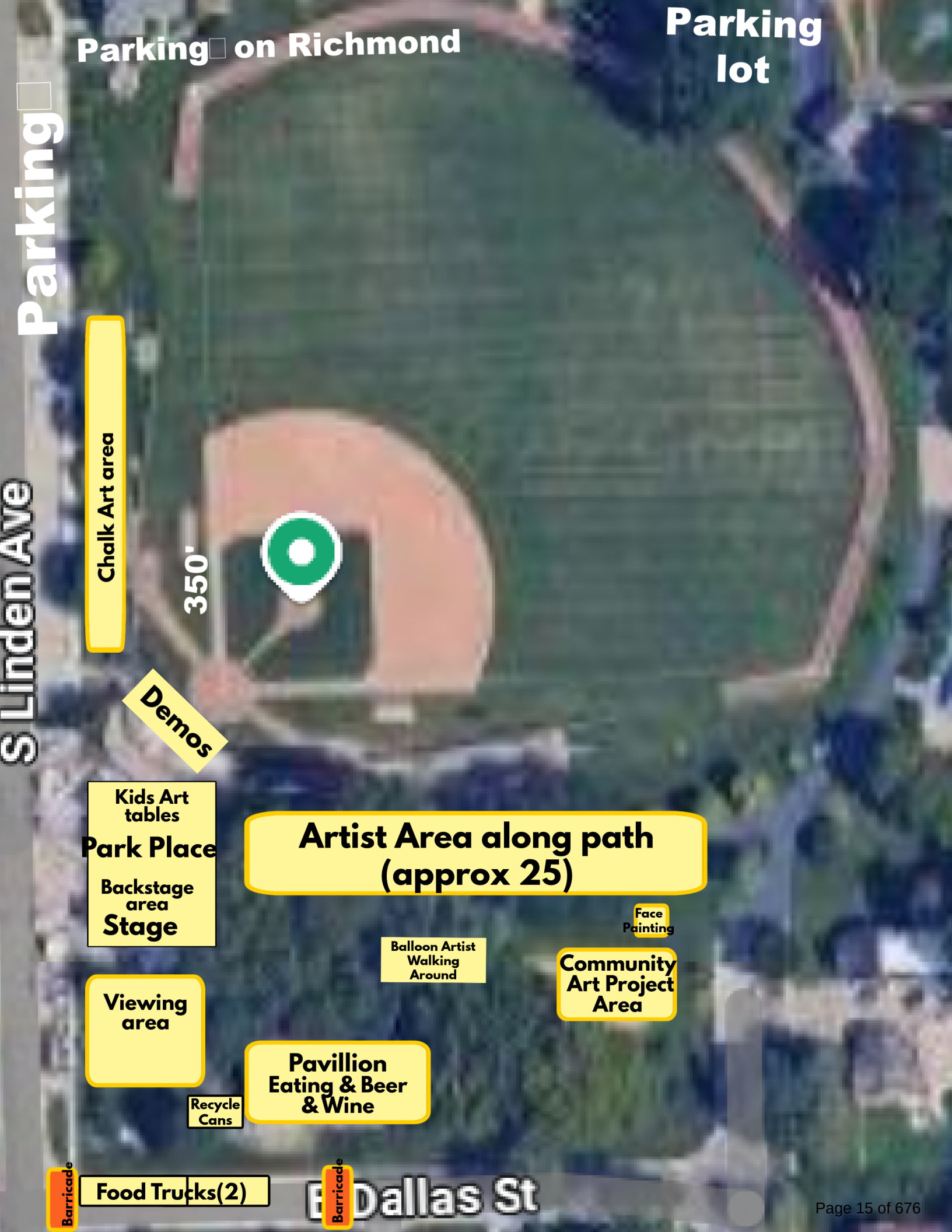
PO Total	$65,944.00

*All vendors must comply with applicable regulations of the Illinois Department of Human Rights.

*This order is exempt from Federal Excise Tax under title 25 USCA, and from Illinois Sales Use and Service Taxes. E9997-4320-07.

*Acceptance of this Purchase Order constitutes agreement by vendor that any action arising out of this Agreement may be commenced only in the State or Federal courts located in DuPage County and/or the Northern District of Illinois. The prevailing party shall have their attorney's fees and court costs paid by the losing party.

*The Village of Westmont will process all bills in accordance with the Illinois Government Prompt Payment Act 50 ILCS 505.


Parking on Richmond
Parking lot
Parking
S Linden Ave
Chalk Art area
350'
Demos
Kids Art tables
Park Place
Backstage area
Stage
Artist Area along path (approx 25)
Face Painting
Balloon Artist Walking Around
Community Art Project Area
Viewing area
Pavillion Eating & Beer & Wine
Recycle Cans
Barricade
Food Trucks(2)
Barricade
E Dallas St

NO ALCOHOL BEYOND THIS POINT SIGN PLACEMENT

Village of Westmont

Community Event Permit Application

THIS FORM MUST BE COMPLETED IN FULL AND SUBMITTED 90 DAYS PRIOR TO THE EVENT

Village of Westmont Clerk's Office, 31 W Quincy St. Westmont, IL 60559 Fax: 630-829-4441

INSTRUCTIONS: PLEASE READ THE GUIDE TO SPECIAL EVENTS PLANNING BEFORE COMPLETING APPLICATION

GENERAL EVENT INFORMATION

Name of Event

Vision & Vibe Fest

Exact Address of Event

141 S Linden Avenue

Type of Event (Check all applicable)

☑ Festival ☐ Run/Walk ☐ Parade ☐ Car Show ☐ Carnival ☐ Fireworks *For Government Entities Only* ☐ Other:

Date(s) of Event	Hours of Event	Set Up Date
September 13, 2025 - September 14, 2025	11 am - 7 pm	September 13, 2025

Rain Date (If Applicable)	Estimated Attendance
	Up to 1,000 per day (rough guess as this is the 1st year)

Description/Purpose of Event (Be as detailed as possible)

A fest to celebrate the arts in a variety of ways. It may include visual artists displaying their creations, art demonstrations, and/or dance/music/theatre performances. It may also include things like face painting, caricature artists, and a community art project. There will be food from food trucks from local restaurants and beer & wine sales from local restaurants.

SPONSORING ORGANIZATION INFORMATION

Name of Sponsoring Organization	Contact Person from Sponsoring Organization
Village of Westmont	Spencer Parker

Sponsoring Organization Address	City	Zip
31 W Quincy	Westmont	60559

Phone Number	E-Mail	Website
630-981-6234	sparker@westmont.il.gov	westmont.illinois.gov

ORGANIZER/COORDINATOR INFORMATION

Name of Organizer/Coordinator	E-mail
Jenny Babyar	jbabyar@westmont.il.gov

Organizer/Coordinator Address	City	Zip
31 W Quincy	Westmont	60559

Phone Number	Cell Phone Number	Fax Number
630-981-6246	630-564-2255	

Village of Westmont

Community Event Permit Application

Continued

Event Overview

EVENT LAYOUT & SET-UP (describe complete site plan of event with location of tent(s), tables, chairs, generator(s), layout of power cables, stage, sound system, lighting, food and beverage service, fencing, water hook-up location, port-a-potties, waste receptacles, etc.) **A site plan that includes the information listed above is REQUIRED.**

10 x 10 tents & tables supplied by individual artists for display will be set up along the path as indicated in the attachment. Because the tents are only 10 x 10, I've marked the tent question NO and no tent inspections are inspected.

Is this site plan attached?	☑ Yes	☐ No	*Note: Layout must include public street and parking lot closures, barricades, placement of stage and tents, location of water hook-ups, placement waste receptacles, placement of tents-tables-chairs, location of food and beverage service, location of information tent, etc.*
Will you be using a tent?	☐ Yes	☑ No	**If Yes**, a tent permit application will need to be completed and approved. Please see Community Dev.
Have you submitted and obtained a Temporary Sign Permit for your event signs/banners posting permit from the Westmont Building & Zoning Division?	☐ Yes	☑ No	
Have you made arrangements with the Westmont Communications Director to have the Village hang/place signs and/or banners in the right-of-way?	☑ Yes	☐ No	
Has an Event Proximity Notice been prepared?	☐ Yes	☑ No	**If Yes**, please attach a copy for review. *Note: Minimally, the Village of Westmont requires the sponsoring organization to provide hand delivered notification regarding this event to all businesses and residences within one block of the event at least 7 days prior to the event. The Village may require a wider area of distribution depending on the size, scope and community impact of the event. This notice must include general information regarding the event including event hours, street & parking lot closures, sound amplification, special uses that may affect neighbors, event chair contact information including name and phone number, and more. This notice must be approved by the Westmont Media Relations Coordinator and a copy must be submitted with this application.*
Will your event serve alcohol?	☑ Yes	☐ No	**If Yes**, in order to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the Illinois Liquor Control Commission and the Village. If your event includes the use of alcohol, you will need to provide liquor liability coverage on your Certificate of Insurance *Note: A Westmont Police Officer(s) will need to be hired for the event, as required by ordinance if an event serves alcohol.*
Will your event serve food?	☑ Yes	☐ No	**If Yes**, who will be responsible for preparing/serving food and meeting all County and State Health Codes? **Zazzos; Taste Greek Street Food** **If Yes**, a DuPage County Health Department temporary food service and/or mobile vending permit is required. No food or beverage can be sold or given away at events open to the public, unless authorized by the County.
Will your event require Police, Fire, or Public Works support?	☑ Yes	☐ No	☑ Police ☑ Fire ☑ PW (check all that apply) *Note: The Village will provide limited support to public events on a case-by-case basis and pending staff availability. This includes the availability of additional police services (i.e. traffic control, officer presence at event, etc.); public works services (i. e. road closures, street sweeping, provision of barricades, etc.) and fire services (i.e. medics or ambulance on standby). Additionally, during the Special Event application review, the Village may require Police or Public Works personnel at the event. The cost for any Village personnel involved during the day(s) of the event and in preparation for the event will be charged back to the sponsoring agency or applicant. The Village will determine the number of personnel necessary to ensure the safety of the participants and spectators, to minimize inconvenience to the residents and to reduce public liability exposure to the sponsoring agency or applicant, as well as to the Village of Westmont. An invoice will be sent to the sponsoring organization after the event has concluded indicating these costs. Failure to pay the invoice within 30 days shall result in a $50 late fee. A pre-event meeting is required for any event that includes road closures or Village traffic control. At a minimum, the permit applicant's point of contact must be present. This meeting shall occur at least two weeks prior to the event.*
Have you secured an appropriate insurance policy?	☑ Yes	☐ No	*Note: A Certificate of Insurance showing evidence of a commercial liability policy and additional insured endorsement naming the Village of Westmont, its officials, employees, agents, and volunteers as an additional insured, with limits of not less than $1,000,000.00 per occurrence and $2,000,000.00 aggregate, covering any such claims for bodily injury and property damage is required for special events. Coverage to the additional insured shall be provided on a primary and non-contributory basis. In addition, the special event that is covered by the insurance must be named on the certificate. Upon approval of your special event, an original copy of the Certificate of Insurance, and additional insured endorsement is due at least 30 days prior to the event. The Village of Westmont reserves the right to request additional insurance for the event if deemed necessary by the Village staff or the Village Board.*
Are you requesting closure of a public right-of-way such as a street or parking lot?	☑ Yes	☐ No	☑ Street ☐ Parking Lot (check all that apply) **If Yes**, this requires board action and proof of insurance. **If Yes**, list parking lot/street locations and times of closure.

Closing Dallas between Linden Avenue and the alley between Linden & Warwick

Describe your proposed traffic plan, including all streets and intersections to be closed before, during and after the event. Additionally describe your proposed parking plan including areas designated for public parking, handicap parking, and how this plan will be promoted to the public.

See above for street closure. No other traffic devices or detours are being requested. Parking will rely on current public parking (from park district & on street)

Will your event require a water hook-up?	☐ Yes	☑ No	**If Yes**, list where and when you would like the water hook-up?
Will food trucks be present?	☑ Yes	☐ No	**If Yes**, please fill out food truck application
Are there any items that require Board approval?	☑ Yes	☐ No	**If Yes**, list all items requiring board action (such as but not limited to sound amplification, use of public right-of-way, new event, etc.)

Sound amplification, closing public right of way, new event, waiving special event liquor license fee

Will you be selling raffle tickets as part of your event?	☐ Yes	☑ No	**If Yes**, a Village raffle license is required.
Will a Public Address (PA) system or amplified sound be used?	☑ Yes	☐ No	**If Yes**, a Village Live Amplified Sound Permit is required.
If this is a carnival or circus have you applied and obtained an Amusement License?	☐ Yes	☑ No	**If No**, The Amusement License will need to be obtained prior to the Special Event Permit being approved.

Village of Westmont

Community Event Permit Application

Continued

Applicant Statement of Agreement

Everything that I have stated on this application is correct to the best of my knowledge. I have read, understand, and agree to abide by the rules and regulations included in this application. I have the authority from my organization to sign and submit this application on their behalf.

Spencer Parker Digitally signed by Spencer Parker Date: 2025.07.29 15:13:01 -05'00'

Signature of Applicant

7/29/2025

Date

Village of Westmont

Organization

Indemnification and Hold Harmless Agreement

IN CONSIDERATION OF THE UNDERSIGNED ('APPLICANT') REQUESTING TO HOLD THE FOLLOWING SPECIAL EVENT IN THE VILLAGE OF WESTMONT, _____, THE UNDERSIGNED HEREBY RECOGNIZES, ACKNOWLEDGES, AND ASSUMES ANY AND ALL RISK PERTAINING TO SAID SPECIAL EVENT. TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED HEREBY AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE VILLAGE OF WESTMONT, ILLINOIS, ITS OFFICIALS, AGENTS, EMPLOYEES, AND VOLUNTEERS AGAINST ALL INJURIES, DEATHS, LOSS, DAMAGES, CLAIMS, SUITS, LIABILITIES, JUDGMENTS, COSTS AND EXPENSES (INCLUDING ATTORNEY'S FEES), WHICH MAY IN ANY MANNER ACCRUE AGAINST THE VILLAGE OF WESTMONT, ITS OFFICIALS, AGENTS, EMPLOYEES, AND VOLUNTEERS ARISING IN WHOLE OR IN PART OR IN CONSEQUENCE OF SAID SPECIAL EVENT BY THE UNDERSIGNED ORGANIZATION, ITS EMPLOYEES, AGENTS, VOLUNTEERS, GUESTS OR VENDORS, OR WHICH MAY IN ANY MANNER RESULT FROM SAID SPECIAL EVENT, DIRECTLY OR INDIRECTLY, EXCEPT THAT ARISING OUT OF THE SOLE LEGAL CAUSE OF THE VILLAGE OF WESTMONT, ITS AGENTS OR EMPLOYEES.

Agreed this _____ day of _____ 20_____

Name of Applicant

Signature of Applicant

Organization

******FOR OFFICE USE ONLY******

Application Received On: _____ By: _____

Fees Paid: ☐ Yes ☐ No

Waiver of Fees: ☐ Yes ☐ No

Board Approval Required: ☐ Yes ☐ No

Items Requiring Board Approval: _____

_____

_____

Board Approval Date: _____

Village of Westmont
FIRE DEPARTMENT

6015 South Cass Avenue, Westmont, Illinois 60559

fire@westmont.il.gov | 630-981-6400
westmont.illinois.gov | 630-981-6200

August 7, 2025

The Village of Westmont Fire Department is requesting that the following equipment be declared as surplus. This property has outlived its useful life. It is expired, outdated, non-functioning, replaced, or otherwise not economically maintainable.

18 - Bunker Coats
21 - Bunker Pants
7 - Fire Boots
23 lengths of hose
1941 Chevrolet Antique Fire Truck - Vin AF111093

VILLAGE OF WESTMONT
Board of Trustees Memorandum
August 7, 2025

Item for Board Consideration:
Board to consider an ordinance approving a request 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.

Planning & Zoning Commission Recommendation:
Following five meetings, the Planning & Zoning Commission voted 5-0 (with two members absent) at its July 23, 2025 meeting to recommend approval of the comprehensive text amendments request.

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1. 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.

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 public hearings.

On April 23rd, 2025, staff presented the draft language to the Planning and Zoning Commission. Following 5 public hearings and approximately 17 hours of discussion involving both the public and commissioners, the Commission recommended approval on July 23, 2025 with minor revisions that are accurately depicted in the provided final draft.

If the final draft language is approved, rezonings to the newly-created districts will follow at a later date. Required noticing for the rezoning and required public hearing will be provided to property owners and the public in advance of any public hearing.

2. ZONING ORDINANCE TEXT AMENDMENTS

a. 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.

Proposed:
- Reduction of the minimum permitted lot width from 60 feet to 50 feet in the R-3 (Single Family Detached Residence) Zoning District.

Why:
- To accommodate properties yet to be annexed (Liberty Park)
- To allow for lots of 100 feet or more to be subdivided

- 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 prevent 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.
- Reduced the minimum street side setback to 15 feet for a buildable width of 40 feet for detached houses on corner lots per commissioner direction.

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.

Proposed:
- Removal of supplemental front yard setbacks along major thoroughfares such as Cass, Ogden, and 63rd.

Why:
- Many existing Buildings do not meet this regulation and landscaping is still required.

- B-1 Limited Business District provisions moved to a separate Article regarding the Downtown Area to provide more specific regulations.
- Elimination of supplemental street setbacks, as these regulations are out of date and would eliminate a nonconformity for many properties
- 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.

Proposed:
3 Downtown Zoning Districts
- B-1(A) Downtown Core
- B-1 Downtown Edge
- R-7 Downtown Residential

Why:
- Allows better clarity for developers.
- Allows the Village to specify intensity with the Downtown

- 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.
- Extensive design regulations and guidelines are being proposed that can be waived if the intent of the regulation is still being met.

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.

Proposed:
New Zoning Districts
- P/I (Public/Institutional)

Why:
- Allows for flexibility regarding public or institutional uses (ex. Schools and Safety Services)

- 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. <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>

Proposed:
- New Planned Unit Development process

Why:
- Allows for flexibility regarding uses and development standards.
- A more legally sound approach

- 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 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.
- 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.

Proposed:
- Single Family Homes may now have one detached garage and two additional detached buildings at a max coverage of 1,250 square feet

Why:
- Provides greater flexibility to residents

- 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 small buildings (sheds) up to an aggregate of 50 square feet to be exempted 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.

Proposed:
- Accessory Dwelling Units (ADUs) for Single Family Detached Residences.
- Detached, Attached, or within existing buildings

Why:
- Provides greater flexibility to residents for extra living space, rental income opportunities, and support aging in place.

- 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.
- Rewritten and clarified regulations for recreational vehicles and equipment.
- Introduction of clarifying language for outdoor fireplaces, kitchens, and fire pits that align better with building and fire regulations.

Proposed:
- Business vehicles storage (sprinter vans or similar) for commercial and industrial districts at a maximum of two vehicles

Why:
- Provides businesses an allowance for vehicles used for day to day operations.

- Introduction of allowance for business vehicles storage such as light-duty vehicles (sprinter vans or similar) 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, private 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.
- Changes also include departing from employee/occupancy based requirements where practical.
- 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.

Proposed:
- Reduction in parking stall size from 10'X20' to 9'X18'

Why:
- Aligns with industry standards and existing standards have commonly been waived.

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 regarding heritage trees and landscaping on private property.
- 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

Proposed:
- Grand Opening Signage allowances for up to 14 days after opening

Why:
- A business friendly practice and reduces code enforcement issues for new businesses.

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.
- Creation of two scenarios for when the Outdoor Lighting provisions apply: 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 work and context.
- Updated requirements for photometric plans and alternative compliance methods to verify compliance with outdoor lighting regulations.
- Included in exemption for properties in the proposed B-1(A) and B-1 zoning districts specific to light trespassing due to the reduced building setbacks.
- Updated intersection visibility provisions to include alleys and streets to increase pedestrian and motorist safety.

Proposed:
- New Outdoor Lighting regulations for commercial properties

Why:
- Provide greater flexibility for commercial properties
- More robust standards that better align with Village initiatives.

Article XIII Nonconformities:
Article XII addresses nonconformities, including uses, structures, lots, signs, and development features. These regulations aim to manage and mitigate discrepancies between existing conditions and current standards, ensuring gradual alignment with updated codes while at the same time, acknowledging and protecting 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 codes.

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.

Proposed:
- Administrative Site Plans for building under 10,000 sq ft and site improvements

Why:
- Common practice for surrounding municipalities.
- Does not delay developments that are meeting all zoning requirements.

- 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, redundant definitions, or created to accommodate new regulations.

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.

3. MUNICIPAL CODE TEXT AMENDMENTS

To facilitate the comprehensive zoning ordinance text amendments, other municipal code edits are required to update cross-references and clarify processes or terms. These text amendments are also attached for reference. The following chapters of the municipal code are being proposed to be amended: Ch. 1, Ch. 6, Ch. 10, Ch. 14, Ch. 19, Ch. 18, Ch. 22, Ch. 34, Ch. 38, Ch. 46, Ch. 58, Ch. 63, Ch. 70, Ch. 76, Ch. 80, Ch. 90, Appendix C, and Appendix D.

4. 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 and adoption by the Village Board of Trustees, staff will proceed with any necessary rezonings, ensuring proper notice and community involvement through public hearings.

5. LEGAL

1. Notification: A legal notice was published in Westmont Suburban Life on April 3, 2025.
2. Code References: Ch. 1, Ch. 6, Ch. 10, Ch. 14, Ch. 19, Ch. 18, Ch. 22, Ch. 34, Ch. 38, Ch. 46, Ch. 58, Ch. 63, Ch. 70, Ch. 76, Ch. 80, Ch. 90, Appendix A, Appendix C, and Appendix D.

6. 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. Proposed Village of Westmont Zoning Ordinance Update July 2025 Redlined FINAL DRAFT

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

Alicja Richards
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

Alicja Richards
Notary Public

OFFICIAL SEAL
ALICJA RICHARDS
Notary Public - State of Illinois
My Commission Expires 2/09/2027

Village of Westmont
Zoning Ordinance Update

July 2025 **DRAFT**

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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 and Structures **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**
Appendix A: Recommended Trees and Shrubs **A-1**

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Detailed Contents

Article I Introductory Provisions I-1

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

Article II Residential Districts II-1

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

Article III Business and Employment Districts III-1

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

Article IV Downtown Zoning Districts IV-1

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

Article V Special Purpose Zoning V-1

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

Article VI Principal Uses VI-1
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

Article VII Accessory and Temporary Uses and Structures VII-1
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-11
Sec. 7.13 Flagpoles VII-12
Sec. 7.14 Business Vehicles VII-12
Sec. 7.15 Garages and Carports VII-12
Sec. 7.16 Generators VII-12
Sec. 7.17 Geothermal Heat Exchange Systems VII-13
Sec. 7.18 Home Occupations VII-13
Sec. 7.19 Manufacturing Accessory Uses VII-14
Sec. 7.20 Outdoor Accessory Uses VII-15
Sec. 7.21 Recreational Vehicles and Equipment VII-16
Sec. 7.22 Solar Energy Systems VII-17
Sec. 7.23 Swimming Pools and Hot Tubs VII-18
Sec. 7.24 Temporary Storage Units VII-18
Sec. 7.25 Tents VII-19
Sec. 7.26 Vending Machines VII-19
Sec. 7.27 Wind Energy Conversion Systems (WECSs) VII-19

Article VIII Wireless Telecommunications Facilities VIII-1
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

Article IX Parking IX-1
Sec. 9.01 General IX-1
Sec. 9.02 Minimum Parking Requirements IX-2
Sec. 9.03 Calculation of Required Parking IX-3
Sec. 9.04 Parking Exemptions and Reductions IX-4
Sec. 9.05 Location of Off-Street Parking IX-6
Sec. 9.06 Use of Required Off-Street Parking Areas IX-7
Sec. 9.07 Parking Area Design IX-7
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

Article X Tree Preservation and Landscaping X-1
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

Article XI Signs XI-1
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-6
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-11
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

Article XII General Development Regulations XII-1
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

Article XIII Nonconformities XIII-1
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

Article XIV Review and Approval Procedures XIV-1
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

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

Article XVI Measurements XVI-1
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

Article XVII Definitions XVII-1
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

Appendix A: Recommended Trees and Shrubs 1

Tables

Table II-1: Residential Zoning Districts II-1
Table II-2: R District Lot and Building Regulations II-1
Table III-1: Business and Employment Zoning Districts III-1
Table III-2: Business and Employment District Lot and Building Regulations III-1
Table IV-1: Downtown Zoning Districts IV-1
Table IV-2: Allowed Building Types (Downtown Districts) IV-1
Table IV-3: Allowed Major Facade Materials by Building Type [minimum 65% of facade] IV-16
Table IV-4: Allowed Minor Facade Materials [maximum 35% of facade]* IV-16
Table IV-5: Roof Regulations IV-20
Table V-1: B-3 District Lot and Building Regulations V-1
Table V-2: P/I Lot and Building Regulations V-3
Table VI-1: Table of Allowed Uses VI-2
Table VII-1: Allowed Setback Encroachments and Obstructions VII-3
Table IX-1: Minimum Motor Vehicle Parking Requirements IX-2
Table IX-2: Parking Lot Layout (Dimensions in Feet) IX-8
Table IX-3: Drive-through Stacking Space Requirements IX-10
Table IX-4: Off-Street Loading Space Requirements IX-11
Table XI-1: Allowed Signs XI-6
Table XII-1: Maximum Fixture Heights XII-4
Table XIV-1: Review and Decision-making Authority Summary Table XIV-1
Table XVII-1: Abbreviations XVII-1

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Figures

Figure IV-1: Storefront Building Examples IV-4
Figure IV-2: Storefront Building Siting IV-5
Figure IV-3: Storefront Building Height and Street Facade IV-6
Figure IV-4: General Building Examples IV-7
Figure IV-5: General Building Siting IV-8
Figure IV-6: General Building Height and Street Facades IV-9
Figure IV-7: Row Building Examples IV-10
Figure IV-8: Row Building Siting IV-11
Figure IV-9: Row Building Height and Street Facades IV-12
Figure IV-10: Facade Materials IV-17
Figure IV-11: Storefront Entrance Example IV-19
Figure IV-12: Stoop Entrance Example IV-19
Figure IV-13: Porch Entrance Example IV-19
Figure IV-14: Roof Types IV-21
Figure IV-15: Vertically Oriented Windows IV-22
Figure IV-16: Awning Examples IV-23
Figure IV-17: Shutter Examples IV-24
Figure IV-18: Principal Entryways IV-25
Figure IV-19: Building Articulation IV-26
Figure IV-20: Mechanical Equipment IV-28
Figure VII-1: Open-Design Fence (Example) VII-10
Figure IX-1: Parking Lot Layout IX-9
Figure IX-2: Tandem Parking IX-10
Figure XI-1: Sign Area Measurement (Signs in Cabinets or Frames) XI-12
Figure XI-2: Sign Area Measurement (Individual Letter Signs) XI-13
Figure XI-3: Non-Planar Sign Measurement XI-13
Figure XI-4: Multi-Sided Signs XI-13
Figure XI-5: Sign Height Measurement XI-14
Figure XI-6: Measurement of Window Area XI-15
Figure XII-1: Canopy Lighting XII-2
Figure XII-2: Ful Cutoff Light Fixture XII-3
Figure XII-3: Light Trespass Along Property Line XII-3
Figure XII-4: Light Fixture Examples XII-5
Figure XII-5: Visibility Triangle at Street Intersections XII-6
Figure XII-6: Visibility Triangle at Alley and a Street and Driveway and a Street Intersections XII-7
Figure XIV-1: Calculation of Mailed Notice Radius XIV-4
Figure XIV-2: Zoning Ordinance Text and Map Amendment Process (Generally) XIV-6
Figure XIV-3: Development Plan Approval Process (Generally) XIV-8
Figure XIV-4: Special Use Process (Generally) XIV-12
Figure XIV-5: Major Site Process (Generally) XIV-16
Figure XIV-6: Administrative Site Process (Generally) XIV-17
Figure XIV-7: Variance Process XIV-19
Figure XIV-8: Appeals of Administrative Decisions (Generally) XIV-23
Figure XVI-1: Setbacks from Curvilinear Lot Lines XVI-2
Figure XVI-2: Side (Interior) Setback Measurement XVI-2
Figure XVI-3: Rear Setback Measurement XVI-3

Figure XVI-4: Setbacks from Multiple Rear Lot Lines....XVI-3
Figure XVI-5: Rear Setback Measurement When There is No Rear Lot Line....XVI-3
Figure XVI-6: Contextual Setbacks (1)....XVI-4
Figure XVI-7: Contextual Setbacks (2)....XVI-5
Figure XVI-8: Contextual Setbacks (3)....XVI-5
Figure XVI-9: Contextual Setbacks (4)....XVI-6
Figure XVI-10: Contextual Setbacks (5)....XVI-6
Figure XVI-11: Streetwall Measurement....XVI-7
Figure XVI-12: Transparency Measurement....XVI-8
Figure XVI-13: Blank Wall Segments....XVI-9
Figure XVI-14: Building Entrances....XVI-9
Figure XVI-15: Basements and Visible Basements....XVI-10
Figure XVI-16: Building Height Measurement (Stories)....XVI-10
Figure XVII-1: Caliper (Tree) Measurement....XVII-4
Figure XVII-2: Diameter at Breast Height (DBH)....XVII-6
Figure XVII-3: Dripline (of a Tree)....XVII-6
Figure XVII-4: Hoop House....XVII-10
Figure XVII-5: Reversed Corner Lot....XVII-12
Figure XVII-6: Feather Sign....XVII-15
Figure XVII-7: Rear Yard....XVII-20
Figure XVII-8: Side Yard....XVII-20

Article 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

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 with 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~~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.

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~~ Business 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.

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. 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

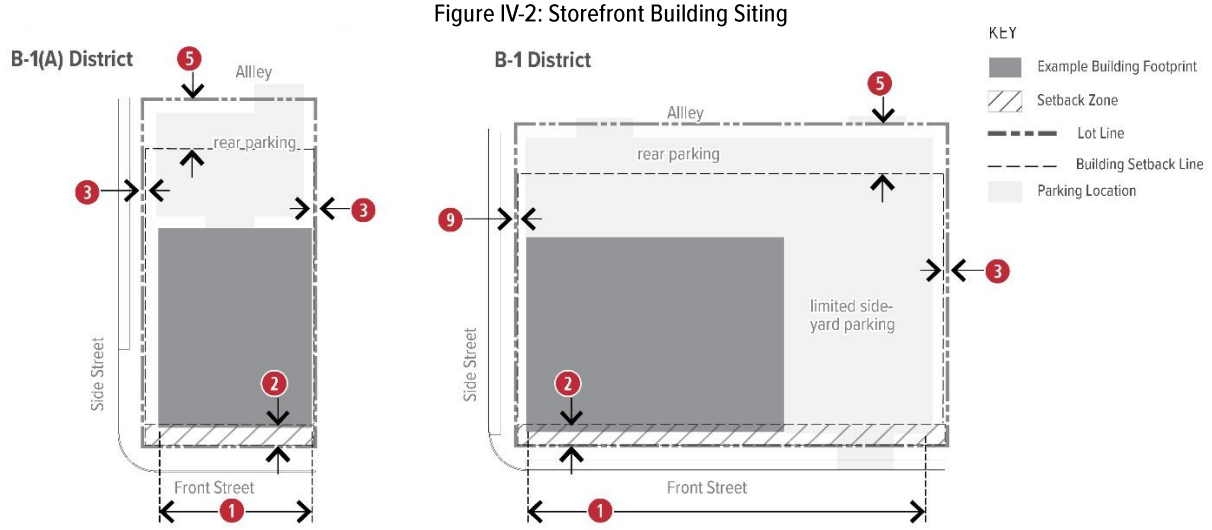
See Sec. 4.06 for regulations applicable to all building types.

(2) Regulations Specific to Storefront Buildings

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

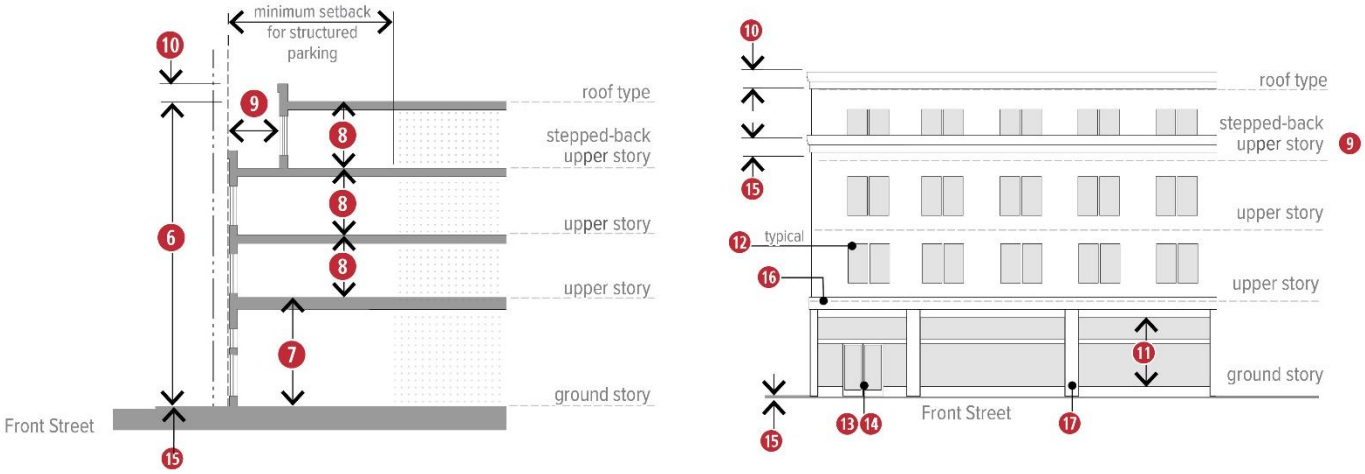
Figure IV-1: Storefront Building Examples

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 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 Max	2 5	1 3	Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements. Total overall building height may not exceed 70 feet.
7	Ground-Story Height (ft.)	Min Max	12 16		
8	Upper-Story Height (ft.)	Min Max	8.5 ~~11~~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

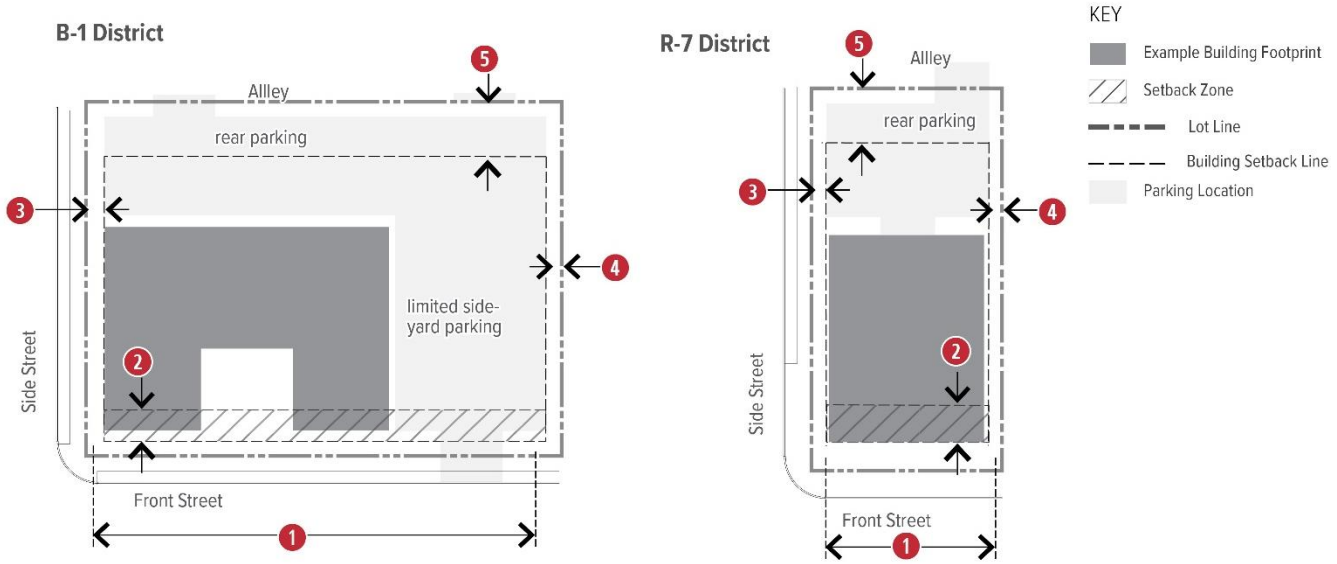
See Sec. 4.06 for regulations applicable to all building types.

(2) Regulations Specific to General Buildings

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

Figure IV-4: General Building Examples

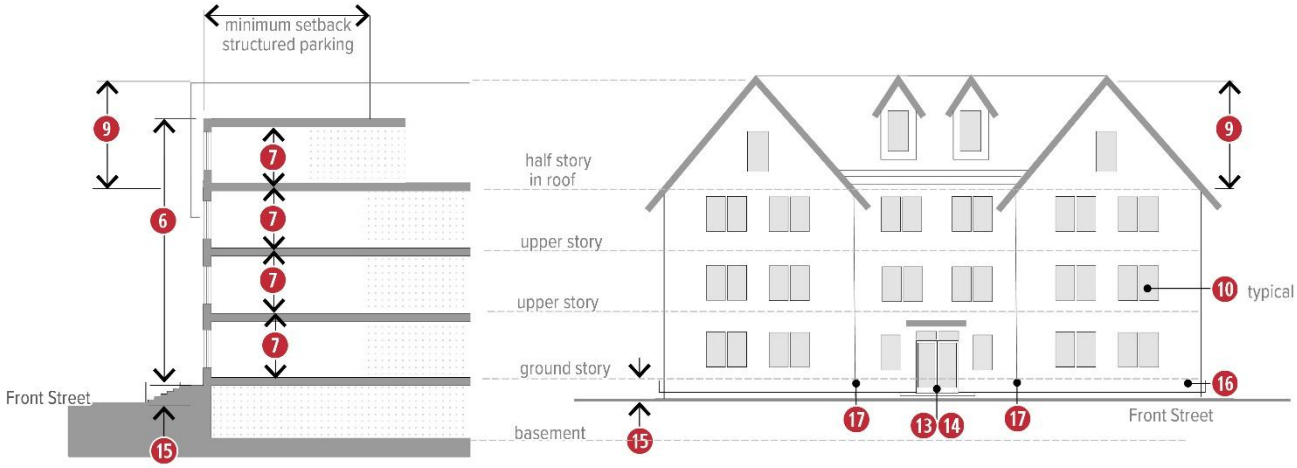
Figure IV-5: General Building Siting



			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 abutting non-R district: 0 or 5	abutting R district: 10 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 Max	1 3.5	2 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 Max	8.5 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

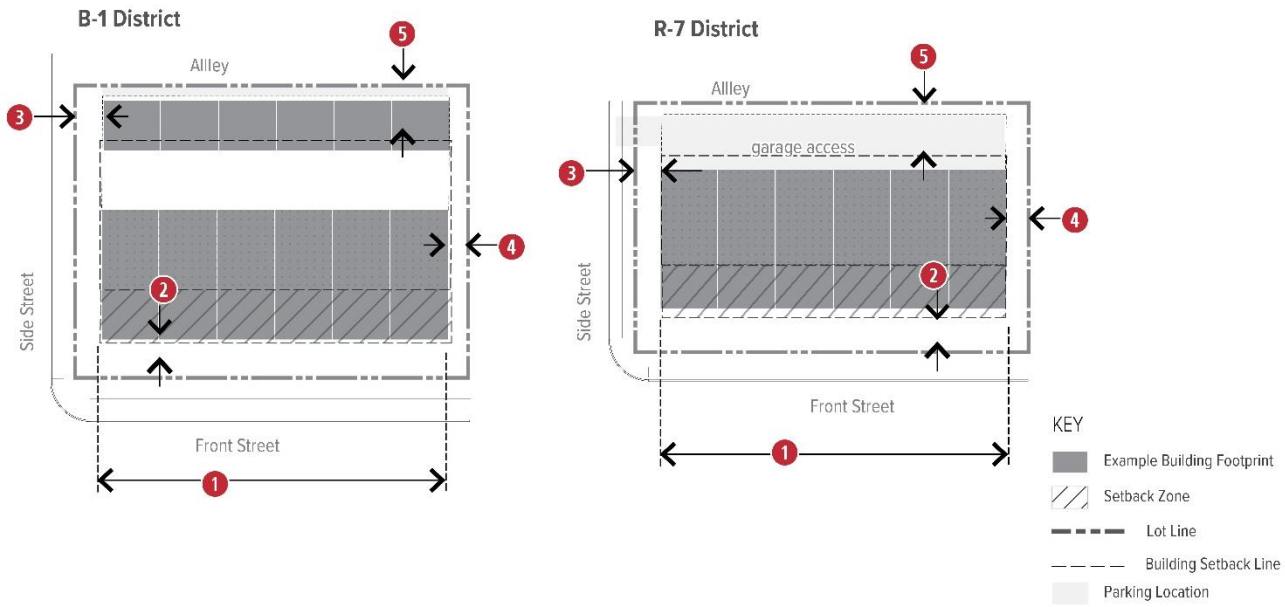
See Sec. 4.06 for regulations applicable to all building types.

(2) Regulations Specific to Row Buildings

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

Figure IV-7: Row Building Examples

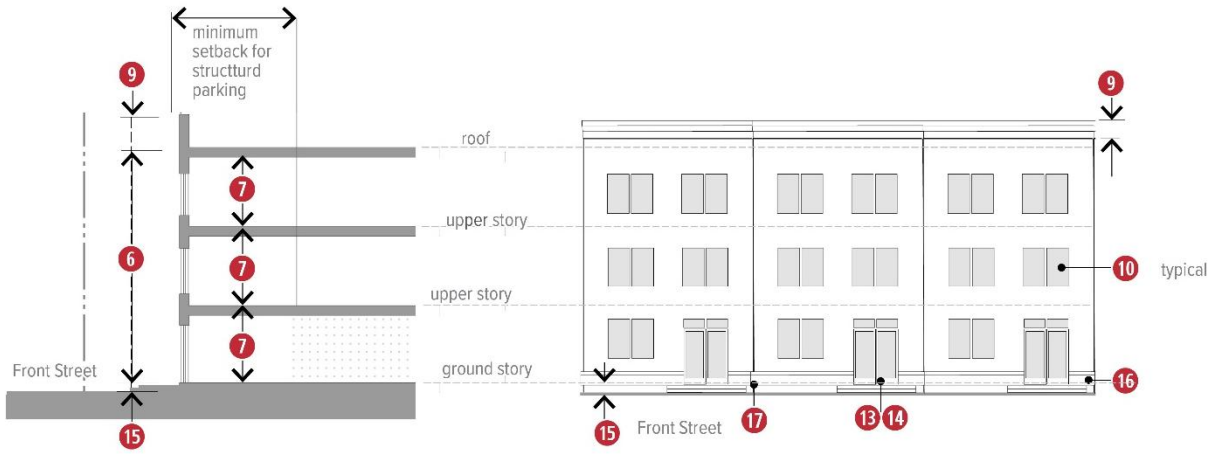
Figure IV-8: Row Building Siting



			Districts	Additional/References
			~~B-1 and~~ R-7	
Building Siting. See Figure IV-8				
1	Maximum Building Width (units)	minimum maximum	2 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 Max	2 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 Max	8.5 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 full dimensional, economy, unit, face brick	A	A
B	Concrete Masonry Units 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 finished lap siding, board & batten, or shingles	–	A
D	Stone natural, units	A	A
E	Wood 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 finished, stained, painted, treated	L	L	Below ground story & first 3 feet of ground story only
F	Concrete Masonry Units minimum 3" depth, split-faced, burnished/ground face, glazed, or honed	A	–	–
G	Glass System ~~curtain wall~~	A	A	–
H	Metal Architectural 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 cement-based, 2-3 layer hard coat, synthetic, or with elastomeric finishes	L	L	Only 2nd or higher stories
	Terra Cotta or Ceramic tiles or panels	A	A	–
	Vinyl & PVC Siding minimum .040 inch thickness	–	A	–
J	Wood, Composite 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

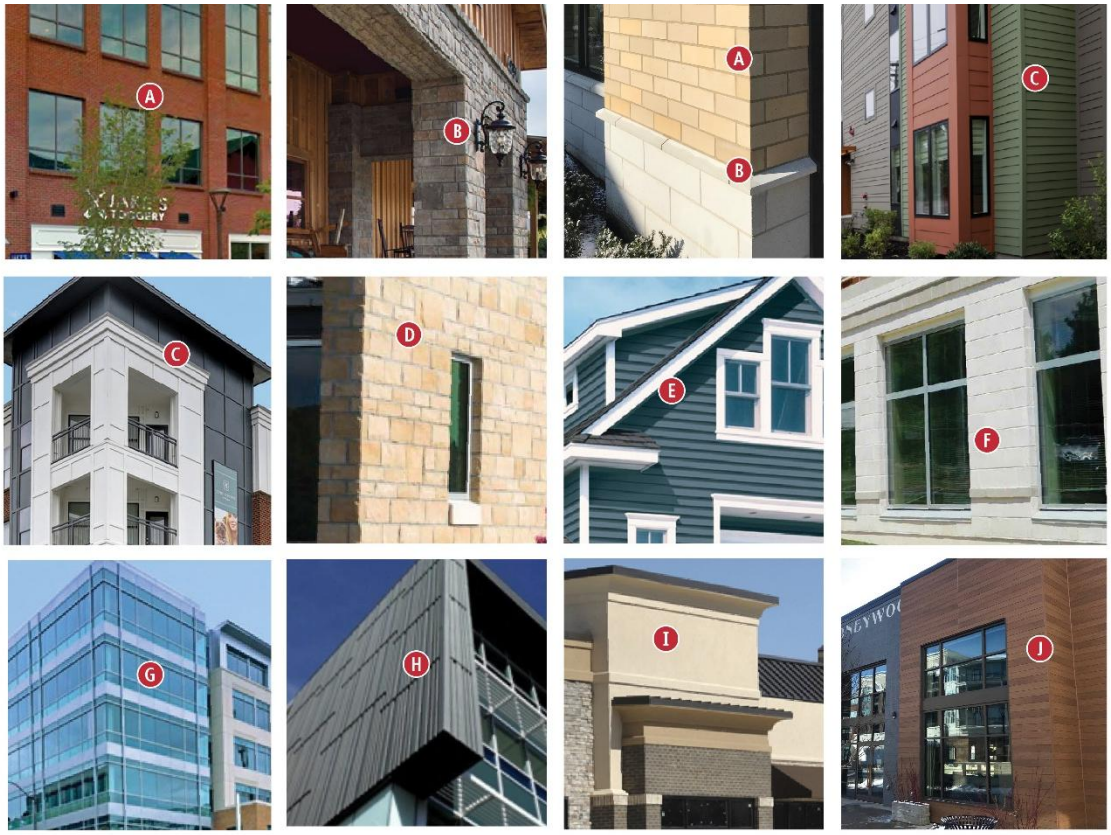


Table IV-5: Allowed Detail & Accent Materials	
All allowed major and minor facade materials may be used for details, trim, and accents.	
K	**Concrete Details** precast stone ornamentation, lintels, sills, banding, columns, beams
	Fiber Cement Details trim, soffits
L	**Metal Details** trim,soffits, ornamentation, lintels, beams, columns
	Wood and Wood Composite Details painted/treated trim, soffits, other approved details
M	**Vinyl Details** 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

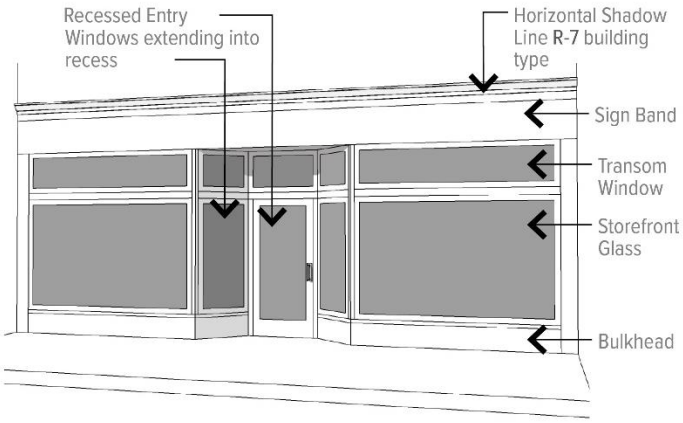


Figure IV-12: Stoop Entrance Example

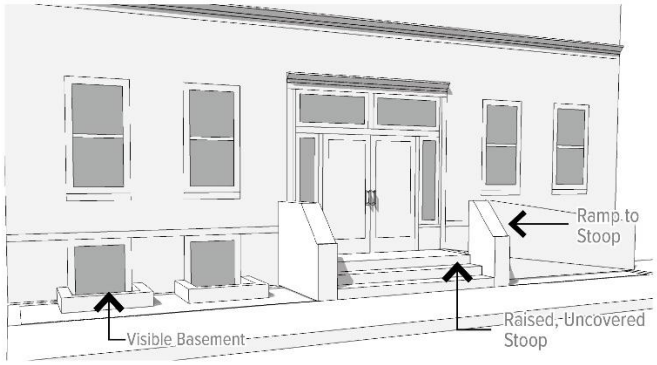
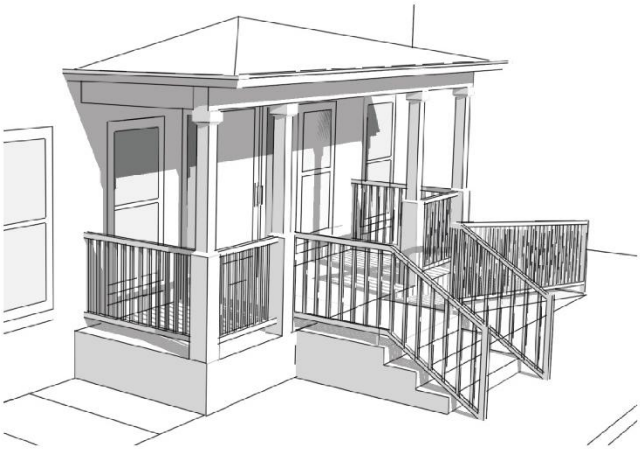


Figure IV-13: Porch Entrance Example



(D) Roof Types

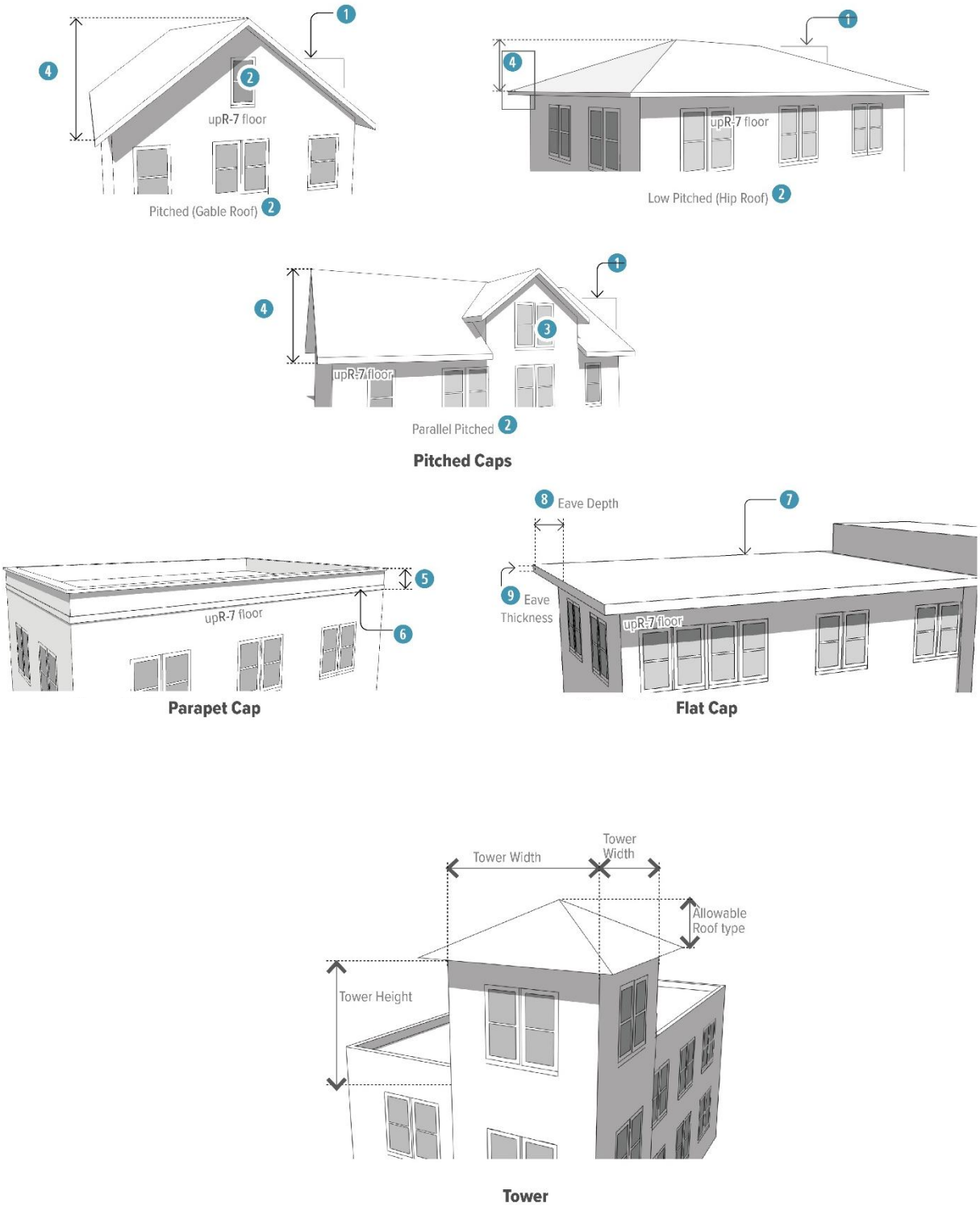
Roof type regulations are intended to ensure that buildings have a clearly defined cap consistent with traditional roof types found within the downtown area. The major components of any roof must meet one of the roof types allowed by the building type (see Table IV-5). The roof design is required where 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 Maximum Permitted Pitch	6:12; 3:12 allowed above 3 stories 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 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

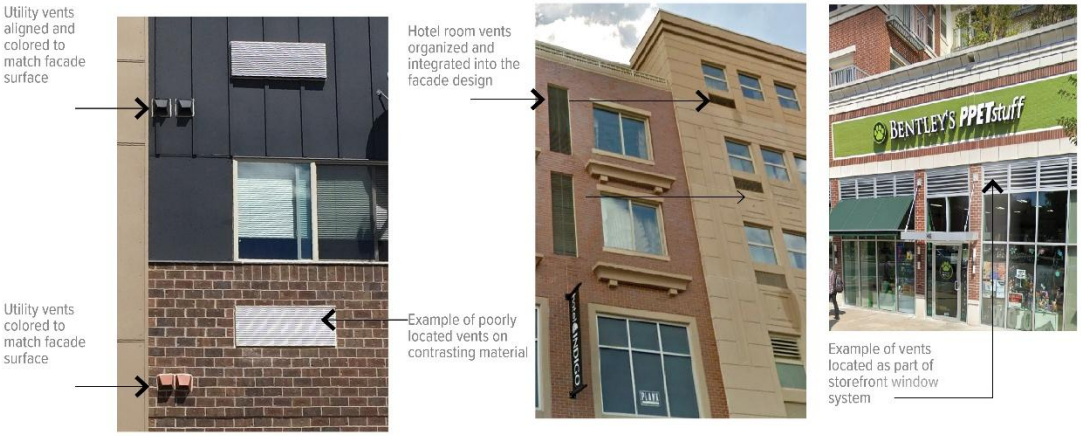
i. Mechanical equipment and appurtenances may not be located in the front street yard, except when no other option exists, as determined by the zoning administrator.

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 **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]	–	–	–	–	–	–	–	–	–	–	–	
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	–	–	–	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]	–	–	–	–	–	–	–	–	
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 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																			
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~~S	–	
Minor Repair and Maintenance	–	–	–	–	–	–	–	–	–	S	S	–	S	–	~~–~~S	~~P~~S	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~~S	–	
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 **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																			
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~~Minor 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

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

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-11
Sec. 7.13 Flagpoles VII-12
Sec. 7.14 Business Vehicles VII-12
Sec. 7.15 Garages and Carports VII-12
Sec. 7.16 Generators VII-12
Sec. 7.17 Geothermal Heat Exchange Systems VII-13
Sec. 7.18 Home Occupations VII-13
Sec. 7.19 Manufacturing Accessory Uses VII-14
Sec. 7.20 Outdoor Accessory Uses VII-15
Sec. 7.21 Recreational Vehicles and Equipment VII-16
Sec. 7.22 Solar Energy Systems VII-17
Sec. 7.23 Swimming Pools and Hot Tubs VII-18
Sec. 7.24 Temporary Storage Units VII-18
Sec. 7.25 Tents VII-19
Sec. 7.26 Vending Machines VII-19
Sec. 7.27 Wind Energy Conversion Systems (WECSs) VII-19

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 ~~driveways~~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).

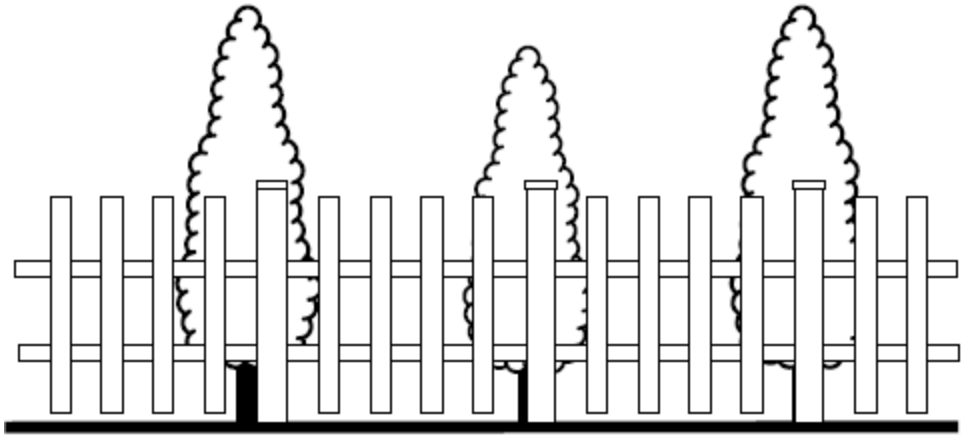
(2) Structural Elements

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 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, l~~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

~~**(1)**~~**(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

Sec. 9.01 General IX-1
Sec. 9.02 Minimum Parking Requirements IX-2
Sec. 9.03 Calculation of Required Parking IX-3
Sec. 9.04 Parking Exemptions and Reductions IX-4
Sec. 9.05 Location of Off-Street Parking IX-6
Sec. 9.06 Use of Required Off-Street Parking Areas IX-7
Sec. 9.07 Parking Area Design IX-7
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
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 or in accordance with Sec. 9.03(G)
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.~~

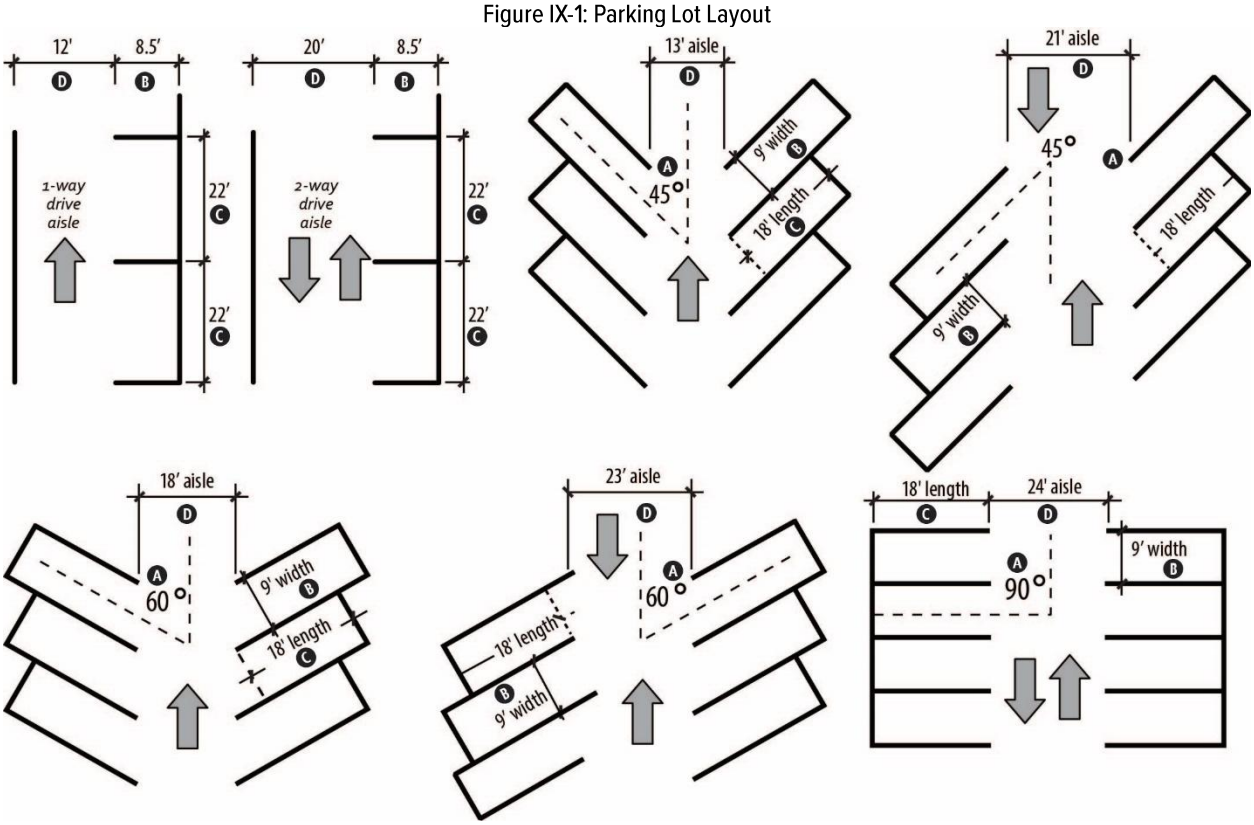
(C) Parking Lot Layout

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)

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



(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.

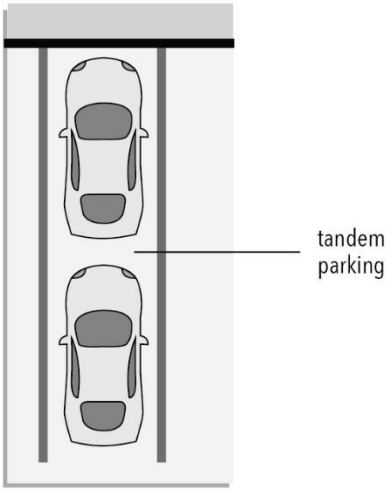
(G) Pavement Marking

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
Sec. 11.04 Allowed Signs XI-6
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-11
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

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]	
					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)
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.

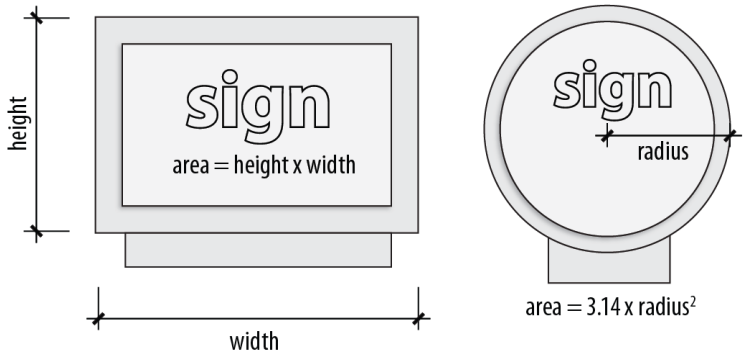
Sec. 11.11 Sign-Related Measurements

(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

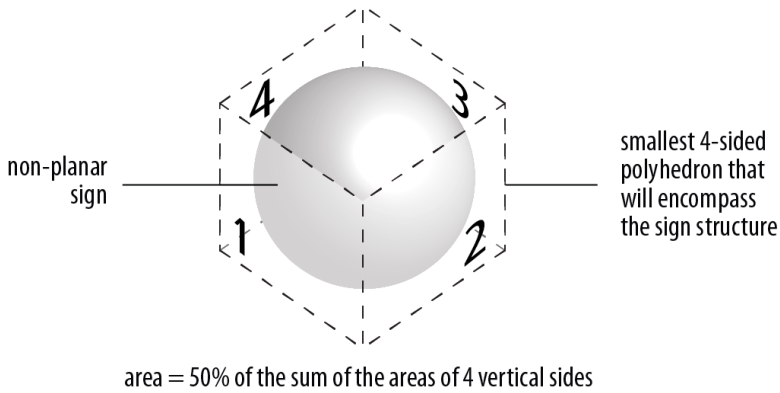
The area of a sign comprised of individual letters or elements attached directly to a building wall is determined by calculating the area of the smallest rectangular polygon that can be drawn around the letters or elements.

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.

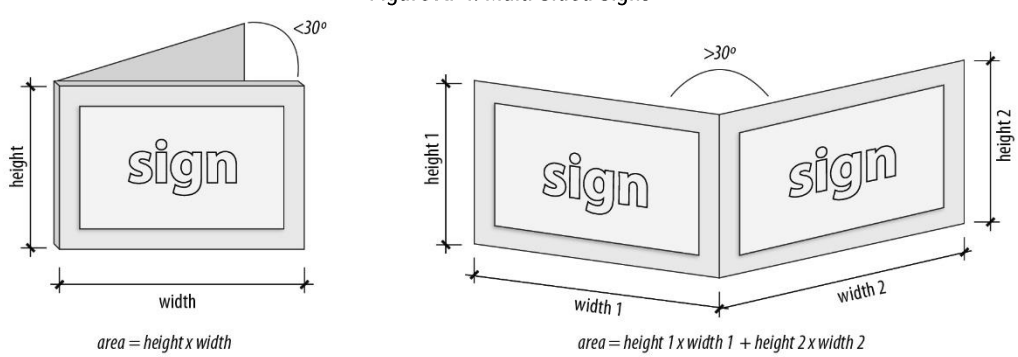
Figure XI-3: Non-Planar Sign Measurement



(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.

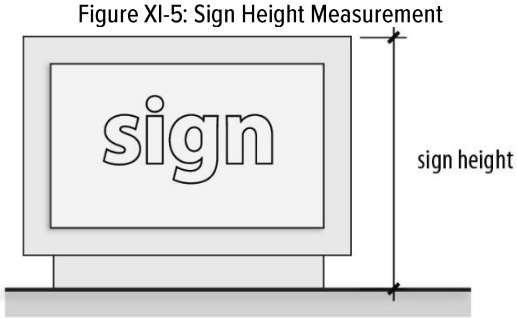
Figure XI-4: Multi-Sided Signs



(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.

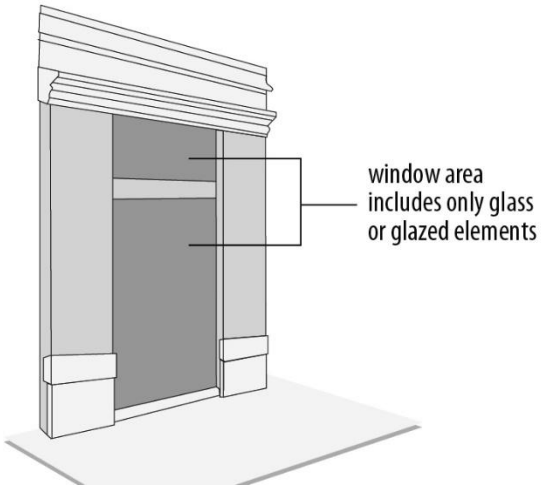
(3) Regardless of the height, number of stories, or number of tenants in a building, building frontage is determined by one measurement of the horizontal length of the wall at finished grade. Building walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections 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**

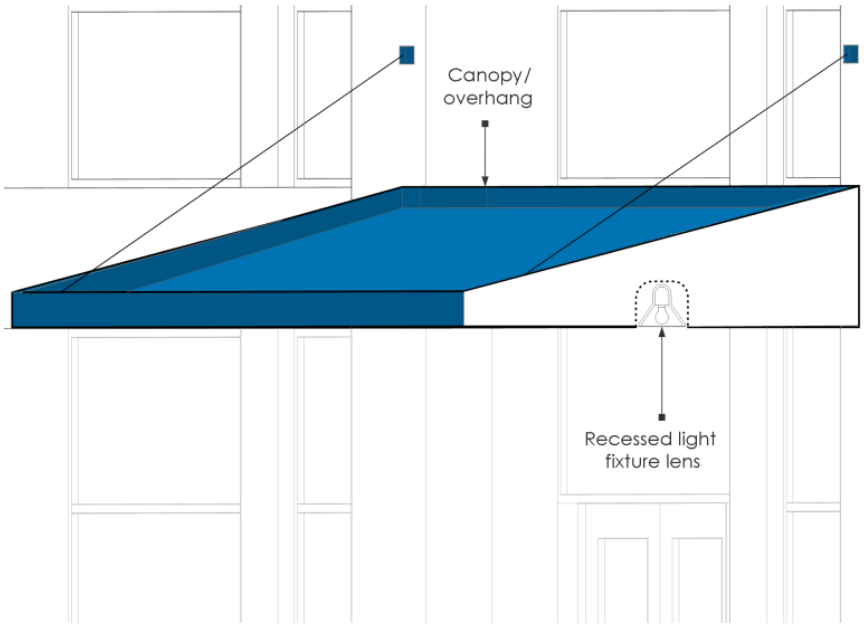
(1) Light sources must be color-correct types such as Halogen, LED, or metal halide.

(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

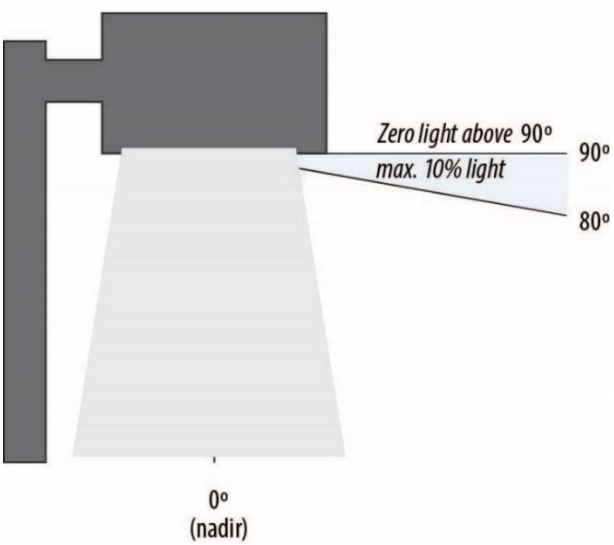


~~(F)~~(G) **Arrangement and Shielding**

(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

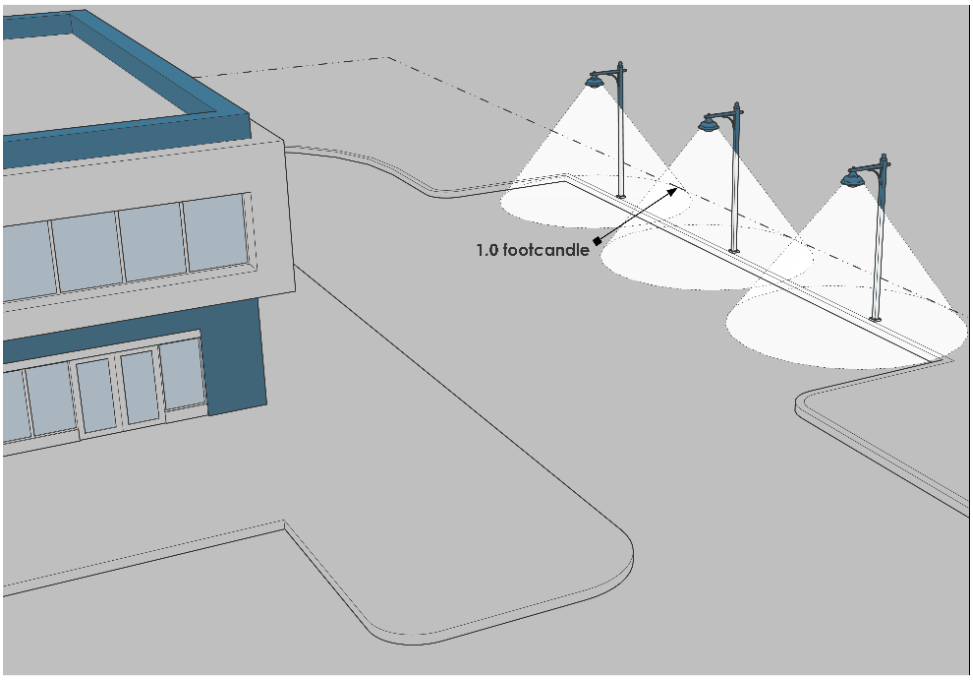


(3) A light fixture may cast light upward only if all upward light is reflected back down by a canopy, roof, or similar feature.

~~(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.

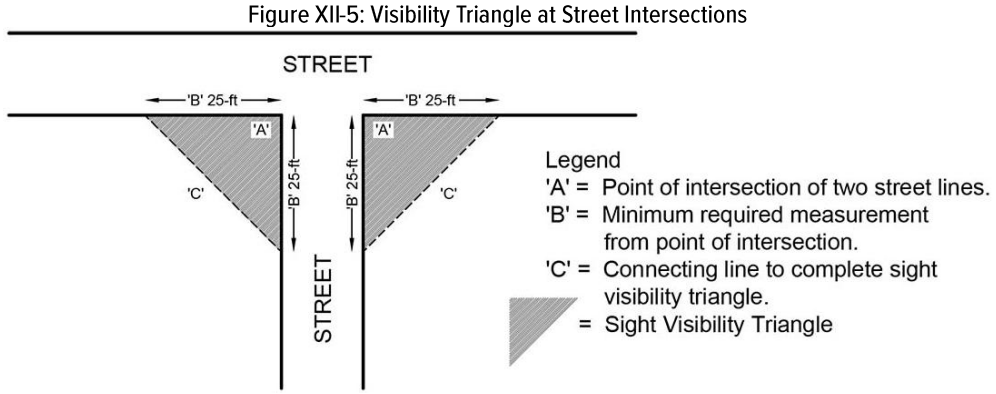
(B) Sight Visibility Triangle Areas

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



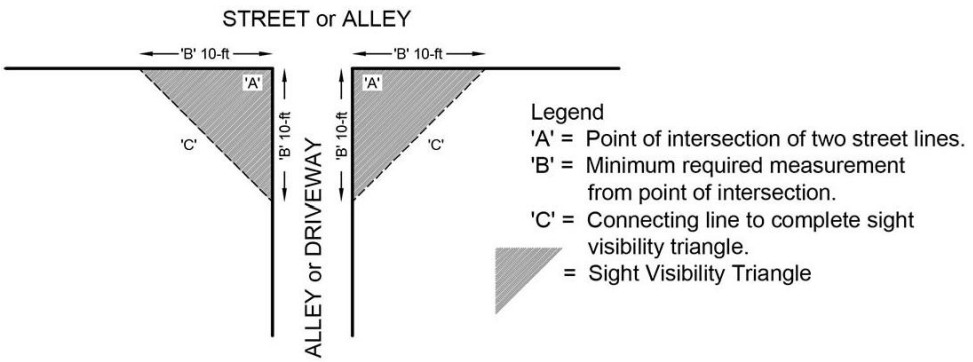
(2) Intersection of an Alley and a Street or a Driveway and a Street

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
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

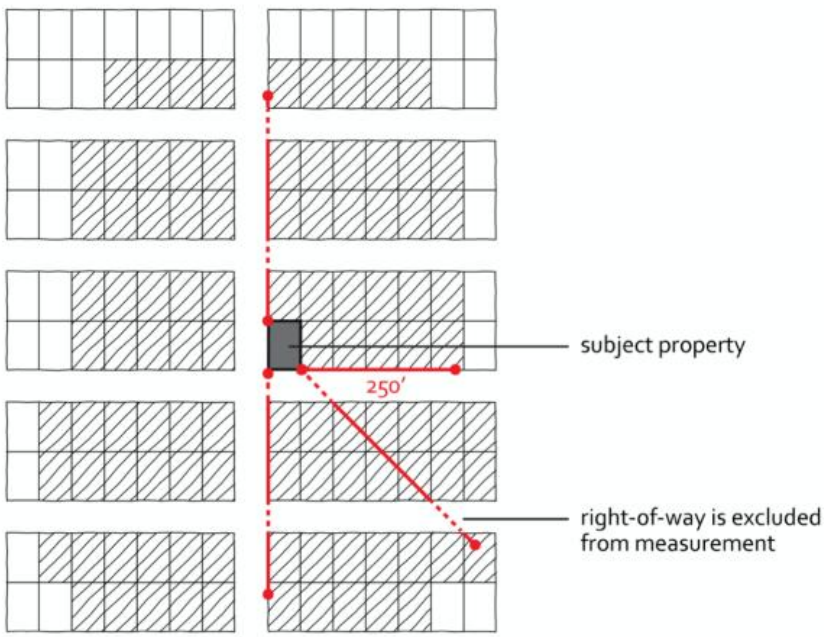
rights-of-way (i.e., rights-of-way are not counted in calculating the required notification radius). See Figure XIV-1

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.

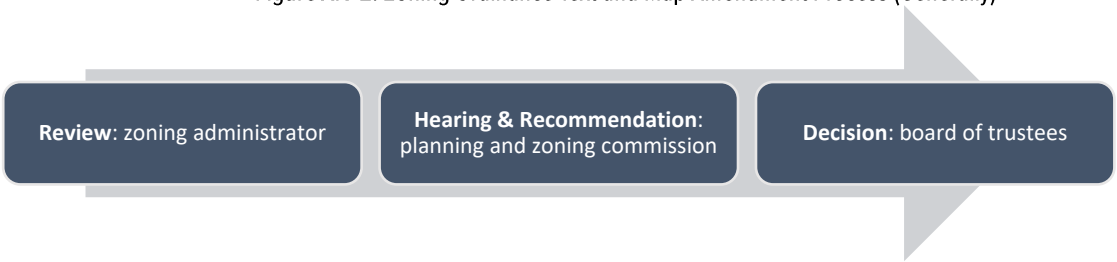
Sec. 14.02 Zoning Ordinance Text and Zoning Map Amendments

(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

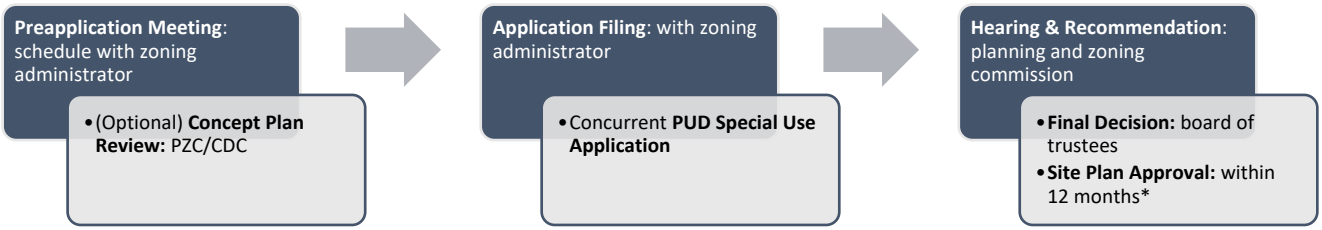
Development plans are required (mandatory) for special use requests for Planned Unit Development (PUD) approval and PUD amendments and for Resort District (B-3) zoning map amendments. They are also required for major amendments to

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.

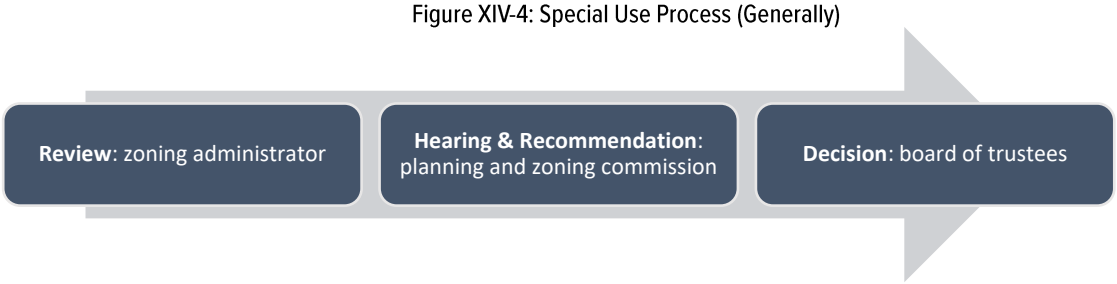
(B) Authorized Special Uses

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;

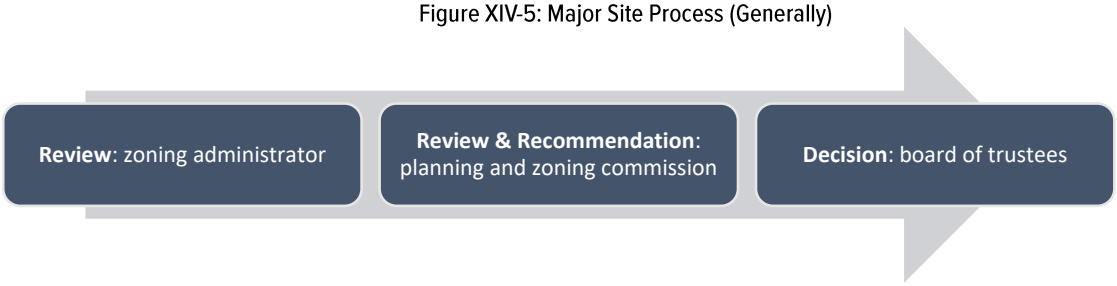
(c) Site plans that qualify as administrative site plans but which are referred by the zoning administrator for processing as a major site plan due to potential adverse impacts on neighboring properties, noncompliance with applicable zoning or other village regulations; and

(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.~~

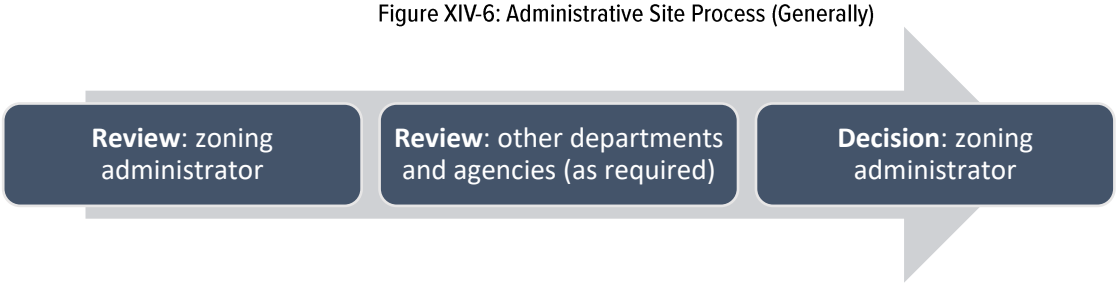
(H) Administrative Site Plan Review Process

(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.

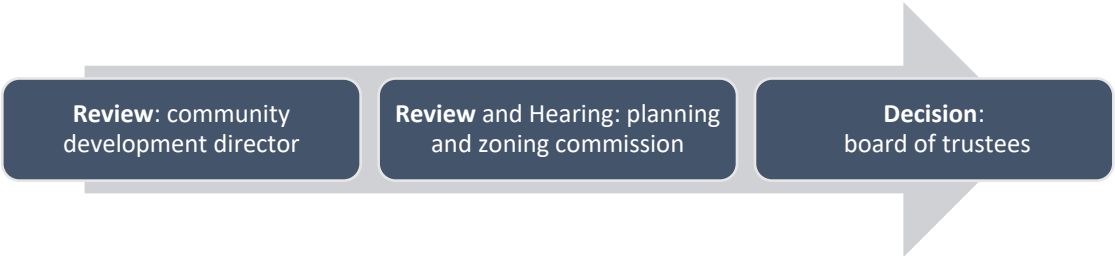
(2) Records documenting any approved minor site plan amendments must be maintained in the office of the zoning administrator.

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.~~

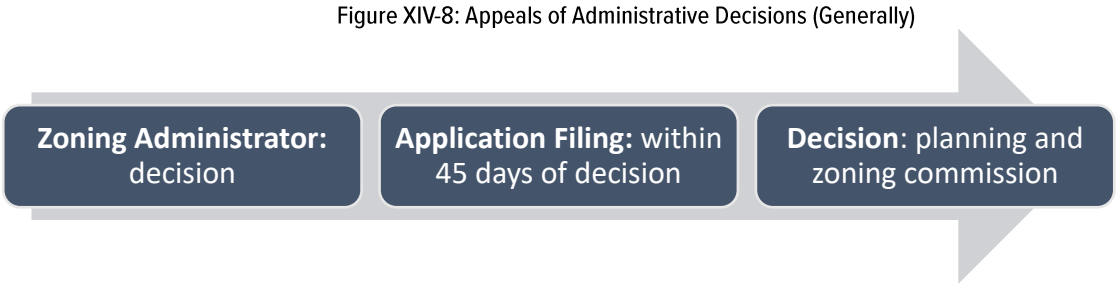
~~Pending the issuance of a regular certificate of occupancy, a temporary permit may be issued to be valid for a period of no more than 60 days during months of the year permitting exterior construction and not more than 180 days during other times of the year. Application for a temporary permit must 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-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.

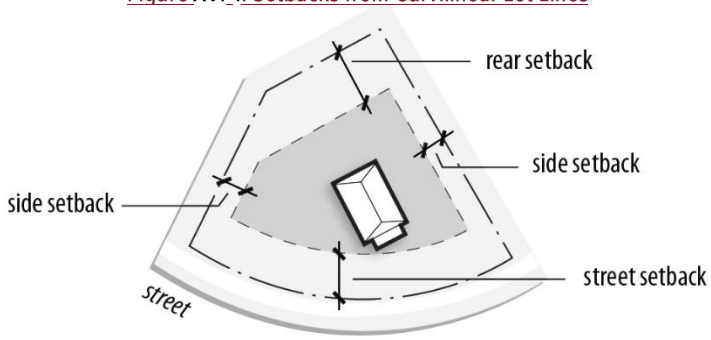
Sec. 16.07 Setbacks

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.

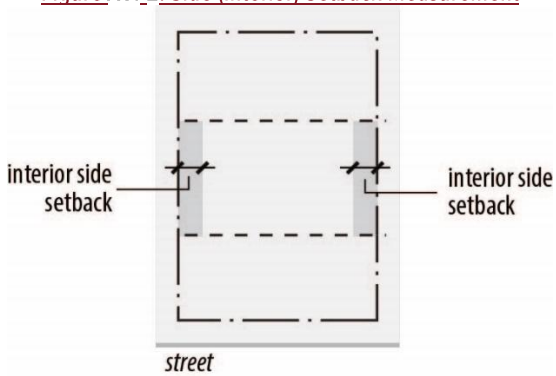
Figure XVI-1: Setbacks from Curvilinear Lot Lines



(2) Street setbacks are measured from the actual right-of-way line of the street (other than an alley).

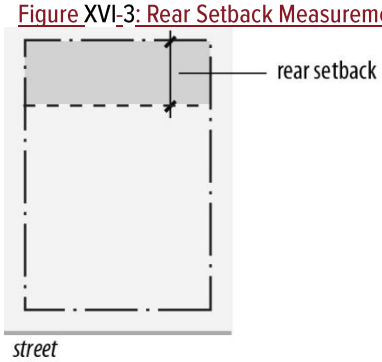
(3) Interior side setbacks are measured from a side lot line that does not abut a street. When there are multiple interior side lot lines, the zoning administrator is authorized to determine the setback regulations that apply (e.g., determining that a minimum front setback is required based on the orientation of streets and buildings in the immediate vicinity).

Figure XVI-2: Side (Interior) Setback Measurement



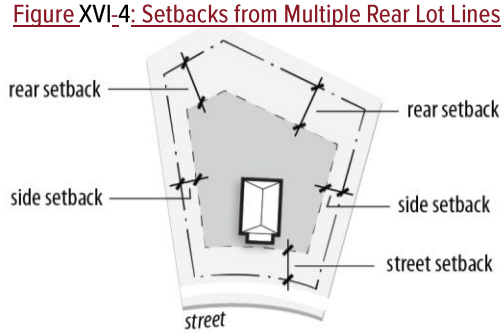
(4) Rear setbacks are measured from the rear lot line.

Figure XVI-3: Rear Setback Measurement



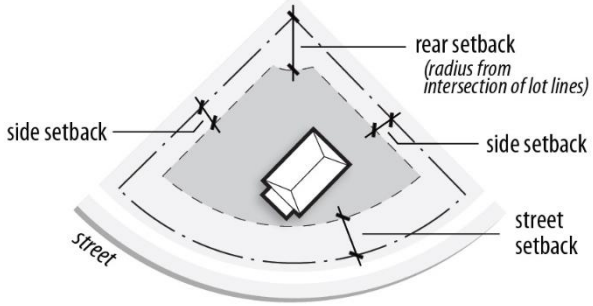
(a) When there are multiple rear lot lines, the rear setback must be measured from each rear lot line.

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

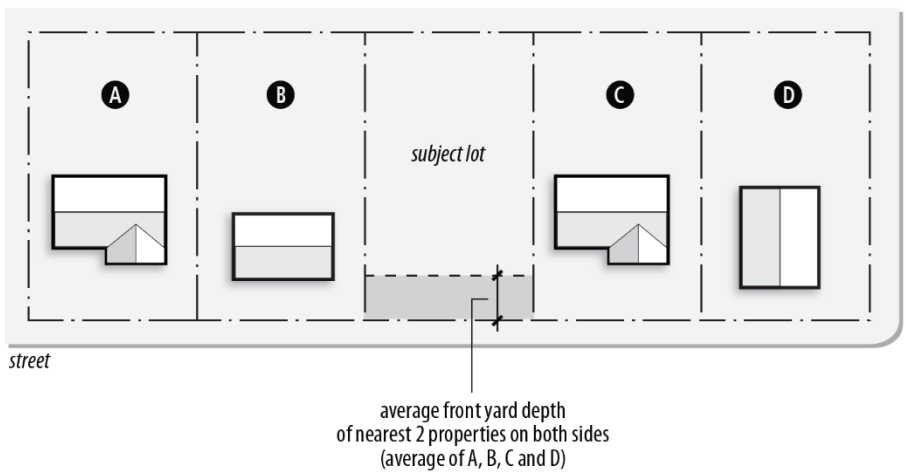
(1) Applicability; Eligible House Types

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

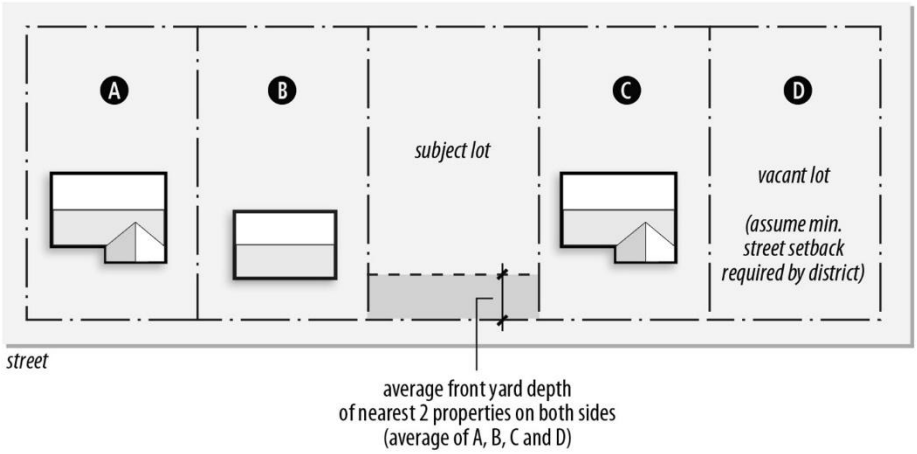
When existing buildings on one or more lots abutting a lot on which an eligible house type is proposed to be constructed or altered are closer to the street property line than the otherwise required street setback, additions to existing houses or construction of new houses on the subject lot may comply 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)



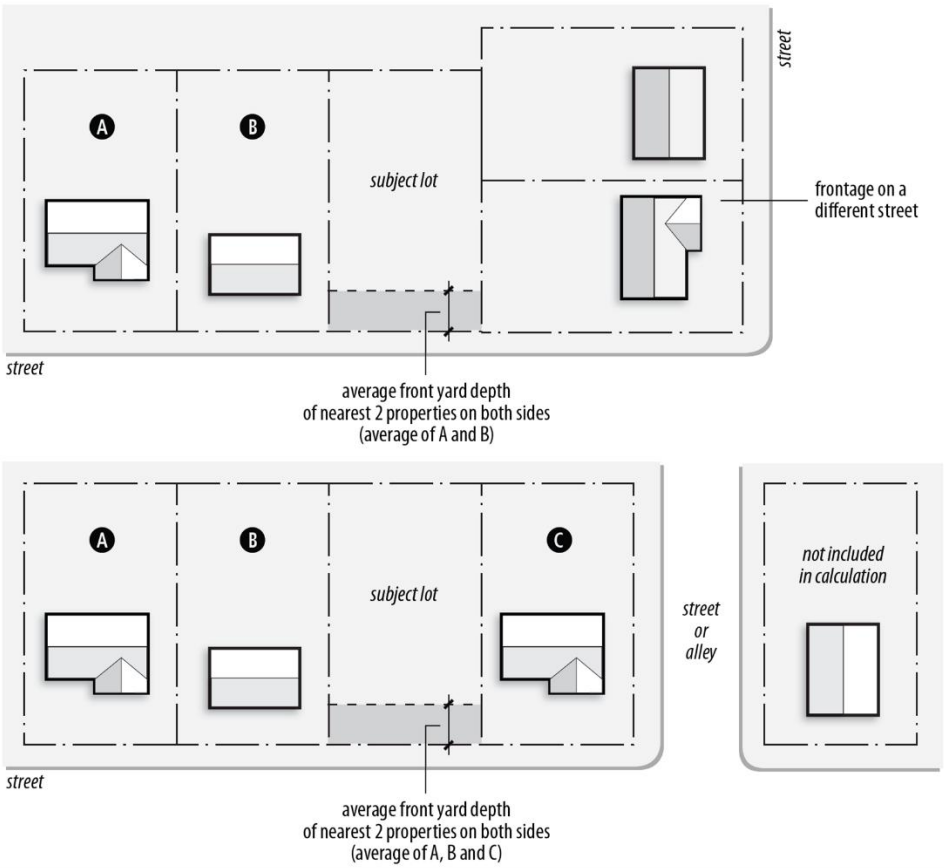
(3) If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Figure XVI-7.

Figure XVI-7: Contextual Setbacks (2)



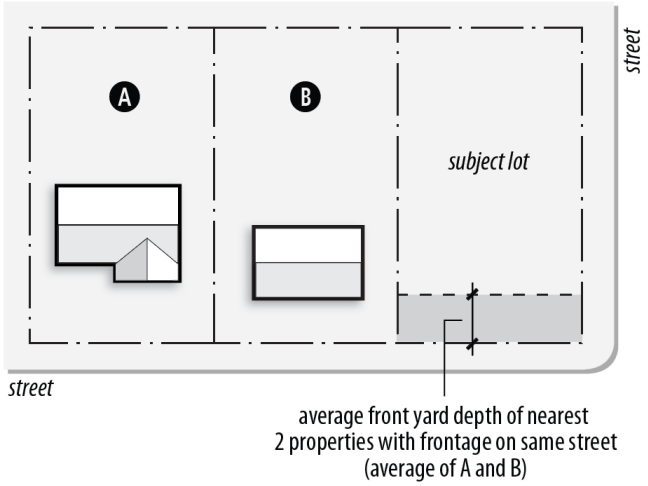
(4) Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley or that are not within an R zoning district may not be used in computing the average setback. See Figure XVI-8.

Figure XVI-8: Contextual Setbacks (3)



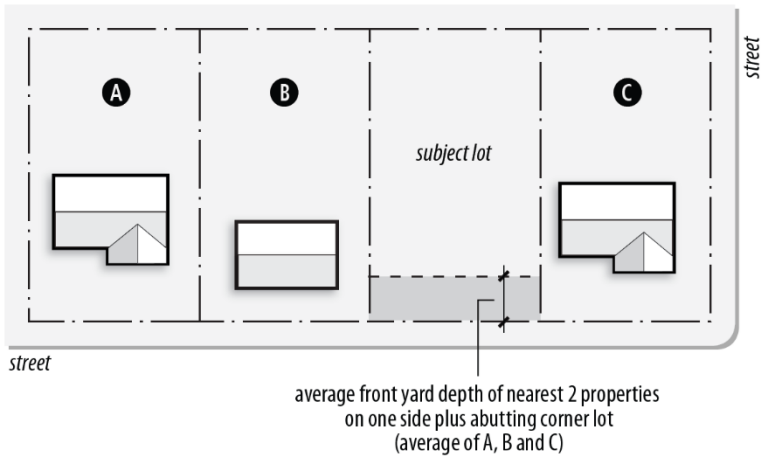
(5) When the subject lot is a corner lot, the average street yard depth must be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-9.

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.

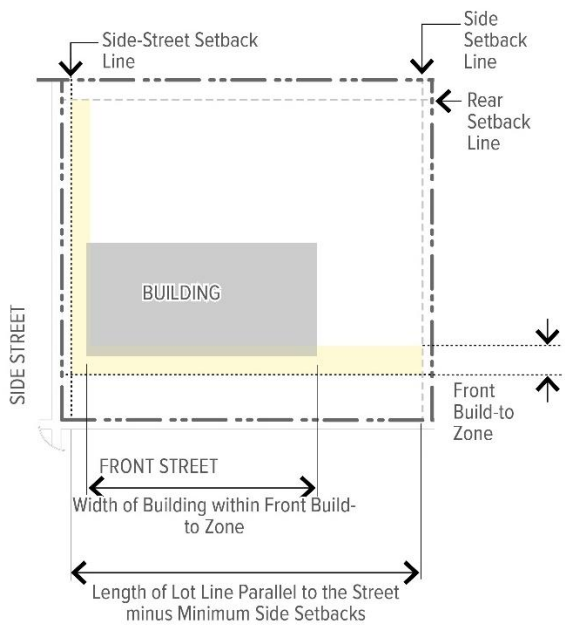
Sec. 16.10 Streetwall Width

(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.

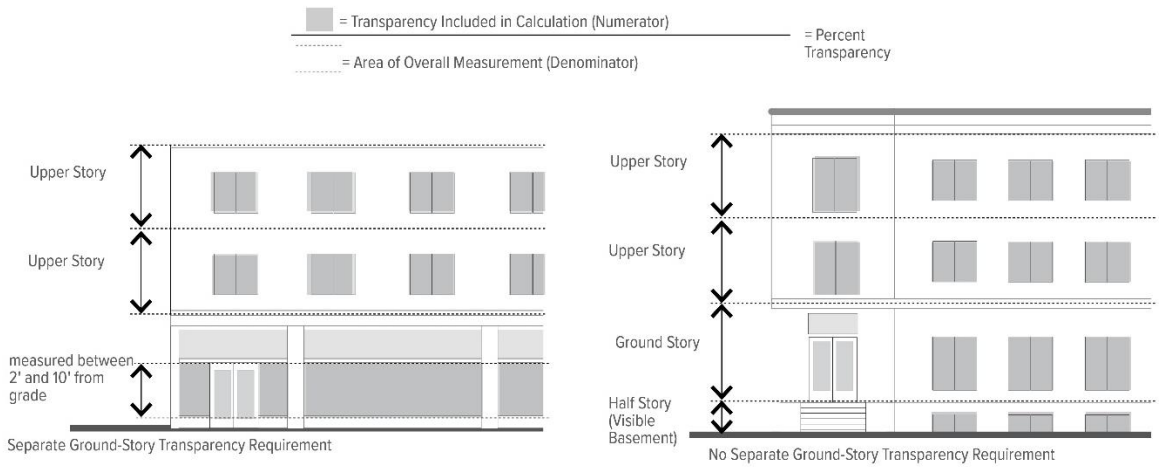
(A) False Windows

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.

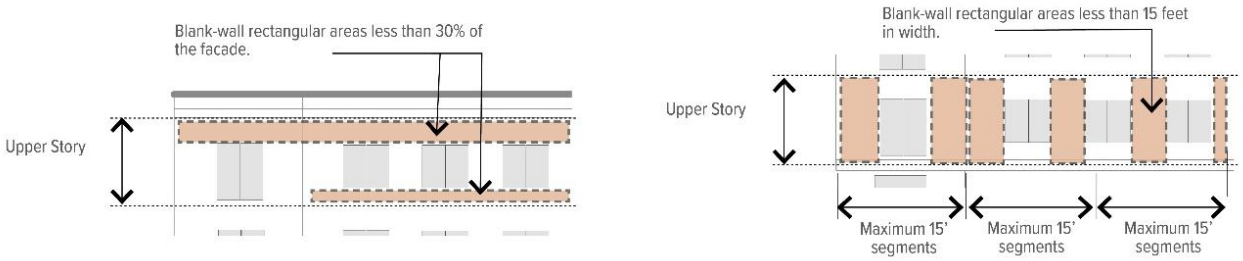
(C) Blank Wall Segments

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.

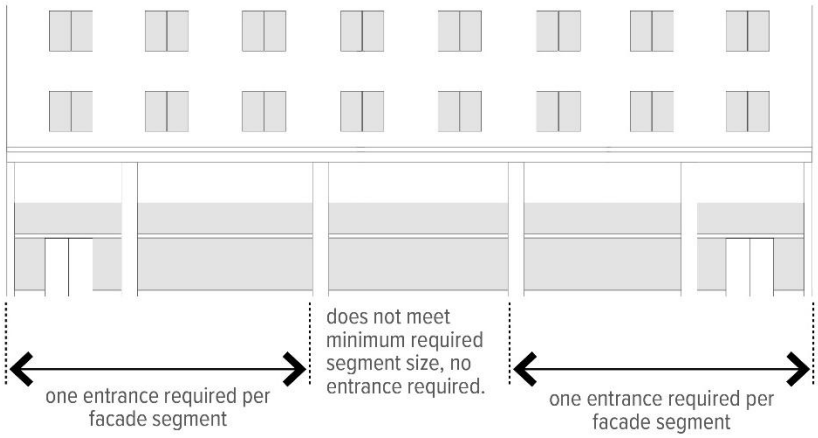
(E) Half Stories

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

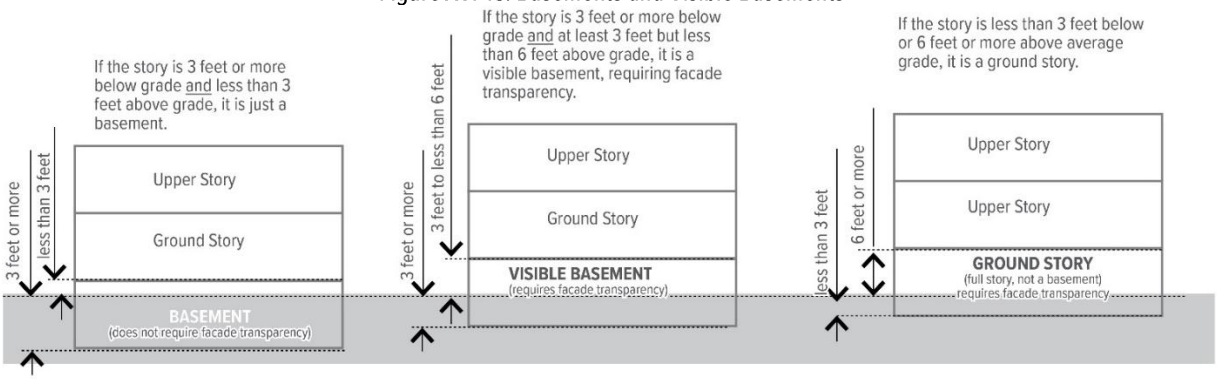
(A) Measurement

(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



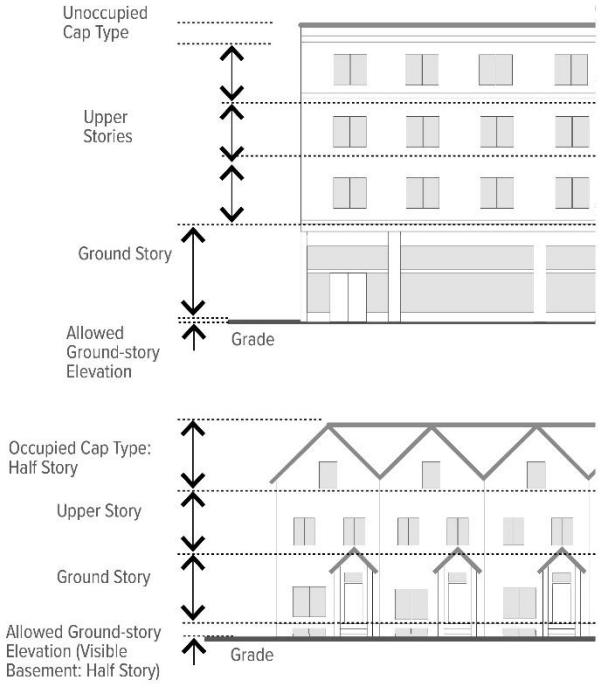
(b) Buildings must meet any applicable minimum height requirements along all front street facades and for a depth of at least 20 feet into the building.

(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 fully 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.

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;~~

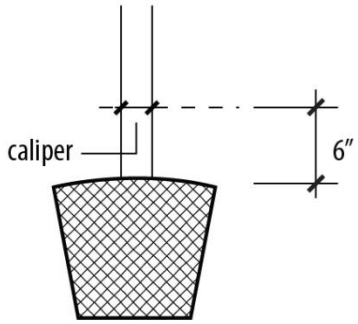
~~(d) Open space allocated to buildings; and~~

~~(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.~~

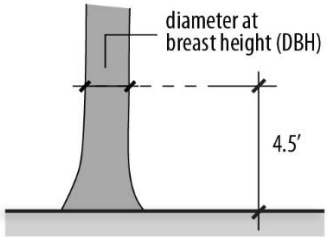
Craft Alcoholic Beverages
Any fermented specialty beverage for sale or for consumption on the premises in which it is produced and that contains ethyl alcohol as an intoxicating agent and that is fit for human consumption. Craft alcoholic beverages include craft beer or artisanal wine.

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)



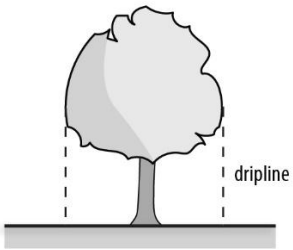
Disability or Disabled
A defined in the *Americans with Disabilities Act* and the *Fair Housing Amendments Act.*

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.

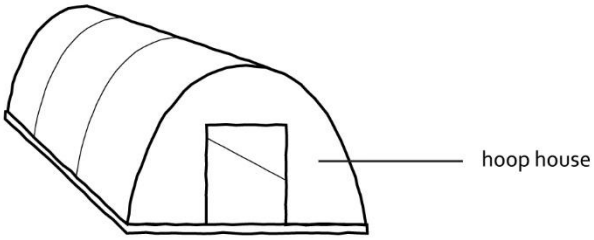
Greenhouse
A building comprised largely of glass or polycarbonate panels and designed for the purposes of protecting and cultivating plants.

~~**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.

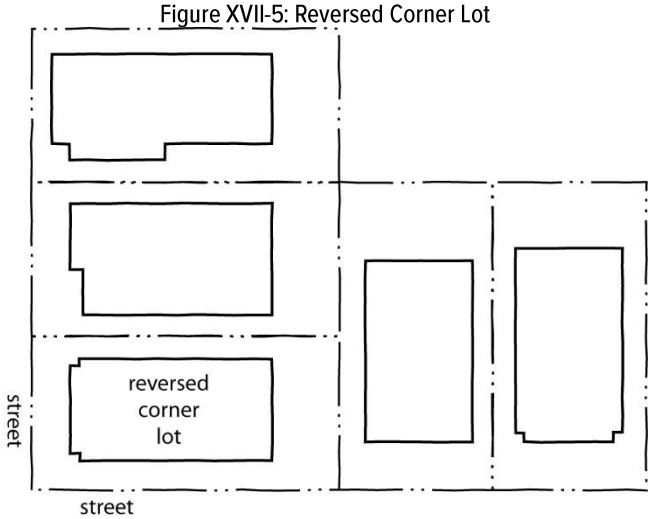
Lot Line, Street
A lot line that abuts a street. A lot may have more than one street lot line, and a street lot line may be a front lot line or street side lot line.

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.

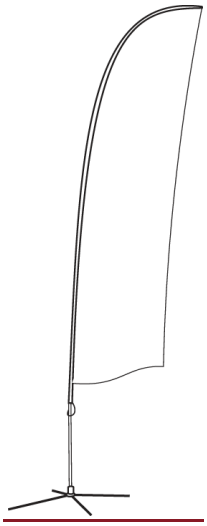
Sign, Drive-through
A sign located on the site of an allowed drive-through use.

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.~~

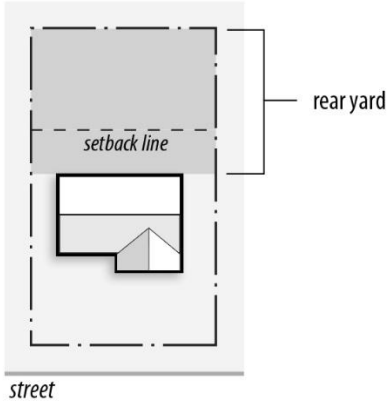
Yard, Front
A yard extending along the full length of the front lot lines between the side lot lines.~~A yard that is bounded by the side lot lines, front lot line, and the front yard line.~~

~~**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.

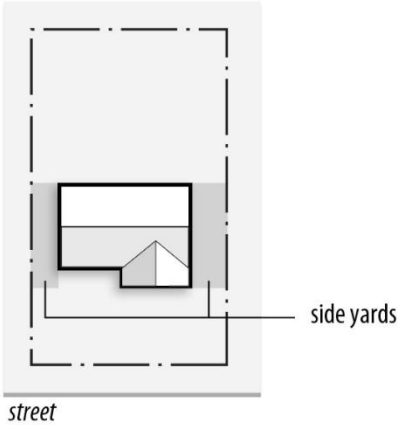
Yard, Rear
A yard extending along the full length of the rear lot line between the side lot lines.~~A yard that is bounded by side lot lines, rear lot line and the rear yard line.~~

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.

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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	No	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

DRAFT AMENDMENT LANGUAGE
(amendments are indicated by underlined and shaded text; deletions are indicated by ~~strikeouts~~):

APPENDIX A- RESERVED ~~ZONING~~[1]

~~[1]Editor's note(s)—Printed herein is Ord. No. 79-33, § 3, as adopted by the village board on October 1, 1979. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. The zoning map is on file in the village offices.~~

~~Cross reference(s)—Advertising, ch. 6; alcoholic beverages, ch. 10; animals, ch. 14; buildings and building regulations, ch. 18; economic development director, § 18-3; businesses, ch. 22; engineering and flood control, ch. 34; tattooing and body piercing establishments, § 46-200 et seq.; planning and development, ch. 63; telecommunications systems, ch. 76; vehicles for hire, ch. 90; land development, app. B; schedule of fees, taxes and charges, app. C.~~

~~State law reference(s)—Zoning, 65 ILCS 5/11-13-1 et seq.~~

~~ARTICLE I. TITLE~~

~~(A) This comprehensive amendment, including the rezoning district map made a part hereof, shall be known and may be cited and referred to as "The Village of Westmont Zoning Ordinance."~~

~~(B) This comprehensive amendment was approved by the president and board of trustees on October 1, 1979, and has thereafter been amended from time to time.~~

~~ARTICLE II. PURPOSE AND INTENT~~

~~Sec. 2.01. Purpose.~~

~~This comprehensive amendment is adopted to the end that:~~

~~(A) Adequate natural light, pure air, privacy, convenience of access to property, and safety from fire, explosion, noxious fumes, panic and other dangers may be secured;~~

~~(B) Overcrowding of land may be prevented;~~

~~(C) Undue concentration of population may be avoided;~~

~~(D) Value of land and structures throughout the village may be conserved;~~

~~(E) Congestion in the public streets and highways may be lessened or avoided;~~

~~(F) Hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided;~~

~~(G) Aesthetic values throughout the village may be preserved and enhanced; and~~

~~(H) Public health, safety, comfort, morals, convenience and general welfare may otherwise be promoted.~~

~~Sec. 2.02. Intent.~~

~~To achieve these ends, the comprehensive amendment sets forth regulations and standards to:~~

~~(A) Encourage the most appropriate use of land throughout the village;~~

~~(B) Regulate and limit the height and bulk of structures hereafter to be erected;~~

~~(C) Establish, regulate and limit setback lines along streets;~~

~~(D) Regulate the intensity of land use and determine the area of permanent open space;~~

~~(E) Classify, regulate and restrict the location of trades and the location of structures designed for business, industrial, residential and other specified uses;~~

~~(F) Divide the village into zoning districts of such character, number, shape and area as are best suited to effect the foregoing purposes;~~

~~(G) Prohibit structures or uses incompatible with the character of such districts;~~

~~(H) Prevent additions to and alterations or remodeling of existing structures in such a way as to avoid the restrictions and limitations lawfully imposed in this comprehensive amendment;~~

~~(I) Fix standards to which structures therein shall conform;~~

~~(J) Provide for the gradual elimination of structures and uses which are incompatible with the character of the districts in which they are located;~~

(K) Define and limit the powers and duties of the administrative officers and bodies as provided in this comprehensive amendment; and

(L) Prescribe penalties for the violation of the provisions of this comprehensive amendment or of any amendment thereto.

ARTICLE III. INTERPRETATION AND SEPARABILITY

Sec. 3.01. Interpretation.

In their application, the provisions of this comprehensive amendment shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and general welfare, and the provisions shall be interpreted in accordance with the following:

(A) Where the conditions imposed by any provision of this comprehensive amendment are either more restrictive or less restrictive than comparable standards imposed by any other provision of this comprehensive amendment or by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(B) This comprehensive amendment is not intended to abrogate any ordinance, permit, easement, covenant or other private agreement, provided that where the regulations of this comprehensive amendment are more restrictive or impose higher standards or requirements than such ordinance, permit, easement, covenant or other private agreement, the requirements of this comprehensive amendment shall govern.

(C) No structure or use not lawfully existing at the time of the adoption of this comprehensive amendment shall become or be made lawful solely by reason of the adoption of this comprehensive amendment; and if any unlawful structure or use is in conflict with the requirements of this comprehensive amendment, such structure or use remains unlawful hereunder.

Sec. 3.02. Separability.

It is hereby declared to be the intention of the president and the board of trustees that the several provisions of this comprehensive amendment are severable in accordance with the following:

(A) If any court of competent jurisdiction shall adjudge any provision of this comprehensive amendment to be invalid, such judgment shall not affect any other provision of this comprehensive amendment not specifically included in such judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this comprehensive amendment to a particular structure or use, such judgment shall not affect the application of the provision to any other structure or use not specifically included in the judgment.

ARTICLE IV. GENERAL PROVISIONS

Sec. 4.01. Control over use.

(A) *Establishment of new uses.* The use of a structure or lot established after the effective date of this comprehensive amendment shall be for a use which is herein specified as a permitted, special or accessory use in the district regulations applicable to the district in which such structure or lot is located.

(B) *Existing building permits and existing uses.*

(1) Where a building permit for a structure has been issued in accordance with law prior to the effective date of this comprehensive amendment, and where construction has been begun within 90 days of such effective date and is being prosecuted to completion within one year of the effective date of this ordinance, the structure may be completed in accordance with the approved plans, and further, may, upon completion, be occupied under a certificate of occupancy for the use originally designated.

(2) Where the use of a structure or lot existing at the time of the adoption of this comprehensive amendment is rendered nonconforming under the provisions of this comprehensive amendment, the provisions of article XII shall apply to each use.

(3) Where a structure and the use thereof or use of a lot lawfully exists on the effective date of this comprehensive amendment, and is classified by this comprehensive amendment as a special use in the district where it is located, such use shall be considered a lawful special use, but a special use permit issued in accordance with procedures herein set forth shall be required for any expansion or alteration of such existing legal special use.

Sec. 4.02. Control over bulk.

(A) *Establishment of new buildings.* New buildings shall conform with the bulk regulations established herein for the district in which each such building is located.

(B) *Existing buildings.* Existing buildings shall not be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or further conflict with the bulk regulations of this comprehensive amendment for the district in which such buildings are located.

(C) *Existing lots of record.* The following standards shall control the use, development and redevelopment of existing lots of record at the time of adoption of this ordinance which are deemed substandard lots because they fail to meet the minimum bulk requirements of minimum lot width and/or minimum lot area.

(1) Any lot of record at the time of adoption of this 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 ordinance are met.

(2) Any lot of record at the time of adoption of this ordinance which contains a minimum lot width of less than 50 feet or which does not meet the minimum lot area requirements of this ordinance shall only be used, developed or redeveloped after obtaining a variance.

(3) Any vacant lot which is adjacent to another lot under common ownership shall be considered a single lot in interpreting this section.

(D) *Building height.*

(1) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit of the district in which it is located, except that:

(a) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the 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 shall be so located or shall be so screened by parapet walls as to conceal their view when viewed from the adjoining street from an eye level height of five feet;

(b) 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 line at least

~~one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.~~

~~(2) Detached accessory buildings in residence districts shall not exceed one story or 15 feet, whichever is lower.~~

~~(3) Grade from which building height is measured shall be the existing or established grade at the building setback line midway between the two side lot lines.~~

~~(E) *Minimum lot area, two or more uses on a lot.* Where two or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.~~

~~(Ord. No. 85-15, 2-4-1985; Ord. No. 05-02, § 2, 1-3-2005; Ord. No. 22-009, § 5, 1-27-2022)~~

~~Sec. 4.03. Control over yards and other open space.~~

~~(A) *Required yards.* Yards and other open space as required by this comprehensive amendment shall be located on the same lot as the principal building or use and shall have not less than the minimum width and area as herein required for the district in which such building or use is located, except as otherwise provided in this comprehensive amendment for planned developments.~~

~~(B) *Through lots.* On vacant through lots, the front lot line shall be along the street right-of-way designated by the building inspector, except that when a front lot line has been established on one or more lots in the same block and all have front lot lines established along the same street right-of-way line, the street right-of-way line designated as the front lot line for such lot or lots shall be the front line on all vacant through lots in such block. Only such obstructions as herein permitted in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except for lots backing to thoroughfares in subdivisions where no-access strips have been provided on the recorded plats; or where a solid fence is provided along the thoroughfare, the yard adjoining such thoroughfare shall conform to the regulations applicable to rear yards.~~

~~(C) *Nontransferable.* No legally required yards, open space or lot area for any building or use shall be used to satisfy yard, open space, or lot area requirements for any other building or use.~~

~~(D) *Corner lots.* On a corner lot, the front lot line shall be the lot line having the shortest dimension along a street right-of-way line.~~

~~(E) *Existing yards.* No yards allocated to a building or use existing on the effective date of this comprehensive amendment shall be subsequently reduced or further reduced below the yard requirements of this comprehensive amendment, except a yard adjoining a street may be reduced in depth equivalent to the amount of right-of-way taken or otherwise conveyed to a public authority for street or highway widening.~~

~~Sec. 4.04. Control over setbacks along streets and thoroughfares.~~

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

~~Sec. 4.05. Control over accessory structures and uses.~~

~~(A) *Establishment of accessory uses.* Accessory structures and uses are permitted and special uses may be allowed in the various districts. They shall be compatible with the principal use and shall not be established~~

~~prior to the establishment of the principal use. Accessory uses shall not include the keeping, propagation or culture of pigeons, rabbits, livestock, horses or other nonhousehold animals whether or not for profit, except as regulated and permitted in chapter 14, "Animals."~~

~~(B) *Distance between accessory and principal buildings.* A detached accessory building shall not be nearer than ten feet from the nearest wall of the principal building; and [for] each foot over ten feet in length that the wall of an accessory building parallels and is adjacent to the principal building, the required distance between the two shall be increased by one additional foot.~~

~~(C) *Limitations on accessory buildings and structures.*~~

~~(1) No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.~~

~~(2) Only one accessory building shall be permitted on any residential lot in addition to a detached private garage, and such additional building shall not exceed 144 square feet in area.~~

~~(3) Garages, detached, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance.~~

~~(4) *Fences, in general.*~~

~~a. The property owner shall be responsible for installing the fence within the property line. No part of a fence, including post hole excavation, may extend beyond the property line without being indicated on the plat of survey and without the written approval of the adjacent property owner.~~

~~b. No fence shall be constructed that may impede the natural flow of storm water.~~

~~c. Fences shall be installed with the "finished side" out, facing the adjacent property.~~

~~d. Fence posts shall be set below grade a minimum of 36 inches.~~

~~(D) *Allowable building encroachments in yards.* Detached accessory buildings in rear yards shall:~~

~~(1) Have a coverage of not more than 30 percent of the area of the rear yard, not including swimming pools as an accessory structure;~~

~~(2) Observe the side yard adjoining a street requirement;~~

~~(3) Be located not less than three feet from side lot lines in R-3 district and five feet in all other districts, from the nearest lot line, but in no case the rear lot line setback shall be less than five feet; and~~

~~(4) Be located not less than ten feet from another accessory building.~~

~~(E) *Permitted accessory structures and uses in yards.* The following structures and uses are permitted and may be encroachments in required yards as follows:~~

~~F~~	~~Denotes front yards and side yards adjoining streets. (A side yard adjoining a street is the secondary street frontage of a corner lot.)~~
~~S~~	~~Denotes interior side yards.~~
~~R~~	~~Denotes rear yards.~~

~~(1)~~	~~Awnings or canopies, attached, projecting not more than three feet into a required yard, except not more than 12 inches into the side yard~~	~~F~~	~~S~~	~~R~~
~~(2)~~	~~Arbors or trellises, detached~~			~~R~~
~~(3)~~	~~Arbors or trellises, attached~~	~~F~~	~~S~~	~~R~~

~~(4)~~	~~Air conditioning equipment~~		~~S~~	~~R~~
~~(5)~~	~~Balconies, projecting not more than five feet into a rear yard, and not more than 3½ feet into a front yard~~	~~F~~		~~R~~
~~(6)~~	~~Bay windows projecting not more than three feet and not more than 50 percent of the width of the room of which it is a part~~	~~F~~	~~S~~	~~R~~
~~(7)~~	~~Chimneys, attached, projecting not more than 18 inches~~	~~F~~	~~S~~	~~R~~
~~(8)~~	~~Eaves or gutters, projecting not more than four feet into a front and rear yard, and not more than two feet into a side yard~~	~~F~~	~~S~~	~~R~~
~~(9)~~	~~Fallout shelters or other types of emergency shelters, attached or detached, to within ten feet of a lot line~~			~~R~~
~~(10)~~	~~Fences, open, not more than six feet in height, except in business and manufacturing districts, not more than seven feet in height. However, in residence districts such structure shall not exceed three feet in height when located in the front yard or side yard adjoining a street, except that four-foot tall open fences constructed of wrought iron or aluminum material with at least 80% of the surface area open spaces shall be permitted in the front yard or side yard adjoining the street. In manufacturing districts, open fences not more than seven feet in height may be allowed in a front yard or side yard adjoining a street when approved as a special use~~	~~F~~	~~S~~	~~R~~
~~(11)~~	~~Fences, solid, not more than six feet in height; except in business and manufacturing districts, not more than seven feet in height. In all districts such structures shall not exceed 30 inches in height when located in a side yard adjoining a street, except where the economic development director may require screening of unsightly conditions upon a lot. Fences of no more than six feet in height are permitted within a side yard adjoining a street if the fence is located behind the principal structure, which in no case shall be closer than 15 feet from the side yard lot line and which does not create any line of sight issues~~		~~S~~	~~R~~
~~(12)~~	~~Fire escapes, open or enclosed, projecting into a front or side yard adjoining a street not more than five feet, and projecting into interior side yards not more than 3½ feet~~	~~F~~	~~S~~	~~R~~
~~(13)~~	~~Firewood storage regulations. A firewood pile shall not be located in any setback or easement. A firewood pile shall not exceed four 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~~		~~S~~	~~R~~
~~(14)~~	~~Flagpoles, not to exceed the maximum height allowed in the zoning district in which they are located, but in no event greater than 60 feet.~~	~~F~~	~~S~~	~~R~~
~~(15)~~	~~Garages, detached, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance~~		~~S~~	~~R~~
~~(16)~~	~~Growing of farm and garden crops in the open~~		~~S~~	~~R~~
~~(17)~~	~~Greenhouses and lawn buildings not exceeding 144 square feet in area~~			~~R~~
~~(18)~~	~~Hen coop~~			~~R~~
~~(19)~~	~~Lawn furniture, such as benches, sundials, birdbaths and similar architectural features~~	~~F~~	~~S~~	~~R~~
~~(20)~~	~~Loading spaces~~		~~S~~	~~R~~
~~(21)~~	~~Ornamental light standards~~	~~F~~	~~S~~	~~R~~

~~(22)~~	~~Parking spaces open to the sky, and in residential districts the parking of vehicles which are otherwise permitted in the district is permitted in the front yard on a private residential driveway, except travel trailers, camping trailers, mobile homes and boats~~		~~S~~	~~R~~
~~(23)~~	~~Playground equipment and clotheslines and poles~~		~~S~~	~~R~~
~~(24)~~	~~Playhouses and pergolas~~			~~R~~
~~(25)~~	~~Signs and nameplates~~	~~F~~	~~S~~	~~R~~
~~(26)~~	~~Sills, beltcourses, cornices and ornamental features of the principal building, projecting not more than 12 inches~~	~~F~~	~~S~~	~~R~~
~~(27)~~	~~Steps, open, for access to and from (a) a principal building or accessory structure, and (b) in gardens or terraces, including a raised landing not to exceed 100 square feet in area except for side yards which shall not exceed 15 square feet in area~~	~~F~~	~~S~~	~~R~~
~~(28)~~	~~Summer kitchens, not to exceed 144 square feet~~			~~R~~
~~(29)~~	~~Swimming pool clubhouse facility, with or without ancillary leasing office space, in the R-4 and R-5 Residential Districts where multi-family residences are present~~		~~S~~	~~R~~
~~(30)~~	~~Swimming pools, private~~			~~R~~
~~(31)~~	~~Terraces~~			~~R~~
~~(32)~~	~~Tennis courts, other paved recreational areas and fireplaces~~			~~R~~
~~(33)~~	~~Trees, shrubs and other plants, except that on corner lots, no trees, shrubs or other plants or structures over 24 inches in height shall be located within 20 feet of the corner of the property lines forming the intersection (also see section 70-7). Additionally, no trees, shrubs or other plants or other structures over 24 inches in height (except mailboxes or similar objects) shall be located within ten feet of the corner of the intersection of a driveway and the property line at a sidewalk or public street or alley~~	~~F~~	~~S~~	~~R~~
~~(34)~~	~~Other accessory structures and uses as herein permitted in district regulations as accessory to a specific permitted or special use~~	~~Not Allowed~~		
~~(35-a)~~	~~Tower for amateur radio antenna, with the following requirements: 1) Not to exceed 60 feet in height above grade; 2) U.L. approved lightning protection devices must be provided: 3) Must be constructed of noncombustible material.~~			~~R~~
	~~Antennas for amateur radio, with the following requirements: 1) May only be mounted to an approved tower: 2) May not extend more than 15 feet laterally from the tower: 3) Must be grey or neutral in color; 4) Must provide approved structural calculations.~~			~~R~~
~~(35-b)~~	~~Tower for broadcast band - receive only antenna, with the following requirements: 1) Not to exceed 45 feet in height; 2) U.L. approved lightning protection devices must be provided; 3) Must be constructed of noncombustible material.~~		~~S~~	~~R~~
	~~Antennas for broadcast band - receive only, with the following requirements: 1) May be roof or tower mounted; 2) May not extend more than 45 feet above grade, regardless of whether tower or roof mounted; 3) If tower mounted, may not extend more than 15 feet laterally from the tower; 2) Must be grey or neutral in color; 3) Must provide approved structural calculations.~~		~~S~~	~~R~~
~~(35-c)~~	~~Antenna, satellite dish, receive only, with the following requirements: 1) Only allowed in R-a rear yard; 2) rear yard must have at least 3,600 square feet of area; 3) Antenna may not exceed 5 feet in height above grade; 4) Antenna may not exceed 5 feet in diameter:~~			~~R~~

	~~5) U.L. approved lightning protection devices must be provided; 6) Must be concealed on three sides by solid fencing or evergreens; 7) Must be set-back from all lot lines at least 10 feet: and 8) shall not be used for commercial use.~~			
~~(35-d)~~	~~Tower, free standing, wireless telecommunication, subject to all restrictions and requirements as provided in section 4.18(C).~~	~~See sections 4.18(D) and 4.18(F)~~		
	~~Antenna, wireless telecommunication, tower-mounted, subject to all restrictions and requirements as provided in section 4.18(E).~~			
~~(35-e)~~	~~Antenna, wireless telecommunication, building-mounted, subject to all restrictions and requirements as provided in Section 4.18(D).~~	~~See section 4.18(E)~~		
~~(36)~~	~~Wind-powered electrical generators, with special use only, and with special conditions reviewed by the electrical commission.~~			~~R~~
~~(37)~~	~~Stationary 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~~		~~S~~	~~R~~
~~(38~~	~~Window wells (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)~~	~~F~~	~~S~~	~~R~~
~~(39)~~	~~Public utility buildings to directly access and service local infrastructure in nonresidential districts, not exceeding 250 square feet in area or 12 feet in height and no closer than 5 feet from a property line, and not encroaching into any drainage easement, as authorized through site plan approval. Any public utility building visible from the right-of-way of any street with a supplemental setback line as established in Article IV. Sec. 4.16 shall be screened by appropriate landscaping and/or fencing.~~		~~S~~	~~R~~

~~(Ord. No. 82-26, 4-5-1982; Ord. No. 82-31, 5-17-1982; Ord. No. 83-29, 3-21-1983; Ord. No. 85-15, 2-4-1985; Ord. No. 86-98, 10-6-1986; Ord. No. 87-04, 1-5-1987; Ord. No. 88-25, 3-7-1988; Ord. No. 03-16, § 1, 1-20-2003; Ord. No. 05-183, §§ 1, 2, 8-1-2005; Ord. No. 05-255, § 1, 11-7-2005; Ord. No. 07-93, §§ 1, 2, 6-4-2007; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 07-118, §§ 1, 2, 7-16-2007; Ord. No. 08-114, § 1, 8-4-2008; Ord. No. 12-103, § 1, 6-4-2012; Ord. No. 12-131, § 1, 8-6-2012; Ord. No. 15-024, § 4, 2-5-2015; Ord. No. 15-051, § 5, 4-2-2015; Ord. No. 15-099, § 3, 6-11-2015; Ord. No. 15-110, § 2, 6-25-2015; Ord. No. 21-026, § 2, 3-25-2021; Ord. No. 21-142, § 2, 12-2-2021; Ord. No. 22-009, § 4, 1-27-2022)~~

~~Sec. 4.06. Air rights.~~

~~The development of air rights above land utilized for railroad, streets and drainage channels shall be processed as planned developments.~~

~~Sec. 4.07. Lot divisions.~~

~~No lot shall hereafter [to] be divided into two or more lots for the purpose of transfer of ownership, unless all lots resulting from each such subdivision shall have lot areas and widths as required by this comprehensive amendment.~~

~~Sec. 4.08. Lots to have adequate access.~~

~~Every building shall be on a lot which faces upon a public street or a permanent easement of access to a public street, which easement shall have a minimum width of 30 feet.~~

~~Sec. 4.09. Trailers, tents and boats.~~

~~(A) *Trailers, recreational trailers and motor homes.*~~

~~(1) Trailers, recreational trailers and motor homes shall not be permanently affixed to the ground as a principal building or accessory structure on a lot in any district.~~

~~(2) Trailers, recreational trailers and motor homes shall not be occupied for dwelling purposes.~~

~~(3) In single-family residence districts, not more than one recreational trailer or motor home may be stored or parked on any lot in the open. In a general residence district, not more than one recreational trailer or motor home for each dwelling unit may be parked or stored on a lot and only when specifically designated parking spaces have been provided above and beyond the required off-street parking spaces.~~

~~(4) All recreational trailers and motor homes parked in any district shall have valid and current license plates from the State of Illinois, or any other state.~~

~~(B) *Temporary parking.*~~

~~(1) Temporary parking and use of trailers shall be permitted when a permit has been issued by the building inspector for temporary office or storage uses incidental to and only for the period of time of construction of a building development, provided such trailers are located on the same or contiguous lots to the building development.~~

~~(2) Temporary parking of recreational trailers and motor homes shall be permitted in the front yard of any residential district for a maximum of three consecutive days, for purposes of loading and unloading, cleaning, and/or parking for temporary guests. Temporary parking of recreational trailers and motor homes in the front yard of any residential district for a period of between four consecutive days to a maximum of seven consecutive days may be allowed only upon the issuance of a temporary parking permit from the village economic development department.~~

~~(C) *Tents.* Tents shall not be erected, used or maintained on a lot (commercial or residential) without the advance approval of the village's community development department and fire prevention bureau. Any person proposing to erect and use a tent shall first complete a tent permit application, receive approval of said permit application, pay the required tent permit fee. and shall follow all regulations as set forth in the village's tent guidelines, as amended from time to time, and incorporated herein by reference.~~

~~(D) *Boats.* Boats may be stored in the open when customary in the operation of a lawfully established principal use. In single-family residence districts, not more than one boat (not exceeding 24 feet in length) may be stored or parked on any lot in the open, and only when a trailer is not stored on the same lot in the open. In general residence districts, not more than one such boat for each dwelling unit may be parked or stored on a lot and only when specifically designated parking spaces have been provided above and beyond the required off-street parking spaces.~~

~~(E) *Parking for boats and trailers.* The designated parking spaces for trailers and boats referenced in paragraphs (A)(3) and (D) above shall be located behind the front setback (building) line and away from the side yard adjacent to a street. All parking spaces for trailers and boats shall consist of asphalt, concrete or a gravel surface, as approved by the village public works department, and shall be counted towards lot area coverage for any such lot.~~

~~(Ord. No. 85-15, 2-4-1985; Ord. No. 02-07, §§ 1—3, 1-21-2002; Ord. No. 07-101, § 1, 6-4-2007; Ord. No. 07-104, § 1, 6-4-2007; Ord. No. 16-008, § 2, 1-21-2016)~~

~~Sec. 4.10. Sewerage and water systems.~~

~~Each use hereafter established within the village which requires sewerage and water facilities shall be served by public sewerage and water systems.~~

~~Sec. 4.11. Off-street parking and loading.~~

~~Off-street parking and loading shall be provided as accessory uses as regulated in article X.~~

~~Sec. 4.12. Signs.~~

~~Signs may be erected as regulated in article XI.~~

~~Sec. 4.13. Underground utility services.~~

~~For all new construction, electric power transmission and telephone lines, and other appurtenant installations, other than transformers and street lights, shall be installed underground. For all electrical upgrades and remodeling projects, such service may remain overhead.~~

~~(Ord. No. 06-167, § 1, 9-5-2006)~~

~~Sec. 4.14. Storage of junk, refuse and disabled or damaged motor vehicles.~~

~~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 shall be 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. 4.15. Outdoor lighting.~~

~~Where outdoor lighting is provided on any lot, the lighting fixtures shall be so designed and so located as to confine the rays of light within the boundaries of the lot.~~

~~Sec. 4.16. Supplemental setback lines.~~

~~(A) On certain streets named in this section, supplemental setback lines shall be and hereby are established which are to be measured from the street right-of-way line in each case respectively, and which shall take precedence over and be binding regardless of any of the other building line setback provisions of this ordinance.~~

~~(B) Along the streets herein designated no building shall be erected or altered so as to place its front or side line nearer to the present right-of-way line of the street than the setback given for such street, nor shall that part of the existing building projecting beyond the setback line herein designated be altered or remodeled except when such alteration or remodeling is not structural in character and does not increase the bulk of that part of the building so projecting.~~

~~(C) Supplemental setback lines are hereby designated as follows:~~

~~(1) Fifty-fifth Street shall have a setback line of 30 feet.~~

~~(2) Cass Avenue shall have a setback line of 30 feet from the right-of-way line; except from 55th Street on the south to Naperville Road on the north shall have a setback line of 50 feet from the centerline of the dedicated roadway.~~

~~(3) Naperville Road shall have a setback line of 30 feet west of Cass Avenue and 30 feet east of Cass Avenue to Warwick Avenue and 30 feet on the south side of Naperville Road from Warwick Avenue to Wilmette Avenue.~~

~~(4) Thirty-fifth Street shall have a setback line of 30 feet.~~

~~(5) Sixty-third Street shall have a setback line of 30 feet.~~

~~(6) Chicago Avenue, east of Cass Avenue, shall have a setback line of 30 feet.~~

~~(7) Ogden Avenue shall have a setback line of 30 feet.~~

~~(8) Pasquinelli Drive shall have a setback line of 30 feet.~~

~~(9) Fairview Avenue shall have a setback line of 30 feet.~~

~~(10) Route 83 shall have a setback line of 75 feet.~~

~~(Ord. No. 88-29, 3-7-1988)~~

~~Sec. 4.17. Temporary storage pods.~~

~~(A) Any person in any zoning district desiring to use a temporary storage pod shall first obtain a permit from the community development department prior to placement of the temporary storage pod upon their property. The permit fee shall be $25.00.~~

~~(B) A storage pod may be placed only upon a residential driveway or commercial parking lot, provided the placement upon the commercial parking does not impede the flow of traffic and its location is approved by the director of community development or his/her designee. Temporary storage pods shall not be placed on any public rights-of-way. Only one storage pod is allowed at a time on residential property, and shall not exceed 16 feet in length.~~

~~(C) No person shall place a temporary storage pod upon their property for more than 15 days. 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.~~

~~(D) Any and all storage materials in said pod shall only consist of personal property, and shall be non-toxic, non-flammable, and be non-offensive in nature.~~

~~(E) No person shall conduct business or sell merchandise or property from a temporary storage pod.~~

~~(F) 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.~~

~~(Ord. No. 04-204, § 1, 10-4-2004; Ord. No. 14-186, § 1, 11-13-2014)~~

~~Sec. 4.18. Wireless telecommunication facilities.~~

~~(A) *Definitions.* See section XIV of this appendix for the definitions of the following terms used in this section:~~

~~(1) Wireless telecommunication.~~

~~(2) Tower, freestanding, wireless telecommunication.~~

~~(3) Antenna, wireless telecommunication, building-mounted.~~

~~(4) Antenna, wireless telecommunication, tower-mounted.~~

~~(B) *Excluded items.* Definitions for the following items are also provided in section XIV of this appendix, but the following items are not regulated in this section:~~

~~(1) Antenna, amateur radio.~~

~~(2) Antenna, receive only.~~

~~(3) Antenna, satellite dish.~~

~~(4) Small wireless facilities as defined in 50 ILCS 835.~~

~~(C) *Purpose.* The purpose of this section is to provide regulations for wireless telecommunication facilities, including towers and antennas. Any reference herein to the applicant shall include any subsequent owner, successor, or assign. The village recognizes the value in 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 cellular towers to a minimum and to maximize the use of existing cell towers. To that end, the village encourages new wireless telecommunication antennas to be located on existing buildings, existing structures, or existing cell towers. Additionally, the village encourages the co-location of wireless telecommunications antennas whenever possible.~~

~~(D) *Zoning requirements for cell towers.*~~

~~(1) *Towers, freestanding, wireless telecommunications (cell towers).*~~

~~(a) Cell towers are allowed as a special use in the B-2, C-1, O/R, and M zoning districts only.~~

~~(b) An applicant for a special use for a cell tower must demonstrate that it complies with the requirements of this section and complies with the criteria listed in article XIII, section 13.09, "Special use permits".~~

~~(c) Cell towers are prohibited in designated wetlands and floodplains.~~

~~(d) Any enlargement, re-configuration or reconstruction of a cell tower requires a special use permit and compliance with this section.~~

~~(2) *Setbacks and yards.*~~

~~(a) 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.~~

~~(b) Towers with designed break-away features may be allowed to have a set-back less than the height of the tower if such a reduced setback is explicitly approved as part of the special use permit.~~

~~(c) Cell towers and all related antennas, equipment and buildings are allowed in the rear yard or side yard only, and are prohibited in front yards and side yards adjoining a street.~~

~~(3) *Location on lots with existing principle uses:*~~

~~(a) Cell towers may be located on a lot with an existing principle use so long as all other requirements of this section are satisfied.~~

~~(b) Cell towers may be located within an easement area on a lot or parcel of record.~~

~~(4) *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.~~

~~(5) *Height limitations.* The height of a proposed cell tower must be the minimum height required to fill a significant gap in coverage, but in no event shall the height exceed 150 feet. The burden is on the applicant to justify the height of the proposed cell tower.~~

~~(6) *Extensions from a cell tower.* 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 shall not exceed 12 feet in length.~~

~~(7) *Landscaping, fencing and equipment structures.*~~

~~(a) The base of cell towers shall be screened and protected by a six-foot tall solid, privacy-style fence with locked gate. The required fence shall not conflict with any setback or sight triangle requirements. The required fence shall be screened by a hedge or shrubbery with an ultimate height of at least four feet and planted at an initial height of three feet. The required fence and landscaping shall be continuously maintained and repaired or replaced as necessary.~~

~~(b) Equipment and structures associated with a cell tower:~~

~~(i) Shall be located at the base of the tower structure and shall be located within the required six-foot tall solid fence;~~

~~(ii) Shall not exceed 144 feet in area; and~~

~~(iii) Shall not exceed 15 feet in height.~~

~~(iv) Any proposed generator shall meet all regulations of the village, including, but not limited to, all fire code regulations, and may require appropriate sound mitigation measures.~~

~~(8) *Type of cell tower construction.*~~

~~(a) New cell towers are discouraged, and necessary antennas shall be located whenever possible on existing structures or co-located on existing cell towers. Where 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 proposed.~~

~~(b) New cell towers shall be able to accommodate at least three antenna arrays of separate licensed telecommunication carriers, unless a smaller stealth tower is proposed and co-location is not feasible, and shall consist of the following types of construction, listed in order of preference:~~

~~(i) Stealth towers;~~

~~(ii) Monopole towers;~~

~~(iii) Guyed towers or lattice towers.~~

~~The applicant must demonstrate the need for the proposed type of cell tower construction and must demonstrate why preferred alternatives are not feasible.~~

~~(9) *Lighting.* No lights are permitted on cell towers except as required by the Federal Aviation Administration. Ground level buildings, equipment and fencing may only contain the lighting for minimum security and human safety purposes and must be downward lit.~~

~~(10) *Tower and equipment color; hiding of cables and equipment.*~~

~~(a) Cell towers shall be painted or otherwise colored a neutral color which blends as much as possible with the existing landscape and structures.~~

~~(b) Where reasonably feasible based on the cell tower construction, all cables and equipment (excluding antennas) shall be enclosed within the tower and not visible (excluding ground equipment and structures). Any approved exterior cables and equipment located on a cell tower shall be painted or otherwise colored to match the color of the cell tower.~~

~~(11) *Signs and advertising.*~~

~~(a) The use of any portion of a cell tower for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is prohibited.~~

~~(b) Minimal announcement signs, such as "no trespassing", are permitted on the fence surrounding the cell tower.~~

~~(c) A sign listing the name and phone number to contact the owner. manager and/or licensed wireless carrier is required and shall be provided on the gate of the fence enclosing the cell tower and related structures and equipment.~~

~~(12) *Licensed wireless carrier requirement.* Cell towers will only be considered when constructed for one or more specific licensed wireless carriers, who shall co-sign the village's zoning application, and who shall locate on the proposed cell tower. Towers must be constructed to accommodate a minimum of three co-located carriers, unless a smaller stealth tower is proposed and co-location is not feasible. Where there is no specific licensed wireless carrier proposed for a cell tower, the cell tower is prohibited.~~

~~(13) *Maintenance.* The applicant shall continuously maintain the appearance and structural integrity of the cell tower.~~

~~(14) *Other regulations.*~~

~~(a) In addition to complying with the requirements of this section, cell towers shall also comply with all other applicable sections of this appendix, all other ordinances and codes of the village, and all other applicable federal and state laws and regulations.~~

~~(b) In the event of a conflict between the provisions of this section and the other provisions of this appendix or other ordinances and codes of the village, the provisions of this section shall govern unless determined otherwise by the village board of trustees.~~

~~(c) 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.~~

~~(E) *Zoning requirements for building-mounted cell antennas.*~~

~~(1) *Permitted accessory use.* Building-mounted cell antenna shall be a permitted accessory use in all zoning districts, so long as such antennas comply with all other applicable provisions of this section.~~

~~(2) *Location on building.*~~

~~(a) Cell antennas shall be roof-mounted. The height of proposed cell antennas must be the minimum height required to fill a significant gap in coverage, but in no event shall the height of such antennas and related equipment exceed 15 feet of the building's height. The burden is on the applicant to justify the height of the proposed antenna.~~

~~(b) Lateral extensions or arms extending from a building are discouraged. If proven by an applicant to be necessary for co-location purposes or other valid reasons, such lateral extension or arm shall not exceed 12 feet in length and shall not extend beyond the width of the building.~~

~~(3) *Associated equipment—Location on lot.* Equipment associated with a cell antenna shall 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 prohibited in front yards and side yards adjoining a street and must be located in the rear yard or side yard only.~~

~~(4) *Equipment screening.* Equipment structures associated with a cell antenna shall be screed as follows:~~

~~(a) Roof-mounted equipment shall be screened with a solid screen as approved by the director of community development;~~

~~(b) Ground-mounted equipment shall be screened and protected by a solid fence six feet in height.~~

~~(5) *Illumination.* Antennas shall not be artificially lighted 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.~~

~~(6) *Antenna equipment and cables: color and concealment.* All cables shall be enclosed within a chase to the extent possible. All antennas and equipment on a building, to the extent reasonably practical, shall be painted or otherwise colored to match the building or tower color, or shall be painted or otherwise colored a neutral color.~~

~~(7) *Signs and advertising.* The use of any portion of antenna for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is prohibited.~~

~~(8) *Licensed wireless carrier requirement:* Antenna will only be considered when constructed for one or more specific licensed wireless carriers, who shall co-sign the village's building permit application.~~

~~(9) *Maintenance.* The applicant shall continuously maintain the appearance and structural integrity of the antenna and related equipment and fencing/screening.~~

~~(10) *Other regulations.* In addition to complying with the requirements of this section, cell antennas shall also comply with all other applicable sections of this appendix, 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 section and the other provisions of this appendix or other ordinances and codes of the village, the provisions of this section shall govern unless determined otherwise by the village board of trustees. An applicant must obtain a building permit and any other required permits before commencing construction of the building-mounted cell antenna.~~

~~(F) *Zoning requirements for tower-mounted cell antennas.*~~

~~(1) *Permitted use.* Tower-mounted cell antennas shall be a permitted accessory use on existing cell towers and on cell towers that have received a special use permit as required by this section, provided that, in either case, such antennas comply with all other applicable provisions of this section.~~

~~(2) *Setbacks and yards.* See section 4.18(C)(2) above.~~

~~(3) *Height.* The height of a tower-mounted cell antenna shall not exceed the height of the tower on which it is located.~~

~~(4) *Lateral extensions.* See section 4.18(C)(6) above.~~

~~(5) *Equipment screening.* See section 4.18(C)(7) above.~~

~~(6) *Illumination.* See section 4.18(C)(9) above.~~

~~(7) *Antenna color; hiding of cables and equipment.* See section 4.18(C)(10) above.~~

~~(8) *Signs and advertising.* See section 4.18(C)(11) above.~~

~~(9) *Licensed wireless carrier requirement.* Tower-mounted antenna will only be considered when constructed for one or more specific licensed wireless carriers, who shall co-sign the village's building permit application, and who shall locate on the proposed cell tower. Where there is no specific licensed wireless carrier proposed for a cell tower, the antenna is prohibited.~~

~~(10) *Maintenance:* The applicant shall continuously maintain the appearance and structural integrity of the antenna and all related equipment and fencing.~~

~~(11) *Other regulations.* In addition to complying with the requirements of this section, tower-mounted cell antennas shall also comply with all other applicable sections of this appendix, 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 section and the other provisions of this appendix or other ordinances and codes of the village, the provisions of this section shall govern unless determined otherwise by the village board of trustees. An applicant must obtain a building permit and any other required permits before commencing construction of the tower-mounted cell antenna.~~

~~(G) *Zoning application requirements for cell towers.* 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:~~

~~(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 shall list all existing towers, facilities and reasonably-potential structures within a two mile radius of the proposed cell tower site. Reasons for not co-locating a needed antenna on an existing cell tower or on an existing structure would include, but not be limited to, (a) that there are no existing towers or suitable structures within a two mile radius of the proposed cell tower, (b) existing cell towers or structures do not have sufficient structural strength to support the proposed antenna and related equipment, and modifications to such existing cell towers or structures are economically unfeasible or unfeasible from an engineering standpoint, (c) that location of the proposed antenna and equipment on an existing cell tower or structure would cause undue radio frequency interference with other existing equipment located within the immediate vicinity which cannot be unreasonably prevented, (d) unwillingness of the owners of existing cell towers or structures to entertain a reasonable co-location proposal, and/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 which 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 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) Colored elevations of the proposed cell tower (including accessory buildings or structures, fencing, landscaping, etc.). and including a drawn color perspective or photo simulation from at least two 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 percent coverage is not the goal and occasional dead spots or areas of non-coverage are deemed acceptable in determining whether there is substantial coverage.

(11) A certification signed by the applicant that the proposed cell tower shall 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, shall 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 shall obtain a building permit prior to construction and additional information will be required at that time.

The failure of the applicant to submit any of the information required herein shall be grounds for denial of the special use request.

(H) *Application requirements for tower-mounted and building-mounted cell antennas.* Cell antennas shall be a permitted accessory use on (a) cell towers that have obtained the special use permit required by this section or which are legal, nonconforming structures, and (b) on buildings. Co-location on existing cell towers is strongly preferred over locating antennas on buildings. 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 antenna.

(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 co-location on an existing cell tower cannot satisfy the needs and requirements of the applicant instead of locating on a building. Reasons for not co-locating on an existing cell tower would include, but not be limited to, (a) that there are no existing cell towers within a two mile radius of the proposed site, (b) existing cell towers do not have sufficient structural strength to support the proposed antenna and related equipment, and modifications to such existing tower are economically unfeasible or unfeasible from an engineering standpoint, (c) that location of the proposed antenna and equipment on an existing cell tower would cause undue radio frequency interference with other existing equipment on the tower or located within the immediate vicinity which cannot be unreasonably prevented, (d) unwillingness of the owner of the existing cell tower to entertain a reasonable co-location proposal, and/or (e) existing cell towers do not provide an acceptable location for requisite coverage for the applicant's communication network.

~~(4) Colored 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 antenna application, a site plan with elevations and a landscaping plan for these improvements shall also be 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 antenna 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 percent coverage is not the goal and occasional dead spots or areas of non-coverage are deemed acceptable in determining whether there is substantial coverage.~~

~~(7) A certification signed by the applicant that the proposed cell antenna shall 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.~~

~~(I) *Abandonment, removal and bond for cell towers.*~~

~~(1) If the use of all cellular antennas and other permitted antennas or devices on a cell tower is discontinued or abandoned, or if such cellular antennas or other permitted antennas or devices become non-operational, the applicant shall 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 shall be deemed abandoned and the entire cell tower and all related equipment and structures shall be promptly demolished and removed, and the site restored, at the applicant's expense. The applicant shall obtain a demolition permit within 60 days of such abandonment and shall 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 shall automatically terminate.~~

~~(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 section. The property owner, or the applicant on behalf of the property owner, shall 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. In the event that 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.~~

~~(J) *Abandonment and removal of cell antennas.*~~

(1) If the use of a cellular antenna on a tower or building is discontinued or abandoned, or if such cellular antenna becomes non-operational, the applicant shall 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 shall be deemed abandoned and the cell antenna and all related equipment and structures shall be promptly demolished and removed, and the site restored, at the applicant's expense. The applicant shall obtain a building permit within 60 days of such abandonment and shall 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.

(Ord. No. 22-009, § 3, 1-27-2022)

ARTICLE V. ZONING DISTRICTS AND MAP

Sec. 5.01. Establishment of districts.

In order to carry out the purposes and provisions of this comprehensive amendment, the village is hereby divided into the following zoning districts:

R-1	Single-family detached residence
R1(A)	Single-family detached residence
R-2	Single-family detached residence
R-3	Single-family detached residence
R-4	General residence
R-5	General residence
R-6	Special residence
B-1	Limited business
B-2	General business
C-1	Commercial
M	Manufacturing
O/R	Office/research
PD	Planned development

(Ord. No. 00-149, § 2a, 12-4-2000; Ord. No. 07-15, § 2, 2-5-2007)

Sec. 5.02. Zoning district map.

(A) *Zoning district map.* The zoning districts and their boundaries are as shown upon the rezoning district map, as annually adopted pursuant to state law, which map and all amendments thereto and all notations, references and other information shown thereon are hereby incorporated into and made a part of this comprehensive amendment, with the same force and effect as if fully set forth in this comprehensive amendment. The zoning district map, properly attested, shall be filed with the village clerk.

(B) *Boundaries of districts.* Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map, the following rules apply:

(1) A zoning district boundary line following a street or extension thereof shall be construed to be the centerline of such street or extension;

(2) A zoning district boundary line approximately following a lot line or extension thereof within a subdivision shall be construed as following such lot line or extension;

(3) Questions concerning the exact locations of district boundary lines shall be resolved by the board of trustees.

Sec. 5.03. Annexed land.

Land hereafter annexed to the village shall be zoned in the R-3 single-family detached residence district and shall remain so zoned until such time as the board of trustees shall amend the zoning district map of this comprehensive amendment so as to rezone such land.

(Ord. No. 23-006, § 2, 1-12-2023)

ARTICLE VI. RESIDENCE DISTRICTS

Sec. 6.01. Residence districts provisions.

(A) *Home occupations.* Permitted home occupations in all residence districts shall be any business or occupation located within a single-family detached dwelling and carried on by members of the immediate family and/or employees residing within the dwelling in connection with which:

(1) The home occupation is incidental and secondary to the use of the dwelling for dwelling purposes and does not occupy more than one-fourth of the floor area of a story or cellar;

(2) There are no signs, display or activity that will indicate from the exterior that the building is being used, in part, for any purpose other than that of a dwelling;

(3) There are no commodities sold or services rendered that require receipt and delivery of merchandise, goods or equipment by other than a passenger motor vehicle, by U.S. letter-carrier mail service, parcel post, or United Parcel;

(4) All activity, including storage, is conducted completely within the dwelling unit;

(5) There are no special structural alterations or construction features to the dwelling, nor the installation of special equipment attached to walls, floors or ceilings;

(6) There is no perceptible noise, odor, smoke, electrical interference or vibration emanating from the structure or any danger to the surrounding neighbors;

(7) There are no more than two customers or clients on the premises at the same time; and

(8) There is no activity between the hours of 10:00 p.m. and 8:00 a.m.

(9) Notwithstanding any regulations or provisions of this section to the contrary, firearms sales (see definition of firearms and firearms sales) are specifically prohibited as a home occupation. Any firearms sales use which predates this amendment may continue to operate as a nonconforming use, but such use shall terminate upon a sale of the property or a change in occupancy, notwithstanding any provisions to the contrary contained in article XII of this zoning ordinance.

(10) Daycare homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Daycare homes are allowed as set forth in section 6.02.

~~(B) *Conversions.* In any residence district, the conversion of a structure to provide more dwelling units than presently exist, if permitted under the other district regulations, shall produce dwelling units, each of which has not less than a total of 500 square feet of habitable floor area and not less than an average of 160 square feet per room exclusive of bathroom and closets, except an efficiency dwelling unit may contain not less than 400 square feet of habitable floor area.~~

~~(C) *Required usable open space.*~~

~~(1) In all residence districts, there shall be provided and perpetuated on every lot used, in whole or in part, for dwelling purposes minimum usable open spaces as follows:~~

~~(a) For single-family detached, single-family attached and single-family semidetached, and two-family detached dwellings: The area of the required yards, except that when more than 30 percent of the required yards are occupied by off-street parking spaces and access drives, there shall be within the buildable area of the lot usable open spaces having areas equivalent to at least the area by which such uses exceed 30 percent yard coverage.~~

~~(b) For multiple-family dwellings: As set forth in [subsection] (a) above, provided the usable open spaces shall not be less than 250 square feet of area per dwelling unit.~~

~~(D) *More than one residential building on a lot.* There shall be no more than one residential building located upon a single lot. When two or more buildings which contain single-family attached dwellings, single-family semidetached dwellings, or two or more multiple-family dwelling buildings, or combinations thereof, are on a lot or on contiguous lots comprising a unified development under the same ownership or control, the application for development shall be processed as a planned development, and the spacing between buildings shall be as provided in the approved planned development documents.~~

~~(E) *Parking limitations.* Parking of trucks and all commercial vehicles is prohibited in all residence districts except within an enclosed garage.~~

~~(F) *Site plan approval.*~~

~~(1) Prior to the issuance of a building permit for any structure located on a lot, parcel or tract of land in the R-4, R-5 or R-6 districts, a site development plan, to include a landscaping plan, shall have been approved by the village board.~~

~~(2) The purpose of site plan approval is to provide for development of sites which consider all the elements of good land planning, as applicable, so as to provide an adequate relationship (a) between structures both on the site and on adjacent properties and (b) between the land uses both on the site and on adjacent properties while at the same time providing for adequate space, light, air, use and bulk limitations, to promote the health, safety and welfare of the village and its residents.~~

~~(3) In granting or withholding approval of site plans, the board of trustees shall be guided in the reasonable exercise of their discretion by the following standards:~~

~~(a) All plans shall be so designed that the public health, welfare and safety will be protected.~~

~~(b) The proposed development of the site shall be such that it does not cause substantial injury to the value of other property in the neighborhood.~~

~~(c) All plans shall provide for protection of both aesthetics and function of the natural environment, which shall include, but not be limited to, conditions pertaining to floodplains, soil and geologic characteristics and preservation of vegetation.~~

~~(d) All plans shall provide for the transmission, retention or detention of stormwater with such facilities installed so as to complement existing or proposed stormwater facilities, unless the board of trustees shall determine upon recommendation of the public works director that~~

~~stormwater facilities need not be provided or a cash contribution in lieu of such facilities is made. In the event the board of trustees determines that a cash contribution be made in lieu of installation of stormwater facilities, such amount shall be determined by the public works director and the use thereof shall be restricted to the provision of stormwater facilities installed by the village.~~

~~(4) No site plan approval shall be withheld unless the board of trustees shall determine that one or more of the foregoing standards is not satisfied. The reason for such withholding of approval shall be recorded in the proceedings of the board of trustees.~~

~~(G) *Dwelling unit restrictions; applicable regulations and definitions.* A single dwelling unit shall house no more than one family. Regulations regarding habitable room space per occupant and definition of family shall apply.~~

~~(H) *Driveway regulations.* Driveways for single-family dwelling units shall be improved with a hard-surface pavement or concrete approved by the village economic development department and subject to the following regulations:~~

~~(1) The minimum width of the driveway at any point shall be nine feet, and the maximum width of the driveway at any point shall be 22 feet, including paver bricks and other impervious material added to the sides of the driveways. However, the driveway 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 economic development department, taking into account the configuration of the lot.~~

~~(2) The driveway must meet the total lot area coverage permitted by the zoning ordinance, and the maximum lot coverage in the front yard shall be 0.40.~~

~~(3) The driveway shall be constructed on only one side of the principal structure upon the lot, and may not be constructed closer than three feet to any sideyard.~~

~~(4) Driveways shall be constructed in compliance with the village public works department's standards and specifications pertaining to driveways.~~

~~(Ord. No. 84-5, 1-16-1984; Ord. No. 84-49, 5-21-1984; Ord. No. 85-15, 2-4-1985; Ord. No. 88-35, § 1, 3-21-1988; Ord. No. 01-118, § 1, 10-1-2001; Ord. No. 06-166, § 1, 9-5-2006; Ord. No. 07-101, § 1, 6-4-2007; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 07-104, § 1, 6-4-2007; Ord. No. 19-174, § 3, 12-19-2019; Ord. No. 22-45, § 2, 4-21-2022)~~

~~Sec. 6.02. Permitted uses and special uses in residence districts.~~

				~~R-1 District~~			~~R-1(A) District~~			~~R-2 District~~	
			~~Use~~	~~Permitted Use~~	~~Special Use~~	~~Special conditions Code No. (see 6.03)~~	~~Permitted Use~~	~~Special Use~~	~~Special conditions Code No. (see 6.03)~~	~~Permitted Use~~	~~Special Use~~
~~(A)~~	~~Residential uses:~~										
	~~(1)~~	~~Single-family detached dwelling~~		~~P~~	~~—~~		~~P~~	~~—~~		~~P~~	~~—~~
	~~(2)~~	~~Single-family attached dwelling~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(3)~~	~~Single-family semidetached dwelling~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(4)~~	~~Two-family detached dwelling~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(5)~~	~~Multiple-family dwelling~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(6)~~	~~Family community residence[1]~~		~~P~~	~~—~~		~~P~~	~~—~~		~~P~~	~~—~~
	~~(7)~~	~~Group community residence[2]~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
~~(B)~~	~~Nonresidential uses:~~										
	~~(1)~~	~~Art galleries, museums, historical buildings and other landmarks preserved for public inspection~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(2)~~	~~Religious institutions~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(2a)~~	~~Daycare homes[1]~~		~~P~~			~~P~~			~~P~~	
	~~(3)~~	~~Golf courses, standard, public, semipublic or private, provided that any clubhouse or accessory building shall be located not less than 200 feet from any lot lines~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(4)~~	~~Hospitals, on a lot not less than five acres in area~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(5)~~	~~Nursing homes and institutions for the care of the aged and for children, on a lot not less than 20,000 square feet in area~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(6)~~	~~Parking, off-street, public or private, as an accessory use, when on a lot contiguous to a lot in a nonresidential district~~		~~—~~	~~S~~	~~1~~	~~—~~	~~S~~	~~1~~	~~—~~	~~S~~
	~~(7)~~	~~Parks and playgrounds, public and private, not for profit~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(8)~~	~~Philanthropic and eleemosynary institutions, but not including business uses sponsored by such institutions, except as accessory thereto and in the principal building~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(9)~~	~~Schools, elementary, junior high, high, junior college or college, nonboarding~~		~~P~~	~~—~~		~~P~~	~~—~~		~~P~~	~~—~~

	~~(10)~~	~~Schools, elementary, junior high, high, junior college or college, boarding~~		~~—~~	~~—~~		~~—~~	~~—~~		~~—~~	~~—~~
	~~(11)~~	~~Temporary buildings for construction purposes, for a period not to exceed such construction and temporary parking areas to serve model homes~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(12)~~	~~Utility, public and governmental uses~~		~~—~~	~~S~~		~~—~~	~~S~~		~~—~~	~~S~~
	~~(13)~~	~~Accessory uses to the above uses including but not limited to:~~									
		~~(a)~~	~~Home occupations, as regulated in article [section] 6.01~~	~~P~~	~~—~~		~~P~~	~~—~~		~~P~~	~~—~~
		~~(b)~~	~~Off-street parking and loading~~	~~P~~	~~—~~		~~P~~	~~—~~		~~P~~	~~—~~
		~~(c)~~	~~Signs as regulated in article XI.~~								

~~Notes:~~

~~[1] Family community residences are a permitted use in all residential district provided:~~

~~(A) They have obtained a required state license or certification to operate as a family community residence.~~

~~(B) Prior to occupancy, a certificate of zoning compliance is applied for and received.~~

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

~~(D) All other applicable codes and ordinances are met.~~

~~(E) The residence is subject to an initial building inspection by the village prior to occupancy, and annual inspections thereafter.~~

~~[2] Group community residences are a special use in all residential district provided:~~

~~(A) They have obtained a required state license or certification to operate as a family community residence.~~

~~(B) Prior to occupancy, a certificate of zoning compliance is applied for and received.~~

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

~~(D) All other applicable codes and ordinances are met.~~

~~(E) The residence is subject to an initial building inspection by the village prior to occupancy, and annual inspections thereafter.~~

~~[3] Daycare homes are permitted in the above-referenced residential district provided:~~

~~(A) They have obtained all required state licenses and certifications;~~

~~(B) Prior to occupancy, a certificate of zoning compliance is applied for and obtained; and~~

~~(C) All other applicable codes and ordinances are met for the structure and the use.~~

~~(Ord. No. 96-33, § 1(a), (d), 6-3-1996; Ord. No. 00-149, § 2b, 12-4-2000; Ord. No. 02-38, § 4, 5-6-2002; Ord. No. 06-170, §§ 2, 3, 9-5-2006; Ord. No. 19-174, § 4, 12-19-2019; Ord. No. 22-009, § 6, 1-27-2022)~~

~~Sec. 6.03. Special conditions.~~

~~Prior to the authorization for a special use and the granting of a special use permit, special conditions where identified in article [section] 6.02 shall be required in addition to compliance with the requirements for satisfactory plans, specifications, public hearings and other conditions which may be required. The following list of special conditions are identified by code numbers corresponding to those which appear in article [section] 6.02 in connection with specific special uses:~~

~~*Code No.*~~

~~1 Such special use for off-street parking accessory to a nonresidential use may be permitted on a lot in a residence district when:~~

~~(1) Such lot is contiguous to a lot in a business district;~~

~~(2) A dense landscape screen is provided along all exterior lines adjoining a residence district; and~~

~~(3) The front yard required in the residence district is maintained and landscaped with grass, shrubs, and trees.~~

~~Sec. 6.04. Bulk and development standards in residence districts.~~

			~~R-1 district~~	~~R-1(A) district~~	~~R-2 district~~	~~R-3 district~~	~~R-4 district~~	~~R-5 district~~
~~(A)~~	~~Minimum lot area:[1, 2]~~							
	~~(1)~~	~~Single-family detached dwelling~~	~~15,000 square feet~~	~~11,250 square feet~~	~~10,000 square feet~~	~~7,800 square feet[6]~~	~~7,800 square feet~~	~~7,800 square feet~~
	~~(2)~~	~~Two-family detached dwellings~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~8,400 square feet~~	~~8,400 square feet~~
	~~(3)~~	~~Single-family attached and single-fa~~					~~12,000 square feet per building~~	~~10,000 square feet per building~~

		~~mily sem idet ach ed dwe lling cont aini ng:~~							
		~~(a)~~	~~Four or more bedrooms~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~5,500 square feet per dwelling~~	~~5,000 square feet per dwelling~~
		~~(b)~~	~~Three~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~5,000 square feet per dwelling~~	~~4,500 square feet per dwelling~~

			~~ebedrooms~~						
		~~(e)~~	~~Two bedrooms~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~4,500 square feet per dwelling~~	~~3,500 square feet per dwelling~~
		~~(d)~~	~~One or no bedroo~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~4,000 square feet per dwelling~~	~~3,000 square feet per dwelling~~

			~~oms~~						
	~~(4)~~	~~Multiple-family dwelling containing:~~						~~7,800 square feet per building~~	~~7,800 square feet per building~~
		~~(a)~~	~~Four or more bedrooms~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~5,000 square feet per dwelling~~	~~4,000 square feet per dwelling~~

		~~(b)~~	~~Three bedrooms~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~4,500 square feet per dwelling~~	~~3,000 square feet per dwelling~~
		~~(c)~~	~~Two bedrooms~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~3,500 square feet per dwelling~~	~~2,500 square feet per dwelling~~
		~~(d)~~	~~One or no b~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~2,500 square feet per dwelling~~	~~2,000 square feet per dwelling~~

			~~edrooms~~						
	~~(5)~~	~~Nonresidential uses, unless otherwise specified in article [section] 6.02~~	~~20,000 square feet~~	~~20,000 square feet~~	~~20,000 square feet~~	~~20,000 square feet~~	~~10,000 square feet~~	~~10,000 square feet~~
~~(B)~~	~~Minimum lot width:~~							

	~~(1)~~	~~Single-family detached dwelling~~	~~100 feet~~	~~75 feet~~	~~70 feet~~	~~60 feet[6]~~	~~60 feet~~	~~60 feet~~
	~~(2)~~	~~Single-family attached dwelling~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~22 feet~~	~~22 feet~~
	~~(3)~~	~~Single-family semidetached dwelling~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~27 feet~~	~~27 feet~~
	~~(4)~~	~~Two-family detached~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~75 feet~~	~~75 feet~~

		~~dwelling~~						
	~~(5)~~	~~Multiple-family dwellings~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~60 feet~~	~~60 feet~~
	~~(6)~~	~~Nonresidential uses, unless otherwise specified in article [section] 6.02~~	~~100 feet~~	~~100 feet~~	~~100 feet~~	~~100 feet~~	~~100 feet~~	~~100 feet~~
~~(C)~~	~~Maximum floor~~							

	~~area ratio:[1]~~							
	~~(1)~~	~~Single-family and two-family dwellings~~	~~0.40 for the first 9,000 square feet of lot area plus 0.20 for the lot area greater than 9,000 square feet~~	~~0.40 for the first 9,000 square feet of lot area plus 0.20 for the lot area greater than 9,000 square feet~~	~~0.40 for the first 9,000 square feet of lot area plus 0.20 for the lot area greater than 9,000 square feet~~	~~0.40 for the first 9,000 square feet of lot area plus 0.20 for the lot area greater than 9,000 square feet~~	~~Not applicable~~	~~Not applicable~~
	~~(2)~~	~~Multifamily dwellings as follows~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~Not permitted~~	~~0.75~~	~~0.75~~
	~~(3)~~	~~Nonresidential uses~~	~~0.50~~	~~0.50~~	~~0.50~~	~~0.50~~	~~0.75~~	~~0.75~~
~~(D)~~	~~Maximum lot coverage[11]~~		~~0.35~~	~~0.35~~	~~0.35~~	~~0.35~~	~~Not applicable~~	~~Not applicable~~
~~(E)~~	~~Maximum height~~							

	~~of buildings and structures (also see article IV, 4.02(D)):~~							
	~~(1)~~	~~Residential uses~~	~~35 feet~~	~~35 feet~~	~~35 feet~~	~~35 feet~~	~~35 feet~~	~~35 feet~~
	~~(2)~~	~~Nonresidential uses~~	~~45 feet~~	~~45 feet~~	~~45 feet~~	~~45 feet~~	~~45 feet~~	~~45 feet~~
~~(F)~~	~~Minimum yards:~~							
	~~(1)~~	~~Single-family and two-family detached dwe~~						

		~~lling s:~~							
		~~(a)~~	~~Front and side yard adjoining a street~~	~~35 feet~~	~~50 feet~~	~~35 feet~~	~~35 feet[12]~~	~~35 feet~~	~~25 feet~~

			~~et[5], [9], [10]~~						
		~~(b)~~	~~Interior side[8], [9]~~	~~Aggregate of 20 percent of lot width, ten feet minimum, each~~	~~Aggregate of 20 percent of lot width, ten feet minimum, each~~	~~Aggregate of 20 percent of lot width, seven feet minimum, each~~	~~Aggregate of 20 percent of lot width, six foot minimum, each[7]~~	~~Aggregate of 20 percent of lot width, five feet minimum, each~~	~~Aggregate of 20 percent of lot width, five feet minimum, each~~
		~~(c)~~	~~Rear~~	~~20 percent of lot depth~~	~~20 percent of lot depth~~	~~20 percent of lot depth~~	~~20 percent of lot depth~~	~~20 percent of lot depth~~	~~20 percent of lot depth~~
	~~(2)~~	~~Single family attache~~							

		~~d dwellings:~~							
		~~(a)~~	~~Front and side yard adjoining a street~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~25 feet~~	~~25 feet~~

			~~reet~~						
		~~(b)~~	~~interior side each~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~none~~	~~none~~
		~~(c)~~	~~Rear~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~20 percent of lot depth, 20 feet minimum~~	~~20 percent of lot depth, 20 feet minimum~~
	~~(3)~~	~~Single-family semidetach~~							

		~~ed dwelling s:~~							
		~~(a)~~	~~Front and side adjoining asterect~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~25 feet~~	~~25 feet~~

		~~(b)~~	~~Interior side (one only)~~[8]	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~5 feet~~	~~5 feet~~
		~~(c)~~	~~Rear~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~20 percent of lot depth, 20 feet minimum~~	~~20 percent of lot depth, 20 feet minimum~~
	~~(4)~~	~~Multiple-family dwelling~~							

		~~s and non residential uses:~~							
		~~(a)~~	~~Front and side yard adjoining~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~25 feet[3]~~	~~25 feet[4]~~

			~~gstreet~~						
		~~(b)~~	~~interior side yard~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~10 feet, each[3]~~	~~10 feet, each[4]~~
		~~(c)~~	~~Rear~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~	~~30 feet[3]~~	~~20 feet[4]~~
~~(G)~~	~~Minimum off-stree~~			~~Required in all districts in accordance with regulations set forth in article X of this ordinance.~~					

	~~t parking and off-street loading[1]~~	

–

~~Notes:~~

~~[1] Premium for enclosed off-street parking. Where any required off-street parking spaces in the R-5 district are located in an enclosed garage under the dwelling structure or in a garage having more than one level, one-half of the square footage of floor area occupied by such interior off-street parking spaces and access aisles may be added to the square feet contained in the lot, the sum of which shall represent the lot area used for determining the permitted number of dwellings and the maximum floor area ratio.~~

~~[2] Any room other than a kitchen, bathroom, living room, dining room or utility room in excess of 80 square feet in area shall be counted as a bedroom.~~

~~[3] Each required yard shall be increased by one-half foot for each foot in height that a building exceeds 30 feet in height, and where a side lot line in an R-4 district adjoins a side or rear lot line in an R-1, R-2 or R-3 district, the required interior side yard shall be increased to 15 feet, and where a rear lot line in an R-4 district adjoins a side or rear lot line in an R-1, R-2 or R-3 district, the required rear yard shall be increased to 40 feet, and there shall be provided a six-foot-high solid fence, or six-foot-high dense hedge on the R-4 lot along such common lot line.~~

~~[4] Each required yard or transitional yard shall be increased by one-half foot for each foot that a building exceeds 30 feet in height, and, in addition, where an R-5 district adjoins another residence district, transitional yards shall be provided as follows:~~

~~(1) Where a side or rear yard of a lot in an R-5 district adjoins the side or rear yard of a lot in an R-4 district, each such adjoining yard in the R-4 district shall be increased by ten feet.~~

~~(2) Where a side or rear yard of a lot in an R-5 district adjoins the side or rear yard of an R-1, R-2 or R-3 single-family residence district, each such adjoining yard shall be increased by 15 feet and there shall be provided a six-foot-high solid fence or six-foot-high dense landscape hedge on the R-5 lot along such common lot line.~~

~~[5] For frontages on major arterial streets, refer to section 4.16, article IV.~~

~~[6] Minimum lot width in an R-3 district shall be 60 feet, except that a recommendation may be made by the planning and zoning commission to amend to 50 feet, after all responsible effort has been made to maintain the 60-foot width by acquisition of adjoining property and a resubdivision hearing has been held and the board of trustees concur.~~

~~[7] Interior side yard for R-3 district setback for accessory structures (i.e., garage, etc.) shall be a minimum of three feet, and shall be located behind the main structure rear wall, per section 4.05(B).~~

~~[8] Where under previously enacted zoning regulations for interior side yards, and a setback was established as a minimum at the time of construction; that setback may be maintained when alterations or additions are proposed for the existing structure.~~

~~[9] For corner lots subdivided and duly recorded on the effective date of this ordinance which have insufficient lot width to provide the required minimum side yard adjoining a street and still maintain a buildable lot width of 30 feet, the required side yard adjoining the street shall be minimum 25 feet, and the required minimum interior side yard shall be five feet.~~

~~[10] When a minimum front yard setback was established at the time of construction under previously enacted zoning regulations, that setback may be maintained without a variance when second story additions are proposed for the existing structure provided that the alteration matches the original building footprint.~~

[11] ~~When the application of the lot coverage regulations specified herein results in proposed lot coverage between 35—40 percent, a permit may be eligible for administrative approval (in lieu of a variance) provided that the property is not identified within any building moratorium area, known drainage problem area, or within any identifiable drainage sub-basin area.~~

[12] ~~In the R-3 district, where the setback of the principal structure on at least one of the adjacent lots on either side of the subject lot is less than 35 feet, the dwelling may encroach into the setback a maximum of ten feet or to match the adjacent property, whichever is less. Attached garages may not encroach unless stepped five feet behind the principal structure or covered porch. The provisions in section 4.05(E) shall be permitted from encroached structures.~~

~~(Ord. No. 86-95, 10-6-1986; Ord. No. 86-98, 10-6-1986; Ord. No. 87-13, 2-2-1987; Ord. No. 88-28, 3-7-1988; Ord. No. 88-49, 5-2-1988; Ord. No. 98-02, §§ 1—5, 1-19-1998; Ord. No. 00-149, §§ 1, 2c, 12-4-2000; Ord. No. 07-113, § 1, 6-18-2007; Ord. No. 10-182, § 1, 11-1-2010; Ord. No. 11-152, § 1, 9-19-2011; Ord. No. 16-038, § 3-3-2016; Ord. No. 24-158, § 12-19-2024; Ord. No. 24-159, § 12-19-2024)~~

~~Sec. 6.05. R-6 special residence district.~~

~~(A) *Permitted uses:* Multiple-unit residences, commonly referred to as senior/elderly housing and accessory uses, including but not limited to, chapels, daycare homes (subject to compliance with Note 3 in Section 6.02), dining halls, craft and game rooms, professional facilities (doctor, nurse, dentist), barber and beauty shops and convenience marts, each of said accessory uses being for the primary use of the residents of the senior/elderly complex and as special use any special use permitted in the R-4 and R-5 general residence district, by compliance with its applicable district regulations.~~

~~(B) *Lot size requirements:*~~

~~(1) Minimum lot area: 40,000 square feet~~

~~(2) Square feet per building: All structures containing three or more dwelling units shall provide a minimum area per dwelling as follows:~~

~~One-bedroom and efficiency units: 1,000 square feet.~~

~~Two bedrooms: 1,500 square feet.~~

~~Three or more bedrooms: 2,000 square feet.~~

~~Any room other than a kitchen, bath, dining or living room shall be considered as a bedroom for purposes of determining the above requirements for lot area per dwelling unit.~~

~~(C) *Bulk regulations:*~~

~~(1) Yard requirements:~~

~~(a) Minimum front yard: 30 feet; however, for buildings in excess of 30 feet in height, the front yard shall be increased six inches for each foot building exceeds 30 feet to a maximum front yard requirement of 40 feet.~~

~~(b) Minimum side yards: ten feet for interior side yards and 30 feet for corner side yards.~~

~~(c) Minimum rear yard: 20 feet.~~

~~(d) Maximum floor area ratio: 1.50.~~

~~(2) Maximum height of buildings and structures: 65 feet.~~

~~(D) *Density:* Maximum gross density of one unit per 1,200 square feet of gross acreage, with a maximum net density of 46 units per net acre (excluding perimeter streets and alleys).~~

~~(E) *Dwelling standards:* Every dwelling unit shall have a minimum floor area per dwelling unit, measured from the outside of the exterior walls, excluding utility rooms, cellars, basements, open porches, breezeways, garages and other spaces not used during extended periods for living, eating or sleeping purposes as follows:~~

~~Dwelling units with two bedrooms: 650 square feet.~~

~~Dwelling units with one bedroom: 550 square feet.~~

~~Dwelling units termed efficiencies: 400 square feet.~~

~~Dwelling units termed assisted living residences: 300 square feet net minimum.~~

~~(F) *Parking standards:* One parking space shall be provided for each three dwelling units plus one parking space for each employee assigned to the complex.~~

~~(G) *Minimum contiguous area:* The minimum contiguous area for land zoned for this use shall be one acre.~~

~~(H) *Use limitations:*~~

~~(1) Within a complex planned for the use herein described, provision may be made for barber and beauty shops, gift shops, commissary type operations, and like amenities for the residents housed therein. The total square footage of such facilities shall be subtracted from the gross area of the complex prior to computing densities.~~

~~(2) No zoning district hereafter established for this use shall be altered, modified or enlarged so as to conflict with the regulations outlined herein.~~

~~(Ord. No. 81-75, 12-21-1981; Ord. No. 88-49, 5-2-1988; Ord. No. 98-108, §§ 1, 2, 10-5-1998; Ord. No. 19-174, § 5, 12-19-2019)~~

~~*ARTICLE VII. BUSINESS DISTRICTS*~~

~~Sec. 7.01. Preamble.~~

~~Business district regulations are intended to govern the location and uses of a full range of business and commercial establishments needed to serve the citizens of Westmont and its trade area. The regulations of the various business districts are designed to provide for groupings of business and commercial establishments that are compatible in scope of services and method of operations. The B-1 district is intended for application in the prime business centers and planned shopping centers characterized mainly by nonautomotive-oriented retail stores and shops. 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. The C-1 district is intended for 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.~~

~~(Ord. No. 07-15, § 3, 2-5-2007)~~

~~Sec. 7.02. Business district provisions.~~

~~(A) *Dwelling units.* Dwelling units and lodging rooms are not permitted in the B-1, B-2 and C-1 districts except as follows:~~

~~(1) In a permitted hotel, motel, convent, monastery, parsonage or rectory.~~

~~(2) In a special use where residential quarters are required for security and management on the site; these quarters shall be one dwelling unit.~~

~~(3) In the central business district, dwelling units may be permitted in conjunction with commercial enterprises.~~

~~(4) Dwelling unit(s) existing upon the date of this amendment shall be allowed to continue as a residence, when located in a business district.~~

~~(5) In the B-2 district, residential dwelling units may be permitted as part of a planned development where the majority use of the non-residential portion of the principle building is office use.~~

~~(B) *Enclosure of operations.* All business, servicing, storage or processing shall be conducted within completely enclosed buildings except:~~

~~(1) Off-street parking or loading;~~

~~(2) Drive-in type of operations and automatic teller machines (ATMs) when conducted as a special use in the B-1, B-2 or C-1 district;~~

~~(3) Open sales lots when operated as a permitted or special use in the B-2 district; and~~

~~(4) Special outdoor sales events of limited duration sponsored by an association of merchants for the promotion of a business district.~~

~~(C) *Performance standards.* All activities shall conform with the performance standards established for the M manufacturing district.~~

~~(D) *Parking limitations.* Parking of trucks or commercial vehicles in excess of one hour when accessory to the conduct of a permitted use shall be limited to trucks or commercial vehicles having capacity of less than 1½ tons, except for pickup or delivery services during normal business hours.~~

~~(E) *Site plan approval.*~~

~~(1) Prior to the issuance of a building permit for any structure located on a lot, parcel or tract of land in the B-1, B-2 and C-1 districts, a site development plan, to include a landscaping plan, shall have been approved by the village board.~~

~~(2) The purpose of site plan approval is to provide for development of sites which consider all the elements of good land planning, as applicable, so as to provide an adequate relationship (a) between structures both on the site and on adjacent properties and (b) between the land uses both on the site and on adjacent properties while at the same time providing for adequate space, light, air, use and bulk limitations, to promote the health, safety and welfare of the village and its residents.~~

~~(3) In granting or withholding approval of site plans, the board of trustees shall be guided in the reasonable exercise of their discretion by the following standards:~~

~~(a) All plans shall be so designed that the public health, welfare and safety will be protected.~~

~~(b) The proposed development of the site shall be such that it does not cause substantial injury to the value of other property in the neighborhood.~~

~~(c) All plans shall provide for protection of both aesthetics and function of the natural environment, which shall include, but not be limited to, conditions pertaining to floodplains, soil and geologic characteristics and preservation of vegetation.~~

~~(d) All plans shall provide for the transmission, retention or detention of stormwater with such facilities installed so as to complement existing or proposed stormwater facilities, unless the board of trustees shall determine upon recommendation of the public works director that stormwater facilities need not be provided or a cash contribution in lieu of such facilities is made. In the event the board of trustees determines that a cash contribution be made in lieu of installation of stormwater facilities, such amount shall be determined by the public works director and the use thereof shall be restricted to the provision of stormwater facilities installed by the village.~~

~~(4) No site plan approval shall be withheld unless the board of trustees shall determine that one or more of the foregoing standards is not satisfied. The reason for such withholding of approval shall be recorded in the proceedings of the board of trustees.~~

~~(F) *B-1 business district development permits.*~~

~~(1) All development and/or redevelopment in the B-1 district shall first require approval of a "development permit" granted by the board of trustees. The terms "development" and "redevelopment" shall include all new uses and occupancies to a property and/or unit, regardless of whether new construction or~~

~~structural alterations are required. No person, firm, entity or governmental body shall be exempt from the development permit requirement.~~

~~(2) The purpose of the development permit is to revitalize the B-1 district as a development district pursuant to 65 ILCS 5/11-74.3-1 et seq., by regulating and promoting development projects that achieve one or more of the following goals:~~

~~(a) Protect and enhance the aesthetics and safety of the B-1 district through the use, construction or alteration of property;~~

~~(b) Enhance the sales tax base and real estate tax base of the village;~~

~~(c) Add to the quality mix of diverse businesses within the B-1 district; and~~

~~(d) Maintain and enhance on-site parking or available public parking.~~

~~(3) In determining whether to approve or deny a development permit, the village board of trustees shall consider the following nonexclusive list of criteria:~~

~~(a) Aesthetics such that the current architecture is supported and enhanced; and~~

~~(b) Health and safety such that construction and repairs are building code compliant, there is no environmental detriment and parking is sufficient; and~~

~~(c) Promotion of the primary development goal of adding to the village's sales tax base through high-quality retail, upscale and family-oriented sit-down restaurants and specialty shops.~~

~~(d) Businesses which do not directly contribute to the sales tax base of the village may be approved if they otherwise attract shoppers and diners to the B-1 district, otherwise add to the positive mix of businesses within a vibrant downtown, and fill space that would otherwise remain vacant.~~

~~(Ord. No. 80-46, 11-17-1980; Ord. No. 85-15, 2-4-1985; Ord. No. 86-102, 10-20-1986; Ord. No. 88-35, § 2, 3-21-1988; Ord. No. 99-16, § 1(A), 2-1-1999; Ord. No. 06-50, § 1, 3-20-2006; Ord. No. 07-15, §§ 4—6, 2-5-2007; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 10-201, § 1, 12-6-2010)~~

~~Sec. 7.03. Permitted uses and special uses in business districts.~~

			~~B-1 District~~			~~B-2 District~~		
~~Use~~			~~Permitted Use~~	~~Special Use~~	~~Special Conditions Code No. (see 7.04)~~	~~Permitted Use~~	~~Special Use~~	~~Special Conditions Code No. (see 7.04)~~
~~(A)~~	~~*Business and commercial uses:*~~							
	~~(a1)~~	~~Adult use cannabis dispensing organization:~~	~~—~~	~~—~~			~~S~~	~~1, 14~~
	~~(1)~~	~~Amusement establishments, excluding adult entertainment cabarets:~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
		~~(a) Arcade, electronic/mechanical game~~	~~—~~	~~—~~		~~—~~	~~S~~	~~6~~
	~~(2)~~	~~Amusement parks~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
	~~(3)~~	~~Animal hospitals~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~

	~~(3a)~~	~~Animal clinics, veterinarian offices, animal grooming and pet shops~~		~~—~~	~~S~~	~~1, 12~~	~~—~~	~~S~~	~~1, 12~~
	~~(4)~~	~~Antique and collectible shops~~		~~P~~	~~—~~		~~P~~	~~—~~	~~1~~
	~~(5)~~	~~Archery ranges, indoor only~~		~~—~~	~~—~~		~~P~~	~~—~~	
	~~(6)~~	~~Art, school and office supply, book, stationary, stores excluding adult book stores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(7)~~	~~Art gallery~~		~~P~~	~~—~~		~~P~~	~~—~~	
		~~Auction room~~		~~—~~	~~S~~		~~P~~	~~—~~	
	~~(7a)~~	~~ATM's as a principal or accessory use~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(8)~~	~~Automobile-oriented establishments as follows:~~							
		~~(a)~~	~~Garages, public, including painting and body and fender work~~	~~—~~	~~—~~		~~—~~	~~S~~	~~4, 7~~
		~~(b)~~	~~Garage, public, not including painting and body and fender work~~	~~—~~	~~S~~		~~—~~	~~S~~	~~7~~
		~~(c)~~	~~Automobile laundries~~	~~—~~	~~—~~		~~—~~	~~S~~	~~2, 7~~
		~~(d)~~	~~Automobile sales, dealerships~~	~~—~~	~~—~~		~~—~~	~~S~~	~~7~~
		~~(e)~~	~~Automobile sales, used cars~~	~~—~~	~~—~~		~~—~~	~~S~~	~~2, 4, 7~~
		~~(f)~~	~~Automobile service stations~~	~~—~~	~~S~~	~~1, 2~~	~~—~~	~~S~~	~~2, 7~~
		~~(g)~~	~~Automobile accessory/retail stores~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(9)~~	~~Reserved~~							
	~~(10)~~	~~Banks, and savings and loans, including accessory drive-in facilities, but excluding bank ATM~~		~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	~~2~~
	~~(11)~~	~~Barbershops and beauty parlors, located on any floor other than ground floor~~		~~P~~		~~12~~	~~P~~	~~—~~	
	~~(11a)~~	~~Barbershops and beauty parlors, located on ground floor~~		~~—~~	~~S~~		~~P~~	~~—~~	
	~~(12)~~	~~Baseball driving ranges~~		~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
	~~(13)~~	~~Battery and tire sales and service establishments~~		~~—~~	~~—~~		~~—~~	~~S~~	~~2, 7~~
	~~(13a)~~	~~Bed and breakfast~~		~~—~~	~~S~~	~~2~~	~~—~~	~~—~~	
	~~(14)~~	~~Bicycle sales, rental and repair~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(15)~~	~~Retail copy, blueprinting shops~~		~~—~~	~~S~~	~~12~~	~~P~~	~~—~~	
	~~(16)~~	~~Boat sales, including service~~		~~—~~	~~—~~		~~—~~	~~S~~	
	~~(17)~~	~~Reserved—Book, stationery and school (combine with (6), above)~~							
	~~(18)~~	~~Bottling and distribution plants~~		~~—~~	~~—~~		~~—~~	~~S~~	~~1, 2~~
	~~(19)~~	~~Bowling alleys~~		~~—~~	~~—~~		~~—~~	~~S~~	~~1, 2~~
	~~(20)~~	~~Building material retail sales, as follows:~~							
		~~(a)~~	~~Without open storage~~	~~P~~	~~—~~		~~P~~	~~—~~	
		~~(b)~~	~~With open storage~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
	~~(21)~~	~~Business machine retail sales and service~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(22)~~	~~Bus terminals~~		~~—~~	~~—~~		~~—~~	~~S~~	~~2~~
	~~(23)~~	~~Camera and photographic supply stores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(24)~~	~~Reserved~~							
	~~(25)~~	~~Carpet and rug stores~~		~~P~~	~~—~~		~~P~~	~~—~~	

	~~(26)~~	~~Reserved~~							
	~~(27)~~	~~Catering establishments~~		~~—~~	~~—~~		~~—~~	~~—~~	
	~~(27a)~~	~~Churches, chapels, temples and synagogues and religious institutions~~		~~—~~	~~S~~	~~5~~	~~—~~	~~—~~	
	~~(28)~~	~~Cleaning and dyeing establishments as follows:~~							
		~~(a)~~	~~Clothes pressing, only~~	~~—~~	~~—~~		~~P~~	~~—~~	
		~~(b)~~	~~Retail, not including accessory processing~~	~~—~~	~~—~~		~~P~~	~~—~~	
		~~(c)~~	~~Retail, including accessory processing only~~	~~—~~	~~S~~	~~1, 2, 12~~	~~P~~	~~—~~	
		~~(d)~~	~~Retail, including accessory processing and pickup and delivery service~~	~~—~~	~~S~~	~~1, 2~~	~~—~~	~~S~~	~~1, 2~~
	~~(29)~~	~~Clothes and costume rental~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(30)~~	~~Clothes stores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(31)~~	~~Coin and philatelic (stamps) stores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(32)~~	~~Contractor's retail shops~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(32a)~~	~~Craft alcoholic beverage dispensers~~		~~—~~	~~S~~	~~2,6~~	~~—~~	~~S~~	~~2,6~~
	~~(32b)~~	~~Craft alcoholic beverage producers~~		~~—~~	~~—~~		~~—~~	~~S~~	~~2, 4, 6, 15, 16, 17~~
	~~(32c)~~	~~Currency exchange~~		~~—~~	~~S~~	~~8~~	~~P~~	~~—~~	
	~~(33)~~	~~Custom dress-making~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(33a)~~	~~Day care centers~~		~~P~~			~~P~~		
	~~(34)~~	~~Department/discount stores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(35)~~	~~Drive-in establishments~~		~~—~~	~~—~~		~~—~~	~~S~~	~~2~~
	~~(36)~~	~~Drugstores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(37)~~	~~Dry goods stores~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(38)~~	~~Electrical, gas, household appliance stores, as follows:~~							
		~~(a)~~	~~Retail sales~~	~~P~~	~~—~~		~~P~~	~~—~~	
		~~(b)~~	~~Retail sales and service~~	~~—~~	~~S~~	~~2, 12~~	~~P~~	~~—~~	
	~~(39)~~	~~Employment agencies~~		~~—~~	~~—~~		~~P~~	~~—~~	
	~~(40)~~	~~Exhibition halls~~		~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	
	~~(41)~~	~~Exterminating shops~~		~~—~~	~~—~~		~~P~~	~~—~~	
	~~(42)~~	~~Feed stores~~		~~—~~	~~—~~		~~P~~	~~—~~	
	~~(43)~~	~~Flower shops~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(44)~~	~~Food stores, including, but not limited to, meat markets, bakeries, and ice cream shops~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(45)~~	~~Reserved—Frozen food lockers~~							
	~~(46)~~	~~Reserved—Fuel and ice, retail sales only~~							
	~~(47)~~	~~Furniture stores, including accessory upholstering~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(47a)~~	~~Furniture refinishing shop~~		~~—~~	~~—~~		~~—~~	~~S~~	~~9~~
	~~(48)~~	~~Furrier shops~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(49)~~	~~Garden supply stores~~		~~—~~	~~S~~	~~2, 12~~	~~P~~	~~—~~	
	~~(50)~~	~~Gift and souvenir~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(51)~~	~~Go-cart tracks~~		~~—~~	~~—~~		~~—~~	~~S~~	~~4~~

	~~(52)~~	~~Golf courses, miniature or par 3~~	~~—~~	~~—~~		~~—~~	~~S~~	~~4~~
	~~(53)~~	~~Golf driving ranges~~	~~—~~	~~—~~		~~—~~	~~S~~	~~4~~
	~~(54)~~	~~Greenhouses, retail and wholesale sales~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(55)~~	~~Reserved~~						
	~~(56)~~	~~Reserved—Haberdashery stores~~						
	~~(57)~~	~~Hardware stores, including electrical and plumbing supplies~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(58)~~	~~Fitness centers/health spas~~	~~P~~			~~P~~	~~—~~	
	~~(59)~~	~~Heliports~~	~~—~~	~~—~~		~~—~~	~~S~~	~~4~~
	~~(60)~~	~~Hobby shops~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(61)~~	~~Hospitals~~	~~—~~	~~—~~		~~—~~	~~—~~	
	~~(62)~~	~~Hotels~~	~~—~~	~~S~~	~~2~~	~~P~~	~~—~~	
	~~(63)~~	~~Reserved—Household appliance stores~~						
	~~(64)~~	~~Ice skating rinks~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
	~~(65)~~	~~Importers and distributors retail sales~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(66)~~	~~Interior decorating shops~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(67)~~	~~Jewelry shops~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(68)~~	~~Job printing shops~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(68a)~~	~~Kiosk, including photo, food consumables and newsstand~~	~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	~~2~~
	~~(69)~~	~~Kennels~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
	~~(69a)~~	~~Reserved—Animal grooming~~						
	~~(69b)~~	~~Reserved—Pet shops~~						
	~~(70)~~	~~Laboratories~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(71)~~	~~Launderettes~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(72)~~	~~Laundries~~	~~—~~	~~—~~		~~—~~	~~S~~	
	~~(73)~~	~~Leather goods and luggage stores~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(74)~~	~~Linen, towel and diaper service establishments~~	~~—~~	~~—~~		~~—~~	~~S~~	
	~~(75)~~	~~Liquor stores, package~~	~~—~~	~~S~~	~~6~~	~~P~~	~~—~~	
	~~(76)~~	~~Reserved—Live bait stores~~						
	~~(77)~~	~~Loan offices~~	~~—~~	~~S~~	~~2~~	~~P~~	~~—~~	
	~~(78)~~	~~Locksmith shop~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(79)~~	~~Machinery and equipment sales establishments~~	~~—~~	~~—~~		~~—~~	~~S~~	
	~~(80)~~	~~Mail order houses~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(80a)~~	~~Massage therapy establishments~~	~~P~~			~~P~~		
	~~(81)~~	~~Meat markets~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(82)~~	~~Medical and dental clinics~~	~~P~~			~~P~~	~~—~~	
	~~(83)~~	~~Microbrewery and brewpubs~~		~~—~~			~~S~~	~~11~~
	~~(83a)~~	~~Meeting halls~~	~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	
	~~(83b)~~	~~Minimarts~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(84)~~	~~Reserved—Millinery shops~~						

	~~B-1 District~~			~~B-2 District~~		
~~Use~~	~~Permitted Use~~	~~Special Use~~	~~Special Conditions~~	~~Permitted Use~~	~~Special Use~~	~~Special Conditions~~

					~~Code No. (see 7.04)~~			~~Code No. (see 7.04)~~
	~~(85)~~	~~Model homes and trailer sales and rental~~	~~—~~	~~—~~		~~—~~	~~S~~	~~5~~
	~~(86)~~	~~Model homes or garages, display and sales~~	~~—~~	~~—~~		~~—~~	~~S~~	~~5~~
	~~(87)~~	~~Monument sales~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(88)~~	~~Motels~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(88a)~~	~~Motorcycle, snowmobile, ATV sales and service~~	~~—~~	~~—~~		~~—~~	~~S~~	~~1~~
	~~(89)~~	~~Music stores, including instrument sales and repairs, phonographs, records, tapes, CD's, pianos and sheet music~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(90)~~	~~Reserved—Music stores, phonographs, records and sheet music (combine wit (89), above)~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(91)~~	~~Reserved~~						
	~~(92)~~	~~Reserved~~						
	~~(93)~~	~~Reserved—Newsstands (combine with (68a), above)~~						
	~~(94)~~	~~Notions shops~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(94a)~~	~~Nursing homes~~	~~—~~	~~—~~		~~—~~	~~—~~	
	~~(95)~~	~~Offices, general or professional, located on any floor other than ground floor~~	~~P~~			~~P~~	~~—~~	
	~~(95a)~~	~~Offices, general or professional, located on ground floor~~	~~—~~	~~S~~	~~12~~	~~P~~		
	~~(96)~~	~~Offices, general and professional with accessory research and testing~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(97)~~	~~Reserved—Office supply store (combine with (6), above)~~						
	~~(98)~~	~~Open sales lots, as an accessory use~~	~~—~~	~~—~~		~~—~~	~~S~~	~~2, 5~~
	~~(99)~~	~~Open sales lots, as a principal use~~	~~—~~	~~—~~		~~—~~	~~S~~	~~2~~
	~~(100)~~	~~Optical sales, retail and in-house lab~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(101)~~	~~Orthopedic and medical appliance sales~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(102)~~	~~Paint and wallpaper stores~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(103)~~	~~Reserved~~						
	~~(104)~~	~~Parking lots, indoor and outdoor~~	~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	~~2~~
	~~(105)~~	~~Reserved~~						
	~~(105a)~~	~~Philanthropic and charitable organizations~~	~~—~~	~~S~~	~~12~~	~~—~~	~~—~~	
	~~(106a)~~	~~Photography/videography (related processing and replication services)~~	~~P~~	~~—~~		~~P~~		
	~~(106b)~~	~~Photography/videography (related processing and replication as principal use)~~	~~—~~	~~S~~		~~P~~		
	~~(107)~~	~~Reserved~~						
	~~(108)~~	~~Reserved—Printing, publishing or lithography establishments (combine with (15), above)~~						
	~~(109)~~	~~Radio and television studios~~	~~—~~	~~—~~		~~P~~	~~—~~	

	~~(110)~~	~~Recording studios~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(110a)~~	~~Rental service with indoor storage~~	~~—~~	~~S~~	~~2~~	~~P~~	~~—~~	
	~~(110b)~~	~~Rental service with or without fenced outside storage~~	~~—~~	~~—~~		~~—~~	~~—~~	
	~~(111)~~	~~Restaurants, not including drive-in~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(112)~~	~~Restaurants, drive-in~~	~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	~~2~~
	~~(113)~~	~~Riding academies~~	~~—~~	~~—~~		~~—~~	~~S~~	~~4, 5~~
	~~(114)~~	~~Resale/consignment stores~~	~~—~~	~~S~~	~~12~~	~~P~~	~~—~~	
	~~(115)~~	~~Schools, commercial and trade~~	~~—~~	~~S~~	~~2, 12~~	~~—~~	~~S~~	~~2, 12~~
	~~(116)~~	~~Shoe repair shops~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(117)~~	~~Shoe stores~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(118)~~	~~Signs as regulated in article XI~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(119)~~	~~Sporting goods stores~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(120)~~	~~Tailor shops~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(121)~~	~~Taverns~~	~~—~~	~~S~~	~~6~~	~~—~~	~~S~~	
	~~(122)~~	~~Taxidermists~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(122a)~~	~~Telephone, radio-telephone, cellular phone sales and service~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(123)~~	~~Temporary buildings for construction purposes, for a period not to exceed such construction~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(124)~~	~~Theaters, indoor, excluding adult motion picture theaters~~	~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	
	~~(125)~~	~~Theaters, outdoor, excluding adult motion picture theaters~~	~~—~~	~~—~~		~~—~~	~~S~~	~~2, 4, 5~~
	~~(125a)~~	~~Tobacco and vape lounges and bars~~	~~—~~	~~—~~			~~S~~	~~6~~
	~~(125b)~~	~~Tobacco and vape retail store~~	~~—~~	~~—~~			~~S~~	~~6~~
	~~(126)~~	~~Undertaking establishments and funeral parlors~~	~~—~~	~~S~~	~~2~~	~~P~~	~~—~~	
	~~(126a)~~	~~Utility, public and governmental uses~~	~~—~~	~~S~~		~~—~~	~~—~~	
	~~(127)~~	~~Variety stores~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(127a)~~	~~Video gaming cafes~~[1]						
	~~(127b)~~	~~Video sales or rental, excluding adult uses~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(127c)~~	~~VCR/TV/radio, computer, electronic retail sales~~	~~P~~	~~—~~		~~P~~	~~—~~	
	~~(128)~~	~~Vending machine establishments (see definition)~~	~~—~~	~~—~~		~~—~~	~~S~~	
	~~(129)~~	~~Engine repair shops (nonautomotive)~~	~~—~~	~~—~~		~~P~~	~~—~~	
	~~(130)~~	~~Nonferrous metals, business engaging in purchase, sale and storage~~	~~—~~	~~—~~		~~—~~	~~S~~	
	~~(131)~~	~~Performing arts studio~~	~~—~~	~~S~~	~~2~~	~~—~~	~~S~~	~~1, 2~~
~~(B)~~	~~*Other uses:*~~							
	~~(1)~~	~~Reserved—Uses similar to those specified as permitted or special uses in each of the business districts~~						

	~~(2)~~	~~Reserved—Religious institutions~~							
	~~(3)~~	~~Reserved—Hospitals~~							
	~~(4)~~	~~Reserved—Nursing homes~~							
	~~(5)~~	~~Reserved—Philanthropic and charitable organizations~~							
	~~(6)~~	~~Reserved—Utility, public and governmental uses~~							
	~~(7)~~	~~Accessory uses to the above uses including, but not limited to:~~							
		~~(a)~~	~~Off-street parking, and loading, as regulated in article X, and~~	~~P~~	~~—~~		~~P~~	~~—~~	
		~~(b)~~	~~Signs as regulated in article XI~~	~~P~~	~~—~~		~~P~~	~~—~~	
		~~(C)~~	~~Video gaming (See definition)~~	~~[2]~~			~~P~~		
	~~(8)~~	~~Reserved—Agriculture~~							
	~~(9)~~	~~Open air, sidewalk, tent sales—temporary*~~		~~P~~	~~—~~		~~P~~	~~—~~	
	~~(10)~~	~~Freestanding antennas and towers of any kind, subject to all restrictions set forth in section 4.05(E)(31)~~		~~—~~	~~—~~		~~—~~	~~S~~	
	~~(11)~~	~~Firearms sales, when accessory to a retail or sporting goods store, containing at least 45,000 square feet (see definition of "firearms sales" for additional restrictions)~~		~~—~~	~~—~~		~~P~~		

~~[1]Despite any language to the contrary contained in article XII, nonconforming structures and uses, or contained elsewhere in this appendix, (a) a new owner of an existing video gaming café may continue to operate that use if the new owner otherwise qualifies for and receives a village liquor license for that use and qualifies for and receives a State video gaming license, except in cases of a change of ownership due to bankruptcy, insolvency, or the appointment of a receiver for the business, and except in cases where the new owners propose to significantly change the style, theme, motif, or principal operations of the business as determined by the local liquor commissioner in his/her reasonable discretion, and except in cases where the existing business has been non-operational for a continuous period of at least 30 days before the new owners propose to commence operations; and (b) an existing video gaming café 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.~~

~~[2]Despite any language to the contrary contained in article XII, nonconforming structures and uses, or contained elsewhere in this appendix, (a) a new owner of an existing establishment in the B-1 limited business 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, except in cases of a change of ownership due to bankruptcy, insolvency, or the appointment of a receiver for the business, and except in cases where the new owners propose to significantly change the style, theme, motif, or principal operations of the business as determined by the local liquor commissioner in his/her reasonable discretion, and except in cases where the existing business has been non-operational for a continuous period of at least 30 days before the new owners propose to commence operations; and (b) an existing establishment in the B-1 limited business 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.~~

~~(Ord. No. 82-6, 2-1-1982; Ord. No. 82-15, 3-1-1982; Ord. No. 82-57, 8-2-1982; Ord. No. 82-58, 8-16-1982; Ord. No. 83-4, 1-3-1983; Ord. No. 84-2, 1-16-1984; Ord. No. 85-16, § 5, 2-4-1985; Ord. No. 88-26, 3-7-1988; Ord. No. 88-27, 3-7-1988; Ord. No. 88-72, 9-6-1988; Ord. No. 94-14, § 1, 2-21-1994; Ord. No. 96-33, § 1(a), (d), 6-3-1996; Ord. No. 99-16, § 1(B), (C), 2-1-1999; Ord. No. 99-19, § 1(C), 2-1-1999; Ord. No. 02-38, § 5, 5-6-2002; Ord. No. 02-85, § 1(Exh. A), 8-5-2002; Ord. No. 03-86, § 1, 6-16-2003; Ord. No. 05-166, §§ 1, 2, 7-5-2005; Ord. No. 09-58, § 1, 5-4-2009; Ord. No. 14-114, § 1, 6-26-2014; Ord. No. 15-109, § 2, 6-25-2015; Ord. No. 15-156, § 4, 10-1-2015; Ord. No. 17-055, § 1, 4-13-2017; Ord. No. 18-176, § 2, 12-6-2018; Ord. No. 19-115, § 3, 7-18-2019; Ord. No. 19-154, § 2, 10-24-2019; Ord. No. 19-155, § 2, 10-24-2019; Ord. No. 19-174, § 6, 12-19-2019; Ord. No. 20-124, § 2, 12-17-2020; Ord. No. 21-29, § 2, 3-25-2021; Ord. No. 22-009, § 7, 1-27-2022; Ord. No. 22-45, § 4, 4-21-2022; Ord. No. 22-166, § 2, 12-15-2022; Ord. No. 22-166 (corrected copy), § 2, 12-15-2022)~~

~~Sec. 7.04. Special conditions.~~

~~Prior to the authorization for a special use and the granting of a special use permit, special conditions where identified in article [section] 7.03 shall be required in addition to compliance with the requirements for satisfactory plans, specifications and public hearings as required in article XIII. The following list of special conditions are identified by code numbers corresponding to those which appear in article [section] 7.03 in connection with specific special uses:~~

~~*Code No.*~~

~~1 Such special use may be permitted provided that no buildings or outdoor portions of the lot containing such use are located within 100 feet of a residence district.~~

~~2 Such special use may be permitted where the owner satisfactorily establishes that there will be no appreciable traffic congestion or hazard to pedestrian safety.~~

~~3 Such special use may be permitted only as an integral part of a planned business center of over four acres in area where vehicular access to the establishment is from the parking lot driveways.~~

~~4 Such special use may be permitted provided that no buildings or outdoor portions of the lot containing such use are located within 500 feet of a residence district.~~

~~5 Such special use may be permitted on a lot which is not less than 20,000 square feet in area.~~

~~6 Such special use may be permitted provided that no buildings or outdoors portions of the lot containing such use are located within 1,000 feet of a school (not to include nursery schools).~~

~~7 Such special use may be permitted provided that there shall be compliance with an approved landscaping plan providing for the screening from view of vehicles awaiting service or customer pickup; or provided that there shall be enclosed storage of all vehicles awaiting service or customer pickup.~~

~~8 [Intentionally left blank]~~

~~9 Such special use may be permitted provided the work area for refinishing and repairs totals no more than 55 percent of the total building space, provided a retail space of at least 20 percent of the building space is provided; provided only hand-held tools are utilized for refinishing and repairs, and provided there is sufficient protection against the emission of fumes, dust, noise and vibrations from the property.~~

~~10 Such special use may be permitted on the ground floor.~~

~~11 Such special use may be permitted provided the microbrewery operation is no more than 50 percent of food, retail or restaurant sales.~~

~~12 Such special use may be permitted with administrative approval if the business space is less that 1,000 square feet.~~

~~13 Such special use may be permitted where it meets the definition of and restrictions upon video gaming cafes set forth in Chapter 10, Section 10-36(22) of the Westmont Code of Ordinances and where there is a sufficient distance separation from other establishments in the village which offer video gaming.~~

~~14 Such special use may be permitted provided that such use is separated by at least 1,000 feet from a public or private school, and by at least 300 feet from a public park, measured from lot line to lot line.~~

~~15 Such special use may be permitted provided that the facility provides 1.5 parking stalls per 100 square feet of interior seating area.~~

~~16 Such special use may be permitted provided that no more than 50% of the total square feet of the premises shall be designated for interior seating area for the retail sale of craft alcoholic beverages for consumption on the premises.~~

~~17 Such special use may be permitted with an outdoor seating area, as defined in the definition section of this Appendix A, provided that no outdoor seating area exceeds 50% of the allowable interior seating area and provided that the outdoor seating area meets the requirements of chapter 10 of this Code of Ordinances.~~

~~(Ord. No. 82-6, 2-1-1982; Ord. No. 82-15, 3-1-1982; Ord. No. 83-4, 1-3-1983; Ord. No. 88-27, 3-7-1988; Ord. No. 99-16, § 1(D), 2-1-1999; Ord. No. 03-86, § 2, 6-16-2003; Ord. No. 09-58, § 1, 5-4-2009; Ord. No. 14-114, § 1, 6-26-2014; Ord. No. 15-109, § 2, 6-25-2015; Ord. No. 18-176, § 3, 12-6-2018; Ord. No. 19-154, § 3, 10-24-2019; Ord. No. 19-155, § 3, 10-24-2019; Ord. No. 20-124, § 3, 12-17-2020)~~

~~Sec. 7.05. Bulk and development standards in business districts.~~

			~~B-1 District~~	~~B-2 District~~
~~(A)~~	~~Minimum lot area~~		~~None, except as may be required for special uses~~	~~None, except as may be required for special uses~~
~~(B)~~	~~Minimum lot width~~		~~None, except as may be required for special uses~~	~~None, except as may be required for special uses~~
~~(C)~~	~~Maximum floor area ratio~~		~~0.80~~	~~0.80~~
~~(D)~~	~~Maximum height of buildings and structures~~		~~40 feet~~	~~45 feet~~
~~(E)~~	~~Minimum yards:~~			
	~~(1)~~	~~Front and side yard adjoining a street[3]~~	~~five feet~~	~~ten feet~~
	~~(2)~~	~~Interior side[2, 4]~~	~~Five feet,[1] except no side yard is required where the walls of adjoining existing business structures are contiguous to one another~~	~~Five feet,[1] except no side yard is required where the walls of adjoining existing business structures are contiguous to one another~~

	~~(3)~~	~~Rear[2]~~	~~20 feet plus one foot for each two feet in height that the building or structure exceeds 45 feet~~	~~20 feet plus one foot for each two feet in height that the building or structure exceeds 45 feet~~
~~(F)~~	~~Minimum off-street parking and off-street loading~~		~~Required in accordance with regulations set forth in article X of this ordinance~~	~~Required in accordance with regulations set forth in article X of this ordinance~~

~~Notes:~~

~~[1] The required interior side yard of five feet shall be increased by one foot for each two feet in height that the building exceeds 45 feet, and all structures over 45 feet in height shall provide an interior side yard and shall, therefore, not be contiguous to another structure.~~

~~[2] Business lots adjoining residence districts. Wherever an interior side lot line or rear lot line in a business district adjoins a residence district, there shall be provided a building setback equivalent to that required in the residence district from the common lot line, and a six-foot-high solid fence, or six-foot-high dense landscape hedge, shall be provided on the business lot along such common line, except such setback shall not be required where the lot line adjoins an alley.~~

~~[3] For frontages on major arterial streets refer to section 4.16, article IV.~~

~~[4] Where under previously enacted zoning regulations for interior side yards, and a setback was established as a minimum at the time of construction; that setback may be maintained when alterations or additions are proposed for the existing structure.~~

~~(Ord. No. 87-14, 2-2-1987; Ord. No. 88-28, 3-7-1988; Ord. No. 88-49, 5-2-1988)~~

~~Sec. 7.06. B-3 special development district.~~

~~(A) *Intent and purpose.* The B-3 special development district is intended to provide for the combining of hotel and/or motel, office, research and recreational uses in a unified development and to provide for secondary retail, residential and service uses to serve the development. The district is also established in order that the public health, safety and general welfare will be furthered in an area of increasing urbanization and of growing demand for these kinds of land uses and to encourage innovations and variety in type, design and arrangement of such uses. Because of the intensity of development permitted in the special development district, it shall generally be used only when abutting one or more major or secondary arterials with limited access.~~

~~Secondary retail business or service establishments, as set forth below, shall be permitted subject to the restrictions set forth in subsection (D)(2). Secondary uses are permitted in order to reduce the dependence of occupants of the special development district upon goods and services outside of the special development district and thereby reduce traffic congestion in such areas of intensive development.~~

~~Because the diversified land uses in a special development district may not be predetermined in detail, approval of the preliminary concept plan and each individual final concept plan of a staged development is an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be mixed and to determine the impact of such uses in surrounding areas. Emphasis will be based upon the review of pedestrian and vehicular circulation facilities such as sidewalks, parking areas, interior streets, pavement widths and rights-of-way because of the anticipated high volume of pedestrian and vehicular traffic which will be generated.~~

~~For the purposes of this section, the B-3 special development district shall not be considered a planned development.~~

~~(B) *Permitted uses.* In a B-3 special development district, no building or structure shall be erected and no land shall be used except for the following specified uses, unless otherwise provided in this section and subject further to requirements set forth in paragraph (D).~~

~~(1) *Primary uses:*~~

~~(a) Office uses: Administrative, business, executive, personal services, professional, research or similar uses.~~

~~(b) Financial institutions.~~

~~(c) Medical offices, including clinics and laboratories.~~

~~(d) Data processing and computer centers, including service and maintenance of electronic data processing equipment.~~

~~(e) Any uses which are embraced with the principal functions of education, research, design, and technical training and experimental product development, including repair, when conducted wholly within a completely enclosed building, subject further to applicable performance standards, as established in article [section] 8.02(B).~~

~~(f) Hotels, motels, which may include banquet, convention, exhibition, and meeting facilities.~~

~~(g) Utility, governmental service and transportation uses.~~

~~(h) Outdoor recreation, including golf courses, driving ranges, tennis courts, polo fields, swimming pools, bicycle and jogging paths, ski hills, and skating rinks; lighting for night operations of recreational uses shall be directed away from surrounding properties.~~

~~(i) Accessory buildings and uses that are customarily incidental to any of the above permitted uses.~~

~~(j) Uses similar to the above permitted uses subject to the recommendations of the planning and zoning commission and approved by the village board.~~

~~(2) *Secondary uses:*~~

~~(a) Antique shops.~~

~~(b) Art and office supply stores.~~

~~(b1) ATM's as a principal or accessory use.~~

~~(c) Auction rooms.~~

~~(d) Bakery store where the manufacture of bakery goods is limited to quantity [of] goods sold at retail on the premises only.~~

~~(e) Blueprinting and photostating establishments.~~

~~(f) Business machine sales and service.~~

~~(g) Candy and ice cream stores.~~

~~(h) Catering establishments.~~

~~(i) Day care centers.~~

~~(j) Employment agencies.~~

~~(k) Financial institutions.~~

~~(l) Health clubs, including physical culture and health services, gymnasiums, reducing salons and masseurs.~~

~~(m) Importers and distributors.~~

~~(n) Indoor commercial recreation uses.~~

~~(o) Interior decorating shops.~~

~~(p) Liquor stores, package.~~

~~(q) Newsstand.~~

~~(r) Personal service establishments which perform personal services on the premises, including beauty shops, barber shops, tailor shops, dry cleaning and laundry receiving stations, processing to be done elsewhere, watch repair and shoe repair.~~

~~(s) Private clubs or lodges, including health clubs.~~

~~(t) Radio and television studios.~~

~~(u) Recording studios.~~

~~(v) Restaurants or other places serving food or beverages except those which permit food or beverages to be consumed on the premises in a motor vehicle.~~

~~(w) Storage when conducted wholly within a completely enclosed building and in the same building as and in conjunction with a permitted primary use.~~

~~(x) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to, groceries, drugs, clothing, flowers, and notions, but excluding adult bookstores.~~

~~(y) Lounge/pub.~~

~~(z) Theaters, concert halls or similar places of assembly, but excluding adult entertainment cabarets.~~

~~(aa) Vending and video machine establishments, but excluding adult bookstores.~~

~~(bb) Temporary structures for construction purposes for a period not to exceed three years.~~

~~(cc) Uses similar to the above permitted secondary uses, subject to the recommendations of the planning and zoning commission and approved by the village board.~~

~~(dd) Video gaming. (See definition.)~~

~~(C) *Special uses.*~~

~~(1) Helipads, public and private, subject to applicable Federal Aviation Administration standards and regulations.~~

~~(2) Villas, when owned and operated as a hotel and/or motel.~~

~~(3) Dwelling units not to exceed two, to provide housing for the use of management, security and/or maintenance personnel in conjunction with a hotel and/or motel or golf course within this district.~~

~~(4) Public or private schools or colleges for general or vocation training.~~

~~(5) Residential dwelling units, subject to the area and bulk regulations defined below in section 7.06(E). Any restrictions not addressed below shall comply with those set forth in section 6.04 for the R-4 general residence district. Residential dwelling units are not permitted in any existing recreational or open space areas.~~

~~(D) *Required conditions.*~~

~~(1) All applications for rezoning to the B-3 special development district shall comply with the provisions of paragraphs (G) and (H), and the required public improvements outlined in the Land Development Code.~~

~~(2) A B-3 special development project may be developed with two or more land uses at the option of the developer and in accordance with the provisions of this section.~~

~~(3) Secondary uses as permitted in subsection (B)(2) shall not exceed 20 percent of the gross floor area of any building or structure and shall be included in the principal building it is intended to serve and shall not have direct access to any perimeter road (except an arterial road). Access thereto shall be provided only from interior roadways.~~

~~(4) Not more than 50 percent out of the area of any required yard abutting a street shall be used for vehicular parking and driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than 25 feet wide except at points of approved vehicular access to the street.~~

~~(5) In addition to the landscaping required above, not less than ten percent of the site, in common areas, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five feet shall be considered in the ten percent minimum landscaping requirement.~~

~~(6) Off-street parking and off-street loading requirements shall be provided in accordance with article X.~~

~~(7) The outdoor storage or display of goods, vehicles or materials shall be prohibited irrespective of whether or not they may be for sale, except for uses such as: Art or flower displays, golf courses, sidewalk cafes or similar uses intended to be displayed out-of-doors, subject to the issuance of a temporary permit.~~

~~(8) Warehousing of goods or materials in quantities greater than normally incidental to the above permitted uses shall be prohibited.~~

~~(9) Performance standards. All uses shall comply with the provisions of article VIII, section 8.02.~~

~~(E) *Area and bulk regulations:*~~

~~(1) *Minimum land area required.* Not less than 40 acres, under a single control.~~

~~(2) *Building height.* No building constructed in any B-3 special development district shall exceed 125 feet.~~

~~(3) *Yard requirements:*~~

~~(a) *Perimeter yards.* Along those perimeter property lines which abut either a major arterial or a secondary arterial with limited access, or a residence district a 50-foot perimeter yard as measured from the right-of-way line or property line shall be required. For buildings greater than 45 feet in height adjacent to a residence district an additional setback or yard of 50 feet plus two feet for each additional one foot of building height shall be required.~~

~~(b) *Other yards.* Yard setback requirements shall only apply to perimeter property lines for the entire B-3 development and when adjacent to any other zoning districts. Diversified uses within the B-3 special development district may allow for reduced setbacks for legally subdivided internal parcels when processed as a planned development.~~

~~1. Front: 50 feet.~~

~~2. Each side: 25 feet.~~

~~3. Rear yard: 50 feet. When a rear yard adjoins a manufacturing district, the yard may be reduced 50 percent or 25 feet.~~

(c) *Minimum spacing between buildings.* The minimum distance between buildings, excluding parking structures, shall be not less than one-half the building height of the taller of any two buildings, or a minimum of 30 feet, whichever is greater, except that corner-to-corner placement of buildings need not exceed 20 feet.

(4) *Floor area ratio.* A cumulative total of zero point five (0.5) floor area ratio for the gross project area as determined by the concept plan. For the purpose of this district, the floor area shall not include that floor space devoted to enclosed off-street parking and loading.

(F) *Other requirements.*

(1) *Signs and lighting.* Signs and lighting requirements shall be provided in accordance with article XI and article X, section 10.06(H)(4).

(2) *Walls and berms.*

(a) For the uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall or landscaped berm as required below. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall.

	Use	Height requirements
(1)	Loading or unloading areas.	6 feet
(2)	Off-street parking areas.	5 feet
(3)	Utility buildings, stations and/or substations.	6 feet

(b) The location and design of required walls and berms shall be subject to the review and recommendations by the board of trustees.

(c) Berms shall be landscaped earth mounds, the same height as required for a wall, with a maximum slope of 3:1 (three feet horizontal to one foot vertical). All berms shall have a nearly flat, horizontal area at their highest point of not less than two feet in width. Such requirements may be modified as recommended by the board of trustees.

(d) Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20 percent of surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce the minimum height requirements. The arrangement of the openings shall be reviewed and recommended for approval of the board of trustees.

(e) In those instances where a purpose would not be properly served, the requirements may be waived or modified pursuant to recommendations by the planning and zoning commission.

(3) *Public improvements.* Public improvements shall be installed as outlined in the Land Development Code. Other improvements to adjacent streets for public safety and traffic control, which are found necessary due to the development, shall also be installed as part of the project.

(G) *Preliminary concept plan review procedures.* No building, structure or land shall be improved or used in a B-3 special development district unless the preliminary concept plan has been reviewed and evaluated by the planning and zoning commission and recommendations submitted to and approved by the board of trustees. The approval of the preliminary concept plan by the board of trustees shall constitute an acceptance of the specific concept of the preliminary concept plan. The board of trustees shall not act on the preliminary concept plan until it receives a recommendation regarding same from the planning and zoning commission. The board may act on any portion of the preliminary concept plan where a recommendation has not been

~~received from the planning and zoning commission within 60 days after such recommendation has been requested by the board of trustees. The planning and zoning commission shall not recommend approval of the preliminary concept plan unless it finds that the following conditions and procedures have been complied with:~~

~~(1) *Preliminary concept plan.* A preliminary concept plan (20 copies) for the project area shall be filed with the village clerk for submittal to the planning and zoning commission (ten copies) and the village board (ten copies). The planning and zoning commission shall review and present recommendations and consideration for approval by the village board. The preliminary concept plan will be a generalized plan for the entire development and will consist of the following:~~

~~(a) *Generalized land uses.* The approximate location, size, configuration of all proposed land uses within the entire development; to include areas to be designated as open space recreation and service activity areas.~~

~~(b) *Distribution of density.* The approximate amount of square footage proposed for each land use area, including the approximate number of vehicles to be accommodated.~~

~~(c) *Overall circulation system.* To include the principal points of access to the site from the surrounding roadways, the major elements of internal circulation proposed, the location of major parking areas, and any special requirements for service or emergency access.~~

~~(d) *Phases of development.* To indicate the phases or stages by which the entire development is to be accomplished, if applicable, including the approximate size, density and timing of subelements of the building program and all improvements.~~

~~(e) *Special features.* To include elements such as pedestrian environments, public facilities, energy conservation measures, and similar features.~~

~~(f) *Development features.* All the development features, including principal buildings and any accessory buildings, open spaces, service roads, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.~~

~~(g) *Access.* The preliminary concept plan shall indicate that access is provided only to an arterial or limited access service drive and that a prior relationship exists between the arterial and any proposed service roads, driveways and parking areas in order to encourage pedestrian and vehicular traffic safety.~~

~~The above elements of the preliminary concept plan will be represented in such a manner as to clearly convey to the planning and zoning commission and the village board the intent of the developer for the entire development, and the merits of the development as planned, as well as compliance with other applicable provisions of the zoning ordinance, and other related ordinances and controls of the village.~~

~~(H) *Final concept plan review procedures.* The board of trustees shall approve the final concept plan(s) which is (are) in conformance with the provisions required for the district subject to the following procedures:~~

~~(1) The final concept plan(s), or plats (where applicable), shall be in substantial conformity with the approved preliminary concept plan.~~

~~(2) A boundary survey of the exact acreage being requested prepared by a land surveyor registered in the State of Illinois shall be submitted.~~

~~(3) A site location map on a smaller scale showing major circulation routes and other landmarks shall be provided with the site plan.~~

(4) A topographic map of the entire area at a contour interval of not more than one foot to U.S.G.S. Datum shall be submitted. This map shall indicate all major stands of trees, floodplains, wetlands, bodies of water, significant natural features, existing structures and unbuildable areas.

(5) A recent aerial photograph of the area shall be provided at a scale of not less than one inch equals 200 feet.

(6) One copy of the final concept plan, superimposed on a recent aerial photograph of not less than one inch equals 200 feet scale, shall be submitted for review to show the relationship of the final concept plan to existing natural features and to adjacent development.

(7) An indication of the contemplated storm and sanitary sewer plan, water distribution plan and a preliminary topographic map indicating how the land area is proposed to be shaped including elevations and proposed grade contours shall be submitted (ten copies are required).

(8) A written statement shall be provided explaining in detail the full intent of the sponsor, indicating the type of buildings or structures and facilities contemplated, and providing supporting documentation, such as soil surveys, studies supporting land use requests, and the intended scheduling of the development, or any stage thereof (ten copies are required).

(9) Unless otherwise indicated, the final concept plan(s) shall be prepared at a consistent scale of not smaller than one inch equals 100 feet.

(10) Floor plans and elevations typical of all buildings within each stage shall be submitted with each stage and the final concept plan shall indicate which floor plan(s) and elevation(s) is applicable to each building (ten copies are required).

(11) A landscape plan in accordance with section 10.06(H)(3) of the zoning ordinance and section 5.05(d) of the Land Development Ordinance shall be submitted at stage(s) as determined by the board of trustees. Such requirements may be waived or approved in alternate form by the board of trustees.

(I) *Density standards.* Each plat and/or site plan submitted within the proposed development shall, either individually or in combination with previously approved project areas, meet all applicable density standards of the total project area.

(J) *Review and approval of final concept plan(s) by village board.* Upon filing of an application with the village clerk, the clerk shall refer such request to the village board for review and approval.

(K) *Termination of preliminary concept plan and final concept plan(s).*

(1) Once an area has been included within a preliminary concept plan or final concept plan(s), and such plans have been approved by the village board, no other development may take place in such area nor may any other use thereof be made except in accordance with a village board approved amendment thereto, unless the plans are terminated as provided herein.

(2) An approved plan shall be terminated by the applicant, or its successors or assigns, prior to any development within the area involved by filing with the village an affidavit so stating. The approval of the plan shall terminate upon said filing.

(3) No approved plan shall be terminated after development commences except with the approval of the village board and of all parties with an interest in the land.

(4) If development of the approved preliminary concept plan, final plat(s) or final concept plan(s) for respective stages is not substantially completed within three years after approval, further final submittals shall cease until the part in question is completed or cause to be shown for not completing same. Provisions shall be made for the dedication of public roads so as to cause continuity of public

~~access between the adjacent thoroughfares and ingress and egress to all private development within the project area plan.~~

~~(L) *Amendments or modifications.* Any changes or amendment requested to the preliminary concept plan shall be reviewed and recommended by the planning and zoning commission after a public hearing conforming to article XIII, section 13.11 of the zoning ordinance, and approved by the village board. In instances where modifications are necessary to preliminary concept plans, the planning and zoning commission may request that said plans again be submitted for review if, in its judgment, a substantial change is being made in said plans.~~

~~(Ord. No. 84-131, 11-5-1984; Ord. No. 88-49, 5-2-1988; Ord. No. 94-14, § 2, 2-21-1994; Ord. No. 96-33, § 1(b), (c), 6-3-1996; Ord. No. 15-156, § 5, 10-1-2015; Ord. No. 2016-059, § 2, 4-14-2016; Ord. No. 20-124, § 4, 12-17-2020; Ord. No. 22-009, § 8, 1-27-2022)~~

~~Editor's note(s)—Ordinance No. 84-131, adopted Nov. 5, 1984, amended the zoning code by adding a § 7.03. Inasmuch as the zoning code already contained a § 7.03, the editor has redesignated the provisions of Ord. No. 84-131 as a new § 7.06.~~

~~Sec. 7.07. Permitted and special uses in the C-1 district.~~

~~PROPOSED C-1 COMMERCIAL DISTRICT USE LIST**~~				~~Proposed C-1 Survey Results~~		
~~Use~~				~~Permitted Use~~	~~Special Use~~	~~Special Conditions Code No.~~
~~(A)~~	~~*Business and commercial uses:*~~					
	~~(a) (1)~~	~~Adult-use cannabis dispensing organization~~		~~—~~	~~S~~	~~1, 14~~
	~~(1)~~	~~Amusement establishments, excluding adult entertainment cabarets:~~		~~—~~	~~S~~	
		~~(a)~~	~~Arcade, electronic/mechanical game~~	~~—~~	~~S~~	
	~~(2)~~	~~Animal hospitals~~		~~—~~	~~S~~	~~1~~
	~~(3)~~	~~Animal clinics, veterinarian offices, animal grooming and pet shops~~			~~S~~	~~1~~
	~~(4)~~	~~Antique and collectible shops~~		~~P~~	~~—~~	
	~~(5)~~	~~Art, school and office supply, book, stationary, stores excluding adult book stores~~		~~P~~	~~—~~	
	~~(6)~~	~~Art gallery~~		~~P~~	~~—~~	
	~~(7)~~	~~Auction room~~		~~P~~	~~—~~	
	~~(8)~~	~~ATM's as a principal or accessory use~~		~~P~~	~~—~~	
	~~(9)~~	~~Automobile-oriented establishments as follows:~~				
		~~(a)~~	~~Garage, public, not including painting and body and fender work~~	~~—~~	~~S~~	~~7~~
		~~(b)~~	~~Automobile laundries~~	~~P~~	~~—~~	
		~~(c)~~	~~Automobile service stations~~	~~—~~	~~S~~	~~1, 2~~
		~~(d)~~	~~Automobile accessory/retail stores~~	~~P~~	~~—~~	
	~~(10)~~	~~Bakeries, as follows:~~				

		~~(a)~~	~~Retail sales only~~	~~P~~	~~—~~	
		~~(b)~~	~~Retail sales with processing for on-premises sales only~~	~~P~~	~~—~~	
	~~(11)~~	~~Banks, and savings and loans, including accessory drive-in facilities, but excluding bank ATM~~		~~—~~	~~S~~	~~2~~
	~~(12)~~	~~Banquet facilities and conference centers~~		~~—~~	~~S~~	~~1, 2, 5~~
	~~(13)~~	~~Barbershops and beauty parlors~~		~~P~~	~~—~~	
	~~(14)~~	~~Battery and tire sales and service establishments~~			~~S~~	~~2, 7~~
	~~(15)~~	~~Bicycle sales, rental and repair~~		~~P~~	~~—~~	
	~~(16)~~	~~Blueprinting, photostatting, printing, publishing or lithography establishments~~		~~P~~	~~—~~	
	~~(17)~~	~~Building material retail sales, as follows:~~				
		~~(a)~~	~~Without open storage~~	~~P~~	~~—~~	
		~~(b)~~	~~With open storage~~	~~—~~	~~S~~	~~1~~
	~~(18)~~	~~Business machine retail sales and service~~		~~P~~	~~—~~	
	~~(19)~~	~~Camera and photographic supply stores~~		~~P~~	~~—~~	
	~~(20)~~	~~Candy and ice cream stores~~		~~P~~	~~—~~	
	~~(21)~~	~~Carpet and rug stores~~		~~P~~	~~—~~	
	~~(22)~~	~~Catering establishments~~		~~P~~	~~—~~	
	~~(23)~~	~~Cleaning and dyeing establishments as follows:~~				
		~~(a)~~	~~Clothes pressing, only~~	~~—~~	~~S~~	
		~~(b)~~	~~Retail, not including accessory processing~~	~~—~~	~~S~~	
		~~(c)~~	~~Retail, including accessory processing only~~	~~—~~	~~S~~	~~1, 2~~
		~~(d)~~	~~Retail, including accessory processing and pickup and delivery service~~	~~—~~	~~S~~	~~1, 2~~
	~~(24)~~	~~Clothes and costume rental~~		~~P~~	~~—~~	
	~~(25)~~	~~Clothes stores~~		~~P~~	~~—~~	
	~~(26)~~	~~Coin and philatelic (stamps) stores~~		~~P~~	~~—~~	
	~~(26a)~~	~~Craft alcoholic beverage dispensers~~		~~—~~	~~S~~	~~4, 6, 15~~

	~~(26b)~~	~~Craft alcoholic beverage producers~~	~~—~~	~~S~~	~~2, 4, 6, 15, 16, 17~~
	~~(27)~~	~~Custom dress-making~~	~~P~~	~~—~~	
	~~(27a)~~	~~Daycare centers~~	~~P~~		
	~~(28)~~	~~Department/discount stores~~	~~P~~	~~—~~	
	~~(29)~~	~~Drive-in establishments~~	~~—~~	~~S~~	~~2~~
	~~(30)~~	~~Drugstores~~	~~P~~	~~—~~	
	~~(31)~~	~~Dry goods stores~~	~~P~~	~~—~~	
	~~(32)~~	~~Electrical, gas, household appliance stores, as follows:~~			
		~~(a) Retail sales~~	~~P~~	~~—~~	
		~~(b) Retail sales and service~~	~~P~~	~~—~~	~~2~~
	~~(32)(A)~~	~~Fitness Centers/Health Clubs~~	~~P~~		
	~~(33)~~	~~Flower shops~~	~~P~~	~~—~~	
	~~(34)~~	~~Food stores, including but not limited to meat markets, bakeries, and ice cream shops~~	~~P~~	~~—~~	
	~~(35)~~	~~Furniture stores, including accessory upholstering~~	~~P~~	~~—~~	
	~~(36)~~	~~Furniture refinishing shop~~		~~S~~	~~9~~
	~~(37)~~	~~Furrier shops~~	~~P~~	~~—~~	
	~~(38)~~	~~Garden supply stores~~	~~—~~	~~S~~	~~2~~
	~~(38)(A)~~	~~General Retail~~	~~P~~		
	~~(39)~~	~~Gift and souvenir~~	~~P~~	~~—~~	
	~~(40)~~	~~Hardware stores, including electrical and plumbing supplies~~	~~P~~	~~—~~	
	~~(41)~~	~~Hobby shops~~	~~P~~	~~—~~	

	~~(42)~~	~~Hotels~~	~~P~~	~~—~~	
	~~(43)~~	~~Importers and distributors retail sales~~	~~P~~	~~—~~	
	~~(44)~~	~~Interior decorating shops~~	~~P~~	~~—~~	
	~~(45)~~	~~Jewelry shops~~	~~P~~	~~—~~	
	~~(46)~~	~~Job printing shops~~		~~S~~	
	~~(47)~~	~~Kiosk, including photo, food consumables and newsstand~~	~~P~~	~~—~~	
	~~(48)~~	~~Launderettes~~	~~—~~	~~S~~	
	~~(49)~~	~~Leather goods and luggage stores~~	~~P~~	~~—~~	
	~~(50)~~	~~Liquor stores, package~~	~~P~~	~~—~~	
	~~(51)~~	~~Locksmith shop~~	~~P~~	~~—~~	
	~~(52)~~	~~Meat markets~~	~~P~~	~~—~~	
	~~(53)~~	~~Medical and dental clinics~~	~~P~~	~~—~~	
	~~(54)~~	~~Minimarts~~	~~P~~	~~—~~	
	~~(55)~~	~~Motorcycle, snowmobile, ATV sales and service~~		~~S~~	~~1~~
	~~(56)~~	~~Municipal uses~~	~~—~~	~~S~~	
	~~(57)~~	~~Music stores, including instrument sales and repairs, phonographs, records, tapes, CD's, pianos and sheet music~~	~~P~~	~~—~~	
	~~(58)~~	~~Notions shops~~	~~P~~	~~—~~	
	~~(59)~~	~~Offices, general or professional~~	~~—~~	~~S~~	
	~~(60)~~	~~Offices, general and professional with accessory research and testing~~	~~—~~	~~S~~	
	~~(61)~~	~~Open sales lots, as an accessory use~~	~~—~~	~~S~~	
	~~(62)~~	~~Optical sales, retail and in-house lab~~	~~P~~	~~—~~	

	~~(63)~~	~~Orthopedic and medical appliance sales~~	~~P~~	~~—~~	
	~~(64)~~	~~Paint and wallpaper stores~~	~~P~~	~~—~~	
	~~(65)~~	~~Parking lots, indoor and outdoor~~	~~—~~	~~S~~	~~2~~
	~~(66)~~	~~Photography studio~~	~~P~~	~~—~~	
	~~(67)~~	~~Radio and television studios~~		~~S~~	
	~~(68)~~	~~Restaurants, not including drive-in~~	~~P~~	~~—~~	
	~~(69)~~	~~Restaurants, drive-in~~	~~—~~	~~S~~	~~2~~
	~~(70)~~	~~Secondhand stores and rummage shops~~	~~P~~	~~—~~	
	~~(71)~~	~~Shoe repair shops~~	~~P~~	~~—~~	
	~~(72)~~	~~Shoe stores~~	~~P~~	~~—~~	
	~~(73)~~	~~Signs as regulated in article XI~~	~~P~~	~~—~~	
	~~(74)~~	~~Sporting goods stores~~	~~P~~	~~—~~	
	~~(75)~~	~~Tailor shops~~	~~P~~	~~—~~	
	~~(76)~~	~~Taverns~~		~~S~~	
	~~(77)~~	~~Telephone, radio-telephone, cellular phone sales and service~~	~~P~~	~~—~~	
	~~(78)~~	~~Temporary buildings for construction purposes, for a period not to exceed such construction~~	~~—~~	~~S~~	
	~~(79)~~	~~Theaters, indoor, excluding adult motion picture theaters~~		~~S~~	~~2~~
	~~(79a)~~	~~Tobacco and vape lounges and bars~~	~~—~~	~~—~~	
	~~(79b)~~	~~Tobacco and vape retails stores~~	~~—~~	~~—~~	
	~~(80)~~	~~Variety stores~~	~~P~~	~~—~~	
	~~(81)~~	~~Video sales or rental, excluding adult uses~~	~~P~~	~~—~~	

	~~(82)~~	~~VCR/TV/radio, computer, electronic retail sales~~		~~P~~	~~—~~	
~~(B)~~	~~*Other uses:*~~					
	~~(1)~~	~~Accessory uses to the above uses including, but not limited to:~~				
		~~(a)~~	~~Off-street parking, and loading, as regulated in article X, and~~	~~P~~	~~—~~	
		~~(b)~~	~~Signs as regulated in article XI~~	~~P~~	~~—~~	
		~~(c)~~	~~Video gaming. (See definition)~~	~~P~~		
	~~(2)~~	~~Open air, sidewalk, tent sales—Temporary*~~		~~—~~	~~S~~	
	~~(3)~~	~~Firearms sales, when accessory to a retail or sporting goods store containing at least 45,000 square feet (see definition of "firearms sales" for additional regulations)~~		~~P~~	~~—~~	

~~(Ord. No. 07-15, § 7, 2-5-2007; Ord. No. 15-156, § 5, 10-1-2015; Ord. No. 17-055, § 2, 4-13-2017; Ord. No. 18-095, § 2, 7-19-2018; Ord. No. 19-115, § 4, 7-18-2019; Ord. No. 19-154, § 4, 10-24-2019; Ord. No. 19-155, § 4, 10-24-2019; Ord. No. 19-174, § 7, 12-19-2019; Ord. No. 20-124, § 5, 12-17-2020; Ord. No. 21-29, § 3, 3-25-2021; Ord. No. 22-45, § 5, 4-21-2022)~~

~~Sec. 7.08. Bulk and development standards in C-1 district.~~

~~(a) *Minimum lot area:* None, except as may be required for special uses.~~

~~(b) *Minimum lot width:* None, except as may be required for special uses.~~

~~(c) *Maximum floor area ratio:* 0.80.~~

~~(d) *Maximum height of buildings and structures:* 45 feet.~~

~~(e) *Minimum yards:*~~

~~(1) *Front and side yard adjoining a street*[3]*:* Ten feet.~~

~~(2) *Interior side*[2, 4]*:* Five feet,[1] except no side yard is required where the walls of adjoining existing business structures are contiguous to one another.~~

~~(3) *Rear yard*[2]*:* 20 feet plus one foot for each two feet in height that the building or structure exceeds 45 feet.~~

~~(4) *Minimum off-street parking and off-street loading:* Required in accordance with regulations set forth in article X of this ordinance.~~

~~Notes:~~

~~[1] The required interior side yard of five feet shall be increased by one foot for each two feet in height that the building exceeds 45 feet, and all structures over 45 feet in height shall provide an interior side yard and shall, therefore, not be contiguous to another structure.~~

~~[2] Business lots adjoining residence districts. Wherever an interior side lot line or rear lot line in a business district adjoins a residence district, there shall be provide a building setback equivalent to that required in the residence district from the common lot line, and a six-foot-high solid fence, or six-foot-high~~

dense landscape hedge, shall be provided on the business lot along such common line, except such setback shall not be required where the lot line adjoins an alley.

[3] For frontages on major arterial streets refer to section 4.16, article IV.

[4] Where under previously enacted zoning regulations for interior side yards, a setback was established as a minimum at the time of construction; that setback may be maintained when alterations or additions are proposed for the existing structure.

(Ord. No. 07-15, § 8, 2-5-2007)

ARTICLE VIII. MANUFACTURING AND OFFICE/RESEARCH DISTRICTS

Sec. 8.01. Preamble.

The regulations for the manufacturing and office/research districts are designed to provide for the establishment of a full range of manufacturing and office activities and to govern their operations in a manner that will not have a deleterious effect on residential and business areas. It is essential that there be adequate provision for the expansion and diversification of industry and office/research facilities, both those existing today and for the attraction of new facilities. Adequate well-located manufacturing and office sites and room for expansion of established facilities will encourage manufacturing and office growth, and expansion of Westmont's economic base. It will also open new opportunities for a variety of employment for its labor force. (See article XIII relative to certification required as to compliance with the performance standards of these districts.)

The M and M-1 manufacturing districts are established to provide an environment suitable for manufacturing activities that require a pleasant and nuisance-free environment and that will be compatible with adjacent residential and business uses. The O/R office-research district is established to provide an area for the promulgation of office/research facilities where they can be compatible with other land uses in the village.

(Ord. No. 20-030, § 2, 3-26-2020)

Sec. 8.02. Manufacturing and limited manufacturing district provisions.

(A) *Operations within enclosed buildings.* Except as authorized pursuant to a special use permit for outdoor storage in the M-1 limited manufacturing district, all activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products and goods shall be conducted within completely enclosed buildings.

(B) *Outdoor storage.* Outdoor storage is allowed only in the M-1 limited manufacturing district pursuant to a special use permit and approval of an accompanying site plan and landscape plan. The site plan shall show the location of all structures in the outdoor storage area, the location of all materials, vehicles and equipment to be stored, the location of all drive aisles and parking areas, and the location of all fences/walls and gates used to screen the outdoor storage area. All outdoor storage areas shall be enclosed and screened by a solid fence or wall 8 feet in height, including solid doors or gates. A building may also serve as part of the screen for outdoor storage. The outdoor storage of materials, equipment and vehicles unrelated to the primary business operating from the property is not allowed.

(C) *Performance standards.* Any use established in the manufacturing district and limited manufacturing district shall be so operated as to comply with the performance standards governing:

(1) Noise;

(2) Vibration;

(3) Smoke and particulate matter;

~~(4) Toxic matter;~~

~~(5) Odorous matter;~~

~~(6) Fire and explosive hazards;~~

~~(7) Glare and heat; and~~

~~(8) Radiation hazards, as set forth hereinafter.~~

~~Established uses may be altered, enlarged, expanded or modified provided that the additions or changes comply with said performance standards and comply with all other village ordinances, codes and regulations.~~

~~(1) *Performance standards—Noise.* For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.~~

~~The flat network and the slow meter response of the sound level meter shall be used. Sounds of very short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (American National Standards Institute Standard S 1.6—1967, Preferred Frequencies and Band Numbers for Acoustical Measurements) shall be used.~~

~~The following uses and activities shall be exempt from the noise level regulations:~~

~~Noises not directly under the control of the property user.~~

~~Nonroutine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.~~

~~The noises of safety signals, warning devices and emergency pressure relief valves.~~

~~Transient noises of moving sources of noise such as automobiles, trucks, excavation equipment, tractors, airplanes and railroads.~~

~~The decibel values specified for measurement at nearest residence districts shall be reduced by three decibels between the hours of 7:00 p.m. and 7:00 a.m. In M manufacturing districts, the generation of noise shall not exceed the decibel limits prescribed below:~~

~~Maximum Permitted Sound Levels~~
~~Decibels (re .0002 Microbar)~~

~~Octave Band Preferred Frequencies (cycles per second)~~	~~Measured at Neighboring Lot~~	~~Measured at Nearest Residential Lot Line~~
~~31.5~~	~~83~~	~~76~~
~~63~~	~~78~~	~~71~~
~~125~~	~~72~~	~~65~~
~~250~~	~~64~~	~~57~~
~~500~~	~~57~~	~~50~~
~~1,000~~	~~51~~	~~45~~
~~2,000~~	~~46~~	~~39~~
~~4,000~~	~~41~~	~~34~~
~~8,000~~	~~38~~	~~32~~

~~Impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:~~

	~~Measured at Neighboring Lot~~	~~Measured at Nearest Residential Lot Line~~

~~Overall peak~~	~~86~~	~~80~~

~~(2) *Performance standards—Vibration.* In the manufacturing districts, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values or vibration limits given below.~~

~~Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.~~

~~The maximum permitted displacements shall be determined by the following formula:~~

~~D =~~

~~where~~	~~D~~	~~=~~	~~Displacement in inches.~~
	~~K~~	~~=~~	~~A constant to be determined by reference to the following tables.~~
	~~f~~	~~=~~	~~The frequency of the vibration transmitted through the ground, cycles per second.~~

~~The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding paragraph (2) and the appropriate K constant shown in table 1.~~

~~*Table 1. Values of K to be used in Vibration Formula*~~

~~Location~~		~~K~~
~~In any neighboring lot:~~		
	~~Continuous~~	~~0.008~~
	~~Impulsive~~	~~0.015~~
	~~Less than eight pulses per 24-hour period~~	~~0.037~~
~~In any residence district:~~		
	~~Continuous~~	~~0.003~~
	~~Impulsive~~	~~0.006~~
	~~Less than eight pulses per 24-hour period~~	~~0.015~~

~~(3) *Performance standards—Smoke and particulate matter.* The emission of smoke or particulate matter in sufficient quantities and of such characteristics and duration as to be injurious to public health and safety or which unreasonably interferes with personal comfort and welfare is hereby declared to be a public nuisance and shall not be permitted in the manufacturing districts.~~

~~For the purpose of grading the density of equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 (May 1967) shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.~~

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

~~Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four-hour period which will result in the highest average emission rate.~~

~~The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for not more than two minutes in any four-hour period, smoke up to and including Ringelmann No. 2 shall be permitted.~~

~~The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed five-tenths of a pound per acre of lot area per hour.~~

~~Suspended particulates carried across lot lines shall not exceed 25 micrograms per cubic meter, averaged over a 24-hour period at ground level or habitable elevation.~~

~~(4) *Performance standards—Toxic matter.* The release of airborne toxic matter shall not exceed 1/30of the threshold limit values currently recommended by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period. If a toxic substance is not listed, the applicant shall be required to submit documented proof that the proposed levels will be safe and not detrimental to the public health or injurious to plant and animal life.~~

~~(5) *Performance standards—Odorous matter.* The emission of odorous matter shall be in accordance with the requirements of each district.~~

~~The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.~~

~~When odorous matter is released from any operation, activity or use in the manufacturing districts, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.~~

~~(6) *Performance standards—Fire and explosive hazards.*~~

~~(a) *Detonable materials.* Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each district.~~

~~Such materials shall include but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.~~

~~The storage, utilization or manufacture of materials or products which decompose by detonation is limited to an inventory of five pounds.~~

~~(b) *Flammable solids.* In all manufacturing districts the storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.~~

~~In the manufacturing districts, the storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:~~

~~Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having no less than two-hour fire-resistant exterior walls and protected with an automatic fire extinguishing system; or~~

~~Said material, if stored outdoors, will be not less than 100 feet to the nearest lot line and provided that a special use permit is obtained which specifically approves the outdoor storage of said materials or products.~~

~~(c) *Flammable liquids and gases.* The storage, utilization or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Aboveground flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines. Flammable liquids and gases in original sealed containers [of] 55 gallons liquid capacity or less may be stored or utilized without restriction within a completely enclosed building.~~

~~*Total Capacity of Flammable*~~
~~Materials Permitted~~
~~*(in gallons)*~~

	~~Aboveground (within enclosed building)~~	~~Underground~~
~~Materials having a closed cup flashpoint over 187 degrees but less than 300 degrees Fahrenheit~~	~~20,000~~	~~100,000~~
~~From and including 105 degrees Fahrenheit to and including 187 degrees Fahrenheit~~	~~10,000~~	~~100,000~~
~~Materials having a closed cup flashpoint of less than 105 degrees Fahrenheit~~	~~3,000~~	~~100,000~~

~~When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.~~

~~(7) *Performance standards—Glare and heat.* In all manufacturing districts, any operation or activity producing glare or heat shall be conducted within a completely enclosed building in such manner as not to create a public nuisance or hazard beyond the boundaries of the lot.~~

~~(8) *Performance standards—Radiation hazards.*~~

~~Release outside property lines: In all manufacturing districts, the release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Illinois.~~

~~Unsealed radioactive materials: In all manufacturing districts, unsealed radioactive materials shall not be manufactured, utilized or stored (except when such materials are stored in a fireproof container at or below ground level) in excess of the following multiples of the quantities set forth in the table of Quantities of Radioactive Materials (see Appendix A).~~

~~Appendix A~~

~~Quantities of Radioactive Materials~~

	~~Unsealed sources (curies)~~
~~Actinium 227~~	~~0.1~~
~~Americium 241~~	~~0.1~~
~~Antimony 124~~	~~1~~
~~Arsenic 73~~ ~~74~~	~~10~~ ~~10~~

~~76~~ ~~77~~	~~10~~ ~~10~~
~~Astatine 211~~	~~0.1~~
~~Barium-lanthanum 140~~	~~1~~
~~Beryllium 7~~	~~100~~
~~Bromine 82~~	~~10~~
~~Cadmium-silver 109~~	~~10~~
~~Calcium 45~~	~~1~~
~~Carbin 14~~	~~1,000~~
~~Cerium-praseodymium 144~~	~~1~~
~~Cesium-barium 137~~	~~10~~
~~Chlorine 36~~	~~10~~
~~Chromium 51~~	~~100~~
~~Cobalt 58~~ ~~60~~	~~10~~ ~~10~~
~~Copper 64~~	~~10~~
~~Curium 242~~	~~0.1~~
~~Europium 154~~	~~1~~
~~Fluorine 18~~	~~100~~
~~Gallium 72~~	~~10~~
~~Germanium 71~~	~~100~~
~~Gold 196~~ ~~198~~ ~~199~~	~~10~~ ~~10~~ ~~10~~
~~Holmium 166~~	~~10~~
~~Hydrogen (tritium) 3~~	~~1,000~~
~~Indium 114~~	~~1~~
~~Iodine 131~~ ~~132~~	~~1~~ ~~10~~
~~Iridium 190~~ ~~192~~	~~10~~ ~~10~~
~~Iron 55~~ ~~59~~	~~10~~ ~~1~~
~~Krypton 85~~	~~1,000~~
~~Lanthanum 140~~	~~10~~
~~Lead 203~~ ~~210 + dtrs~~	~~10~~ ~~0.1~~
~~Lutecium 177~~	~~10~~
~~Manganese 52~~ ~~54~~ ~~56~~	~~10~~ ~~10~~ ~~10~~
~~Molybdenum 99~~	~~10~~
~~Nickel 59~~ ~~63~~	~~10~~ ~~10~~
~~Niobium 95~~	~~10~~
~~Palladium-silver 109~~	~~10~~
~~Palladium-rhodium 103~~	~~10~~
~~Phosphorus 32~~	~~10~~

~~Platinum-191~~ ~~193~~	~~10~~ ~~10~~
~~Plutonium 239~~	~~0.1~~
~~Polonium 210~~	~~0.1~~
~~Potassium 42~~	~~10~~
~~Praseodymium 143~~	~~10~~
~~Promethium 147~~	~~10~~
~~Radium 226~~	~~0.1~~
~~Rhenium-183~~ ~~186~~	~~10~~ ~~10~~
~~Rhodium 105~~	~~10~~
~~Rubidium 86~~	~~10~~
~~Ruthenium 103~~	~~10~~
~~Ruthenium-rhodium 106~~	~~1~~
~~Samarium-151~~ ~~153~~	~~1~~ ~~10~~
~~Scandium-46~~ ~~47~~ ~~48~~	~~10~~ ~~10~~ ~~10~~
~~Silver-105~~ ~~110~~ ~~111~~	~~10~~ ~~10~~ ~~10~~
~~Sodium-22~~ ~~24~~	~~10~~ ~~10~~
~~Strontium 89~~	~~1~~
~~Strontium-yttrium 90~~	~~0.1~~
~~Sulfur 35~~	~~10~~
~~Tantalum 182~~	~~10~~
~~Technetium-96~~ ~~99~~	~~1~~ ~~1~~
~~Tellurium-127~~ ~~129~~	~~10~~ ~~10~~
~~Thallium-200~~ ~~201~~ ~~202~~ ~~204~~	~~10~~ ~~100~~ ~~10~~ ~~10~~
~~Thorium natural~~	~~100~~
~~Thorium-protoactinium 234~~	~~1~~
~~Thulium-ytterbium 170~~	~~1~~
~~Tin 113~~	~~10~~
~~Tungsten-181~~ ~~185~~	~~10~~ ~~10~~
~~Uranium-233~~ ~~natural~~	~~0.1~~ ~~1,000~~
~~Vanadium 48~~	~~10~~
~~Yttrium 91~~	~~1~~
~~Zinc 65~~	~~10~~
~~Zirconium-niobium 95~~	~~10~~

~~(C) *Site plan approval.*~~

~~(1) Prior to the issuance of a building permit for any structure located on a lot, parcel or tract of land in the manufacturing districts, and in conjunction with a request for any special use permit, a site development plan, to include a landscaping plan, shall be presented to the planning and zoning commission for a recommendation and shall be submitted to the village board for approval or denial.~~

~~(2) The purpose of site plan approval is to provide for development of sites which consider all the elements of good land planning, as applicable, so as to provide an adequate relationship (a) between structures both on the site and on adjacent properties and (b) between the land uses both on the site and on adjacent properties while at the same time providing for adequate space, light, air, use and bulk limitations, to promote the health, safety and welfare of the village and its residents.~~

~~(3) In granting or withholding approval of site plans, the board of trustees shall be guided in the reasonable exercise of their discretion by the following standards:~~

~~(a) All plans shall be so designed that the public health, welfare and safety will be protected.~~

~~(b) The proposed development of the site shall be such that it does not cause substantial injury to the value of other property in the neighborhood.~~

~~(c) All plans shall provide for protection of both aesthetics and function of the natural environment, which shall include, but not be limited to, conditions pertaining to floodplains, soil and geologic characteristics and preservation of vegetation.~~

~~(4) No site plan approval shall be withheld unless the board of trustees shall determine that one or more of the foregoing standards is not satisfied. The reason for such withholding of approval shall be recorded in the proceedings of the board of trustees.~~

~~(5) An owner and/or operator shall continually maintain, repair and replace as necessary all landscaping, fences, walls and other screening shown on an approved site and/or landscape plan.~~

~~(E) *Planned development approval in M-1 limited manufacturing district.* Any expansion, redevelopment or development of property in the M-1 limited manufacturing district shall be processed as a planned development due to lot size restrictions and in order to promote flexibility in design and corresponding public benefits.~~

~~(Ord. No. 80-46, 11-17-1980; Ord. No. 85-15, 2-4-1985; Ord. No. 88-35, § 3, 3-21-1988; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.03. Permitted and special uses in manufacturing district.~~

				~~M-district~~		
~~Use~~				~~Permitted Use~~	~~Special Use~~	~~Special Conditions Code No. (see 8.04)~~
~~(A)~~	~~Manufacturing uses: An establishment the principal use of which is manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products, and goods provided operations conform with the~~			~~P~~	~~—~~	

	~~performance standards applicable to the district in which it is located.~~				
~~(B)~~	~~Other uses:~~				
	~~(a)(1)~~	~~Adult-use cannabis craft grower.~~	~~—~~	~~S~~	~~10~~
	~~(b)(1)~~	~~Adult-use cannabis cultivation center.~~	~~—~~	~~S~~	~~10~~
	~~(c)(1)~~	~~Adult-use cannabis dispensing organization.~~	~~—~~	~~S~~	~~10~~
	~~(d)(1)~~	~~Adult-use cannabis infuser organization or infuser.~~	~~—~~	~~S~~	~~10~~
	~~(e)(1)~~	~~Adult-use cannabis processing organization or processor.~~	~~—~~	~~S~~	~~10~~
	~~(f)(1)~~	~~Adult-use cannabis transporting organization or transporter.~~	~~—~~	~~S~~	~~10~~
	~~(1)~~	~~Agriculture.~~	~~P~~	~~—~~	
	~~(2)~~	~~Advertising signs (see definitions).~~	~~—~~	~~S~~	~~1~~
	~~(2a)~~	~~ATM's as a principal or accessory use.~~	~~P~~	~~—~~	
	~~(3)~~	~~Automobile dealership service facility upon property contiguous to existing automobile sales dealership under same ownership.~~	~~—~~	~~S~~	~~1,2,7~~
	~~(4)~~	~~Body piercing parlor.~~			~~2, 4, 5~~
	~~(5)~~	~~Building material sales and storage—Dimension lumber, millwork, cabinets and other building materials, including milling, planing, jointing or manufacturing of millwork.~~	~~P~~	~~—~~	
	~~(6)~~	~~Cartage and express establishments.~~	~~—~~	~~S~~	~~2~~
	~~(7)~~	~~Contractors' offices and shops.~~	~~P~~	~~—~~	
	~~(7a)~~	~~Craft alcoholic beverage producers.~~	~~—~~	~~S~~	~~2, 6, 11, 12, 13~~
	~~(7b)~~	~~Daycare centers~~	~~P~~		
	~~(8)~~	~~Dwelling units for watchmen and operating personnel and their families when the nature of operations require such personnel to reside on the premises where they are employed.~~	~~—~~	~~S~~	
	~~(8a)~~	~~Firearms sales (see definition of "firearms sales" for additional restrictions)~~		~~S~~	~~10~~
	~~(8b)~~	~~Fitness centers/health clubs.~~	~~P~~		
	~~(9)~~	~~Fuel and ice sales and storage.~~	~~—~~	~~S~~	
	~~(10)~~	~~Greenhouses.~~	~~P~~	~~—~~	

	~~(11)~~	~~Medical cannabis cultivation centers.~~		~~S~~	~~8~~
	~~(12)~~	~~Medical cannabis dispensing centers.~~		~~S~~	~~9~~
	~~(13)~~	~~Mining and extraction of minerals.~~	~~—~~	~~S~~	~~3~~
	~~(14)~~	~~Monument establishments, including accessory open sales lots.~~	~~P~~	~~—~~	
	~~(15)~~	~~Motor freight terminals.~~	~~—~~	~~S~~	~~2~~
	~~(16)~~	~~Bus terminals.~~	~~—~~	~~S~~	~~2~~
	~~(17)~~	~~Offices, general.~~	~~P~~	~~—~~	
	~~(18)~~	~~Packing and crating.~~	~~P~~	~~—~~	
	~~(19)~~	~~Parking lots and storage garages.~~	~~P~~	~~—~~	
	~~(20)~~	~~Parks and recreation.~~	~~P~~	~~—~~	
	~~(21)~~	~~Printing and publishing establishments.~~	~~P~~	~~—~~	
	~~(22)~~	~~Public utility and governmental service uses.~~	~~—~~	~~S~~	
	~~(23)~~	~~Research laboratories.~~	~~P~~	~~—~~	
	~~(24)~~	~~Sanitary landfill.~~	~~—~~	~~S~~	~~3~~
	~~(25)~~	~~Schools, commercial or trade.~~	~~P~~	~~—~~	
	~~(26)~~	~~Tattoo parlor.~~			~~2, 4, 5~~
	~~(27)~~	~~Training centers, engineering or sales.~~	~~P~~	~~—~~	
	~~(28)~~	~~Warehouses.~~	~~P~~	~~—~~	
	~~(29)~~	~~Wholesale establishments.~~	~~P~~	~~—~~	
	~~(30)~~	~~Adult uses (see definitions).~~	~~P~~	~~—~~	~~4, 5, 6 and para. (b)~~
	~~(31)~~	~~Truck parking, storage, washing, and enclosed truck repair.~~	~~X~~	~~—~~	
	~~(32)~~	~~Transfer of recyclable materials as approved by the village board.~~	~~—~~	~~X~~	~~2~~

	~~(33)~~	~~Accessory uses to the above uses, including but not limited to:~~				
		~~(a)~~	~~Off-street parking and off-street loading as regulated in article X.~~	~~P~~	~~—~~	
		~~(b)~~	~~Signs as regulated in article XI.~~	~~P~~	~~—~~	
		~~(c)~~	~~Retail.~~	~~—~~	~~S~~	~~2~~
		~~(d)~~	~~Video gaming. (See definition).~~	~~P~~		
	~~(34)~~	~~Freestanding antennas and towers of any kind, subject to all restrictions set forth in section 4.05(E)(31).~~		~~—~~	~~S~~	

~~(Ord. No. 85-16, § 6, 2-4-1985; Ord. No. 86-90, 10-6-1986; Ord. No. 94-14, § 3, 2-21-1994; Ord. No. 96-33, § 1(a), (d), 6-3-1996; Ord. No. 96-78, § 1(a), 11-4-1996; Ord. No. 98-121, § 1, 10-19-1998; Ord. No. 99-20, § 3, 2-1-1999; Ord. No. 99-21, § 2, 2-1-1999; Ord. No. 01-111, §§ 2, 3, 9-4-2001; Ord. No. 13-217, § 1, 11-26-2013; Ord. No. 15-156, § 6, 10-1-2015; Ord. No. 19-154, § 5, 10-24-2019; Ord. No. 19-155, § 5, 10-24-2019; Ord. No. 19-174, § 8, 12-19-2019; Ord. No. 20-124, § 6, 12-17-2020; Ord. No. 21-29, § 4, 3-25-2021; Ord. No. 22-009, § 9, 1-27-2022; Ord. No. 22-45, § 6, 4-21-2022)~~

~~Sec. 8.04. Special conditions.~~

~~(a) Prior to the authorization for a special use and the granting of a special use permit, special conditions where identified in article [section] 8.03 shall be required in addition to compliance with the requirements for satisfactory plans, specifications and public hearings as required in article [section] 13.07. The following list of special conditions is identified by code numbers corresponding to those which appear in article [section] 8.03 in connection with specific uses:~~

~~*Code No.*~~

~~1 Such special use may be permitted on a lot which is not less than 300 feet from a residence district.~~

~~2 Such special use may be permitted where the owner satisfactorily establishes that there will be no appreciable traffic congestion or hazards.~~

~~3 Such special use may be permitted provided that 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 a residence district and are screened from view by an earth berm and seven-foot high fence.~~

~~4 Such special use may be permitted only upon a finding that the use is not any closer than 1,000 feet of the following uses: cemeteries; educational facilities; forest preserve districts; governmental institutions; hospitals; museums, park and recreation facilities; private or public libraries or centers for the arts; private or public playgrounds; religious facilities or institutions; residential districts.~~

~~5 Such special use may be allowed only upon a finding that such use is not within 1,000 feet of a similar use or one of the following uses: adult use; body piercing parlor; massage therapy establishment; and tattoo parlor.~~

~~6 Such special use may be permitted only upon a showing by the applicants that the applicant is in complete compliance with all federal, state, regional and local laws and regulations pertaining to such use, including but not limited to all licensing schemes.~~

~~7 Such special use may be allowed when the operations are sufficiently screened from surrounding properties, according to a landscape plan approved by the village.~~

~~8 Such special uses may be allowed only upon a finding that such use is not within 2,500 feet from schools, daycare facilities, or residentially zoned districts and such special use must be locked and enclosed.~~

~~9 Such special use may be allowed only upon a finding that such use is not within 1,000 feet from schools, daycare facilities, or residentially zoned districts.~~

~~10 Such special use may be permitted provided that such use is separated by at least 1,000 feet from a public or private school, by at least 300 feet from a public park, and by at least 100 feet from residentially zoned property, measured from lot line to lot line.~~

~~11 Such special use may be permitted provided that the facility provides 1.0 parking stalls per 100 square feet of interior seating area.~~

~~12 Such special use may be permitted provided that no more than 50% of the total square feet of the premises shall be designated for interior seating area for the retail sale of craft alcoholic beverages for consumption on the premises.~~

~~13 Such special use may be permitted with an outdoor seating area, as defined in the definition section of this Appendix A, provided that no outdoor seating area exceeds 50% of the allowable interior seating area and provided that the outdoor seating area meets the requirements of chapter 10 of this Code of Ordinances.~~

~~(b) The following special conditions shall apply to all adult uses:~~

~~(1) No adult use shall be located within 500 feet of any property on which any preexisting park, public or private school or place of worship is located.~~

~~(2) No adult use shall be located within 1,000 feet of any preexisting other adult use.~~

~~(3) No adult use shall be located within 200 feet of any property which is zoned for residential purposes pursuant to the zoning ordinance of the village.~~

~~(4) All distances hereunder shall be measured along a straight line, without regard to intervening structures or objects, from the nearest property line of the adult use to the nearest property line of such preexisting uses or property zoned for residential use.~~

~~(Ord. No. 94-14, § 4, 2-21-1994; Ord. No. 99-20, § 4, 2-1-1999; Ord. No. 01-111, § 4, 9-4-2001; Ord. No. 13-217, § 1, 11-26-2013; Ord. No. 19-154, § 6, 10-24-2019; Ord. No. 19-155, § 6, 10-24-2019)~~

~~Sec. 8.05. Bulk and development standards in the manufacturing district.~~

~~The following bulk and development standards shall apply in the manufacturing district:~~

~~(A) Minimum lot area: 20,000 square feet.~~

~~(B) Minimum lot width: 100 feet.~~

~~(C) Maximum floor area ratio: 0.80.~~

~~(D) Maximum height of buildings and structures: 45 feet.~~

~~(E) Minimum yards:~~

~~(1) Front yard and side yard adjoining a street: 30 feet.~~

~~(2) Interior side, except as provided in [subsection] (4) below: ten feet each, except no yard is required adjoining a railroad.~~

~~(3) Rear, except as provided in [subsection] (4) below: 30 feet, except no yard is required adjoining a railroad.~~

~~(4) Interior side and rear yards adjoining a residence district: 30 feet; such yards adjoining a residence district shall provide a solid seven-foot-high fence along the lot line or a dense landscape screen as approved by the building inspector.~~

~~(F) Off-street parking and off-street loading: Required in all districts in accordance with regulations set forth in article X of this ordinance.~~

~~(Ord. No. 88-49, 5-2-1988)~~

~~Sec. 8.06. Limited manufacturing district.~~

~~*Purpose.* The purpose of the M-1 limited manufacturing district is to accommodate manufacturing and similar uses existing as of the date of the creation of this district and to allow limited manufacturing and similar uses which have minimal impacts on surrounding properties. The M-1 limited manufacturing district shall be restricted to office, research, employment and limited manufacturing uses as defined herein and as listed in section 8.07~~

~~(Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.07. Permitted and special uses in the limited manufacturing district.~~

				~~M-1 district~~		
~~Use~~				~~Permitted Use~~	~~Special Use~~	~~Special Conditions Code No. (see 8.08)~~
~~(A)~~	~~Limited manufacturing establishments (see definition)~~			~~P~~	~~—~~	
~~(B)~~	~~Other uses:~~					
	~~(1)~~	~~Artisanal manufacturing establishments~~		~~P~~	~~—~~	
	~~(1a)~~	~~ATM's as a principal or accessory use~~		~~P~~	~~—~~	
	~~(2)~~	~~Bakeries~~		~~P~~	~~—~~	
	~~(3)~~	~~Broadcast or recording studio~~		~~P~~	~~—~~	
	~~(4)~~	~~Building material sales and storage, including lumber, electrical and plumbing supplies~~		~~P~~	~~—~~	
	~~(5)~~	~~Business and professional office~~		~~P~~	~~—~~	
	~~(6)~~	~~Community and rain gardens~~		~~P~~	~~—~~	
	~~(7)~~	~~Contractors' offices and shops~~		~~P~~	~~—~~	
	~~(8)~~	~~Craft alcoholic beverage producers~~		~~—~~	~~S~~	~~2~~

	~~(9)~~	~~Equipment, product and component manufacturing~~		~~—~~	~~S~~	~~2~~
	~~(9a)~~	~~Equipment, product and component manufacturing existing as of the date of creation of the M-1 limited manufacturing district~~		~~P~~		
	~~(10)~~	~~Greenhouses and nurseries~~		~~P~~	~~—~~	
	~~(11)~~	~~Hardware stores~~		~~P~~	~~—~~	
	~~(12)~~	~~Landscape contractor's office~~		~~P~~	~~—~~	
	~~(13)~~	~~Packing and crating~~		~~P~~	~~—~~	
	~~(14)~~	~~Parks and recreation~~		~~P~~	~~—~~	
	~~(15)~~	~~Printing and publishing establishments~~		~~—~~	~~S~~	~~2~~
	~~(16)~~	~~Public utility and governmental service uses.~~		~~-~~	~~S~~	~~2~~
	~~(16a)~~	~~Public, utility and governmental service uses existing as of the date of creation of the M-1 limited manufacturing district~~		~~P~~		
	~~(17)~~	~~Accessory uses to the above uses, including but not limited to:~~				
		~~(a)~~	~~Off-street parking and off-street loading as regulated in article X~~	~~P~~	~~—~~	
		~~(b)~~	~~Outdoor storage~~	~~—~~	~~S~~	~~1, 2~~
		~~(c)~~	~~Outdoor sales lot~~		~~S~~	~~1, 2~~
		~~(d)~~	~~Retail~~	~~P~~	~~—~~	~~-~~
		~~(e)~~	~~Signs as regulated in article XI~~	~~P~~	~~—~~	

~~(Ord. No. 20-030, § 2, 3-26-2020; Ord. No. 20-124, § 7, 12-17-2020)~~

~~Sec. 8.08. Special conditions.~~

~~Prior to the authorization of a special use, and in addition to meeting all other special use standards, applicants for certain special uses must meet those special conditions listed herein when required in section 8.07:~~

~~*Code No.*~~

~~1. Outdoor storage must comply with Section Sec. 38-82.~~

~~2. Site and landscape plan approval is required in conjunction with special use approval.~~

~~(Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.09. Bulk and development standards in the limited manufacturing district.~~

~~The following bulk and development standards shall apply in the limited manufacturing district:~~

~~(A) Maximum height of buildings and structures: 35 feet.~~

~~(B) Minimum lot area: 10,000 square feet.~~

~~(C) Minimum yards:~~

~~(1) Front yard and side yard adjoining a street: 5 feet.~~

~~(2) Interior side, except as provided in subsection (4) below: five feet each.~~

~~(3) Rear: 10 feet~~

~~(4) Interior side and rear yards adjoining a residence district: 10 feet; such yards adjoining a residence district shall provide a solid seven-foot high fence along the lot line or a dense landscape screen as approved through the site and landscape plan approval in Section 8.02.~~

~~(D) Off-street parking and off-street loading: Required in all districts in accordance with regulations set forth in article X of this ordinance.~~

~~(E) Expansion, redevelopment or development of property shall be processed as a planned development as set forth in section 8.02(E) of this article.~~

~~(Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.10. Office/research district.~~

~~(A) *Purpose.* The O/R office/research district shall be restricted to the establishment of professional and administrative offices and research laboratories. Development within this district shall be in accord with approved plans for overall development. Plans shall relate favorably to primary thoroughfare accessibility.~~

~~(Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.11. Office/research district provisions.~~

~~(A) *Location.* The location of any O/R district shall be on property which has access to major or primary thoroughfares or immediately adjacent to existing commercial or manufacturing zoning district.~~

~~(B) *Performance standards.* All activities [in the O/R district] shall conform with performance standards established for the M manufacturing district.~~

~~(C) *Site plan approval.*~~

~~(1) Prior to the issuance of a building permit for any structure located on a lot, parcel or tract of land in the O/R district, a site development plan, to include a landscaping plan, shall have been approved by the village board.~~

~~(2) The purpose of site plan approval is to provide for development of sites which consider all the elements of good land planning, as applicable, so as to provide an adequate relationship (a) between structures both on the site and on adjacent properties and (b) between the land uses both on the site and on adjacent properties while at the same time providing for adequate space, light, air, use and bulk limitations, to promote the health, safety and welfare of the village and its residents.~~

~~(3) In granting or withholding approval of site plans, the board of trustees shall be guided in the reasonable exercise of their discretion by the following standards:~~

~~(a) All plans shall be so designed that the public health, welfare and safety will be protected.~~

~~(b) The proposed development of the site shall be such that it does not cause substantial injury to the value of other property in the neighborhood.~~

~~(c) All plans shall provide for protection of both aesthetics and function of the natural environment, which shall include, but not be limited to, conditions pertaining to floodplains, soil and geologic characteristics and preservation of vegetation.~~

~~(d) All plans shall provide for the transmission, retention or detention of stormwater with such facilities installed so as to complement existing or proposed stormwater facilities, unless the board of trustees shall determine upon recommendation of the public works director that stormwater facilities need not be provided or a cash contribution in lieu of such facilities is made.~~

~~In the event the board of trustees determines that a cash contribution be made in lieu of installation of stormwater facilities, such amount shall be determined by the public works director and the use thereof shall be restricted to the provision of stormwater facilities installed by the village.~~

~~(4) No site plan approval shall be withheld unless the board of trustees shall determine that one or more of the foregoing standards is not satisfied. The reason for such withholding of approval shall be recorded in the proceedings of the board of trustees.~~

~~(Ord. No. 85-15, 2-4-1985; Ord. No. 88-35, § 4, 3-21-1988; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.12. Permitted uses in the office/research district.~~

~~Uses permitted in the O/R office/research district shall include the following:~~

~~(A) Offices for administrative, business, executive, professional, research or similar organizations.~~

~~(B) Research (and design) laboratories.~~

~~(C) Religious institutions.~~

~~(D) Daycare centers.~~

~~(E) ATM's as a principal or accessory use.~~

~~(F) Medical and dental clinics.~~

~~(G) Accessory uses to the above uses, including, but not limited to:~~

~~(1) Off-street parking and loading as required in article X.~~

~~(2) Signs as regulated in article XI.~~

~~(3) Reserved.~~

~~(4) Video gaming. (See definition)~~

~~(5) Food and beverage retail establishments.~~

~~(6) Indoor eating areas.~~

~~(7) Fitness centers/health clubs.~~

~~(Ord. No. 85-16, § 6, 2-4-1985; Ord. No. 95-69, § 1, 11-6-1995; Ord. No. 96-33, § 1(c), (e), 6-3-1996; Ord. No. 96-85, § 1, 11-4-1996; Ord. No. 02-38, §§ 1, 2, 5-6-2002; Ord. No. 15-156, § 7, 10-1-2015; Ord. No. 19-174, § 9, 12-19-2019; Ord. No. 20-030, § 2, 3-26-2020; Ord. No. 20-073, § 2, 7-16-2020; Ord. No. 20-124, § 8, 12-17-2020; Ord. No. 21-29, § 5, 3-25-2021; Ord. No. 22-009, § 10, 1-27-2022)~~

~~Sec. 8.13. Special uses in the office/research district.~~

~~Special uses in the office/research district shall include the following:~~

~~(A) Daycare center (ages eight weeks to six years), provided the following special conditions are met:~~

~~(1) The special use will cause no appreciable traffic congestion or hazard to pedestrian safety;~~

~~(2) All outdoor play areas are suitably screened with fencing and landscaping acceptable to the board of trustees;~~

~~(3) All federal and state licensing requirements and regulations are met at all times; and~~

~~(4) Hours of operation are limited to 6:30 a.m. to 6:30 p.m.~~

~~(B) Off-site parking of automobile inventory for locally franchised automobile dealerships, subject to the following special conditions:~~

~~(1) The minimum lot area of property for such use is 150,000 square feet;~~

~~(2) Such use shall not reduce required off-street parking below minimum standards for any other use which may occupy the property;~~

~~(3) Such use shall be adequately screened from view or otherwise situated so as to not adversely affect surrounding properties;~~

~~(4) The automobile dealership and/or property owner shall not permit customer visits to the property to view automobiles, and automobiles shall instead be driven to the automobile dealerships' primary dealership for customer viewing and/or test drives;~~

~~(5) No automobile repairs, automobile sales or other automobile dealership activities other than parking of automobiles shall be permitted;~~

~~(6) No loading and unloading of automobiles from automobile carriers shall take place upon the property or public streets, and instead shall occur at the respective automobile dealerships; and~~

~~(7) Approval shall 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.~~

~~(C) Full service stand-alone restaurants seating no less than 200 persons, and offering no drive-through service.~~

~~(D) Hotels.~~

~~(E) Outdoor eating areas accessory to a specific permitted retail food and beverage establishment, subject to the following requirements:~~

~~(1) Primary access to the outdoor seating area shall be from within the establishment.~~

~~(2) Hours of operation may be restricted and noise and lighting limits imposed as part of the special use approval.~~

~~(3) An appropriate transition area between the outdoor eating area and adjacent property may be required, consisting of landscaping, screening, and other site improvements consistent with the character of the neighborhood.~~

~~(F) Catering facilities, subject to the following requirements:~~

~~(1) Principal business activities shall be limited to the preparation and delivery of food and beverages for off-site consumption by clients;~~

~~(2) Such use shall not reduce required off-street parking below minimum standards for any other use which may occupy the property;~~

~~(3) Commercial vehicles used for business operations and stored on-site when not in use shall be as authorized in special use approval, including, but not limited to:~~

~~(a) Vehicles shall be stored in a designated area;~~

~~(b) Vehicle count shall not be increased by more than 20% without an amendment to special use approval;~~

~~(c) Vehicles shall be operable with current registration;~~

~~(d) Vehicles shall not be used to store/warehouse products or materials for a period longer than 72 hours;~~

~~(e) Vehicles shall be parked in standard parking stalls and cannot encroach other stalls or required drives and aisles; oversized vehicles prohibited;~~

~~(f) Vehicles shall not be stored in view of the right-of-way of any street with a supplemental setback line as established in Article IV, section 4.16.~~

~~(G) Performing arts studios~~

~~(H) Accessory uses limited to fabricating, processing, assembling, warehousing, or distributing of materials, goods, or products, subject to the following requirements:~~

~~(1) The accessory use promotes the purpose and intent of the O/R District as an office and business center, and the accessory use utilizes secondary spaces not initially constructed as offices;~~

~~(2) Accessory operations cannot exceed more than 25 percent of total floor area of the permitted business use;~~

~~(3) Existing building construction must support the accessory use as designed without substantial alterations; building cannot be altered beyond specific building and fire code requirements to accommodate the accessory use. All building improvements must be disclosed with the special use permit application;~~

~~(4) Outdoor storage is prohibited. Material and/or equipment, or other vehicles unrelated to the primary business operating from the property are prohibited.~~

~~(5) Automotive and/or vehicle assembly, repair, maintenance and service are prohibited;~~

~~(6) Refuse must be property contained in appropriate dumpsters which are enclosed by a trash enclosure and buffered with landscape screening;~~

~~(7) Such accessory use shall not reduce required off street parking below minimum standards for any other use which may occupy the property;~~

~~(8) Accessory use does 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;~~

~~(9) Operations must comply with the performances standards found in section 8.02(C);~~

~~(10) Commercial vehicles used for business operations and stored on-site when not in use shall be as authorized in special use approval, including, but not limited to:~~

~~(a) Vehicles shall be stored in a designated area;~~

~~(b) Vehicle count shall not be increased by more than 20 percent without an amendment to special approval;~~

~~(c) Vehicles shall be operable with current registration;~~

~~(d) Vehicles shall not be used to store/warehouse products or materials for a period longer than 72 hours;~~

~~(e) Vehicles shall be parked in standard parking stalls and cannot encroach other stalls or required drives and aisles; oversized vehicles prohibited;~~

~~(f) Vehicles shall not be stored in view of the right-of-way of any street with a supplement setback line as established in art. IV, section 4.16.~~

~~(Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 05-184, § 8-1-2005; Ord. No. 20-030, § 2, 3-26-2020; Ord. No. 20-073, § 3, 7-16-2020; Ord. No. 21-129, § 2, 11-4-2021; Ord. No. 22-009, § 11, 1-27-2022; Ord. No. 22-097, § 2, 8-25-2022; Ord. No. 2024-145, § 12-5-2024)~~

~~Sec. 8.14. Bulk and development standards in the office/research district.~~

~~The following bulk and development standards shall apply in the office/research district:~~

~~(A) Minimum lot area: 20,000 square feet.~~

~~(B) Minimum lot width: 100 feet.~~

~~(C) Maximum floor area ratio: 0.8.~~

~~(D) Maximum height of buildings and structures: 75 feet.~~

~~(E) Minimum yards:~~

~~(1) Front yard and side yard adjoining a street: 30 feet; except on Route 83, where it shall be a minimum of 75 feet.~~

~~(2) Interior side, except as provided in [subsection] (4), below: 20 feet.~~

~~(3) Rear yard, except as provided in [subsection] (4), below: 20 feet.~~

~~(4) Interior, side and rear yards adjoining a residence district: 30 feet; for buildings over two stories or 24 feet in height, an additional one foot setback shall be required for every two feet in height over two stories on all O/R zoned land. Such yards shall provide a seven-foot-high solid fence along the lot line or a dense landscaped screen in accordance with the approved site plan.~~

~~(F) Off-street parking and loading: Required in accordance with regulations set forth in article X of this ordinance.~~

~~(Ord. No. 88-49, 5-2-1988; Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.15. Office/research-one district.~~

~~(A) *Purpose.* The office/research-one district (O/R-1) shall be restricted to the establishment of professional and administrative offices. Development within this district shall be in accord with approved plans for overall development. Plans shall relate favorably to primary thoroughfare accessibility.~~

~~(Ord. No. 88-36, 3-21-1988; Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.16. Office/research-one district provisions.~~

~~(A) *Location.* The location of any office/research-one district shall be on property which has access to major or primary thoroughfares.~~

~~(B) *Site plan approval.*~~

~~(1) Prior to the issuance of a building permit for any structure located on a lot, parcel or tract of land in the O/R-1 district, a site development plan, to include a landscaping plan, shall have been approved by the village board.~~

~~(2) The purpose of site plan approval is to provide for development of sites which consider all elements of good land planning, as applicable, so as to provide an adequate relationship (a) between structures both on the site and on adjacent properties and (b) between the land uses both on the site and on~~

~~adjacent properties while at the same time providing for adequate space, light, air, use and bulk limitations, to promote the health, safety and welfare of the village and its residents.~~

~~(3) In granting or withholding approval of site plan, the board of trustees shall be guided in the reasonable exercise of their discretion by the following standards:~~

~~(a) All plans shall be so designed that the public health, welfare and safety will be protected.~~

~~(b) The proposed development of the site shall be such that it does not cause substantial injury to the value of other property in the neighborhood.~~

~~(c) All plans shall provide for protection of both aesthetics and function of the natural environment, which shall include, but not be limited to, conditions pertaining to floodplains, soil and geologic characteristics and preservation of vegetation.~~

~~(d) All plans shall provide for the transmission, retention or detention of stormwater with such facilities installed so as to complement existing or proposed stormwater facilities, unless the board of trustees shall determine upon recommendation of the public works director that stormwater facilities need not be provided or a cash contribution in lieu of such facilities is made. In the event the board of trustees determines that a cash contribution be made in lieu of installation of stormwater facilities, such amount shall be determined by the public works director and the use thereof shall be restricted to the provision of stormwater facilities installed by the village.~~

~~(4) No site plan approval shall be withheld unless the board of trustees shall determine that one or more of the foregoing standards is not satisfied. The reason for such withholding of approval shall be recorded in the proceedings of the board of trustees.~~

~~(Ord. No. 88-35, 3-21-1988; Ord. No. 88-36, 3-21-1988; Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.17. Permitted uses in the office/research-one district.~~

~~Uses permitted in the O/R-1 district shall include the following:~~

~~(A) Offices for administrative, business, executive, professional, research or similar operations.~~

~~(B) Research (and design) laboratories.~~

~~(B1) Daycare centers.~~

~~(B2) ATM's as a principal or accessory use.~~

~~(C) Accessory uses to the above uses, including, but not limited to:~~

~~(1) Off-street parking and loading as required in article X.~~

~~(2) Signs as regulated in article XI.~~

~~(3) Reserved.~~

~~(D) Special uses.~~

~~(1) Banks which occupy no greater than 30 percent of the total square footage of a building, and such building shall not be less than 15,000 square feet or greater than 19,000 square feet, and the entire parcel of real estate shall not be less than 60,000 square feet.~~

~~(Ord. No. 88-36, 3-21-1988; Ord. No. 96-33, § 1(c), (e), 6-3-1996; Ord. No. 99-101, § 1, 8-2-1999; Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 19-174, § 10, 12-19-2019; Ord. No. 20-030, § 2, 3-26-2020; Ord. No. 20-124, § 9, 12-17-2020; Ord. No. 22-009, § 12, 1-27-2022)~~

~~Sec. 8.18. Special uses in the office/research-one district.~~

~~Special uses in the O/R-1 district shall include ATMs to be governed by the special conditions set forth in section 7.04, special condition no. 8, and by the parking requirements set forth in section 10.06.~~

~~(Ord. No. 99-16, § 1(E), 2-1-1999; Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 20-030, § 2, 3-26-2020)~~

~~Sec. 8.19. Bulk and development standards in the office/research-one district.~~

~~The following bulk and development standards shall apply in the O/R-1 district:~~

~~(A) Minimum lot area: 7,500 square feet.~~

~~(B) Minimum lot width: 50 feet.~~

~~(C) Maximum floor area ratio: 0.8.~~

~~(D) Maximum height of building and structures: 35 feet; for buildings over two stories or 24 feet in height, an additional one-foot setback shall be required for every two feet in height over two stories on all office/research-one (O/R-1) zoned land. Such yards shall provide a six-foot-high solid fence along the lot line or a dense landscaped screen in accordance with the approved site plan when adjacent to a residential single-family home.~~

~~(E) Minimum yards:~~

~~(1) Front yard: 30 feet.~~

~~(2) Side yard adjoining a street: 25 feet.~~

~~(3) Interior side: Five feet.~~

~~(4) Rear yard: 20 feet.~~

~~(5) Interior side yard adjoining a residence district: Ten feet.~~

~~(F) Off-street parking and loading: Required in accordance with regulations set forth in article X of this ordinance.~~

~~(Ord. No. 88-36, 3-21-1988; Ord. No. 99-16, § 1(E), 2-1-1999; Ord. No. 01-135, § 1, 11-5-2001; Ord. No. 20-030, § 2, 3-26-2020)~~

~~*ARTICLE IX. PLANNED DEVELOPMENT DISTRICT*~~

~~Sec. 9.01. Preamble.~~

~~In addition to the objectives prescribed in previous sections, the PD district is included in the zoning ordinance in order to achieve the following purposes:~~

~~(A) To encourage more creative design and development of land.~~

~~(B) To promote variety in the physical development pattern of the village.~~

~~(C) To concentrate open space in more useable areas or to preserve natural resources of the site.~~

(D) To provide means for greater creativity and flexibility in environmental design than is provided under strict application of the requirements of other zoning districts, while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the Village of Westmont and its residents.

(E) To allow flexibility in development of land as necessary to meet changes in technology and demand what will be in the best interest of and consistent with the general intent of the comprehensive guide plan of the village.

(F) To provide for the more efficient allocation and maintenance by private initiative of useable open space to all residential and commercial areas and to allow the most efficient use of public facilities and land in keeping with the best interests of the village.

Sec. 9.02. Application of regulations.

(A) *Overlay district.* The planned development district regulations shall supplement the regulations of the existing underlying zoning district, and may, as set forth in this section [article], modify or nullify specific regulations of the underlying district.

(B) *Right to develop under underlying district.* Application of the planned development to a tract of land shall not affect the rights of the property owner or owners to develop the property in conformance with the provisions of the underlying zoning district, except that when contractual agreements, as required herein, have been consummated and site development of such planned development has commenced, there shall be the obligation to complete the approved planned development.

(C) *Air rights development.* The development of air rights above land utilized for railroad, streets and drainage channels shall be processed as planned developments.

Sec. 9.03. Permitted uses.

Uses specified as permitted uses in the existing underlying zoning district, except that where single-family detached dwellings are permitted, two-family detached, single-family attached, single-family semidetached, and multiple-family dwellings shall be permitted, and on tracts of land under unified ownership and over 40 acres in area, one-tenth of the total area may be used for uses permitted in the B-1 district.

Sec. 9.04. Minimum area for overall planned development.

There shall be no minimum area requirements for overall planned developments.

Sec. 9.05. Maximum gross density.

Maximum gross density for planned development districts shall be as follows:

(A) In the R-1 district: Not more than three dwelling units per acre, provided that at least 20 percent of the gross area is maintained in open space* and developed for recreational use. No more than 50 percent of the required open space* shall be used for stormwater retention or detention.

(B) In the R-2 district: Not more than four dwelling units per acre, provided that at least 20 percent of the gross area is maintained in open space* and developed for recreational use. No more than 50 percent of the required open space* shall be used for stormwater retention or detention.

(C) In the R-3 district: Not more than five dwelling units per acre, provided that at least 20 percent of the gross area is maintained in open space* and developed for recreational use. Not more than 50 percent of the required open space* shall be used for stormwater retention or detention.

(D) In the R-4 and R-5 districts: Lot areas per dwelling unit required in each district shall be measured on the basis of gross site area and may be reduced by not more than ten percent in return for the provision of amenity features such as open spaces,* fountains or terraces.

*If the village board determines that the size, shape, access and other features of the open space meet the park and recreational needs of the development, such open space (or such portion which qualifies) may be used to reduce or satisfy the requirements of paragraph 4.05, appendix B (Land Development Ordinance) of the Municipal Code relative to park and recreation land. Also, if a portion of the open space is needed and dedicated for a school site, such portion may be used to reduce or satisfy the requirement of paragraph 4.05, appendix B, relative to school site dedication.

Sec. 9.06. Maximum floor area ratio.

The floor area ratio requirements of the underlying districts are applicable to the entire planned development and not to specific uses which may be located within the planned development.

Sec. 9.07. Minimum lot width.

The minimum lot width requirements of the underlying district may be waived in the planned development.

Sec. 9.08. Maximum building height.

The maximum building height requirements of the underlying district may be waived in the planned development.

Sec. 9.09. Minimum yards.

The minimum yard requirements of the underlying district are applicable along the exterior boundaries of the planned development only.

Sec. 9.10. Development plan and specifications.

The design features and standards of development within the PD planned development district shall, in addition to the regulations set forth in this ordinance, conform to a development plan, including details and specifications as may be required, which is reviewed by the planning and zoning commission and approved by the village board. The development plan shall include, as a minimum, the following:

(A) *An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.

(B) *The pattern of public and private roads, driveways and parking facilities, and intended design standards. A traffic impact study may be required.

(C) *The size, arrangement and location of lots or of proposed building groups.

(D) Location, type and size of proposed landscaping.

(E) *The use, type, size and location of structures.

(F) The location of sewer and water facilities, and an analysis of the impact of the development upon the capacities of adjoining systems and upon treatment and supply facilities.

(G) Architectural drawings and sketches illustrating the design and character of proposed structures.

(H) The location of recreational and open space areas and areas reserved or dedicated for public uses such as school, park, etc., and open space to be owned and maintained by a property owner's association.

~~(I) Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes. Computations relating to stormwater runoff and detention and retention required and provided shall be shown.~~

~~(J) *Statistical data on total size of project area, area of usable open space, density computation and proposed number of residential units by type, and other similar data pertinent to a comprehensive evaluation of the proposed development. Such data will also present the allowable density on the property under its existing underlying zoning classification.~~

~~Editor's note(s)—*See the provisions of § 9.11(B)(3).~~

~~(K) An analysis of the impact of the proposed development upon school enrollments and school capacities.~~

~~(L) A copy of the intended organizational structure related to property owners' association, deed restrictions and provision of services. Aspects of the maintenance of common open space areas and of the provisions relating to the future use of private property (additions, expansion, changes in use, etc.) shall be fully set forth in such documents.~~

~~(M) Other information or data as deemed appropriate by the planning and zoning commission.~~

~~(N) Preliminary plat of subdivision if required.~~

~~Sec. 9.11. Procedure.~~

~~(A) *Prepetition conference.* Prior to official submittal of a petition for consideration of the planned development district, the petitioner shall meet with the planning and zoning commission for a preliminary discussion as to the scope and nature of the proposed development.~~

~~(B) *Petition.*~~

~~(1) Following the preliminary consultation with the planning and zoning commission, petition may be made to the board of trustees by the owner, or his agent, for the approval of a specific project plan under the provisions of these regulations, and for the application to the project area of the PD planned development district.~~

~~(2) A copy of such application shall thereafter be forwarded by the village clerk to the planning and zoning commission with a request to hold a public hearing and submit to the board of trustees a report of its findings and recommendations. Such public hearing shall be held upon public notice as required by the Illinois Revised Statutes.~~

~~(3) Upon filing such an application, the petitioner shall submit three copies of those items specified in section 9.10, above, which are designated with an asterisk.~~

~~(4) Following review of these preliminary materials, the planning and zoning commission may suggest modifications to the plans prior to the public hearing and prior to requiring the submittal of the balance of the supporting documents specified in section 9.10, above.~~

~~(5) Following preliminary meetings with the petitioner and following receipt of three copies of all reports and maps, the planning and zoning commission shall hold the required public hearing.~~

~~(6) Within 45 days following the conclusion of the public hearing, the planning and zoning commission shall forward their recommendations to the village board.~~

~~(7) The board of trustees, upon report of the planning and zoning commission and without further public hearing, may grant or reject an amendment for the establishment of a PD planned development district, or may refer it back to the planning and zoning commission for further consideration.~~

(8) In case a written protest against a planned development amendment is signed and acknowledged by owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or by owners of 20 percent of the frontage directly opposite the frontage to be altered, is filed with the village clerk, the amendment cannot be passed except on the favorable vote of two-thirds of all members of the board of trustees.

(C) *Contract with the village.*

(1) When a planned development is approved by the board of trustees, the developer shall enter into a contract with the village to guarantee the implementation of the development according to the terms of the conditions established as part of the development plan. The contract shall include but not be limited to provisions covering the following aspects of the planned development: (1) use standards and design of the project in conformance with submitted documents, (2) the timing and phasing of the project, (3) the method of guaranteeing the preservation of open space, (4) the method and procedure for payment of annexation, utility and other village fees, (5) bond requirements, if any, and (6) conditions under which the contract may be terminated in the event of nonperformance.

(2) Any subsequent change or addition to an approved plan shall first be submitted for review by the planning and zoning commission. A public hearing shall be held by the planning and zoning commission. Following the public hearing the planning and zoning commission shall make and forward its recommendation to the board of trustees and the board of trustees shall thereafter approve, approve conditionally, or disapprove the proposed changes.

(3) Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a special project development shall be cause for termination of the approval of said project. At least 15 days' notice shall be given to the developer to appear before the planning and zoning commission and answer any such charge of noncompliance. If the planning and zoning commission finds the charges substantiated, they may recommend such termination of the project approval by the board of trustees if the situation is not satisfactorily adjusted within a specified period.

(D) *Previously approved planned developments.* Where planned development ordinances for specific properties have been approved by the village board prior to the effective date of this ordinance, such developments shall be completed or substantially under construction within one year from the effective date of this ordinance. Failure to comply with these terms shall, upon notice to the property owner by the village board, result in the automatic termination of such previously granted approval.

ARTICLE X. OFF-STREET PARKING AND OFF-STREET LOADING

Sec. 10.01. Scope of regulations.

The off-street parking and off-street loading provisions of this ordinance shall apply as follows:

(A) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this article for all buildings and structures. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any additional amounts required by this ordinance.

(B) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement, such additional parking and loading facilities as required herein shall be provided.

(C) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use.

Sec. 10.02. Existing parking facilities.

Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not thereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

Sec. 10.03. Permissive parking and loading facilities.

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking and loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design and operation of such facilities are observed.

Sec. 10.04. Damage or destruction.

When any building or use which is in existence on the effective date of this ordinance is restored and continued in operation after being damaged or destroyed by fire, collapse, explosion or other cause, there shall be required only the off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction.

Sec. 10.05. Control of off-site parking facilities.

In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be on a lot in the same possession of the title holder of record as the lot occupied by the building or use to which the parking facilities are accessory. A covenant running with the land must be recorded in the office of the recorder of deeds of DuPage County, Illinois, on the lot upon which the accessory off-street parking is located, which prohibits any other use on that lot, and a certified copy of the recorder of deeds of DuPage County, Illinois, of the recorded covenant is deposited with the building inspector. The covenant shall not be released until such time as either one of the following conditions occur:

(A) The structure on the lot containing the principal use is removed and the principal use terminated; or

(B) Another lot of the required size within the required distance is properly developed and used for the required accessory off-street parking in place of and in lieu of the initial lot used for accessory off-street parking with the same requirements, covenants and conditions attaching to such substitute accessory use lot as required for approval of such initial off-street parking. Off-street parking facilities in a common lot for two or more uses may be owned by a nonprofit corporation or secured by other legal arrangement provided guarantees covering development and utilization are approved by the board of trustees.

Sec. 10.06. Off-street parking.

Off-street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter:

(A) *Use.* Off-street parking facilities required as accessory to uses listed herein shall be solely for the parking of automobiles of patrons, occupants or employees. When bus transportation is provided for patrons, occupants or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided.

~~(B) *Exemptions.*~~

~~(1) When the application of the off-street parking regulations specified hereinafter for proposed commercial uses results in a requirement of not more than three spaces on a single lot in the B-2 or C-1 districts, such parking spaces need not be provided.~~

~~(2) Off-street parking regulations in the B-1 district:~~

~~(a) Proposed uses, whether permitted uses or special uses, on lots with existing buildings as of December 17, 2020 are required to provide zero off-street parking spaces. 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.~~

~~(b) Proposed new buildings constructed after December 17, 2020 shall provide off-street parking in the minimum amount of one space for each 400 gross square feet of floor area for all commercial space provided, regardless of whether the proposed commercial use is a permitted use or a special use.~~

~~(c) Proposed new buildings constructed after December 17, 2020 shall provide off-street parking in the minimum amount of 1.25 spaces for each residential dwelling unit provided where residential dwelling units are proposed.~~

~~(d) Proposed new buildings constructed after December 17, 2020 which propose to provide both commercial space and residential dwelling units (mixed-use buildings) shall provide the cumulative total of off-street parking spaces for both commercial and residential uses as required in subsections (b) and (c) above. Off-street parking spaces in such mixed-use buildings may not be shared between commercial and residential uses to satisfy the off-street parking requirements for either type of use.~~

~~(e) Any expansion over 400 gross square feet to an existing building, whether horizontally or vertically, shall provide off-street parking as required in subsections (b) and/or (c) above for the expanded portion of the building, but not for the existing portion of the building.~~

~~(f) 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.~~

~~(g) Existing off-street parking provided on a lot may not be removed or reduced unless such removal is approved as part of an approved site plan for the lot.~~

~~(h) The village may impose stricter off-street parking requirements for new buildings which are approved as a planned development.~~

~~(i) In the event of a conflict between the off-street parking requirements contained in this section for the B-1 district and the off-street parking requirements contained elsewhere in this article, the off-street parking requirements of this section shall control.~~

~~(j) If a variance is granted for the off-street parking requirements contained in subsections (b) and/or (c) above, and as a presumed condition of such variance, the petitioner shall pay to the village a fee in lieu of providing required off-street parking in the amount of $5,000.00 for each off-street parking space for which a variance was granted.~~

~~(1) The amount of the fee due in lieu of required off-street parking shall be calculated by the petitioner and set forth in the application for a variance from the off-street parking requirements.~~

~~(2) If a variance is granted from the off-street parking regulations, such fee shall be added to the building permit fee by the village and paid by the petitioner as a condition of receiving a building permit.~~

~~(3) All fees in lieu of off-street parking received by the village shall be placed into a parking fund established by the village and shall be used by the village to acquire property for public parking, to construct new public parking facilities, and/or to make improvements to existing public parking facilities to serve the B-1 district.~~

~~(3) Off-street parking regulations for multi-tenant commercial buildings:~~

~~(a) *Definition.* A multi-tenant commercial building, sometimes referred to as a commercial or retail strip center, is defined as a single building containing two or more commercial uses in a horizontal configuration in designated units/spaces within said building in the B-2 or C-1 districts. Office buildings are excluded from this definition.~~

~~(b) The following off-street parking regulations shall apply to multi-tenant commercial buildings existing as of December 17, 2020:~~

~~(1) The number of off-street parking spaces currently provided on the property of an existing multi-tenant commercial building is deemed conforming for all uses.~~

~~(2) New uses, whether permitted uses or special uses, in an existing multi-tenant commercial building may use the existing off-street parking provided on the property and are not required to obtain a variance for off-street parking.~~

~~(3) Once an existing multi-tenant commercial building is demolished or damaged by more than 50 percent, the conforming status of existing off-street parking is no longer valid.~~

~~(4) A new multi-tenant commercial building must provide the minimum off-street parking spaces as required by this section.~~

~~(5) Any expansion over 400 gross square feet to an existing multi-tenant commercial building must provide off-street parking spaces as required in this section as to the expansion, but not to the existing building, unless excess off-street parking is already available to serve the expansion using the off-street parking requirements set forth in this section.~~

~~(6) All new multi-tenant commercial buildings or expansions of existing multi-tenant commercial buildings shall 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 commercial use.~~

~~(7) No new use within a multi-tenant commercial building that is constructed or expanded after December 17, 2020 shall require 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.~~

~~(c) Existing off-street parking provided on a lot may not be removed or reduced unless such removal is approved as part of an approved site plan for the lot.~~

~~(d) The village may impose stricter off-street parking requirements for new buildings which are approved as a planned development.~~

~~(e) In the event of a conflict between the off-street parking requirements contained in this section and the off-street parking requirements contained elsewhere in this article, the off-street parking requirements of this section shall control.~~

~~(C) *Computation.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.~~

~~(D) *Collective provision.* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the planning and zoning commission.~~

~~(E) *Area.* A required off-street parking space shall have a width and length exclusive of access drives or aisles, ramps, columns or office or work areas in accordance with Westmont standards of design.~~

~~(F) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of a width and design in accordance with Westmont standards of design. All off-street parking facilities shall be provided with appropriate means of vehicular access to a street or alley.~~

~~(G) *In yards.* Off-street parking spaces, including vehicles displayed in connection with the operation of a new or used car dealership, open to the sky, may be located in any yard except a front yard, a side yard adjoining a street, or in front of any setback (building) line established by code or recorded plat of subdivision. An exception shall be that in single-family residence districts the parking of vehicles which are otherwise permitted in the district is permitted in the front yard in a private residential driveway.~~

~~(H) *Design and maintenance.*~~

~~(1) *Open and enclosed parking spaces.* Accessory off-street parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory off-street parking spaces located elsewhere than on the same lot occupied by the use shall be open to the sky.~~

~~(2) *Surfacing.* All open off-street parking areas and driveways shall be improved with concrete or asphalt as approved by the public works director. Surfacing and landscaping of parking areas and driveways must be completed within 60 days following the issuance of an occupancy permit unless such time is extended up to a maximum of 180 days by the public works director due to seasonal conditions. Temporary parking lots to serve temporary uses or model homes may be improved with gravel base and surfacing.~~

~~(3) *Screening and landscaping.* All off-street parking areas containing more than four parking spaces and nonresidential driveways adjacent to lot lines shall be suitably screened on each side and rear lot line by a screen fence or wall not less than four feet in height plus a planting strip of four feet minimum width in accordance with the following, or on an alternate arrangement as approved by the village board. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis within the planting strip. On the street lot line, a planting screen not less than three feet in height shall be installed. Such planting screen shall be adjacent to the parking area. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis between the screen fence and the curbline. At least one tree of not less than three-inch diameter size class shall be provided for every 1,500 square feet of pavement area up to 6,000 square feet.~~

~~At least one tree of not less than three-inch diameter size class shall be provided for every 3,000 square feet of pavement area over 6,000 square feet.~~

~~Tree placement shall be within the pavement area as opposed to perimeter planting. The selection of trees, hedges, shrubs, ground cover and other planting materials shall be approved by the economic development director, and all planting shall be performed in accordance with the standard specifications for the Village of Westmont.~~

~~(a) Walls, fences and screens.~~

~~(1) Planting screens, or hedges, fences or walls shall not exceed two feet in height where location is such that sight lines are necessary for vehicular movement across pedestrian ways.~~

~~(2) Fences or walls may be constructed with any of the materials listed below and shall receive the same architectural treatment on both sides. Materials other than those listed below shall be subject to approval by the economic development director.~~

~~a. Fences.~~

~~;i1=110q; Wood: Board, panel or picket concrete panel.~~

~~;i1=110q; Metal: Wrought iron or panel.~~

~~b. Walls.~~

~~;i1=110q; Concrete: Plain or textured.~~

~~;i1=110q; Brick: Plain or glazed tile or architectural block.~~

~~;i1=110q; Stone: Natural, block stone or rubble stone.~~

~~(4) *Lighting.* Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets.~~

~~(5) *Repair and service.* No motor vehicle repair work of any kind shall be permitted in off-street parking areas. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building in which case gasoline and motor oil may be sold within such building to the users of such facilities, provided that no advertising sign is visible from outside the building and provided further that all pumps shall be effectively screened from view of the street.~~

~~(I) *Location.* All parking spaces required to serve residential buildings or uses, erected or established in residence districts after the effective date of this ordinance, shall be located on the same lot as the building or use served. Other buildings or uses may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within 600 feet walking distance of said building, and located in a district where off-street parking areas or storage garages are a permitted or special use and where there is compliance with requirements herein set forth in section 10.05 of this article.~~

~~(J) *Employee parking.* Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.~~

~~(K) *Required spaces.* The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows:~~

~~(1) *Dwelling uses.*~~

~~(a) Hotels and motels: one parking space for each room or suite of rooms comprising a lodging unit, plus one parking space for each 100 square feet of retail sales and dining areas.~~

~~(b) *Multiple family dwellings:*~~

~~(1) Efficiency - 1 parking space for each dwelling unit.~~

~~(2) 1 Bedroom - 1 ½ parking spaces for each dwelling unit.~~

~~(3) 2 Bedroom - 2 parking spaces for each dwelling unit.~~

~~(4) 3 Bedrooms and over - 2 ½ parking spaces for each dwelling unit.~~

~~(c) Single-family dwellings: No restrictions on number of parking spaces, but see section 6.01(H) for related restrictions.~~

~~(d) Two-family dwellings: two parking spaces, but not more than four parking spaces for each dwelling unit.~~

~~(2) *Schools, institutions and auditoriums or other places of assembly.*~~

~~(a) Auditoriums and auditoriums as accessory to churches, schools, and other institutional establishments: one parking space for each five seats or for each 90 lineal inches of seating space in the main auditoriums or assembly hall.~~

~~(b) Colleges, junior colleges and universities: one parking space for each seven students, based upon the maximum number of students that can be accommodated in accordance with design capacity.~~

~~(c) Gymnasiums, stadiums, grandstands, meeting halls, convention halls and exhibition halls: one parking space for each five seats or for each 90 lineal inches of seating space. When such facilities for public assembly are accessory to a school, and when approved by the zoning board of appeals, the required number of parking spaces may be reduced by the number of spaces provided, as required herein for the applicable school.~~

~~(d) Hospitals: one parking space per bed for 100 beds or lesser size; 1.1 parking spaces per bed for 101 to 300 beds; 1.2 parking spaces per bed for 301 to 500 beds; and 1.3 parking spaces per bed for over 500 beds.~~

~~(e) Libraries, museums, art galleries and aquariums: one parking space for each 600 square feet of floor area.~~

~~(f) Nursing homes and similar types of establishments: one parking space for each five beds, one space for each two lodging accommodations, and one space for each full-time employee.~~

~~(g) Private clubs and lodges: one parking space for each lodging room and one parking space for each five seats in accordance with design seating capacity of the main meeting room.~~

~~(h) Schools: When the number of parking spaces as required herein is provided for an auditorium or other places of public assembly accessory to a school, and when approved by the planning and zoning commission, additional parking spaces need not be provided when the number of parking spaces for such auditorium or other places of public assembly is equal to or in excess of the applicable requirements set forth in [subsection] (1), (2), or (3), below.~~

~~(1) Commercial or trade, music, dance or business: one parking space for each two employees, plus one space for each seven students, based on the maximum~~

~~number of students that can be accommodated in accordance with design capacity.~~

~~(2) High, public or private: one parking space for each seven students based on the maximum number of students that can be accommodated in accordance with design capacity and one parking space for each faculty member and each other full-time employee.~~

~~(3) Nursery, elementary or junior high, public or private: one parking space for each faculty member and each other full-time employee.~~

~~(3) *Recreational uses; commercial or noncommercial.*~~

~~(a) Bowling alleys: seven parking spaces for each lane plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like.~~

~~(b) Health salons, swimming pools, skating rinks and dancehalls, commercial: one parking space for each three persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, and one parking space for each two employees.~~

~~(c) Parks, recreation areas and community centers: one parking space for each two employees, plus spaces in adequate number as determined by the planning and zoning commission to serve the visiting public.~~

~~(4) *Business, commercial and industrial uses.*~~

~~(a) *High volume commercial uses.* The following business establishments having a relatively high volume of customer activity relative to their area shall provide one off-street parking space for each 200 square feet of floor area:~~

~~(1) Bakeries, retail sales only.~~

~~(2) Candy and ice cream stores.~~

~~(3) Clothing stores.~~

~~(4) Department stores.~~

~~(5) Drugstores.~~

~~(6) Dry goods stores.~~

~~(7) Food stores.~~

~~(8) Gift and souvenir stores.~~

~~(9) Haberdashery stores.~~

~~(10) Hobby shops.~~

~~(11) Jewelry stores.~~

~~(12) Launderettes.~~

~~(13) Leather goods and luggage stores.~~

~~(14) Liquor stores, package.~~

~~(15) Meat markets.~~

~~(16) Millinery shops.~~

~~(17) Music stores, phonographs, records and sheet music.~~

~~(18) Notions shops.~~

~~(19) Optical sales, retail.~~

~~(20) Shoe stores and shoe repair shops.~~

~~(21) Sporting goods stores.~~

~~(22) Tailor shops.~~

~~(23) Variety stores.~~

~~(b) *Moderate volume commercial uses.* The following business establishments having a relatively moderate volume of customer activity relative to their area shall provide one off-street parking space for each 400 square feet of floor area:~~

~~(1) Art and school supply stores.~~

~~(2) Automobile accessory stores.~~

~~(3) Battery and tire sales and service establishments.~~

~~(4) Bicycle sales, rental and repair not including motor-driven vehicles.~~

~~(5) Books, stationery and school supply stores.~~

~~(6) Camera and photographic supply stores.~~

~~(7) Cleaning and dyeing establishments, clothes pressing only.~~

~~(8) Cleaning and dyeing establishments, receiving only.~~

~~(9) Cleaning and dyeing establishments, retail, including accessory processing only.~~

~~(10) Coin and philatelic stores.~~

~~(11) Electrical and gas appliance stores.~~

~~(12) Flower shops.~~

~~(13) Furrier shops.~~

~~(14) Garden supply stores.~~

~~(15) Hardware stores.~~

~~(16) Household appliances, retail sales and accessory repair only.~~

~~(17) Motorcycle sales and service establishments.~~

~~(18) Office supply stores.~~

~~(19) Paint and wallpaper stores.~~

~~(20) Pet shops.~~

~~(21) Travel agencies.~~

~~(c) *Low volume commercial uses.* The following business establishments having a relatively low volume of customer activity relative to their area shall provide one off-street parking space for each 600 square feet of floor area:~~

~~(1) Antique shops.~~

~~(2) Automobile sales, new cars.~~

~~(3) Automobile sales, new and used cars.~~

~~(4) Blueprinting and photostating establishments.~~

~~(5) Business machine sales and service.~~

~~(6) Carpet and rug stores.~~

~~(7) Clothing and costume rental.~~

~~(8) Custom dressmaking.~~

~~(9) Exterminating shops.~~

~~(10) Frozen food lockers.~~

~~(11) Furniture stores, including accessory upholstering.~~

~~(12) Greenhouses, retail and wholesale sales.~~

~~(13) Glass sales and repair shops.~~

~~(14) Interior decorating shops.~~

~~(15) Locksmith shops.~~

~~(16) Machinery and equipment sales establishments.~~

~~(17) Musical instruments, sales and repair.~~

~~(18) Orthopedic and medical appliance sales.~~

~~(19) Photography studio.~~

~~(20) Taxidermists.~~

~~(d) *Employment-based commercial uses.* The following business establishments shall provide one off-street parking space for [each] two employees, based upon the maximum number of employees on the premises at any time:~~

~~(1) Bottling and distribution plants.~~

~~(2) Cabinetmaking and sales.~~

~~(3) Catering establishments.~~

~~(4) Contractor's offices and shops, including plumbing shops and similar service facilities.~~

~~(4a) Daycare centers.~~

~~(5) Employment agencies.~~

~~(6) Fuel and ice, retail sales only.~~

~~(7) Heating and air conditioning shops.~~

~~(8) Job printing shops.~~

~~(9) Laboratories, medical, dental, and optical.~~

~~(10) Laundries.~~

~~(11) Linen, towel and diaper service establishments.~~

~~(12) Loan offices.~~

~~(13) Machine, sheet metal and welding shops, employing less than five persons.~~

~~(14) Mail order houses.~~

~~(15) Manufacturing establishments, limited.~~

~~(16) Model homes or garages, display and sales.~~

~~(17) Monument sales.~~

~~(18) Newspaper offices, including printing.~~

~~(19) Newspaper distribution establishments.~~

~~(20) Printing, publishing or lithography establishments.~~

~~(21) Radio and television studios.~~

~~(22) Recording studios.~~

~~(23) Wholesale, jobbing and warehousing establishments.~~

~~(e) *Other business, commercial and industrial uses.*~~

~~(1) Animal hospitals and veterinarian offices: one parking space for each four seats of seating capacity.~~

~~(2) Auction rooms: one parking space for each four seats of seating capacity.~~

~~(3) Automobile laundries:~~

~~(A) Automatic and semiautomatic: one parking space for each one employee on site, and in addition, reservoir standing spaces to accommodate automobiles awaiting entrance to the automobile laundry equal in number to five times the maximum capacity of the automobile laundry, times the operating cycle time of the automatic and semiautomatic washing equipment. Maximum capacity, in this instance, shall mean the greatest possible number of automobiles undergoing some phase of laundering at the same time.~~

~~(B) Manual: one parking space for each one employee on site, and in addition, reservoir standing spaces to accommodate automobiles awaiting entrance to the automobile laundry equal in number to five times the maximum capacity of the automobile laundry. Plus, one space for each vacuum space and one space for each drying space. Maximum capacity, in this instance, shall mean the greatest possible number of automobiles undergoing some phase of laundering at the same time.~~

~~(C) Combination of manual, automatic and semiautomatic: spaces required as defined in paragraphs (A) and (B).~~

~~(D) Auxiliary automobile laundry regulations:~~

~~1. Conservation of water usage by recycling and, if a private well is on the property, it shall be capped per EPA regulations.~~

~~2. Rumble strips installed at exit point to prevent water from entering street surface as a result of car washing operation and water drippings shall be directed on the property.~~

3. When weather is conducive to freezing, then the operator of the facility is responsible to see that corrective measures are taken to deter the street surface from freezing, i.e., applying salt, etc., to wet surfaces. If unable to fulfill this contingency, the car wash facility must close.

4. If stacking of vehicles occurs and affects off-premises traffic flow, a temporary closure sign must be displayed at entranceway and potential customers flagged away until further stacking becomes available on the premises.

5. Left and right turns in and/or out must be proven as to not cause traffic hazards and/or congestion. An in-depth traffic analysis of the car wash itself and the surrounding area shall be provided by using the village's traffic consultant.

6. If a water crisis occurs, the car wash facility shall be subject to the same restrictions imposed by the water superintendent on the other commercial businesses.

7. Emergency escape lane shall be provided for those waiting in line to leave, if they choose to do so.

(4) Automobile service stations: one parking space for each island of gasoline pumps, plus two for each service stall.

(5) Automobile garages: one parking space for each two employees and three for each automobile repair bay.

(6) Bakeries, retail sales with processing for on-premises sales only: one parking space for each 200 square feet of sales area plus one for each employee.

(7) Banks: one parking space for each 300 square feet of floor area plus in the case of drive-in facilities seven additional on-site reservoir parking spaces for each drive-in window.

(8) Barbershops and beauty parlors: one parking space for each employee plus two for each patron service area. Except, nail salons shall have one parking space for each employee and one parking space for each patron service area.

(9) Building material sales: one parking space for each employee plus one for each 1,000 square feet of sales area or showroom.

(10) Business, professional and public administration or service office buildings: one parking space for each 275 square feet of floor area.

(11) Cartage, express and parcel delivery establishments, scavenger services, taxi and bus companies, etc.: one parking space for each vehicle used in the business plus one for each employee.

(12) Exhibition halls: as determined by the planning and zoning commission.

(13) Manufacturing, fabricating, cleaning, testing, assembling, repairing or servicing establishments as permitted in the manufacturing district: one parking space for each two employees based upon maximum number of employees that can be accommodated in accordance with building code regulations.

~~(14) Medical and dental clinics: one parking space for each 50 square feet of floor area contained within the waiting or reception room plus 1½ spaces for each treatment room, each examination room and each doctor's office.~~

~~(15) Meeting halls: as determined by the planning and zoning commission.~~

~~(16) Mobile homes and trailer sales and rental: one parking space for each employee plus three additional spaces.~~

~~(17) Physical culture and health services: one parking space per employee plus one for each two potential patrons based upon the capacity of the establishments.~~

~~(18) Restaurants, not including fast-food-service or drive-in establishments: one parking space per 100 square feet of floor area excluding kitchen and storage areas, or one parking space per each four seats including those seats in bars, cocktail lounges and waiting areas, whichever is greater, plus two spaces per each three employees using the maximum number of employees working at any given time.~~

~~(19) Restaurants, fast-food-service and drive-in: where a substantial portion of the business involves the sale of food in disposable containers for consumption off the premises in addition to sit-down facilities on the premises: one and one-half parking spaces per 100 square feet of floor area.~~

~~(20) Taverns: one parking space for each three spaces of seating capacity.~~

~~(21) Theaters: one parking space for each two seats.~~

~~(22) Theaters, automobile drive-in: reservoir standing spaces equal in number to ten percent of the vehicle capacity of such theaters.~~

~~(23) Undertaking establishments and funeral parlors: one parking space for each 100 square feet of floor area.~~

~~(24) Public utility and public service uses: one parking space for each two employees.~~

~~(25) Automatic teller machines: Two parking spaces for each teller machine located at any one premises; provided, however, that the two parking spaces shall not apply to drive-through automatic teller machines that are adjacent to a bank drive-through facility which have a designated drive-through lane specifically devoted to such automatic teller machine.~~

~~(26) All other uses not specified in the foregoing sections: one parking space for each 250 square feet of floor area.~~

~~(Ord. No. 85-15, 2-4-1985; Ord. No. 87-66, 8-3-1987; Ord. No. 99-16, § 1(F), 2-1-1999; Ord. No. 99-104, § 1, 8-2-1999; Ord. No. 01-118, § 3, 10-1-2001; Ord. No. 03-104, § 1, 8-4-2003; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 10-67, § 1, 4-19-2010; Ord. No. 11-06, § 1, 2-7-2011; Ord. No. 15-126, § 2, 7-9-2015; Ord. No. 19-174, § 11, 12-19-2019; Ord. No. 20-122, § 2, 12-17-2020; Ord. No. 20-123, § 2, 12-17-2020)~~

~~Sec. 10.07. Off-street loading.~~

~~There shall be provided off-street loading spaces not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.~~

(A) *Location.* All required off-street loading spaces shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading spaces shall be located within 25 feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, or side yard adjoining a street.

(B) *Size.* Unless otherwise specified in this ordinance, a required off-street loading space shall be at least ten feet in width by at least 65 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet three inches.

(C) *Access.* Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and shall be subject to approval of the public works director.

(D) *Surfacing.* All open off-street loading space and driveways shall be improved with concrete or asphalt as approved by the public works director. Surfacing and landscaping of parking areas must be completed within 60 days following the issuance of an occupancy permit unless such time is extended by the public works director up to a maximum of 180 days, due to seasonal conditions. Temporary parking lots to serve temporary uses or model homes may be improved with gravel base and surfacing.

(E) *Repair and service.* No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading space.

(F) *Space allowed.* Space allowed to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(G) *Off-street loading space requirements.*

(1) The minimum number of off-street loading spaces accessory to nonresidential uses in residence and business districts shall be: one loading space for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading space for each additional 100,000 square feet of gross floor area or fraction thereof.

(2) The minimum number and size of off-street loading spaces accessory to uses in the M manufacturing and O/R office/research districts shall be in accordance with the following schedule:

Floor area of establishments (square feet)	Required number	Minimum size	Minimum vertical clearance (feet)
5,000 to 10,000	1	10 ft. by 35 ft.	12
10,000 to 25,000	2	10 ft. by 35 ft., each	12
25,000 to 40,000	2	12 ft. by 50 ft., each	15
40,000 to 100,000	3	12 ft. by 65 ft., each	15

For each additional 100,000 square feet of gross floor area, or fraction thereof over 100,000 square feet of gross floor area, one additional loading space shall be added. Such additional loading space shall be at least 12 feet in width by 65 feet in length, and have a vertical clearance of not less than 15 feet three inches.

(Ord. No. 07-103, § 1, 6-4-2007)

~~*ARTICLE XI. SIGNS*~~[2]

[2]Editor's note(s)—Ord. No. 17-156, § 2, adopted Oct. 26, 2017, amended Art. XI, §§ 11.01—11.15, in effect repealing and reenacting said article, §§ 11.01—11.11, as set out herein. Former Art. XI pertained to similar subject matter and derived from Ord. No. 81-58, adopted Nov. 2, 1981; Ord. No. 83-30, adopted March 21, 1983; Ord. No. 83-114, adopted Nov. 21, 1983; Ord. No. 84-1, adopted Jan. 3, 1984; Ord. No. 85-16, § 2, adopted Feb. 4, 1985; Ord. No. 86-85, §§ 1—4, 12, 13, adopted Sept. 15, 1986; Ord. No. 88-38, §§ 1—6, adopted March. 21, 1988; Ord. No. 88-51, §§ 1, 2, adopted June 6, 1988; Ord. No. 00-57, § 1, adopted June 19, 2000; Ord. No. 05-119, § 1, adopted June 6, 2005; Ord. No. 05-120, § 1, adopted June 6, 2005; Ord. No. 05-254, § 3, adopted Nov. 7, 2005; Ord. No. 06-85, § 1, adopted May 15, 2006; Ord. No. 07-102, § 1, adopted June 4, 2007; Ord. No. 07-161, § 3, adopted Oct. 15, 2007; Ord. No. 12-54A, § 1, adopted April 2, 2012; Ord. No. 13-167, § 1, adopted Aug. 8, 2013; Ord. No. 14-37, § 1, adopted Feb. 20, 2014; and Ord. No. 15-052, § 2, adopted April 2, 2015.

Cross reference(s)—Buildings and building regulations, ch. 18; electrical fees for signs, § 18-263.

~~Sec. 11.01. Preamble.~~

~~Whereas there is a significant relationship between the standards used in displaying signs, aesthetics, the public welfare, and the value and economic stability of adjoining property; and whereas the reasonable display of signs is necessary as a public service and necessary to the conduct of competitive commerce and industry; now, therefore, the regulations in this article establish minimum standards for the display of signs in direct relationship to the use of property, to the intensity of development as permitted within the zoning districts which are provided in this ordinance, and to the public welfare as affected by the aesthetic virtue or harm of signs within the village.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.02. Permits required.~~

~~Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, enlarge, alter or maintain within the village any sign as defined in this article, without first obtaining a permit from the community development department.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.03. Permit fees.~~

~~Permit fees shall be calculated in accordance with the building permit fees as prescribed in section 18-487. Temporary signs and banners shall be a flat fee of $25.00 per permitted display period.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.04. Maintenance of signs and premises.~~

~~(A) All signs together with their supports, braces, guys and anchors shall be kept in good repair and shall at all times be maintained to conform to the minimum standards prescribed therefor.~~

~~(B) It shall be the duty of the owner of the lot or premises on which said sign is erected, to at all times maintain said lot or premises in the vicinity of such sign in neat, clean, sanitary and inoffensive condition, to keep the same free and clean of all debris, junk and other materials and substances which would tend to create a condition detrimental to the health, safety and welfare of the citizens of Westmont.~~

~~(C) If the economic development director shall find that any sign or other structure regulated herein 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 provisions of this Code, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, the economic development director 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.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.05. Removal of certain signs.~~

~~Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, except noncommercial signs, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.06. Nonconforming signs.~~

~~Any sign that existed lawfully on the effective date of the sign regulations of this article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations, or that become nonconforming by reason of annexation to the village of the lot on which the sign is located, are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:~~

~~(A) Ordinary repairs and maintenance, including the removing and replacing of the outer 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.~~

~~(B) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.~~

~~(C) No repair or alteration that increases the size of the nonconforming sign is permitted.~~

~~(D) No nonconforming sign may 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 all of the regulations of this article.~~

~~(E) 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 all of the sign regulations of this article.~~

~~(F) These provisions do not apply to signs granted variations by the board of trustees.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.07. General provisions.~~

~~(A) *Wall signs:*~~

~~(1) *Number*: Only one wall identification sign shall be permitted for each business and shall be oriented to the street frontage except as follows:~~

~~(a) On corner street frontages, two signs, one facing each street, shall be permitted. Such signs may have a total area equal to the permitted gross surface area for each individual frontage.~~

~~(b) When a business or building has a primary entrance oriented to an internal parking lot and not a primary street frontage, frontage(s) to the parking lot shall determine permitted signage.~~

~~(c) If the portion of the building that faces the street is considered rear of the building, yet has been architecturally designed with the same material integrity of the front facade, then one additional sign facing the street frontage is permitted; however, the frontage does not contribute to the allowable gross surface area for total signage.~~

~~(2) All new wall signs shall be individual letter, either mounted independently on the wall or attached to a typical raceway; new cabinet or box type signs are prohibited.~~

~~(B) *Ground signs:*~~

~~(1) *Number*: Only one ground sign shall be permitted for each lot and shall be oriented to the street frontage, except as follows:~~

~~(a) On corner street frontages, two signs, one facing each street, shall be permitted when access exists on each street frontage. Signs shall be oriented to each frontage access.~~

~~(b) Shopping centers and multi-tenant developments (except on any property zoned O/R Office/Research District) shall be permitted one sign per street frontage. Any subdivided outlots shall be permitted one ground sign each.~~

~~(c) For any buildings or multi-tenant developments located in the O/R Office/Research District, in addition to the permitted one sign per street frontage, as provided in section 11.07(B)(1)(b) above, freestanding wayfinding signs are permitted as follows:~~

~~*Freestanding wayfinding sign:* A freestanding wayfinding sign and associated structure is freestanding in nature and seeks to direct traffic to specific tenants within the development. Freestanding wayfinding signs are permitted in the O/R Office/Research District in addition to all other allowable signage, with the approval of a sign permit and subject to the following conditions:~~

~~i. Number permitted: One sign permitted per each entrance into the property/development with a maximum of four total for the entire property.~~

~~ii. Maximum size and height: 35 square feet per side and 70 square feet in total sign face area and ten feet in height.~~

~~iii. Setback: Such signs shall not obstruct or impede traffic flow and shall not be placed in any engineered sight or corner vision triangles for public road or private drives or lanes. A minimum setback of 25 feet is required from all property lines.~~

~~iv. Graphics: Graphics are limited to tenant names and logos, addresses, directional symbols and architectural elements associated with the development.~~

~~(2) *Size*: The calculated sign area for a ground sign shall be a portion of the permitted gross surface area of all signage as determined by the frontage, and may account for up to 50 percent of overall allowed signage, except as follows:~~

~~(a) When a corner lot elects to install only one ground sign when two ground signs are permitted, the cumulative frontage to each street may be used for calculations; however signage may only account for up to 35 percent of overall allowed signage.~~

~~(b) Shopping centers and multi-tenant developments shall be permitted a maximum gross surface area equal to 50 percent of the lot frontage dimension to a maximum of 200 square feet per ground sign.~~

~~(3) All ground signs shall be constructed with a base at least 50 percent of the overall sign width up to eight feet in height, or 75 percent when permitted to be taller; pole signs are prohibited.~~

~~(4) No ground sign shall be placed nearer than ten feet to any other sign, nor so placed as to obscure the view from the public right-of-way of any other sign on adjacent property.~~

~~(5) Signs shall not obstruct or impede traffic flow, and shall not be placed in any engineered sight or corner vision triangles for public roadways.~~

~~(6) Ground signs shall prominently display the building addresses (with numerals) that are a minimum height of six inches.~~

~~(7) All newly constructed ground signs require a landscape plan with permit application and shall be landscaped to the standards below:~~

~~(a) Sign shall have a minimum landscaped area of five feet around the base of the sign.~~

~~(b) Seventy-five percent of the landscape bed shall be planted with vegetation.~~

~~(c) Vegetation shall include shrubs, ornamental grasses and perennials and shall have year-round interest.~~

~~(d) Plantings shall be large enough to cover the base of the sign but should never reach a mature height that will obscure the sign face.~~

~~(e) Any ground sign proposed in existing parking areas shall be surrounded by a masonry barrier.~~

~~(f) All plantings shall be continuously maintained and replaced as necessary.~~

~~(8) A portion of any ground sign may be constructed as an electronic message board subject to section 11.07(D)(8).~~

~~(C) *Temporary signs*:~~

~~(1) In nonresidential districts, banners advertising or directing attention to a sale, promotion, or other special event conducted by or on behalf of an on-premises business, business commodity, business service or for-profit entertainment shall be permitted with a permit only as follows:~~

~~(a) One temporary sign permitted per business per display period.~~

~~(b) The maximum display period for a permit shall be 30 days.~~

~~(c) Permits for temporary signs shall be issued for a maximum of 60 days each calendar year per business, and any display of a temporary sign without a permit shall count towards the maximum number of days for the business.~~

~~(d) Sign may be attached to the leased frontage of a building, or as an anchored freestanding sign.~~

~~(e) When freestanding, the sign shall be a minimum of five feet from property lines, 15 feet from any vehicular private drives or entries, shall not obstruct or impede traffic flow, and shall not be placed in any engineered sight or corner vision triangles for public roadways.~~

~~(f) No temporary sign shall be used concurrently with an sandwich board sign for the same business.~~

~~(g) For multi-tenant properties, only one freestanding sign is permitted per street frontage at any time.~~

~~(h) *Maximum size*: 32 square feet.~~

~~(i) *Maximum height*: Eight feet, only applicable to freestanding temporary signs.~~

~~(2) Special events 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 of the board of trustees as part of the special event permit approval and shall be subject to time, place and size restrictions imposed by the village board.~~

~~(D) *Other sign types, restrictions and prohibitions*:~~

~~(1) For the purposes of calculating allowable signage based on frontage, frontage is defined as the portion of a building designed to face to a street or parking lot and typically has customer entry, transparent windows, and is constructed to a higher standard of detail than non-frontages. When a building has multiple frontages, frontage containing building service areas will not contribute to calculated signage allowances. A double-faced sign shall count as a single sign.~~

~~(2) No sign or other advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any~~

~~authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.~~

~~(3) It shall be unlawful for any person to display upon any sign or other advertising structure any matter in writing or in picture which, considered as a whole, predominantly appeals to prurient interest.~~

~~(4) An angular sign shall mean a sign which is mounted to a building frontage in such a manner that the sign face is not parallel to the face of the building, but forms a triangle with the apex of the triangle a maximum of 18 inches from the face of the building. The lowest point of such sign shall be a minimum of eight feet above the ground.~~

~~(5) *Open sales lots.*~~

~~(a) For properties defined as open sales lots, the maximum gross surface area of permitted signs shall not be calculated as a ratio of building facade. Open sales lots shall be permitted signs with a maximum gross surface area equal to 50 percent of the lot frontage dimension.~~

~~(b) Gasoline service stations may be considered as having an open sales lot use, and, in addition to the maximum number of signs otherwise allowed by this article, may locate or install one additional canopy sign in addition to each permitted wall sign; however, all signage must comply with the allowable gross surface area for total signage and cannot front towards a residential district.~~

~~(c) Automobile dealerships may be considered as having an open sales lot use, and, in addition to the maximum number of signs otherwise allowed by this article, may locate or install one additional wall sign in addition to each permitted wall sign; however, all signage must comply with the allowable gross surface area.~~

~~(6) *Projecting signs.* A projecting sign is a sign and associated structure which extends out from a building facade or wall in a perpendicular manner. Projecting signs shall be permitted in the B-1 District in addition to all other allowable signage, with a permit only as follows:~~

~~(a) *Number permitted:* One sign permitted per each first floor business for each facade with street frontage (public or private) or adjacent to an off-street parking area where customer access is also available. When a business occupies a corner frontage and is permitted two signs, the business may elect for a single corner blade sign installed at 45 degrees at the corner.~~

~~(b) *Maximum size:* Six square feet per side, or ten square feet for a corner sign. The width, height and area of a blade sign shall be measured by taking the smallest rectangle that encloses the entire sign face. Sign brackets and light fixtures are excluded from the determination of the blade sign width, height, and area.~~

~~(c) *Minimum clearance*: A minimum clearance of eight feet measured from the bottom of the sign to the sidewalk or grade above which the sign extends. Minimum clearance includes any sign structure or illumination.~~

~~(d) *Maximum overall height*: Sign shall not be placed higher than 15 feet above grade, and sign structure and light fixtures shall not extend higher than 18 feet above grade. No portion of the sign, structure or lighting shall exceed the height of the building or architectural first-floor facade. Sign shall not obstruct windows or accessways.~~

~~(e) *Maximum projection:* Three feet from facade.~~

~~(f) *Illumination:* External illumination, internally illuminated individual channel letter signage, and bare bulb signage is permitted. Internally illuminated box signs shall only be permitted when accessory to a primary sign and letters/sign copy must be dimensional. Sign lighting shall be~~

~~designed to prevent light spillage and glare onto any adjacent residentially zoned property or public right-of-way. External light fixtures shall not extend beyond two feet from the centerline of the sign.~~

~~(g) *Maintenance*: All signage, structure and lighting must be properly maintained in accordance with section 11.04.~~

~~(h) *License agreements*: If the sign encroaches over public property or right-of-way, a license agreement must be executed 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 economic development director is authorized to execute all such agreements on behalf of the village, utilizing a form agreement prepared by the village attorney.~~

~~(7) *Illumination*: Where reflecting, radiating or other illumination of signs is permitted:~~

~~(a) Light shall not be projected toward or onto properties located in a residence district.~~

~~(b) Any such illumination in the line of vision of approaching vehicular traffic shall not resemble any authorized traffic sign.~~

~~(c) No flashing or blinking, incandescent or stroboscopic lights shall be permitted.~~

~~(d) Gooseneck reflectors and lights may be permitted on permanent signs; provided, however, that any such reflectors or lights shall be installed in such a manner that the direct rays of light are concentrated on the sign and are shielded or otherwise constructed so as to avoid any glare upon streets or adjacent properties.~~

~~(8) *Electronic message board signs.* The use of electronic message board signs are subject to the following regulations and restrictions, in addition to the other applicable regulations and restrictions contained in this article, regardless of the content of the messages on said signs:~~

~~(a) Electronic message board signs are permitted in the B-2, B-3, C-1, O/R, and O/R-1, and M districts. Electronic message board signs are allowable in residential districts for educational, governmental and religious uses only, and only after issuance of a special use permit pursuant to the procedures set forth in article XIII, section 13.09 of this appendix. 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.~~

~~(b) The electronic message board component of a sign shall comprise no more than 40 percent of a ground sign's total allowable sign face area, or 75 percent if a ground sign in a monument style (not a pole sign).~~

~~(c) An electronic message board sign must be accessory to the primary ground sign for the premises. The electronic message board sign must be mounted or located below the primary business/location identification area.~~

~~(d) *Restrictions on display of messages*:~~

~~i. Electronic message board signs shall not contain messages with flashing, animation, illusion of movement or similar displays.~~

~~ii. Live or pre-recorded video is prohibited.~~

~~iii. Messages must instantaneously change; no transitions.~~

~~iv. Messages cannot change more than once every five seconds.~~

~~v. The maximum light intensity regulations of this article shall be met.~~

vi. Text and numeral displays shall appear with a solid black background.

vii. The sign module must include dimmer controls which can be adjusted to meet village light emission standards. Proof of such sign module controls must be presented at the time of permit application.

viii. Messages shall only direct attention to a business, commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located.

(9) No sign, including temporary signs, shall be located, erected, altered or maintained:

(a) On the roof of a building.

(b) Projecting above the building wall unless designed as an architectural element such as a marquee.

(c) So as to obstruct any fire escape, or any window or door or opening used as a means of egress, or for firefighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening required by law for ventilation.

(d) In, on or above any street, alley, park, parkway, sidewalk or other public place, except as permitted under sections 11.07(C)(2), 11.07(D)(6) and 11.11 (B).

(e) On fences, except as permitted in section 11.11(D)(3).

(f) On utility poles, street lights, electric traffic signals or other public poles or posts.

(g) Off-premises commercial advertising signs, which are those signs that direct attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located. This does not include advertising signs as defined and permitted in section 11.10.

(h) Projecting signs which are those signs which are mounted upon a building and erected perpendicular to the facade of said building, except as permitted under section 11.07(D)(6).

(i) Terminated business or use signs as referenced in section 11.05.

(j) Wind driven devices, any signage with flashing, blinking or movement, balloon or inflatable devices.

(k) Temporary signs attached to an automobile, truck or motor vehicle of any kind.

(l) In any location in violation of the village of Westmont zoning ordinance or as the same may be amended from time to time.

(Ord. No. 17-156, § 2, 10-26-2017; Ord. No. 17-190, § 2, 12-21-2017; Ord. No. 19-026, § 2, 2-28-2019)

Sec. 11.08. Construction standards.

(A) All signs and other advertising structures shall be designed and constructed as required in the current adopted building codes under section 18-62 and other ordinances of the village of Westmont.

(B) Signs shall not be painted on the wall of a building or adhered to the wall of a building with glue or mastic. In no case shall any wall sign be secured with wire, strips of wood or nails.

(C) All new ground signs structures shall be properly engineered. No building permit shall be granted or plans approved for any new ground sign structure unless such plans are prepared by an Illinois licensed architect or

~~structural engineer. This requirement may be waived, on a case by case basis, at the discretion of the economic development director.~~

~~(D) The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semitransparent material. Any glass forming a part of any sign shall be safety glass or plate glass at least one-fourth inch thick; and in case any single piece or pane of glass has an area exceeding three square feet, it shall be wired glass.~~

~~(E) Any movable part of a sign such as the cover of a service opening shall be securely fastened by chains or hinges.~~

~~(F) Signs shall be constructed with rigid materials. Vinyl and fabric signs shall be considered temporary signs, and shall not be permitted as permanent signs.~~

~~(G) Every sign hereafter erected shall have the date of installation, the permit number and the voltage of any electrical apparatus used in connection therewith.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.09. Applicability of sign regulations to zoning districts.~~

~~Signs are a permitted use in every zoning district of the village of Westmont subject to erection, construction, display, maintenance, and other regulations in conformance with the provisions of this article.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.10. Area, display and illumination of signs.~~

~~Signs which are permitted in any zoning district shall be in accordance with the standards listed in the following chart:~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~SIGN CLASSIFICATION~~	~~Standards for Displaying Signs~~								~~Standards for the Illumination of Signs~~			
	~~Maximum gross surface area (in square feet)~~	~~Affixed to Wall~~		~~Self-Supported Ground Signs~~					~~Type of Illumination~~		~~Color of illumination~~	~~Maximu~~
		~~Permitted or not permitted~~	~~Maximum projection from wall (in inches)~~	~~Permitted or not permitted~~	~~Height~~		~~Minimum distance from front lot line (in feet)~~	~~Minimum distance from side lot line (in feet)~~	~~Reflecting~~	~~Radiating~~		~~At light source foot-lambert~~
					~~Maximum, measured from grade to top of sign (in feet)~~	~~Minimum, measured from grade to bottom of sign (in feet)~~						
~~IDENTIFICATION~~												
~~a. Residential~~												
~~(1) Single-family dwelling~~	~~1~~	~~Permitted~~	~~18~~	~~Permitted~~	~~None~~				~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~
~~(2) Two- & three-family dwellings~~	~~1~~	~~Permitted~~	~~18~~	~~Permitted~~	~~None~~				~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~
~~(3) Multiple-family dwelling~~	~~0.5 per dwelling maximum 30~~	~~Permitted~~	~~18~~	~~Permitted~~	~~8~~	~~1~~	~~10~~	~~10~~	~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~
~~b. Business & Office~~												
~~(1) Central business district. The central business district shall be identified as the B-1 district south of Naperville~~	~~2.0 per lineal foot of~~	~~Permitted~~	~~18~~	~~Permitted~~	~~16~~	~~4~~	~~5~~	~~5~~	~~Permitted~~	~~Permitted~~	~~any[12]~~	~~100~~

~~Road and north of Dallas Street~~	~~building facade[5]~~											
~~(2) B-1 (other than CBD), B-2, C-1, O-R and O-R/1 Districts~~	~~2.0 per lineal foot of building facade 4/5/7~~	~~Permitted~~	~~18~~	~~Permitted~~	~~16[8]~~	~~4~~	~~5~~	~~5~~	~~Permitted~~	~~Permitted~~	~~any~~	~~100~~
~~(3) B-3 District~~	~~Wall 300 Ground 1 50~~	~~Permitted~~	~~18~~	~~Permitted~~	~~16~~	~~4~~	~~5~~	~~5~~	~~Permitted~~	~~Permitted~~	~~any~~	~~100~~
~~c. Manufacturing~~	~~1.0 per lineal foot of building facade~~	~~Permitted~~	~~18~~	~~Permitted~~	~~16~~	~~None~~	~~One per 10 square feet of area~~	~~10~~	~~Permitted~~	~~Permitted~~	~~any~~	~~100~~
~~d. Educational, recreational, institutional & public service~~	~~0.1 per lineal foot of lot width~~	~~Permitted~~	~~18~~	~~Permitted~~	~~15~~	~~None~~	~~15~~	~~15~~	~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~
~~e. Off-street parking lot~~	~~0.3 per lineal foot of lot width - maximum 20~~	~~Not Permitted~~	~~—~~	~~Permitted~~	~~10~~	~~3~~	~~5~~	~~10~~	~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~
~~f. Other use~~	~~As approved by Village Board~~	~~As approved by the Village Board~~										
~~SPECIAL SIGNS AND DEVICES~~												
~~a. New Developments~~												
~~(1) All residential~~	~~5.0 per dwelling to 100 maximum~~	~~Not Permitted~~	~~—~~	~~Permitted~~	~~12~~	~~None~~	~~25~~	~~10~~	~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~
~~(2) All other uses~~	~~0.5 per lineal foot of~~	~~Permitted~~	~~18~~	~~Permitted~~	~~20~~	~~None~~	~~One per 10 square~~	~~10~~	~~Permitted~~	~~Not Permitted~~	~~White only~~	~~—~~

	~~building facade - maximum 50~~						~~feet of area~~					
~~b. Traffic & other safety~~	~~As required by the Chief of Police~~											
~~c. Advertising[2]~~	~~200[10]~~	~~Not Permitted~~	~~—~~	~~Permitted~~	~~20[9]~~	~~None~~	~~5[11]~~	~~—[11]~~	~~Permitted~~	~~Not permitted~~	~~White only~~	~~—~~

~~[1] Intrinsic brightness shall not exceed 50 candles per square inch or ten if visible from a residence district. Illumination level of a lot or any portion thereof in a residence district shall 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). The maximum height shall be measured from the grade or elevation of the roadway.~~

~~[3] Reserved~~

~~[4] When development is constructed as a strip center or office complex with independent outdoor entrances to individual units, each unit is permitted a sign on the leased frontage.~~

~~[5] Notwithstanding the maximum gross surface area standards, all business and office buildings shall have an assumed minimum facade of 30 lineal feet. If multiple enterprises occupy the 30 foot frontage, they shall proportionately share the allowable maximum gross surface area.~~

~~[6] Reserved~~

~~[7] Reserved~~

~~[8] As to self-supported ground signs within 660 feet of the right-of-way of Illinois Route 83 (Kingery Highway) the maximum height permitted shall be 20 feet as measured from the grade or elevation of the roadway.~~

~~[9] The maximum height permitted shall be as measured from the grade or elevation of the site on which the sign is to be placed.~~

~~[10] The maximum gross surface area of advertising signs shall be counted toward the total sign area allowed in the applicable zoning district and the total number of signs permitted on any premises.~~

~~[11] Advertising signs shall, in addition, comply with all rear and side yard setbacks of the applicable zoning district.~~

~~[12] In the B-1 central business district, interior illuminated box (panel) signs with translucent acrylic faces shall not be permitted. Box signs shall only be permitted with completely opaque material backgrounds.~~

~~(Ord. No. 17-156, § 2, 10-26-2017)~~

~~Sec. 11.11. Exemptions.~~

~~The provisions and regulations of this article shall not apply to the following signs; provided, however, said signs shall be subject to the provisions of sections 11.04, 11.05, and 11.07(D)(2), (3) and (9):~~

~~(A) Address numbers, non-illuminated or directly illuminated, located on the structure.~~

~~(B) Signs erected by a governmental body, or under the direction of a governmental body, such as traffic signs, railroad crossing signs, safety signs and signs identifying public and municipal facilities, 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 village board is required as to the time, location and size of such signage.~~

~~(C) Exempt signs on properties being used for residential purposes (excluding multiple-family), regardless of zoning:~~

~~(1) Flags displaying only non-commercial speech, images or messages.~~

~~(2) Real estate signs not exceeding nine square feet in area nor six feet in height which advertise the sale or lease of the premises upon which said signs are located only. One sign per street frontage shall be permitted.~~

~~(3) Temporary construction or contractor yard signs: No more than one such sign, not to exceed six square feet in area nor six feet in height, which shall be removed within 30 days after construction or remodeling is complete.~~

~~(4) In addition to the signs specifically allowed in this section, each property is allowed temporary non-commercial, non-illuminated wall and ground mounted signs subject to the following requirements:~~

~~(a) Sign area per individual sign shall be a maximum of four feet in area.~~

~~(b) Sign height shall be a maximum of five feet including support structure.~~

~~(D) Exempt signs on properties being used for commercial purposes (including multiple-family residential), regardless of zoning:~~

~~(1) Flags displaying only non-commercial speech, images or messages.~~

~~(2) Real estate signs not exceeding 32 square feet in area nor eight feet in height which advertise the sale or lease of the premises upon which said signs are located only. One sign per street frontage shall be permitted.~~

~~(3) Temporary construction signs for work actively under construction, not to exceed 32 square feet in area per sign. Such signs shall be located on the property under construction, including on any construction fencing and shall be removed within three days after construction or remodeling is complete.~~

~~(4) Entry, exit or other on-premises traffic direction signs provided such signs do not exceed five square feet per side (nine square feet per side in the O/R Office/Research District), ten square feet in total sign face area (18 square feet in total sign face area in the O/R Office/Research District) and three feet in height (six feet in height in the O/R Office/Research District).~~

~~(5) Bulletin boards not to exceed 32 square feet in area for public, charitable or religious institutions when located on the premises of such institutions.~~

~~(6) Signs of a non-advertising nature and which are related to a business (i.e., hours of operation, help wanted, open/closed, and similar signs), not to exceed two signs per business and limited to four square feet per sign.~~

~~(7) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.~~

~~(8) Professional nameplates (wall-mounted) or name and address plates (wall-mounted) which give only the name and address of the business resident of the building and which is not more than one square foot in sign area.~~

~~(9) On-premises signs denoting sections of a building such as lavatory facilities and public telephone areas, not to exceed two square feet in area per side and bearing no commercial advertising, logos or establishment name.~~

~~(10) Window signs of paper or similar materials, not to exceed 40 percent of the total window area. Window signage shall not prohibit transparency and shall not create a safety hazard to customers, employees, pedestrians and traffic. Signs allowed by subsection (6) of this section are exempt from these window sign regulations.~~

~~(11) Menu boards for restaurants with drive-through lanes, provided there are no more than two menu boards per property, provided the maximum allowable surface area (measured as total surface area on one side) for the menu boards combined on the property shall be no more than 50 square feet, and provided that the menu boards do not serve as an additional advertising mechanism to attract further customers from the street.~~

~~(12) Restaurant menu displays shall not exceed four square feet in area, and shall be enclosed in a glass or plexi-glass frame. One such sign shall be permitted per restaurant.~~

~~(13) Pennants or logo flags may be placed on private light poles in nonresidential districts; only one pennant shall be permitted on each pole and may not exceed four square feet. Must be attached with a rigid frame that does not allow for wind movement.~~

~~(14) In addition to the signs specifically allowed in this section, each property is allowed temporary non-commercial, non-illuminated wall and ground mounted signs subject to the following requirements:~~

~~(a) Sign area per individual sign shall be a maximum of 12 square feet.~~

~~(b) Sign height shall be a maximum of five feet, including any support structure (e.g., sign, frame, building).~~

~~(c) Sign location shall be on privately owned property and shall not be placed in any engineered sight or corner vision triangles for public roadways.~~

~~(E) Sandwich board signs, also known as A-frame signs, are permitted and regulated within the zoning districts as defined below.~~

~~(1) *Permitted districts*: B-1, B-2, B-3, C-1, R-4, R-5, and R-6 General Provisions~~

~~(a) Signs shall not exceed eight square feet per side and shall not exceed four feet in height.~~

~~(b) Signs shall be removed and stored indoors when the establishment is not open for business.~~

~~(c) Signs must be professionally made and maintained in good condition.~~

~~(d) Signs shall be of an A-frame design and properly weighted so as not to create a windblown hazard.~~

~~(e) Signs shall not have any nails, tacks, wires or sharp metal edges protruding therefrom.~~

~~(f) Signs must be located on the ground and not be attached to any structure or person.~~

~~(g) One sign permitted per business, subject to location and separation distance or additional allowances specific to the districts listed below.~~

~~(h) Signs shall not be used in conjunction with any other temporary signage for a single business.~~

~~(i) Signs shall be a minimum of 15 feet from any vehicular private drives or entries, shall not obstruct or impede traffic flow, and shall not be placed in any engineered sight or corner vision triangles for public roadways.~~

~~(j) A minimum separation distance of 25 feet between any other commercial signage shall be maintained, including freestanding temporary signs.~~

~~(k) Signs shall be permitted on private sidewalks (except in the B-1 District permitted on both 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 five feet of continuous sidewalk clearance.~~

~~(l) Signs are prohibited from any parking lots, parking spaces or vehicular drives.~~

~~(2) *Districts*: B-1 Additional Requirements~~

~~(a) Any signs encroaching on public right-of-way must comply with the village's indemnity policy as set forth in section 11.07(D)(6)(h).~~

~~(3) *Districts*: B-2, B-3 and C-1 Additional Requirements~~

~~(a) Signs shall be located on private property a minimum of five feet from property lines.~~

~~(b) Individual businesses on single-user corner lots are permitted one sign per frontage.~~

~~(4) *Districts*: R-4, R-5 and R-6 Additional Requirements~~

~~(a) Permitted for multiple-family developments of at least 50 dwelling units.~~

~~(b) Signs shall be located on private property a minimum of five feet from property lines.~~

~~(c) One sign is permitted on each street frontage for the development.~~

~~(Ord. No. 17-156, § 2, 10-26-2017; Ord. No. 19-026, § 3, 2-28-2019)~~

~~*ARTICLE XII. NONCONFORMING STRUCTURES AND USES*~~

~~Sec. 12.01. Purpose.~~

~~(A) *Scope*. The regulations of this article govern nonconforming structures and uses, which are structures and uses that were lawfully established under the zoning regulations in effect at that time, but because of the adoption of new or amended zoning regulations, no longer comply with one or more requirements of the zoning regulations. The 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 nonconforming structures and uses which 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 lawfully established nonconforming structures and uses and specifies those circumstances and conditions under which those nonconforming structures and uses shall~~

be permitted 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. *Burden on property owner.* The burden of establishing the legality of a nonconformity under the provisions of this article is the responsibility of the property owner and/or the operator of the use. Whether a properly owner and/or operator has met its burden of roof shall be determined by the community development director. Such evidence may include historical documents, including, but not limited to, 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 the structure or use.

C. *Change of ownership or tenancy.* Subject to the regulations of this article, lawfully established nonconforming structures and uses run with the land and are not affected by changes of ownership or tenancy.

(Ord. No. 23-044, § 2, 3-23-2023)

Sec. 12.02. Nonconforming structures.

Structures which, due to the design or location on the lot, do not conform to the regulations of this zoning ordinance for yards, lot area, lot width, maximum height, or similar provisions of this zoning ordinance, shall be subject to the following provisions:

(A) *Authority to continue.* Any lawfully established nonconforming structure may be continued so long as it remains otherwise lawful, subject to the regulations of article.

(B) *Repairs and alterations.* Normal repairs, enlargements and improvements may be made to a nonconforming structure, provided that no such normal repairs, enlargements and improvements create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of the structure. For example, a structure with a nonconforming front yard setback may be expanded to the rear as long as the rear expansion complies with the applicable rear yard setbacks and other zoning regulations. However, and by way of example, a structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except for residential dwellings with front yard setback encroachments, which may be expanded vertically pursuant to the regulations set forth in article VI, section 6.04, footnote 10 of this chapter. No structural enlargements shall be made in or to a structure, all or substantially all of which is designed and intended for a use not permitted in the district in which it is located. The extent of normal repairs, enlargements and improvements shall be determined by the community development director.

(C) *Moving.* No nonconforming structure shall 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 to which it is moved, and further, that such structure shall be in conformance with the other regulations of such district and the other regulations of the zoning ordinance.

(D) *Restoration of damaged nonconforming structures.* A nonconforming structure which is destroyed or damaged by fire, other casualty, act of God or a public enemy, to the extent of 50 percent or more of the structure's market value at the date that the damage was sustained, shall not be restored unless such structure conforms with all regulations of the zoning district in which it is located. In the event such damage or destruction is less than 50 percent of the structure's market value, no restoration shall be made unless a building permit is secured within 180 days from the date of partial damage or destruction and restoration is started within 365 days from the date of the partial damage or destruction (unless said deadlines are extended by the community development director for good cause shown) and is diligently pursued to completion in accordance with the requirements for permits contained in chapter 18 of this code. The burden is on the property owner to prove the market value of

~~the damaged or destroyed structure by providing an appraisal from a licensed appraiser that is not less than two years old, or by other means acceptable to the community development director. The failure to timely commence restoration of a partially destroyed or damaged nonconforming structure, and/or the failure to diligently pursue restoration to completion, shall result in the loss of the legal, nonconforming status of such structure and such structure shall be removed and the site cleaned.~~

~~(Ord. No. 23-044, § 2, 3-23-2023)~~

~~Editor's note(s)—Ord. No. 23-044, § 2, adopted March 23, 2023, amended § 12.02 in its entirety to read as herein set out. Former § 12.02, pertained to authority to continue nonconforming structures and uses, and derived from Ord. No. 98-02, § 8, adopted Jan. 19, 1998; Ord. No. 09-95, § 1, adopted July 6, 2009.~~

~~Sec. 12.03. Nonconforming uses.~~

~~A lawfully established use located within a structure, or on open land, which is not authorized in the list of permitted uses in the zoning district in which such use is located shall be subject to the following provisions:~~

~~(A) *Authority to continue.* Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued so 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 use must be for the exact same use as originally established, and variations 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. The lawfully existing nonconforming use of land which is accessory to the use of a principal structure must cease when the use of the principal structure ceases.~~

~~(B) *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 however, that the other requirements of this article are met.~~

~~(C) *Expansion.* A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, but not be limited to:~~

~~(1) 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.~~

~~(2) 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.~~

~~(3) Operation of such nonconforming use in such a manner which conflicts with, or further conflicts with any requirement or standard established for the district in which such use is located.~~

~~(D) *Relocation.* No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.~~

(E) *Change in use.* A nonconforming use of a structure or and shall 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 shall only be used thereafter for a use permitted in the zoning district in which it is located. See subsection (A) of this section for further restrictions on a change of use.

(F) *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, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be re-established or resumed. Any subsequent use of such structure or land after such discontinuation or abandonment shall be for a permitted use and shall comply with the regulations of the zoning district which such structure or land is located.

(G) *Damage or destruction.* In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such structure immediately prior to such damage or destruction, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is 50 percent or less of the fair market value of the structure immediately prior to such 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 from the date of partial damage or destruction and restoration is started within 365 days from the date of the partial damage or destruction (unless said deadlines are extended by the community development director for good cause shown) and is diligently pursued to completion in accordance with the requirements for permits contained in chapter 18 of this code. The burden is on the property owner to prove the market value of the damaged or destroyed structure by providing an appraisal from a licensed appraiser that is not less than two years old, or by other means acceptable to the community development director. The failure to timely commence and complete restoration of such partially destroyed or damaged structure shall result in the loss of the legal, nonconforming status of such use.

(Ord. No. 23-044, § 2, 3-23-2023)

Sec. 12.04. Nonconforming regulations in other code sections.

Certain lawfully established nonconforming structures and uses are specifically regulated in other sections of this chapter, despite any regulations of this article XII to the contrary. For example, see section 4.18 (cell antennas), section 6.01 (firearms sales as a home occupation), section 6.04, footnote 10 (dwelling units with front yard encroachments), section 7.03 (video gaming cafes and video gaming as an accessory use in the B-1 limited business district), and section 11.06 (signs). In the event of a conflict between the regulations of this article XII and the regulations found in those other sections of this chapter for specifically identified, lawfully established nonconforming uses and structures, the regulations found in those other sections of this chapter shall control.

(Ord. No. 23-044, § 2, 3-23-2023)

ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT

Sec. 13.01. Organization.

The administration of this comprehensive amendment is hereby vested in:

(A) Community development director.

(B) Planning and zoning commission.

~~(C) [Reserved.]~~

~~(D) Board of trustees.~~

~~(Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Sec. 13.02. Office of the community development director.~~

~~The community development director shall enforce this comprehensive amendment and in furtherance of his authority shall:~~

~~(A) Determine conformance of applications for zoning certificates with regulations of this comprehensive amendment.~~

~~(B) Issue all zoning certificates and zoning verification letters, following approval as required in this comprehensive amendment, and maintain records thereof.~~

~~(C) Issue all certificates of occupancy and maintain records thereof.~~

~~(D) Conduct inspections of structures and uses of land as required.~~

~~(E) Maintain permanent and current records of the administration and enforcement of this comprehensive amendment, including but not limited to applications, processing and decisions for all amendments, special uses and special uses granted by the board of trustees, variations and appeals; and designate on the zoning district map each amendment and special use.~~

~~(F) Decide or make recommendations on all other matters under this comprehensive amendment upon which the community development director is required to act.~~

~~(G) Initiate, direct and review, from time to time, a study of the provisions of this comprehensive amendment, and make reports of his recommendations to the planning and zoning commission not less frequently than once a year.~~

~~(H) Upon the approval of the board of trustees being first obtained, 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.~~

~~(I) Provide and maintain public information facilities relative to all matters pertaining to this comprehensive amendment.~~

~~(J) Collect and administer zoning escrow deposits as set forth in this article.~~

~~(Ord. No. 84-5, 1-16-1984; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Editor's note(s)—Ord. No. 19-085, § 2, adopted March 23, 2019, amended § 13.02 and in doing so changed the title of said section from "Office of economic development director" to "Office of the community development director," as set out herein.~~

~~Sec. 13.03. Zoning certificates.~~

~~(A) No building permit or license pertaining to the use of structures or land shall be issued by any officer or employee of the village, unless the application for such permit has been examined by the community development director 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 comprehensive amendment, and any certificate issued in conflict with the provisions of this comprehensive amendment shall be null and void.~~

(B) It shall be unlawful to start the construction of a new building, structure or sign, or the enlargement or any alteration or removal of a building or structure which involves a change in use, without having received a zoning certificate. Construction or development authorized by a permit shall be started within a period of six months and shall proceed with reasonable continuity until completion, the permit otherwise becoming invalid.

(C) All applications for zoning certificates shall be accompanied by a current registered survey of the lot in duplicate, 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 shall be erected, prepared by a registered surveyor. The plans shall show existing and intended use 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 that shall be necessary to determine and provide for the enforcement of this comprehensive amendment. One copy of such plans shall be returned to the owner when such plans have been approved by the community development director. The lot and location of the building thereon shall be staked out on the ground before construction is started.

(Ord. No. 80-16, 4-21-1980; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)

Sec. 13.04. Zoning verification letters.

Any person may request a zoning verification letter from the community development director 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 the minimum parking requirements, whether the existing use is legal and conforming, and whether signs on the property are legal and conforming. The person requesting the zoning verification letter shall pay the fee set forth in this article in advance.

(Ord. No. 85-15, 2-4-1985; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)

Editor's note(s)—Ord. No. 19-085, § 2, adopted March 23, 2019, amended § 13.04 and in doing so changed the title of said section from "Filing for zoning certificates" to "Zoning verification letters," as set out herein.

Sec. 13.05. Certificate of occupancy.

(A) No land shall be occupied or used in a manner different than that existing on the date of the passage of this comprehensive amendment, and no structure hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have 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 comprehensive amendment. No change of use shall be made in any structure or land improvement or part thereof, now or hereafter erected or altered, without an occupancy permit having been issued by the community development director, and no permit shall be issued to make such change unless it is in conformity with the provisions of this comprehensive amendment and amendments thereto. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing structure or land improvement, except as may be necessary for the safety of life and property.

(B) No certificate of occupancy permit for a change of use in an existing structure or land improvement shall be issued until the premises have been inspected and certified by the economic development director to be in compliance with applicable requirements for the zoning district in which it is located.

(C) Application for a certificate of occupancy shall be made and shall be issued within ten days after the erection or alteration of the structure has been completed. A record of all certificates of occupancy shall be kept on file in the office of the community development director, and copies shall be furnished on request to any person having proprietary or tenancy interest in the land or structure affected.

(D) 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 shall be accompanied with a statement covering the items of work to be completed and the reasons the temporary permit is requested.

(Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)

Sec. 13.06. Zoning escrow deposits.

Any zoning applicant who submits a zoning application that requires the review of the planning and zoning commission shall, in addition to meeting all other zoning 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 zoning application. The zoning applicant shall complete a development escrow agreement on such form as proscribed by the community development director. The community development director shall 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 zoning applicant shall replenish the escrow account in such amount as reasonably determined by the community development director before further consultant reviews are performed. The community development director shall promptly refund to the zoning applicant any deposit remaining in an escrow account after the completion of all consultant reviews.

(Ord. No. 19-085, § 2, 3-23-2019)

Sec. 13.07. Variations.

(A) *Authority.* The planning and zoning commission shall recommend all applications for variations of the provisions of this comprehensive amendment after a public hearing conducted by the planning and zoning commission. The planning and zoning commission shall recommend a variation only after they have made findings of fact specifying the reason or reasons which justify the variation. Such findings shall be based upon the standards prescribed in subsection 13.07(D) of this article.

(B) *Initiation.* An application for a variation may be made by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest applicable to the land or land and improvements described in the application for a variation.

(C) *Application for variation and notice of hearing.* An application for a variation shall be filed with the community development department, on forms prescribed by the village, along with all required fees and required supporting documentation. A copy of such application shall thereafter be forwarded by the community development department to the planning and zoning commission with a request to hold a public hearing and submit to the board of trustees a report of its findings and recommendations. Such public hearing shall be held upon public notice as required by the Illinois Compiled Statutes. Variations granted shall be exercised within a period of 12 months after the date of the variation or shall otherwise become invalid. Any new construction or structural alterations performed in furtherance of the variance shall be diligently pursued to completion, or the board of trustees may revoke the variance.

(D) *Standards for variations.*

~~(1) The planning and zoning commission shall not recommend a variation to the regulations of this comprehensive amendment as authorized herein unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:~~

~~(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;~~

~~(b) The plight of the owner is due to unique circumstances; and~~

~~(c) The variation, if granted, will not alter the essential character of the locality.~~

~~(2) For the purpose of implementing the above rules, the planning and zoning commission shall also, in making its recommendations whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:~~

~~(a) The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.~~

~~(b) The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification.~~

~~(c) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.~~

~~(d) The alleged difficulty or hardship has not been created by the owner of the property.~~

~~(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.~~

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

~~(3) The planning and zoning commission may recommend such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this subsection to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this comprehensive amendment.~~

~~(E) *Decisions.* The board of trustees, upon report of the planning and zoning commission without further public hearing, may grant or deny any proposed variation in accordance with Illinois Statutes and the Westmont Village Code, or may refer it back to the planning and zoning commission for further consideration. The board of trustees may by ordinance impose special conditions upon variance approval, designed to protect the public health, safety and welfare and designed to ensure compliance with the variance standards listed herein. A violation of any such variance conditions shall constitute a violation of this zoning ordinance and shall constitute grounds for revocation of the variance.~~

~~(Ord. No. 95-41, § 3, 6-19-1995; Ord. No. 10-201, § 2, 12-6-2010; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Sec. 13.08. Appeals.~~

~~An appeal to the planning and zoning commission may be made by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the community development director under this comprehensive amendment in accordance with Illinois Statutes, and the following:~~

~~(A) An application for an appeal shall be filed with the village clerk within 20 days of the date of the action from which the appeal is being filed, and thereafter the village clerk shall forward such application to the planning and zoning commission for processing.~~

~~(B) An appeal stays all the proceedings in furtherance of the action appealed from, unless the community development director from whom the appeal is taken certifies to the planning and zoning commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the planning and zoning commission or by a circuit court on application, on notice to the economic development director from whom the appeal is taken, and on due cause shown.~~

~~(C) The planning and zoning commission shall fix a reasonable time, not to exceed 90 days, for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The planning and zoning commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determinations as in its opinion ought to be made on the premises and to that end shall have all the powers of the officer from whom the appeal was taken.~~

~~(Ord. No. 95-41, § 3, 6-19-1995; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Sec. 13.09. Special uses.~~

~~(A) *Purpose.* The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire village into districts in each of which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which may have a unique, special or unusual impact on the use and enjoyment of neighboring property and upon public facilities and therefore need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this comprehensive amendment as special uses and fall into two categories:~~

~~(1) Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest.~~

~~(2) Uses entirely private in character which, on account of their peculiar locational need, the nature of the service they offer to the public and their possible damaging influence on the neighborhood, may have to be established in a district or districts in which they cannot reasonably be allowed as an unrestricted permitted use under the regulations of this comprehensive amendment.~~

~~(B) *Initiation.* Special uses may be proposed by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for a special use.~~

~~(C) *Processing.*~~

~~(1) An application for a special use shall be filed with the community development department, on forms prescribed by the village, along with all required fees and required supporting documentation. If not otherwise required by this zoning ordinance, the community development department may require an applicant to submit a site plan for approval in conjunction with the special use request.~~

~~(2) A copy of such application shall thereafter be forwarded by the community development department to the planning and zoning commission with a request to hold a public hearing and submit to the board of trustees a report of its findings and recommendations. Such public hearing shall be held upon public notice as required by the Illinois Compiled Statutes.~~

~~(3) After denial of a special use request by the village board, the same applicant may not apply for the same or substantially similar special use for the property in question until at least one year have [has] elapsed since the date of the denial.~~

~~(D) *Standards.* A proposed special use shall substantially meet the following standards in order to obtain the recommendation of the planning and zoning commission and approval of the board of trustees:~~

~~(1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.~~

~~(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.~~

~~(3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.~~

~~(4) That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.~~

~~(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.~~

~~(6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.~~

~~(E) *Decisions.* The board of trustees, upon report of the planning and zoning commission and without further public hearing, may grant or deny any proposed special use in accordance with applicable Illinois Statutes or may refer it back to the planning and zoning commission for further consideration. The board of trustees may by ordinance impose special conditions upon special use approval, designed to protect the public health, safety and welfare and designed to ensure compliance with the special use standards listed herein. A violation of any such special use conditions shall constitute a violation of this zoning ordinance and shall constitute grounds for revocation of the special use.~~

~~(F) *Limitations on special uses.*~~

~~(1) A special use shall apply only to the property for which it was originally granted.~~

~~(2) A special use shall run with the land, except as limited herein. A special use shall automatically terminate upon the cessation of the special use for a consecutive period of at least 365 days. For purposes of this section, cessation of the special use shall mean a failure to substantially operate the special use activity upon the property, whether by affirmative choice, bankruptcy, liquidation, foreclosure, eviction, or other reason. A cessation of the special use shall not occur when the special use activity is temporarily halted due to the making of repairs or upgrades to the property where a building permit is obtained, where the nature of the repairs or upgrades makes the continued operation of the special use impractical, and where the repairs or upgrades are diligently pursued to completion.~~

~~(3) Upon the termination of a special use for any reason, new special use approval is required in order for that use to continue upon the property.~~

~~(4) A special use shall become null and void (i) 180 days after the date of village board approval if the special use is not commenced on the property, unless the delay is due to construction or alteration of any structures in connection with the special use as addressed herein, or (ii) 24 months after the date of village board approval 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. Upon written request and good cause shown, the board of trustees may, by ordinance, in its sole discretion, grant extensions of the time limitations set forth in this section.~~

~~(Ord. No. 95-41, § 3, 6-19-1995; Ord. No. 10-201, § 3, 12-6-2010; Ord. No. 19-085, § 2, 3-23-2019; Ord. No. 19-129, § 2, 8-29-2019)~~

~~Sec. 13.10. [Reserved.]~~

~~Sec. 13.11. Amendments.~~

~~(A) *Authority.* The regulations imposed and the districts created under the authority of this comprehensive amendment may be amended from time to time by ordinance in accordance with applicable Illinois Compiled Statutes. An amendment shall be granted or denied by the board of trustees only after a public hearing before the planning and zoning commission and a report of its recommendations has thereafter been submitted to the board of trustees.~~

~~(B) *Initiation.* Amendments may be proposed by the board of trustees, planning and zoning commission, village official, and by any other person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.~~

~~(C) *Processing.*~~

~~(1) An application for an amendment shall be filed with the community development department, on forms prescribed by the village, along with all required fees and required supporting documentation.~~

~~(2) A copy of such application shall thereafter be forwarded by the community development department to the planning and zoning commission with a request to hold a public hearing and submit to the board of trustees a report of its findings and recommendations. Such public hearing shall be held upon public notice as required by the Illinois Compiled Statutes.~~

~~(D) *Decisions.*~~

~~(1) The board of trustees, upon report of the planning and zoning commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Illinois Compiled Statutes and the Westmont Village Code, or may refer it back to the planning and zoning commission for further consideration.~~

~~(2) In case a written protest against any proposed amendment is signed and acknowledged by owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by owners of 20 percent of the frontage directly opposite the frontage to be altered, is filed with the village clerk and service of the written protest is made pursuant to the applicable Illinois Compiled Statutes, the amendment cannot be passed except on the favorable vote of two-thirds of all members of the board of trustees.~~

~~(Ord. No. 95-41, § 3, 6-19-1995; Ord. No. 10-201, § 4, 12-6-2010; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Sec. 13.12. Fees.~~

~~I. *Variations:*~~

	~~Hearing fee—~~

~~Residential:~~

~~R-1, R-2 and R-3$250.00~~

~~Other zones:~~

~~R-4, R-5, R-6, B-1, B-2, B-3, M, O/R, and PUD500.00~~

~~II. *Special use*350.00~~

~~III. *Zoning code amendment text or map*500.00~~

~~IV. *Planned development*500.00~~

~~V. *Pre-annexation agreement*~~

~~Residential:~~

~~R-1, R-2, R-3100.00~~

~~All other zones500.00~~

~~VI. *Zoning verification letter*150.00~~

~~Upon good cause shown, the board of trustees may waive the aforementioned filing fees. There shall be no fee, however, in case of applications filed in the public interest by officials of the village.~~

~~(Ord. No. 81-64, 12-7-1981; Ord. No. 85-15, 2-4-1985; Ord. No. 87-82, 10-5-1987; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Sec. 13.13. Violation, penalty, enforcement.~~

~~(A) 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 ordinance shall, upon conviction, be fined not less than $25.00 nor more than $500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.~~

~~(B) The community development director is hereby designated and authorized to enforce this ordinance. However, it shall also be the duty of all officers, citizens and employees of the village, particularly of all members of the police and fire departments, to assist the economic development director by reporting to him any new construction, reconstruction, improved land uses, or upon any seeming violation.~~

~~(Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)~~

~~Sec. 13.14. Posting of public signs.~~

~~For all property within the village or contiguous to the village which is subject to a public hearing on the following matters:~~

~~1. Rezoning (map amendment)~~

~~2. Variance~~

~~3. Special use~~

~~4. Annexation~~

~~the village, through its community development department, shall cause a sign or signs to be posted on the subject property, at least 15 days prior to the public hearing. The sign(s) shall be posted so as to be clearly legible to the public view on all adjacent public rights-of-way. The sign(s) shall contain the name of the village, and a statement to the effect that the property will be the subject of an upcoming zoning hearing regarding one or more of the following matters: rezoning (map amendment), variance, special use, annexation. The sign(s) shall list a telephone number for contacting the village economic development department for information about the hearing.~~

~~The applicant shall reimburse the village for expenses incurred for the sign(s) and their erection, prior to the final disposition of the zoning matter.~~

~~(Ord. No. 00-100, § 1, 8-21-2000; Ord. No. 07-101, § 1, 6-4-2007; Ord. No. 19-085, § 2, 3-23-2019)~~

~~*ARTICLE XIV. DEFINITIONS*~~[3]

~~In the construction of this ordinance the rules and definitions contained in this article XIV shall be observed and applied, except when the context clearly indicates otherwise.~~

~~(A) *Rules.*~~

~~(1) Words used in the present tense shall include the future tense.~~

~~(2) The singular number shall include the plural number and the plural number the singular number.~~

~~(3) The word "building" shall include the word "structure."~~

~~(4) The word "shall" is mandatory and not directory.~~

~~(5) The word "may" is permissive.~~

~~(B) *Definitions.*~~

~~*Abuts, abutting:* Having a common property line or district line.~~

~~*Accessory building:* A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building.~~

~~*Accessory use:* See Use, accessory.~~

~~*Adjacent:* To lie near or close to; in the neighborhood or vicinity of.~~

~~*Adjoining:* Touching or contiguous, as distinguished from lying near or adjacent.~~

~~*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" as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.~~

~~*Adult entertainment cabaret:* An establishment offering to its patrons, as entertainment, any live exhibition or display, or any theatrical or other live performances, which 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, as defined herein.~~

~~*Adult motion picture theaters:* An enclosed building, regardless of its seating capacity, which is used to present for public view on the premises, films, movies, previews, trailers or advertisements which are distinguishable by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical area" as defined herein.~~

~~*Adult use:* Adult bookstores, adult entertainment cabarets, and adult motion picture theaters.~~

[3]Editor's note(s)—In order to readily accommodate definitions adopted since the 1979 adoption of the zoning ordinance, as part of the 2000 republication, subsection designations under art. XIV, (B), have been deleted and the definitions retain their original alphabetical order.

~~*Adult-use cannabis business establishment:* An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transportation organization.~~

~~*Adult-use cannabis craft grower:* A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder.~~

~~*Adult-use cannabis dispensing organization:* A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder.~~

~~*Adult-use infuser organization or infuser:* A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder.~~

~~*Adult-use cannabis processing organization or processor:* A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder.~~

~~*Adult-use transporting organization or 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, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder.~~

~~*Air rights:* The ownership of defined air space above a horizontal plane over the ground surface of land utilized for railroad or street purposes.~~

~~*Alley:* A right-of-way, with a width of not more than 24 feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.~~

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

~~*Animal hospital, animal clinic, and veterinarian offices:* A building or portion thereof designed or used for the care, observation or treatment of domestic 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 non-commercial 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 non-commercial 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 non-commercial purposes.~~

~~*Antenna, wireless telecommunication, building-mounted:* (also referred to as a "building-mounted cell antenna"). A physical device that is attached to a building or other structure through which commercial wireless telecommunications signals authorized by the Federal Communications Commission are transmitted and received.~~

~~*Antenna, wireless telecommunication, tower-mounted*: (also referred to as a "tower-mounted cell antenna"). A physical device that is attached to a freestanding tower through which commercial wireless telecommunications signals authorized by the Federal Communications Commission are transmitted and received.~~

~~*Arcade, electronic/mechanical game:* An establishment housing six or more operational electrical or mechanical amusement devices, which device, upon the insertion of a coin, slug, token or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. Included are such devices as marble machines, pinball machines, mechanical grab machines, electrical or video devices and all such games or operations similar thereto under whatever name they may be indicated.~~

~~*Artisan manufacturing establishments*: Uses that involve 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 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 negative external impacts on surrounding properties.~~

~~*Assisted living residence:* A home, building, residence or any other place where sleeping accommodations are provided for at least three or more unrelated adults, at least 80 percent of whom are 55 years of age or older, and where the following services are provided: community-based residential care 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.~~

~~*Automated teller machine (ATM):* A device defined as such under section 5 of the Automated Teller Machine Security Act, 205 ILCS 695/5 as amended or reenacted.~~

~~*Automobile laundry:* A building or portion thereof containing facilities for washing motor vehicles using mechanical methods.~~

~~*Automobile service station:* A building or portion thereof or premises used for offering for sale at retail to the public of fuels, lubricating oil, grease, tires, batteries and accessories for motor vehicles, where repair service is incidental, where no storage or parking space is offered for rent, and where no motor vehicles, boats or trailers are offered for sale or rent. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage. Automobile service stations do not include open sales lots.~~

~~*Automobile wrecking yards:* See Junkyard.~~

~~*Awning:* A roof-like mechanism, retractable in operation, which projects from the wall of a building.~~

~~*Bank automated teller machine (bank ATM):* An automated teller machine which is accessory to a bank and/or savings and loan located on the same premises and controlled by the bank and/or savings and loan on the same premises as the automated teller machine.~~

~~*Banner:* A long strip of cloth, paper or other material, usually, but not necessarily, rectangular in shape, bearing a name, identification, description, illustration, display or device.~~

~~*Basement:* A story having part but not more than one-half of its floor area to clear ceiling height below grade. 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 shall not be 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.~~

~~*Board of trustees:* The President and Board of Trustees of the Village of Westmont, Illinois.~~

~~*Boardinghouse:* See Lodginghouse.~~

~~*Bowling alley:* An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and related bowling areas, with customary accessory uses such as arcades, billiards, snack bars, restaurant, and bar. Limited outdoor activities may be permitted as set forth in the special use permit approval for the bowling alley.~~

~~*Brewpub*: A restaurant-brewery that sells 25 percent or more of its beer on site.~~

~~*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 which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by a party wall, then such portion shall be deemed to be a separate building.~~

~~*Building, accessory:* See Accessory building.~~

~~*Building, principal:* A nonaccessory 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 of:* 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.~~

~~*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 which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.~~

~~*Capacity in persons:* 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 automobile shelter, with two or more open sides.~~

~~*Cellar:* A story having more than one-half of its floor to clear ceiling height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.~~

~~*Clinic, medical* or *dental:* A building or portion thereof, the principal use of which is for offices of physicians or dentists or both for examination and treatment of persons on an outpatient basis.~~

~~*Club or lodge, private:* A nonprofit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.~~

~~*Conforming building* or *structure:* A building or structure which:~~

~~(a) Complies with all the regulations of this comprehensive amendment or of any amendment thereto governing bulk of the district in which said 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 which 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.~~

~~*Craft alcoholic beverage dispenser (includes brewpubs):* A craft alcoholic beverage manufacturer that specializes in serving alcoholic beverages produced on-site, subject to local liquor requirements, to patrons in on-site indoor or outdoor seating areas, with sales from the brewery's storage tanks for sale to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted.~~

~~*Craft alcoholic beverage producer (includes breweries, microbreweries and wineries; excludes distilleries):* A business that specializes in the production and distribution of craft alcoholic beverages produced on or off-site. The indoor seating areas of such businesses are limited to no more than 50% of the total square footage of the premises, and outdoor seating areas of such businesses are limited to no more than 50% of the total square~~

~~footage of the interior seating area. 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.~~

~~*Cultivation center:* A facility operated by an organization or business that is registered by the department of agriculture to perform the necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.~~

~~*Daycare center:* A state licensed facility operated by any person, agency, association or organization where care, protection and supervision is provided for children or well, ambulatory, or semi-ambulatory (non-bedridden) adults for less than 24 hours per day. This definition includes, but is not limited to, a day nursery, nursery school, or other supplemental care facility. This term does not include a family daycare home, adult daycare center, halfway house, or drug/alcohol treatment center.~~

~~*Daycare home:* A state licensed facility operated in a residential dwelling where a permanent occupant of the dwelling provides for the care, protection and supervision of a maximum of eight clients at any one time, apart from their parents or legal guardians, for less than 24 hours per day. Clients are defined as children under 12 years old and include the permanent occupant's natural, foster or adopted children. The term does not include facilities which receive only children from a single household.~~

~~*District:* A portion of the Village of Westmont within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this 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.~~

~~*Drive-in establishments:* An establishment or part thereof in which are provided facilities for serving patrons parked in automobiles on the premises.~~

~~*Dwelling:* A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family and multiple-family dwellings, but not including mobile homes or other trailers or lodging rooms in hotels, motels or lodginghouses.~~

~~*Dwelling, attached:* A dwelling joined to two other dwellings by party walls, or vertical cavity walls, and aboveground physically unifying horizontal structural elements.~~

~~*Dwelling, detached:* A dwelling which is surrounded on all sides by open space on the same lot.~~

~~*Dwelling, multiple-family:* A dwelling containing three or more dwelling units.~~

~~*Dwelling, single-family:* A dwelling containing one dwelling unit only.~~

~~*Dwelling, semidetached:* A dwelling joined to one other dwelling in a party wall, or vertical cavity wall, and aboveground physically unifying horizontal structural elements.~~

~~*Dwelling, two-family detached:* A dwelling containing two dwelling units only, one above the other.~~

~~*Dwelling unit:* One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each "dwelling unit."~~

~~*Economic development director:* The official of Westmont duly appointed and designated as the economic development director.~~

~~*Efficiency unit:* A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing that such dining alcove does not exceed 125 square feet in area.~~

~~*Electric distribution center:* A facility at which electric energy is received from the transmission system and is delivered to the distribution system only.~~

~~*Electric substation:* A facility at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.~~

~~*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 which incorporates the fundamentals for fallout protection—shielding mass, ventilation, and space to live—and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.~~

~~*Family:* 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.~~

~~*Family community residence:* A single-dwelling unit occupied on a relative permanent basis in a family-like environment by a group of eight or fewer unrelated persons with disabilities, plus professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present whenever residents with disabilities are present at the dwelling, and which complies with the zoning regulations for the district in which the site is located and complies with occupancy requirements and other Code requirements.~~

~~*Fence:* A structure which is a barrier and used as a boundary or means of protection or confinement.~~

~~*Fence, open:* A fence, including gates, which has, for each one-foot-wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford a direct view through the fence.~~

~~*Fence, solid:* A fence, including gates, which conceals from view from adjoining properties, streets or alleys activities conducted behind it.~~

~~*Firearms:* 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, which is designed to or which 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 which 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 which 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, which expel a dingle projectile not exceeding .18 inches in diameter or which have a maximum muzzle velocity of less than 700 feet per second, are excluded from this definition. Antique firearms, which means any rifle or shotgun or "antique cannon" which was manufactured before 1898 for which cartridge ammunition is not commercially available, and is sold or possessed as a curiosity or ornament or for its historical significance or value, are excluded from this definition.~~

~~*Firearms sales:* Any and all retail sales or distribution of firearms, whether as a permitted use or as an accessory use. All firearms sales are subject to the following regulations and restrictions:~~

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

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

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

4. ~~The display of firearms in any window display or other, non-secured display area is prohibited.~~

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

6. ~~Firearms sales as an accessory use to a retail or sporting goods store are restricted to no more than five percent of the total floor area of the retail or sporting goods store.~~

~~*Fitness center/health club:* An establishment that provides health and fitness facilities such as running, aerobics, weight lifting, court sports, and swimming, and may include ancillary facilities such as locker facilities, showers, weight reducing equipment, massage therapy rooms, saunas, tanning machines, sales of related health equipment and clothing, juice bars, and related uses. This use may also have licensed physicians and physical and massage therapists performing ancillary health therapies.~~

~~*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: For determining off-street parking and off-street loading requirements:* "Floor area" when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively~~

~~to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.~~

~~*Floor area ratio:* The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of 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.~~

~~*Food and beverage retail establishment:* A business such as a restaurant, deli, snack shop and other similar use that sells food and beverages, but excluding catering establishments.~~

~~*Footcandle:* A unit of illumination, equivalent to the illumination at all points which 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:* An accessory building, attached or detached, designed and used for the storage of motor vehicles 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.~~

~~*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.~~

~~*Group community residence:* A single-dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of nine to 15 unrelated persons with disabilities, plus professional support staff provided by a sponsoring agency, either living with residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling, and which complies with the zoning regulations for the district in which the site is located and complies with occupancy requirements and other Code requirements.~~

~~*Hotel:* An establishment containing lodging rooms for transient guests in contradistinction to a lodginghouse, boardinghouse, or a roominghouse, and which provides customary hotel services such as maid, telephone and secretarial; bellboy and desk services; and the use and upkeep of furniture; and furnishing and laundering of linens.~~

~~*Institution:* A building occupied by a nonprofit corporation wholly for public or semipublic use.~~

~~*Junk or salvage yard:* An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, sorted, or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.~~

~~*Kennel:* Any premise or portion thereof on which more than three dogs, cats or other household domestic animals over one year of age are kept, or on which more than two such animals are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.~~

~~*Laboratory:* See Research laboratory.~~

~~*Launderette:* A business that provides coin-operated self-service type washing, dry cleaning, and ironing facilities, provided that:~~

~~(a) Not more than four persons, including owners, are employed on the premises; and~~

~~(b) No pickup or delivery service is maintained.~~

~~*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 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 which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit. Therefore, a "lot" may or may not coincide with a lot of record.~~

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

~~*Lot, corner:* A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120 degrees or less measured on the lot side.~~

~~*Lot coverage:* The percentage of a zoning lot's area covered by any and all buildings, structures and permanent hardscape improvements.~~

~~*Lot depth:* The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.~~

~~*Lot line, front:* That boundary of a lot which abuts a street line. On a corner lot the lot line having the shortest length abutting a street line shall be the front lot line, unless otherwise determined by the economic development director.~~

~~*Lot line, interior:* A lot line which does not abut a street.~~

~~*Lot line, rear:* That boundary of a lot which 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 ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.~~

~~*Lot line, side:* Any boundary of a lot which is not a front lot line or a rear lot line.~~

~~*Lot of record:* A lot which 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, prior to the effective date of this 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.~~

~~*Lot width:* The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width between the front yard line and a point 30 feet to the rear of the front yard line. On cul-de-sac lots and similarly shaped lots, the lot width shall be measured along a line tangent to and at the midpoint of the front yard 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 measured along a line parallel to and 30 feet to the rear of a chord drawn between the opposite ends of the front yard line.~~

~~*Manufacturing establishment, general:* An establishment, the principal use of which is manufacturing, fabricating, processing, assembling, repairing, storing, cleaning, servicing or testing of materials, goods or products.~~

~~*Manufacturing establishment, limited*: Manufacturing 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 district 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.~~

~~*Marquee or canopy:* A roof-like structure of a permanent nature which projects from the wall of a building.~~

~~*Massage therapy establishment:* An establishment where, for any form of consideration, message, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered by a massage therapist who is licensed by the state pursuant to 225 ILCS 57/10. The following services are not considered massage or related therapies under this definition, but instead are classified within a medical/dental clinic use; massage treatment administered by a licensed medical practitioner (physician), licensed physical therapists, chiropractors, acupuncturists or other holistic medical practitioners, or similar medical professional licensed by the state.~~

~~*Medical cannabis dispensing organization, or dispensing organization, or dispensary organization:* A facility operated by an organization or business that is registered by the department of financial and professional regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualified patients.~~

~~*Medical or dental clinic:* A facility operated by one or more licensed physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies and physical therapy offices.~~

~~*Microbrewery*: A brewery that produces less than 15,000 barrels of beer per year with 75 percent or more of its beer sold off-site.~~

~~*Motel:* An establishment consisting of a group of attached or detached lodging rooms with bathrooms, and where more than 50 percent of the lodging rooms are occupied or designed for occupancy by transient automobile tourists. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone, secretarial and desk service, and the use and upkeep of furniture. Cooking facilities shall not be included in any of the lodging rooms, but one dwelling unit may be included for occupancy by the owner or manager of the motel.~~

~~*Motor freight terminal:* A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.~~

~~*Motor home:* A vehicle which can be driven and which is designed and constructed for dwelling purposes and which may contain cooking, sanitary and electrical facilities.~~

~~*Nonconforming building or structure:* Any building or structure lawfully established which:~~

~~(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:* 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.~~

~~*Nursery, child care* or *school:* An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.~~

~~*Nursing home:* A home for aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three or more persons not members of the family residing on the premises are received, and provided with food, shelter and care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness. A nursing home also includes rehabilitation housing for released mental or alcoholic patients where medical treatment is not provided and no longer deemed necessary.~~

~~*Open sales lot:* Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors prior to 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 recreation:* Outdoor recreation includes one or more of the following uses: Riding clubs, polo fields, horse shows, hunter trials and other equestrian sports; conservation clubs; Girl Scout and Boy Scout lodges or clubhouses; private parks or playgrounds; archery ranges; and other outdoor recreation uses as approved by the village board, and accessory uses, buildings and structures such as off-street parking and loading facilities, administration, maintenance and clubhouse buildings.~~

~~*Outdoor storage*: Any open storage of goods, equipment, materials, or vehicles which 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 which is accessible to and from a street or alley.~~

~~*Party wall:* A common wall which extends from its footing below grade to the underside of the roof and divides buildings.~~

~~*Pennant:* A long, narrow, usually, but not necessarily, triangular flag.~~

~~*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.~~

~~*Performing arts studio:* An establishment housing a school or instructional facilities for dancing, music, both instrumental and voice, drama and stagecraft. This shall not include use for performances given to the public whether for fee or practice.~~

~~*Physical culture and health services:* Physical culture and health services includes activities conducted by licensed physicians as well as full service health clubs providing bodybuilding and weight-reducing equipment, swimming, gymnasium and locker facilities, but does not include massage parlors, leisure spas or public baths.~~

~~*Planning and zoning commission:* The planning and zoning commission of the village, as created in chapter 2 of the Village Code.~~

~~*Planned development:* A lot initially under unified ownership or control within which allowable exceptions in the district regulations are specified.~~

~~*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 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.~~

~~*Religious institution:* A church, temple, synagogue, convent, monastery, seminary, or similar establishment representing a religion as recognized by the Illinois Attorney General and/or Internal Revenue Service.~~

~~*Resale/consignment stores:* Retail stores which offer higher-end used clothing, furniture and accessories for sale or for sale on a consignment basis, but excluding rummage shops, including not for profit rummage shops.~~

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

~~*Reservoir standing spaces:* Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.~~

~~*Retail copy/blueprinting shops:* Shops which provide copying, blueprinting and related services and retail sales to individuals and businesses, but excluding commercial copy, printing, publishing businesses and related businesses.~~

~~*Roadway:* That portion of a street which 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:* The minimum horizontal distance between a street line and the nearest wall of a building or side of a structure facing such street line.~~

~~*Sign:* A name, identification, description, illustration, display or device which is affixed to, painted or represented upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business. For purpose of definition, a sign structure may be single-face or double-face. However, a sign shall not include any display of any court, public or official notice, nor shall it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign shall 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 animation:* The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns, changing intensity of light, or expanding or contracting shapes.~~

~~*Sign, advertising:* A structure including a billboard on which is portrayed information which directs attention to a business, commodity, service or entertainment or other activity not related to a use on the lot upon which the sign structure is located.~~

~~*Sign, affixed:* A sign which is affixed to any building wall or structure and extends beyond the building wall or parts thereof or structure.~~

~~*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, flashing:* An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use.~~

~~*Sign, gross surface area of:* The entire area within a single continuous perimeter enclosing the extreme limits of a sign.~~

~~*Sign, ground:* A sign which is supported by one or more uprights or braces in or upon the ground.~~

~~*Sign, illuminated:* Any sign directly lighted by any electrical light source, internal or external.~~

~~*Sign, temporary:* A sign intended by design or construction to be mobile or easily disassembled, that does not meet the construction standards of article XI of this ordinance, and remains in one location longer than 24 hours.~~

~~*Sign, roof:* A sign erected, constructed and maintained above the roof of any building.~~

~~*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 Westmont Code of Ordinances.~~

~~*Smoke:* The visible discharge from a chimney, stack, vent, exhaust or combustion process which 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.~~

~~*Story:* That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there is not more than four feet difference in elevations between the different levels of the floor. A basement shall be counted as a story and a mezzanine floor shall be counted as a story when it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.~~

~~A floor of a building used entirely for off-street loading shall not be counted as a story.~~

~~*Story, half:* A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for~~

~~residence purposes other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full 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 which 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 shall be not less than 40 feet in width, unless otherwise herein regulated. An alley shall not be considered a street.~~

~~*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 along one side of the street between an intersecting street and the end of such dead-end 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, 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.~~

~~*Tavern:* An establishment where liquors are sold to be consumed on the premises but not including restaurants where the principal business is the serving of food.~~

~~*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 lounges and bars:* A business which is primarily engaged in retail sales of tobacco and vape products for on-site consumption or which is otherwise primarily engaged in allowing on-site consumption of tobacco and vape products. Examples include hookah bars/lounges and cigar bars/lounges.~~

~~*Tobacco and vape products:* Any product (a) 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 (b) 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 does not include cannabis or marijuana products.~~

~~*Tobacco and vape retail stores:* A business which derives more than 50 percent of its sales from the sale of tobacco and vape products for off-site consumption.~~

~~*Tower, amateur radio antenna:* A tower used for mounting "antenna - amateur radio".~~

~~*Tower, freestanding, wireless telecommunication:* (also referred to as a "cell tower"). A structure intended to support antenna 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.~~

~~*Tower, receive only antenna:* A tower used for mounting "antenna - broadcast band, receive only".~~

~~*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 which 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 which 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 percent 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, accessory:* An accessory use is one which is incidental to the dominant use of the premises.~~

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

~~*Use, nonconforming:* See Nonconforming use.~~

~~*Use, permitted:* Any use which is or may be lawfully established without a special use permit in a particular district or districts, provided it conforms with all requirements and regulations of this 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 which, 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 designed to be operated by the customer and which dispenses merchandise or a product as distinguished from a service or an amusement device.~~

~~*Vibration:* The periodic displacement, measured in inches, of earth at designated frequency, cycles per second.~~

~~*Video gaming*: The ownership, placement, maintenance, operation or use of a video gaming terminal in a public place, fraternal or veterans' establishment, as defined by the Video Gaming Act (230 ILCS 40/1 et seq.) including any subsequent amendments thereto.~~

~~*Village:* The Village of Westmont, Illinois.~~

~~*Village board:* 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.~~

~~*Wireless telecommunication*: The transmission and reception of radio or electromagnetic signals authorized by the Federal Communications Commission.~~

~~*Yard:* An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance.~~

~~*Yard, front:* A yard which 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 which 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 shall 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 ordinance.~~

~~*Yard, rear:* A yard which is bounded by side lot lines, rear lot line and the rear yard line.~~

~~*Yard, side:* A yard which is bounded by the rear yard line, front yard line, side yard line and side lot line.~~

~~*Yard, side, adjoining a street:* A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.~~

~~*Yard, interior side:* A side yard which 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 into which the Village of Westmont, Illinois, has been divided for zoning regulations and requirements as set forth on the zoning district map.~~

~~(Ord. No. 82-6, 2-1-1982; Ord. No. 83-4, 1-3-1983; Ord. No. 84-5, 1-16-1984; Ord. No. 85-16, § 1, 2-4-1985; Ord. No. 88-26, 3-7-1988; Ord. No. 88-38, § 7, 3-21-1988; Ord. No. 88-72, 9-6-1988; Ord. No. 94-14, § 5, 2-21-1994; Ord. No. 95-41, § 4, 6-19-1995; Ord. No. 98-02, §§ 6, 7, 1-19-1998; Ord. No. 98-108, § 3, 10-5-1998; Ord. No. 99-16, § 1(G), 2-1-1999; Ord. No. 01-118, § 2, 10-1-2001; Ord. No. 02-07, § 4, 1-21-2002; Ord. No. 02-38, § 3, 5-6-2002; Ord. No. 06-168, § 2, 9-5-2006; Ord. No. 06-170, § 1, 9-5-2006; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 07-103, § 1, 6-4-2007; Ord. No. 07-160, § 1, 10-15-2007; Ord. No. 07-161, § 2, 10-15-2007; Ord. No. 09-58, § 2, 5-4-2009; Ord. No. 13-109, § 1, 6-3-2013; Ord. No. 13-217, § 1, 11-26-2013; Ord. No. 14-114, § 1, 6-26-2014; Ord. No. 15-156, § 8, 10-1-2015; Ord. No. 16-008, § 3, 1-21-2016; Ord. No. 16-039, § 1, 3-3-2016; Ord. No. 19-115, § 2, 7-18-2019; Ord. No. 19-154, § 7, 10-24-2019; Ord. No. 19-155, § 7, 10-24-2019; Ord. No. 19-174, § 2, 12-19-2019; Ord. No. 20-010, § 2, 2-13-2020; Ord. No. 20-030, § 3, 3-26-2020; Ord. No. 20-073, § 4, 7-16-2020; Ord. No. 21-27, § 2, 3-25-2021; Ord. No. 21-145, § 2, 12-2-2021; Ord. No. 22-002, § 2, 1-13-2022; Ord. No. 22-009, § 2, 1-27-2022; Ord. No. 22-45, § 3, 4-21-2022)~~

DRAFT AMENDMENT LANGUAGE

(amendments are indicated by underlined and shaded text; deletions are indicated by ~~strikeouts~~):

CHAPTER 95 - ZONING

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 and Structures 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

Appendix A: Recommended Trees and Shrubs A-1

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Detailed Contents

Article I Introductory Provisions I-1

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

Article II Residential Districts II-1

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

Article III Business and Employment Districts III-1

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

Article IV Downtown Zoning Districts IV-1

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

Article V Special Purpose Zoning V-1

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

Article VI Principal Uses VI-1

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

Article VII Accessory and Temporary Uses and Structures VII-1

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-9
Sec. 7.12 Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor) VII-11
Sec. 7.13 Flagpoles VII-11
Sec. 7.14 Business Vehicles VII-11
Sec. 7.15 Garages and Carports VII-12
Sec. 7.16 Generators VII-12
Sec. 7.17 Geothermal Heat Exchange Systems VII-12

Sec. 7.18 Home Occupations VII-13
Sec. 7.19 Manufacturing Accessory Uses VII-14
Sec. 7.20 Outdoor Accessory Uses VII-15
Sec. 7.21 Recreational Vehicles and Equipment VII-16
Sec. 7.22 Solar Energy Systems VII-16
Sec. 7.23 Swimming Pools and Hot Tubs VII-17
Sec. 7.24 Temporary Storage Units VII-17
Sec. 7.25 Tents VII-18
Sec. 7.26 Vending Machines VII-18
Sec. 7.27 Wind Energy Conversion Systems (WECSs) VII-18

Article VIII Wireless Telecommunications Facilities VIII-1

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

Article IX Parking IX-1

Sec. 9.01 General IX-1
Sec. 9.02 Minimum Parking Requirements IX-2
Sec. 9.03 Calculation of Required Parking IX-3
Sec. 9.04 Parking Exemptions and Reductions IX-4
Sec. 9.05 Location of Off-Street Parking IX-6
Sec. 9.06 Use of Required Off-Street Parking Areas IX-7
Sec. 9.07 Parking Area Design IX-7
Sec. 9.08 Accessible Parking IX-9
Sec. 9.09 Stacking Spaces for Drive-Through Facilities IX-9
Sec. 9.10 Off-Street Loading IX-10

Article X Tree Preservation and Landscaping X-1

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

Article XI Signs XI-1

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-6
Sec. 11.05 Additional Regulations for Specific Sign and Site Types XI-7
Sec. 11.06 Construction Standards XI-10
Sec. 11.07 Maintenance XI-11
Sec. 11.08 Abandoned Signs XI-11
Sec. 11.09 Nonconforming Signs XI-11
Sec. 11.10 Permits XI-11
Sec. 11.11 Sign-Related Measurements XI-11

Article XII General Development Regulations XII-1

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

Article XIII Nonconformities XIII-1

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

Article XIV Review and Approval Procedures XIV-1

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-21
Sec. 14.08 Certificates of Occupancy XIV-21
Sec. 14.09 Appeals XIV-21

Article XV Administration and Enforcement XV-1

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

Article XVI Measurements **XVI-1**
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
Article XVII Definitions **XVII-1**
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
Appendix A: Recommended Trees and Shrubs **A-1**

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Tables

Table II-1: Residential Zoning Districts II-1
Table II-2: R District Lot and Building Regulations II-1
Table III-1: Business and Employment Zoning Districts III-1
Table III-2: Business and Employment District Lot and Building Regulations III-1
Table IV-1: Downtown Zoning Districts IV-1
Table IV-2: Allowed Building Types (Downtown Districts) IV-1
Table IV-3: Allowed Major Facade Materials by Building Type [minimum 65% of facade] IV-16
Table IV-4: Allowed Minor Facade Materials [maximum 35% of facade]* IV-16
Table IV-5: Roof Regulations IV-20
Table V-1: B-3 District Lot and Building Regulations V-1
Table V-2: P/I Lot and Building Regulations V-3
Table VI-1: Table of Allowed Uses VI-2
Table VII-1: Allowed Setback Encroachments and Obstructions VII-3
Table IX-1: Minimum Motor Vehicle Parking Requirements IX-2
Table IX-2: Parking Lot Layout (Dimensions in Feet) IX-7
Table IX-3: Drive-through Stacking Space Requirements IX-9
Table IX-4: Off-Street Loading Space Requirements IX-10
Table XI-1: Allowed Signs XI-6
Table XII-1: Maximum Fixture Heights XII-4
Table XIV-1: Review and Decision-making Authority Summary Table XIV-1
Table XVII-1: Abbreviations XVII-1

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Figures

Figure IV-1: Storefront Building Examples IV-4
Figure IV-2: Storefront Building Siting IV-5
Figure IV-3: Storefront Building Height and Street Facade IV-6
Figure IV-4: General Building Examples IV-7
Figure IV-5: General Building Siting IV-8
Figure IV-6: General Building Height and Street Facades IV-9
Figure IV-7: Row Building Examples IV-10
Figure IV-8: Row Building Siting IV-11
Figure IV-9: Row Building Height and Street Facades IV-12
Figure IV-10: Facade Materials IV-17
Figure IV-11: Storefront Entrance Example IV-19
Figure IV-12: Stoop Entrance Example IV-19
Figure IV-13: Porch Entrance Example IV-19
Figure IV-14: Roof Types IV-21
Figure IV-15: Vertically Oriented Windows IV-22
Figure IV-16: Awning Examples IV-23
Figure IV-17: Shutter Examples IV-24
Figure IV-18: Principal Entryways IV-25
Figure IV-19: Building Articulation IV-26
Figure IV-20: Mechanical Equipment IV-28
Figure VII-1: Open-Design Fence (Example) VII-10
Figure IX-1: Parking Lot Layout IX-8
Figure IX-2: Tandem Parking IX-9
Figure XI-1: Sign Area Measurement (Signs in Cabinets or Frames) XI-12
Figure XI-2: Sign Area Measurement (Individual Letter Signs) XI-12
Figure XI-3: Non-Planar Sign Measurement XI-12
Figure XI-4: Multi-Sided Signs XI-13
Figure XI-5: Sign Height Measurement XI-13
Figure XI-6: Measurement of Window Area XI-14
Figure XII-1: Canopy Lighting XII-2
Figure XII-2: Ful Cutoff Light Fixture XII-3
Figure XII-3: Light Trespass Along Property Line XII-3
Figure XII-4: Light Fixture Examples XII-5
Figure XII-5: Visibility Triangle at Street Intersections XII-6
Figure XII-6: Visibility Triangle at Alley and a Street and Driveway and a Street Intersections XII-7
Figure XIV-1: Calculation of Mailed Notice Radius XIV-4
Figure XIV-2: Zoning Ordinance Text and Map Amendment Process (Generally) XIV-5
Figure XIV-3: Development Plan Approval Process (Generally) XIV-8
Figure XIV-4: Special Use Process (Generally) XIV-12
Figure XIV-5: Major Site Process (Generally) XIV-16
Figure XIV-6: Administrative Site Process (Generally) XIV-17
Figure XIV-7: Variance Process XIV-18
Figure XIV-8: Appeals of Administrative Decisions (Generally) XIV-22

Figure XVI-1: Setbacks from Curvilinear Lot Lines XVI-2
Figure XVI-2: Side (Interior) Setback Measurement XVI-2
Figure XVI-3: Rear Setback Measurement XVI-3
Figure XVI-4: Setbacks from Multiple Rear Lot Lines XVI-3
Figure XVI-5: Rear Setback Measurement When There is No Rear Lot Line XVI-3
Figure XVI-6: Contextual Setbacks (1) XVI-4
Figure XVI-7: Contextual Setbacks (2) XVI-5
Figure XVI-8: Contextual Setbacks (3) XVI-5
Figure XVI-9: Contextual Setbacks (4) XVI-6
Figure XVI-10: Contextual Setbacks (5) XVI-6
Figure XVI-11: Streetwall Measurement XVI-7
Figure XVI-12: Transparency Measurement XVI-8
Figure XVI-13: Blank Wall Segments XVI-9
Figure XVI-14: Building Entrances XVI-9
Figure XVI-15: Basements and Visible Basements XVI-10
Figure XVI-16: Building Height Measurement (Stories) XVI-10
Figure XVII-1: Caliper (Tree) Measurement XVII-4
Figure XVII-2: Diameter at Breast Height (DBH) XVII-5
Figure XVII-3: Dripline (of a Tree) XVII-5
Figure XVII-4: Hoop House XVII-8
Figure XVII-5: Reversed Corner Lot XVII-10
Figure XVII-6: Feather Sign XVII-13
Figure XVII-7: Rear Yard XVII-17
Figure XVII-8: Side Yard XVII-17

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Article 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

Sec. I.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. I.02 Authority

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

Sec. I.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.

Sec. I.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. I.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 a public utility under the jurisdiction of the Illinois Commerce Commission, a semi-public utility, or the village , 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. I.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. I.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. I.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. I.09 Conflicting Provisions

(A) Conflict with State or Federal Regulations

If any provisions of this zoning ordinance are inconsistent with 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..

(B) Conflict with Other Village Regulations

If the provisions of this zoning ordinance are inconsistent with one another or if they conflict 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. I.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. I.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. I.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) 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.

(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. I.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.

(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 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 zoning ordinance in effect at the time the violation occurred.

Sec. I.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. II.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. II.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. II.03 Uses

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

Sec. II.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. II.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	50	50	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
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	50	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	50	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
Minimum Building Setbacks							
Detached House							

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) [4][5]	35	50	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	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	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							
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	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
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	18	18	18	18	18	18	18

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.

[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 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 40 feet.

[6] Lot coverage of up to 40% 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 may be erected to a height not exceeding 75 feet if the building is set back from each minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise applicable in the subject zoning district.

Sec. II.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.

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. III.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
		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. III.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. III.03 Uses

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

Sec. III.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					
	O/R-1	O/R	B-2	C-1	M-1	M
Minimum Lot Area (sq. ft.)	7,500	20,000	None [1]	None [1]	10,000	20,000
Minimum Lot Width (feet)	50	100	None [1]	None [1]	None [1]	100
Minimum Building Setbacks						
Front/Street Side (feet	30	30	10[2]	10[2]	5	30
Interior Side (feet)	5 [5]	20 [4]	5 [3]	5 [3]	5 [6]	10 [7]
Rear (feet)	20 [5]	20 [4]	20	20	10 [6]	30 [7]
Maximum Building Height (feet) [7]	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 may be erected to a height not exceeding 75 feet if the building is set back from each minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise applicable in the subject zoning district.

Sec. III.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) Business 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.

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. IV.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. IV.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. IV.03 Uses

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

Sec. IV.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	–	–	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. IV.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. IV.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. IV.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. IV.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

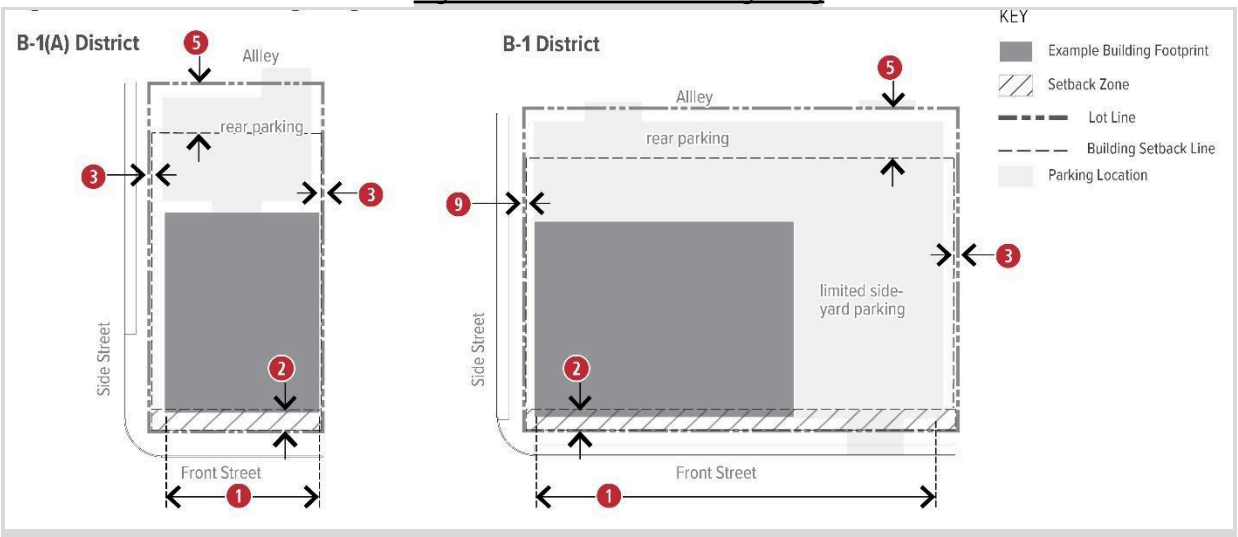
See Sec. 4.06 for regulations applicable to all building types.

(2) Regulations Specific to Storefront Buildings

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

Figure IV-1: Storefront Building Examples

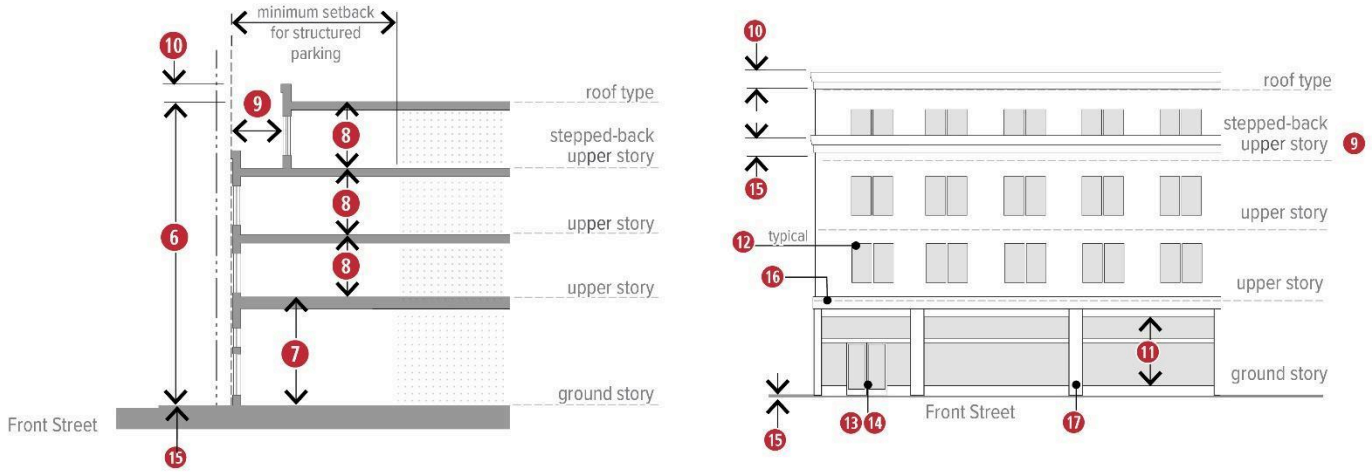
Figure IV-2: Storefront Building Siting



		Districts		
		B-1(A)	B-1	Additional/References
Building Siting. See Figure IV-2				
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 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 Max	2 5	1 3	Stories measured floor to floor. See also Sec. 16.13(A)(2) for height measurements. Total overall building height may not exceed 70 feet.
u	Ground-Story Height (ft.) Min Max	12 16		

		Districts		
		B-1(A)	B-1	Additional/References
i	Upper-Story Height (ft.) Min Max	8.5 15		
o	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				
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	
1^	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of the first story (running at least 80% of façade width)	
1&	Vertical Divisions with Shadow Lines	One per every 30 to 60 ft. of ground-story street facade	

Sec. IV.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

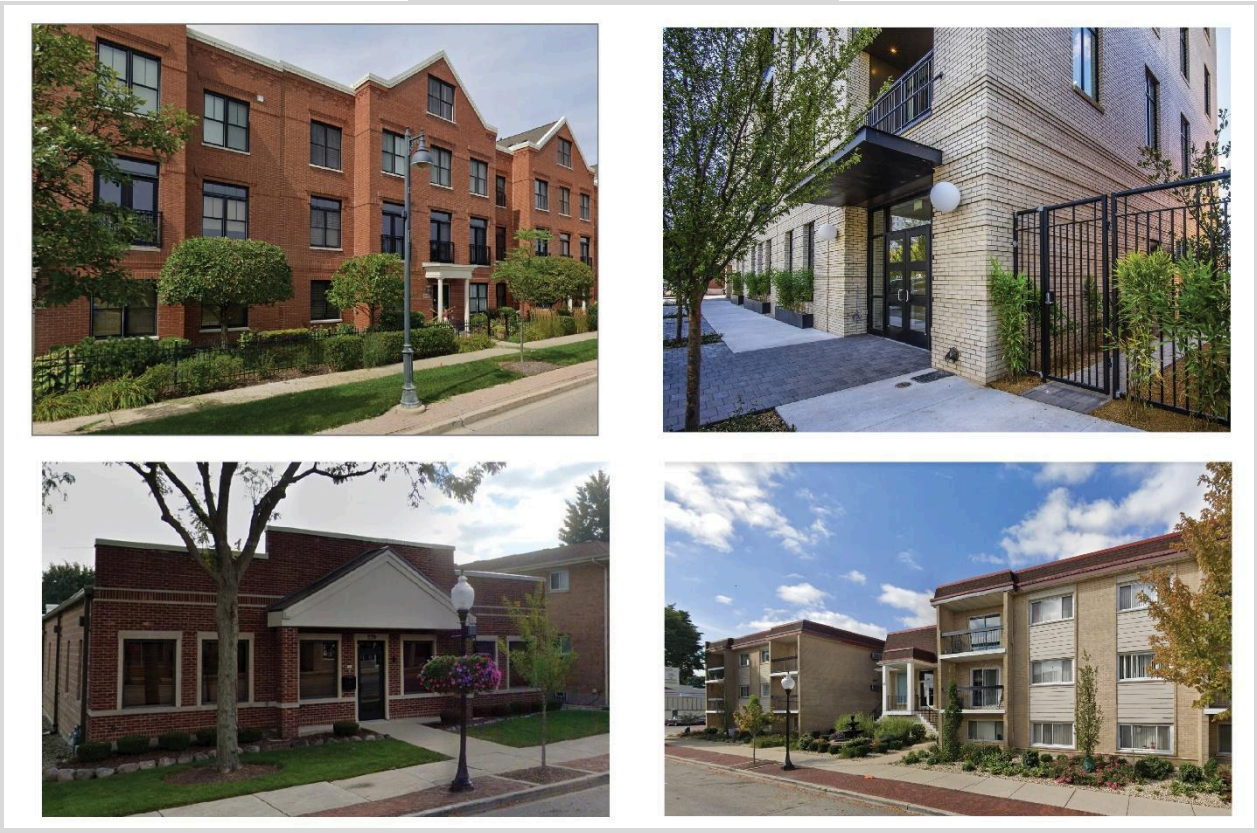
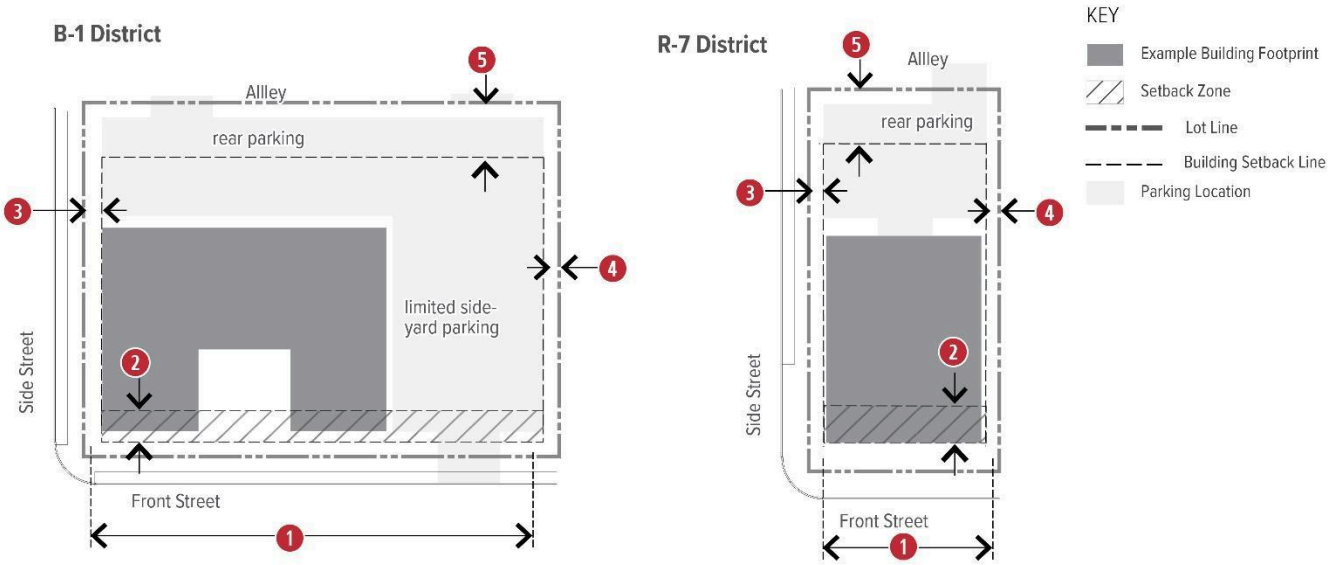


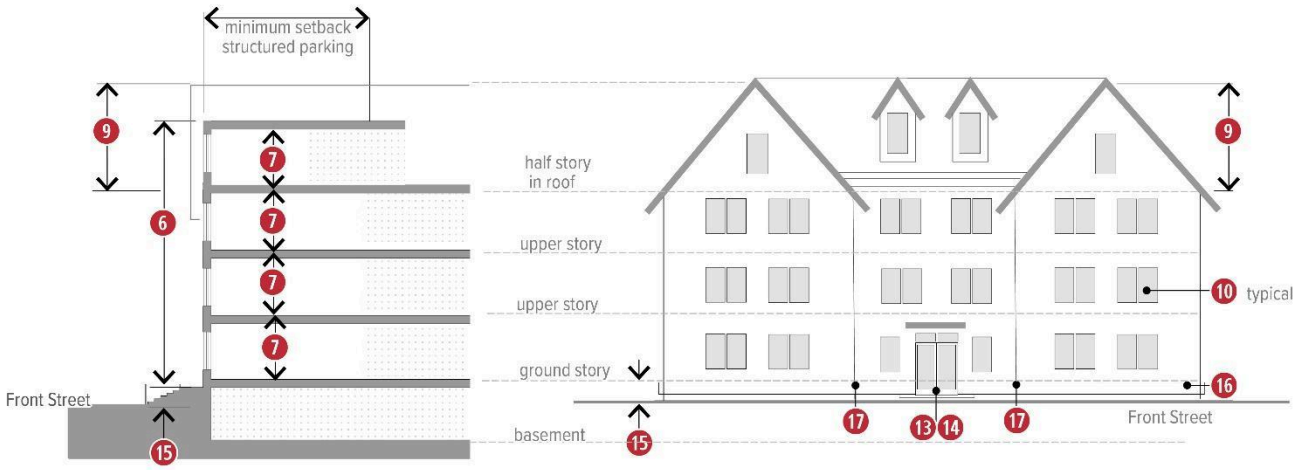
Figure IV-5: General Building Siting



		Districts		
		B-1	R-7	Additional/References
Building Siting. See Figure IV-5				
q	Minimum Front Streetwall (%)	65	–	See Sec. 16.10(C) for additional information on courtyards abutting the build-to zone.
	Maximum Building Width (ft.)	–	120	
w	Front Street Build-to Zone (ft.), minimum to maximum	5 to 20	10 to 25	
e	Minimum Side-Street Setback (ft.)	5	10	
r	Minimum Side Setback (ft.)	abutting R district: 5 abutting non-R district: 0 or 5	abutting R district: 10 abutting non-R district: 5	
t	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				
y	Overall Height (stories) Min Max	1 3.5	2 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.
u	Upper-Story Height (ft.) Min Max	8.5 11		
Roofs. See Figure IV-6				
o	Allowed Roof Types	Flat, parapet, pitched; tower allowed	Flat, parapet, pitched	See Sec. 4.12(D) for additional information on roof design.
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).				
1)	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		
1#	Building Entrance (Min)	One per every 120 feet of front facade		See Sec. 16.12 for measurements.

		Districts		
		B-1	R-7	Additional/References
1$	Entrance Type	Stoop	Stoop, porch	See Sec. 4.12(C) for entrance types.
h	Ground-Story Elevation (ft)	Between 0 and 2.5 above grade or between 2.5 and 4 with a visible-basement half-story		
1^	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)		
1&	Vertical Divisions with Shadow Lines	One per every 90 ft. of ground-story street facade		

Figure : General Building Height and Street Facades



Sec. IV.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

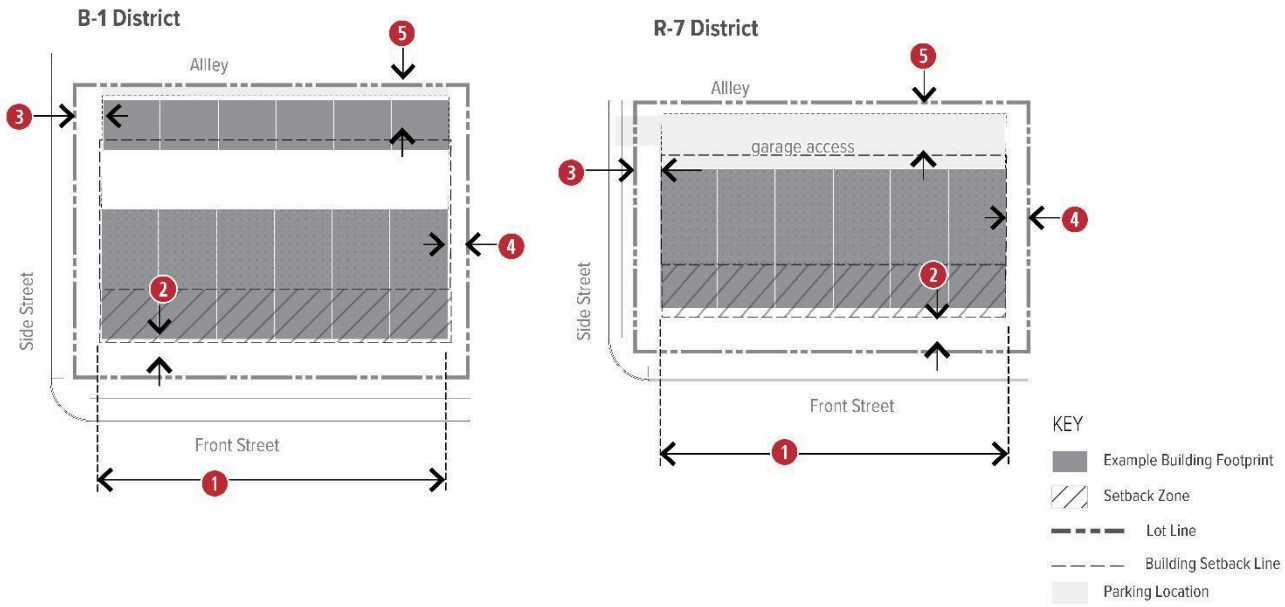
See Sec. 4.06 for regulations applicable to all building types.

(2) Regulations Specific to Row Buildings

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

Figure IV-7: Row Building Examples

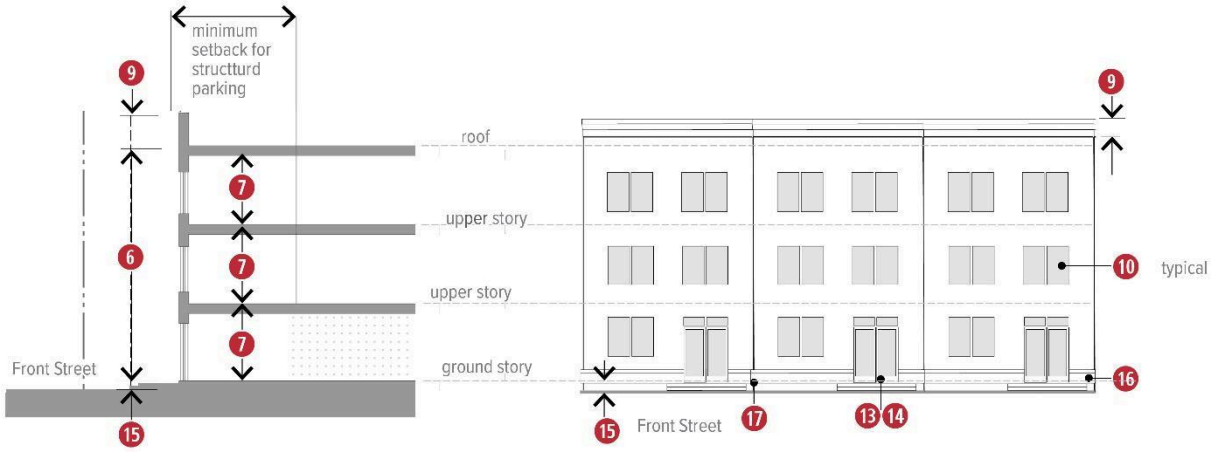
Figure : Row Building Siting



		Districts	
		R-7	Additional/References
Building Siting. See Figure IV-8			
q	Maximum Building Width (units) minimum maximum	2 8	
	Maximum Building Width (ft.)	160	
w	Minimum Front Setback (ft.)	10	
e	Minimum Side-Street Setback (ft.)	10	
r	Minimum Side Setback (ft.)	5	
t	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			
y	Overall Height (stories) Min Max	2 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.
u	Story Height (ft.) Min Max	8.5 12	

		Districts	
		R-7	Additional/References
Roofs. See Figure IV-9			
o	Allowed Roof Types	Flat, parapet, pitched; tower allowed, maximum one per building	See Sec. 4.12(D) for additional information on roof design.
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).			
1)	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	
1#	Building Entrance Location	One per unit on front facade	See Sec. 16.12 for measurements.
1$	Entrance Type	Stoop, porch	See Sec. 4.12(C) for entrance types.
h	Ground-Story Elevation (in.)	Between 0 and 30 above grade or between 30 and 48 with a visible-basement half-story	
1^	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)	
1&	Vertical Divisions with Shadow Lines	One per unit on front facade	

Figure : Row Building Height and Street Facades



Sec. IV.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. IV.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 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 full dimensional, economy, unit, face brick	A	A
B	Concrete Masonry Units 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 finished lap siding, board & batten, or shingles	--	A
D	Stone natural, units	A	A
E	Wood 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 finished, stained, painted, treated	L	L	Below ground story & first 3 feet of ground story only
F	Concrete Masonry Units minimum 3" depth, split-faced, burnished/ground face, glazed, or honed	A	--	--
G	Glass System	A	A	--
H	Metal Architectural 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 cement-based, 2-3 layer hard coat, synthetic, or with elastomeric finishes	L	L	Only 2nd or higher stories
	Terra Cotta or Ceramic tiles or panels	A	A	--
	Vinyl & PVC Siding minimum .040 inch thickness	--	A	--
J	Wood, Composite 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 : Facade Materials

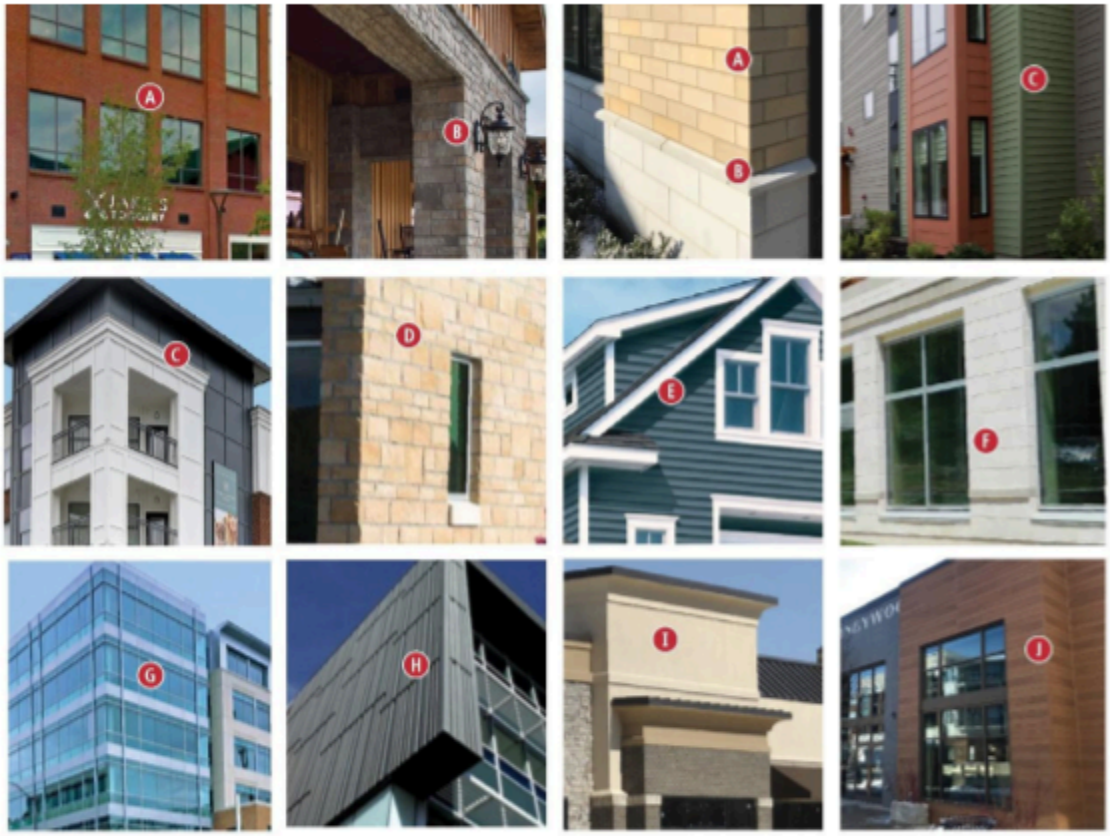


Table IV-5: Allowed Detail & Accent Materials

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

K	**Concrete Details** precast stone ornamentation, lintels, sills, banding, columns, beams
	Fiber Cement Details trim, soffits
L	**Metal Details** trim,soffits, ornamentation, lintels, beams, columns
	Wood and Wood Composite Details painted/treated trim, soffits, other approved details
M	**Vinyl Details** 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

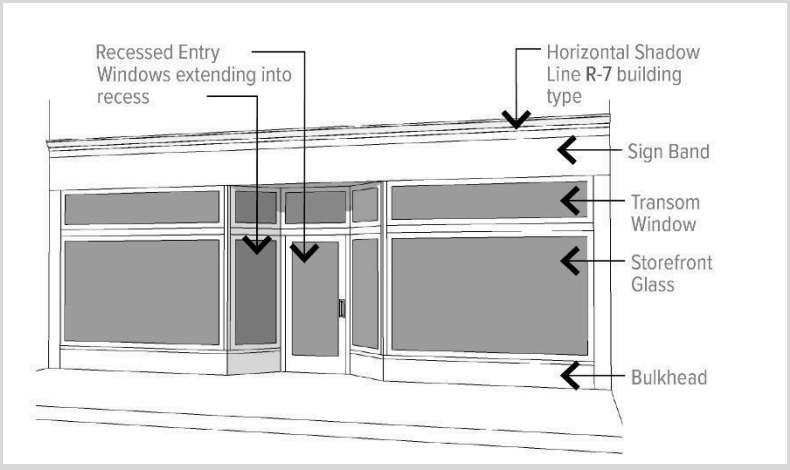


Figure IV-12: Stoop Entrance Example

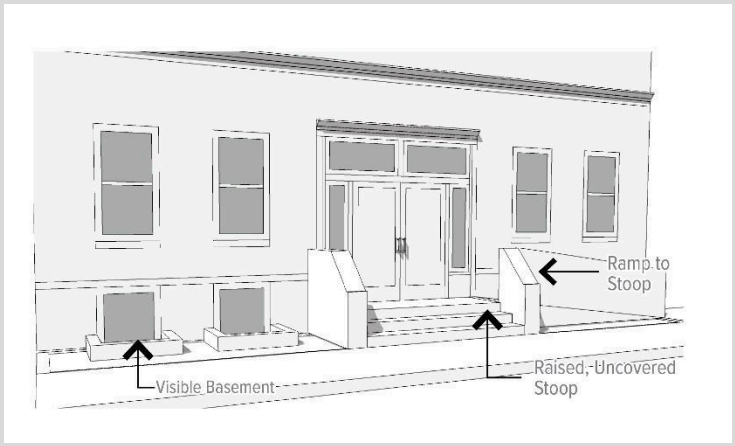
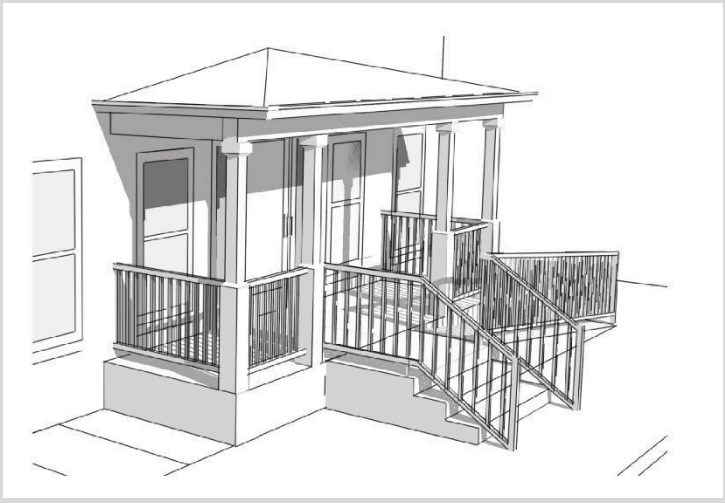


Figure IV-13: Porch Entrance Example



(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		
q	Minimum Permitted Pitch Maximum Permitted Pitch	6:12; 3:12 allowed above 3 stories 16:12
w	Permitted Configurations	Hipped, gabled, gambrel and butterfly roofs are allowed
e	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.
r	Maximum Cap Height	Single story: no more than 1.5 times the height of the upper story 2 or more stories: no more than the height of the upper story
Parapet Roofs		
t	Parapet Height (feet)	Min. 2; max. 6
y	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		
u	Configuration	No visible slope from the street and eaves required on along all street-facing facades.
i	Minimum Eave Depth (in.)	14, measured from the building facade to the outside edge of the eave
o	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)		
u	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.
i	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

o	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.
o	Tower Roof	The tower must be roofed by a roof type defined in this section.

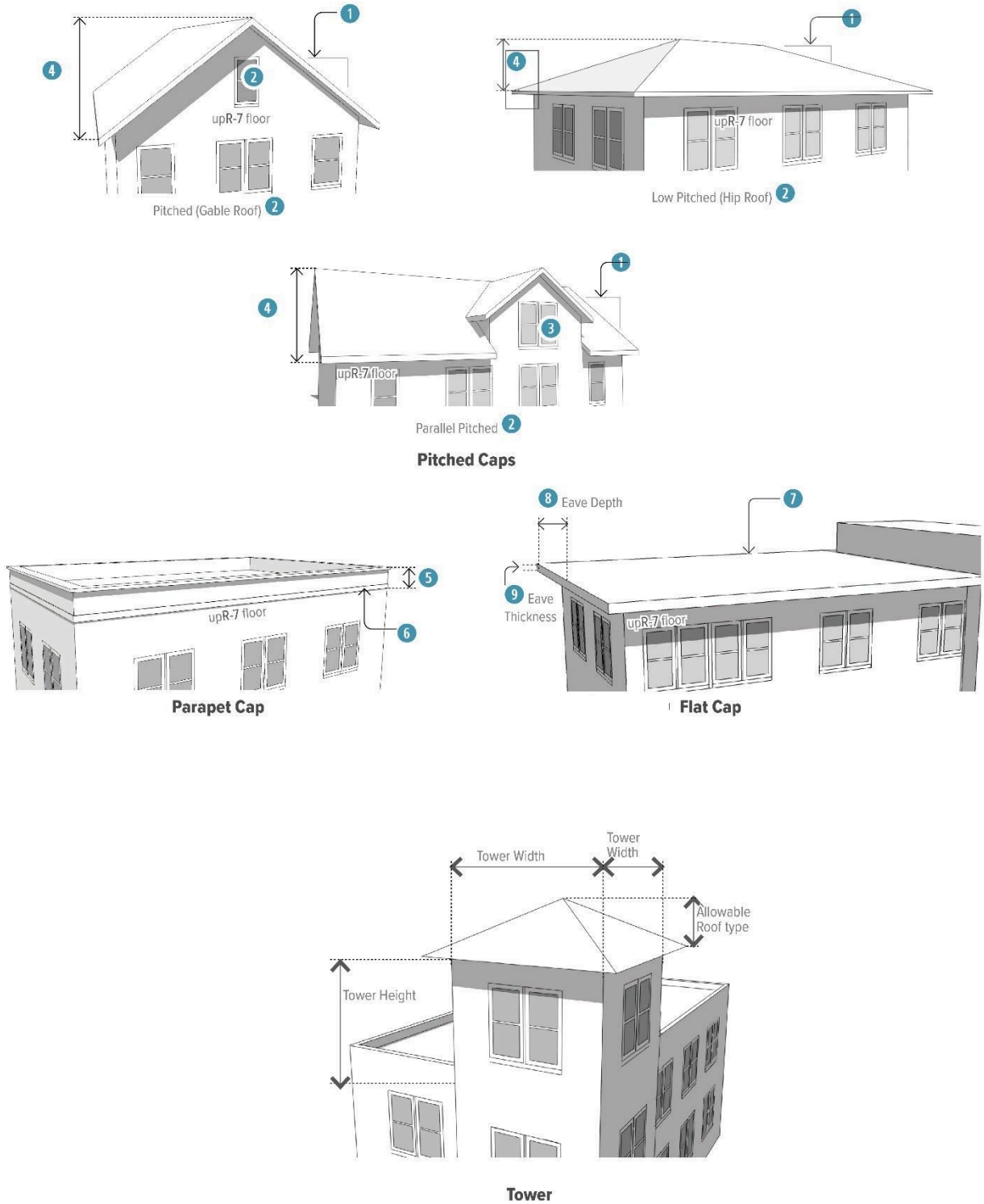


Figure IV-14: Roof Types

(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 : 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 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

Figure : Awning Examples

Metal Awning

Canvas Awning

outdoor eating areas or lobby entrances.

(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 : 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.

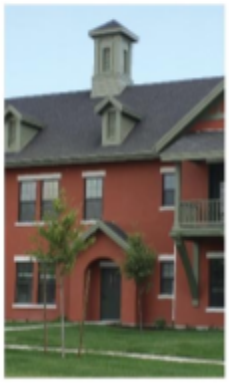
(d) Extended Articulation

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 : 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 : 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 : Mechanical Equipment

Rooftop Utilities Screened from the Public Way by a Parapet

(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.

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. V.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

Lot and Building Regulations	District B-3
Nonresidential Development	
Minimum Lot Width (feet)	75
Minimum Building Setbacks (feet)	
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. V.02 P/I, Public and Institutional District

(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.

(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)	None
Minimum Lot Width (feet)	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 may be erected to a height not exceeding 75 feet if the building is set back from each minimum setback line at least one foot for each one foot of additional building height above the maximum height limit otherwise applicable in the subject zoning district.

(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. V.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. V.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. VI.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																		
USE GROUP Category Subcategory	R-1	R-1A	R-2	R-3	R-4	R-5	R-6	R-7	B-1A	B-1	B-2	B-3	C-1	OR-1	OR	M-1	M	P/I	Supplemental Regulations
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	–	–	–	–	–	–	
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	–	–	–	–	–	–	–	–	P	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]	–	–	–	–	–	–	–	–	
Eating and Drinking Place																			
Bar or Tavern	–	–	–	–	–	–	–	–	S [8]	S [8]	–	–	S	–	–	–	–	–	
Craft Alcoholic Beverage Dispenser	–	–	–	–	–	–	–	–	P	P	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																			

Uses	Districts																		Supplemental Regulations
USE GROUP Category Subcategory	R-1	R-1A	R-2	R-3	R-4	R-5	R-6	R-7	B-1A	B-1	B-2	B-3	O-1	O-R-1	O-S	M-1	M	P-1	
P = Permitted Use | S = Special Use Approval Required | – = Prohibited Use																			
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	–	–	–	
Office																			
Business or Professional Office	–	–	–	–	–	–	–	–	P	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]	–	–	–	S	–	
Minor Repair and Maintenance	–	–	–	–	–	–	–	–	–	S	S	–	S	–	S	S	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	S	–	
MANUFACTURING & INDUSTRY																			
Building Service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	–	
Catering Service	–	–	–	–	–	–	–	–	–	–	–	–	P	–	S	S	P	–	

Uses	Districts																		
USE GROUP Category Subcategory	R-1	R-1A	R-2	R-3	R-4	R-5	R-6	R-7	B-1A	B-1	B-2	B-3	O-1	O-R-1	O-R	M-1	M	P-1	Supplemental Regulations
P = Permitted Use | S = Special Use Approval Required | – = Prohibited Use																			
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)
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

Uses	Districts																		
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	O-1	O-R-1	O-R	M-1	M	P-1	Supplemental Regulations
P = Permitted Use | S = Special Use Approval Required | — = Prohibited Use																			
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 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. VI.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. VI.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. VI.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.

(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 “Minor 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. VI.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. VI.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.

(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. VI.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

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

(I) 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. 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. VI.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.

Article VII Accessory and Temporary Uses and Structures

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-9
Sec. 7.12 Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor) VII-11
Sec. 7.13 Flagpoles VII-11
Sec. 7.14 Business Vehicles VII-11
Sec. 7.15 Garages and Carports VII-12
Sec. 7.16 Generators VII-12
Sec. 7.17 Geothermal Heat Exchange Systems VII-12
Sec. 7.18 Home Occupations VII-13
Sec. 7.19 Manufacturing Accessory Uses VII-14
Sec. 7.20 Outdoor Accessory Uses VII-15
Sec. 7.21 Recreational Vehicles and Equipment VII-16
Sec. 7.22 Solar Energy Systems VII-16
Sec. 7.23 Swimming Pools and Hot Tubs VII-17
Sec. 7.24 Temporary Storage Units VII-17
Sec. 7.25 Tents VII-18
Sec. 7.26 Vending Machines VII-18
Sec. 7.27 Wind Energy Conversion Systems (WECSs) VII-18

Sec. VII.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. VII.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 the lot coverage, and accessory building separation requirements of this zoning ordinance, provided that:

(a) The combined, aggregate footprint of such small buildings does not exceed 50 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 18 feet in height or the height of the principal building on the lot, whichever is less.

Sec. VII.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.

(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.

(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. VII.04 Accessory Structures in Setbacks

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 Setback Encroachments and Obstructions

Obstruction/Encroachment		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 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	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 not to exceed 4 feet in height	No	Yes	Yes
(23)	Flagpole(see also 0)	Yes	Yes	Yes
(24)	Garage or carport (detached, freestanding) (see also Sec. 7.15)	No	Yes	Yes
(25)	Gazebo	No	No	Yes
(26)	Greenhouse, hoop house, or similar garden structure	No	No	Yes
(27)	Hen coop	No	No	Yes
(28)	Kitchen, outdoor (freestanding or attached to principal building) (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 (on an approved surface)	No	Yes	Yes

Obstruction/Encroachment		Setback		
		Street	Side	Rear
(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
(38)	Residential recreational structures, private	No	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)	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 (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	Yes	Yes	Yes

Sec. VII.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 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.

Sec. VII.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. VII.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. VII.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. VII.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

Approval must be obtained from the village before placement of a donation drop box outside of a principal building. Applications 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 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, 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 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. VII.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. VII.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).

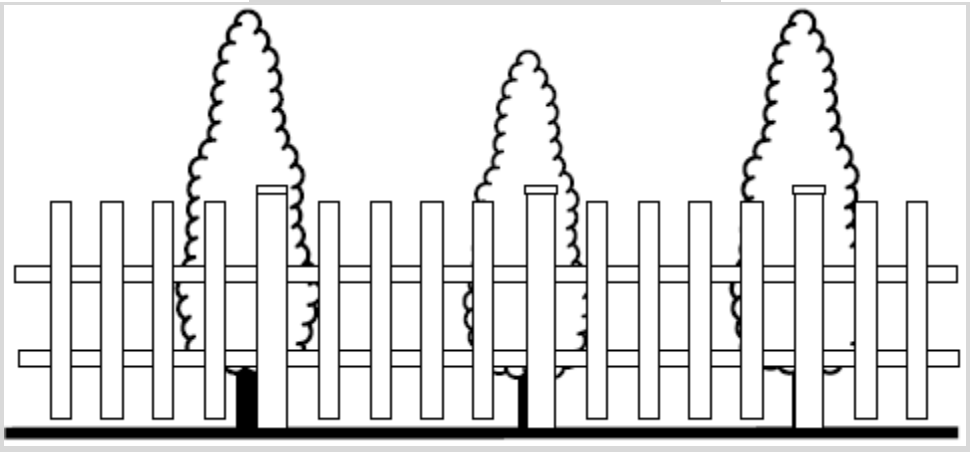
(2) Structural Elements

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.

(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 side yard fences up to 6 feet in height may encroach up to 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 5 feet from the street side lot line;

(b) The fence complies with all applicable sight vision triangle requirements of Sec. 12.05; and

(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

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. VII.12 Fireplaces, Grills, Kitchens, and Fire Pits (Outdoor)

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.

(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.

Sec. VII.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. VII.14 Business Vehicles

(A) The outdoor storage of 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 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) 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.

(F) 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 business vehicle storage.

(G) All business vehicles must comply with applicable village code provisions, including Chapter 78.

Sec. VII.15 Garages and Carports

(A) A maximum of one detached garage or one detached carport is allowed per lot in R zoning districts.

(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 18 feet in height or the height of the principal building on the lot, whichever is less.

(D) See also the residential driveway regulations of Sec. 9.07(A).

Sec. VII.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. VII.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. VII.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) 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.

(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 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 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. VII.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. VII.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.

(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. VII.21 Recreational Vehicles and Equipment

(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. VII.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.

(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. VII.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) 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.

Sec. VII.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.

(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 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

(E) Only non-toxic, non-flammable 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.

Sec. VII.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. VII.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. VII.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

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. VIII.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. VIII.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. VIII.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.

(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. VIII.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. VIII.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.

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-3
Sec. 9.04 Parking Exemptions and Reductions IX-4
Sec. 9.05 Location of Off-Street Parking IX-6
Sec. 9.06 Use of Required Off-Street Parking Areas IX-7
Sec. 9.07 Parking Area Design IX-7
Sec. 9.08 Accessible Parking IX-9
Sec. 9.09 Stacking Spaces for Drive-Through Facilities IX-9
Sec. 9.10 Off-Street Loading IX-10

Sec. IX.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. IX.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	3.33 per 1,000 sq. ft.
Consumer Service (except as below)	2.5 per 1,000 sq. ft.
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.

Use	Minimum Number of Spaces Required
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
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.
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.
MANUFACTURING & INDUSTRY	
Manufacturing & Industry (except as below)	1.10 per 1,000 sq. ft.
Craft Alcoholic Beverage Producer	0.5 per employee, plus 1 space per 100 sq ft of seating area
PUBLIC & INSTITUTIONAL	
College or University	See Sec. 9.03(G)
Community Garden	No minimum
Hospital	1 per bed
Library or Cultural Exhibit	1 per 600 sq. ft.
Parks and Recreation	
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 or in accordance with Sec. 9.03(G)
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. IX.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 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. IX.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) Expansions of existing multi-tenant centers must provide off-street parking in the minimum amount of 2.5 spaces per 1,000 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..

(e) New multi-tenant centers must provide parking at a rate of 2.5 spaces per 1,000 square feet.

(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. 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 1.1 spaces per residential dwelling unit.

(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.

(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. IX.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. IX.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. IX.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, 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 9 feet in width and 18 feet in depth, exclusive of access drives and aisles, except as otherwise expressly stated in this section.

(2) Accessible spaces must comply with dimensional standards of the Illinois Accessibility Code.

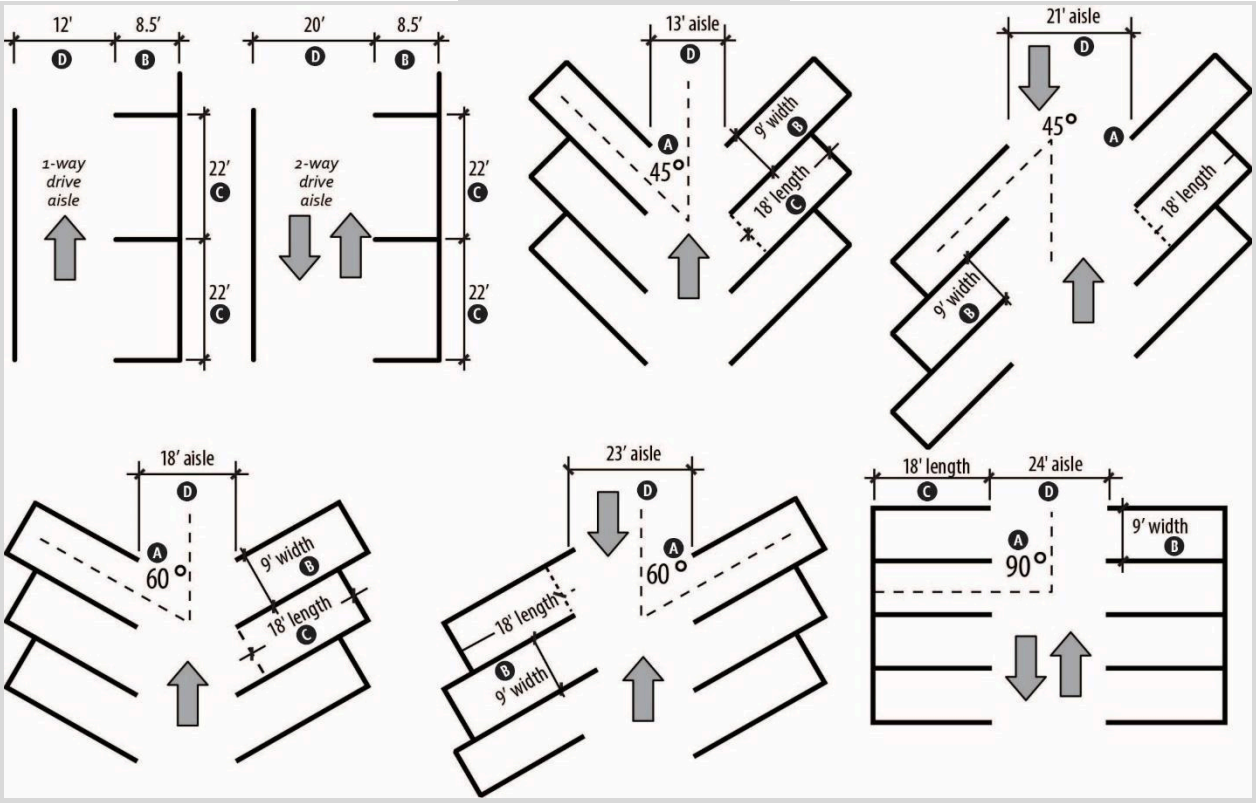
(C) Parking Lot Layout

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)

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



(D) Curbs

Concrete, barrier-type curbs must be provided for all parking lots containing 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.

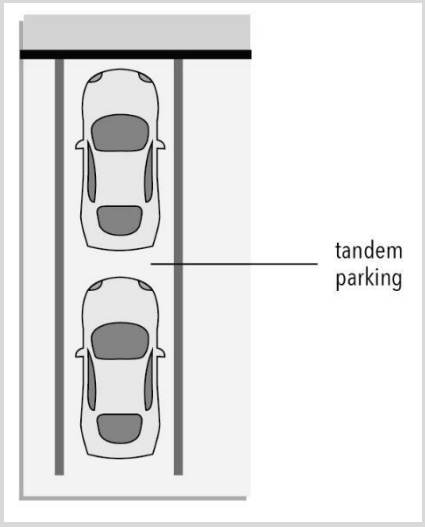
(G) Pavement Marking

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. IX.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. IX.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	5 (measured from vehicle entrance)
Drug store	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. IX.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
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. X.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. X.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. X.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. X.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. X.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 at least 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. X.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. X.07 Landscape Regulations

(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 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 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 site area required to be landscaped. Required shrubs must be at least 2 feet in height at time of planting.

(3) Foundation Plantings

(a) General

Foundation planting beds with a minimum width of 6 feet must be provided on all sides of the 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.

(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

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 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 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 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.

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.

(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.

(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) Alternative Compliance

(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:

(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.

(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.

(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

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-6
Sec. 11.05 Additional Regulations for Specific Sign and Site Types XI-7
Sec. 11.06 Construction Standards XI-10
Sec. 11.07 Maintenance XI-11
Sec. 11.08 Abandoned Signs XI-11
Sec. 11.09 Nonconforming Signs XI-11
Sec. 11.10 Permits XI-11
Sec. 11.11 Sign-Related Measurements XI-11

Sec. XI.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 over noncommercial speech, or the favoring of any one noncommercial message over any other noncommercial message.

Sec. XI.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. XI.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) Static Changeable Message Board Signs

One static changeable message board sign is permitted per lot. Such signs may not exceed 32 square feet in area.

(E) Fuel Pump Signs

One sign (including an 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, 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” covering no more than 40% of the total window area are allowed as sign exceptions. 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 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.

(K) Special Event Signs

Special event signs and banners located in, on or over the public right-of-way require approval by the board of trustees as part of the special event permit approval and 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;

(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. XI.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				
	Maximum Total Sign Area (all signs; sq. ft.)	Affixed to Wall		Freestanding Signs					Type of Illumination [3]		Permitted Color	Max. Intensity [1]	
		Permitted (P) or not (–)	Max projection from wall (in)	Permitted (P) or not (–)	Height		Min. Street Setback	Min. Interior Side Setback	Reflecting	Radiating		Footlamberts (at light source)	Foot candles (at sign face)
					Max. (Grade to Top)	Min. (Grade to Bottom)							
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
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

SIGN TYPE	General Standards								Sign Illumination				
	Maximum Total Sign Area (all signs; sq. ft.)	Affixed to Wall		Freestanding Signs					Type of Illumination [3]		Permitted Color	Max. Intensity [1]	
		Permitted (P) or not (–)	Max projection from wall (in)	Permitted (P) or not (–)	Height		Min. Street Setback	Min. Interior Side Setback	Reflecting	Radiating		Footlamberts (at light source)	Footcandles (at sign face)
					Max. (Grade to Top)	Min. (Grade to Bottom)							
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, 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) background and backlighting that highlights only individual letters, symbols, or logos.

Sec. XI.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 count when calculating 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 mounted independently on the wall or attached to a typical raceway. Square or rectangular-shaped 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.

(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, 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.

(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) 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. XI.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. XI.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.

Sec. XI.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. XI.09 Nonconforming Signs

See Sec. 13.05.

Sec. XI.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.

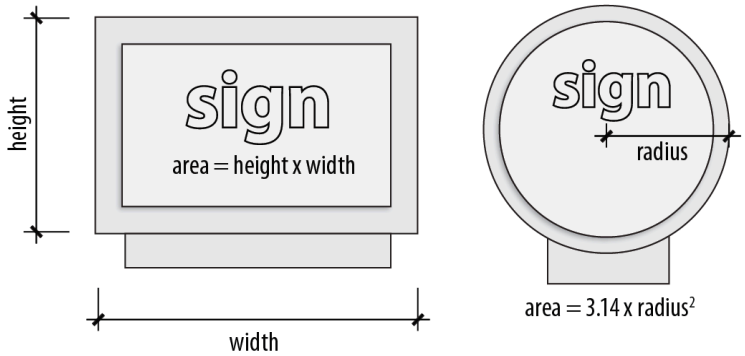
Sec. XI.11 Sign-Related Measurements

(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: Sign Area Measurement (Signs in Cabinets or Frames)



(2) Channel (Individual) Letter Signs

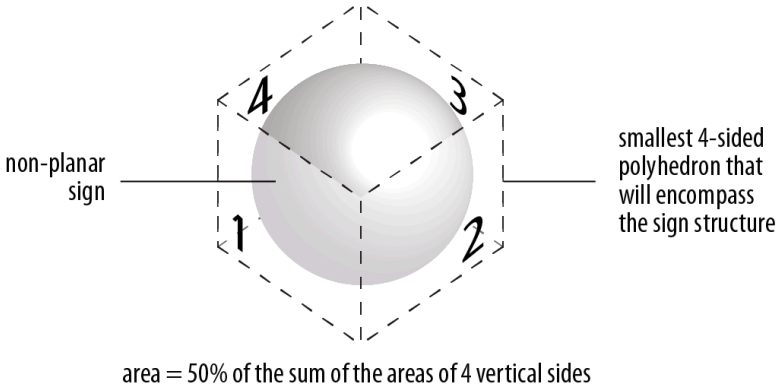
The area of a sign comprised of individual letters or elements attached directly to a building wall is determined by calculating the area of the smallest rectangular polygon that can be drawn around the letters or elements.

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

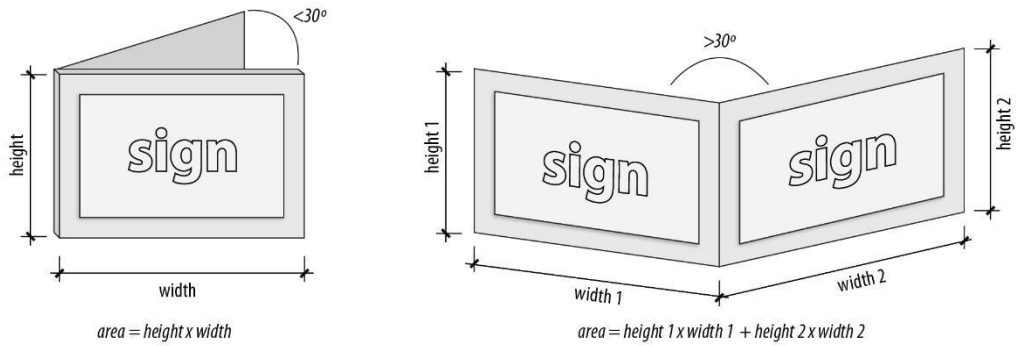


(4) Multi-Sided Signs

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.

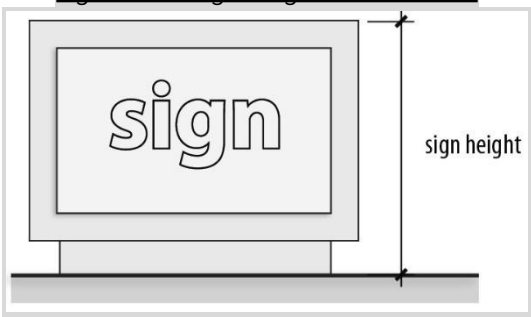
Figure XI-4: Multi-Sided Signs



(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.

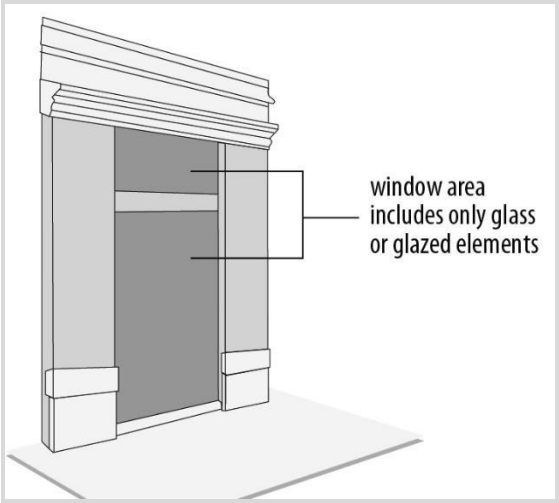
(4) As an alternative to the allocation of permitted sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to the various tenants upon receipt and approval by the zoning administrator of written authorization from the building's owner or authorized 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



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. XII.01 Outdoor Lighting

(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.

(C) Exemptions

The following are expressly exempt from compliance with outdoor lighting regulations of this section:

(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;

(10) Temporary holiday lighting and seasonal decorations using typical unshielded low-intensity lamps; and

(11) Properties with approved site plans requesting amendments not related to exterior lighting

(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;

(4) Tower lighting, unless required by the Federal Aviation Administration (FAA) and

(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

(E) Lighting Types and Efficiency

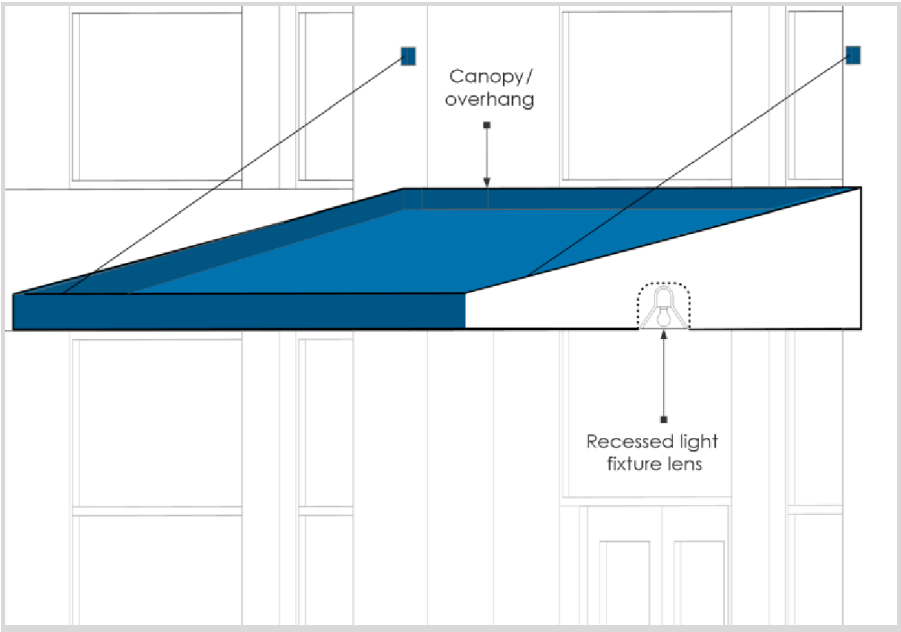
(1) Light sources must be color-correct types such as Halogen, LED, or metal halide.

(2) All lighting must have a nominal correlated color temperature (CCT) of no greater than 3,000 degrees Kelvin.

(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

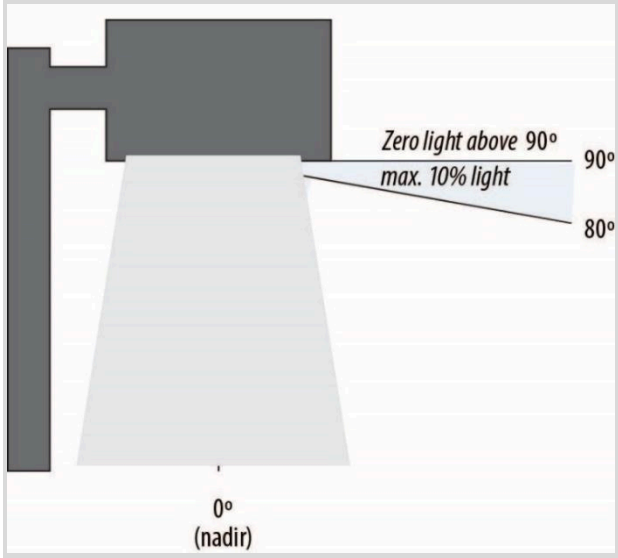


(G) Arrangement and Shielding

(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

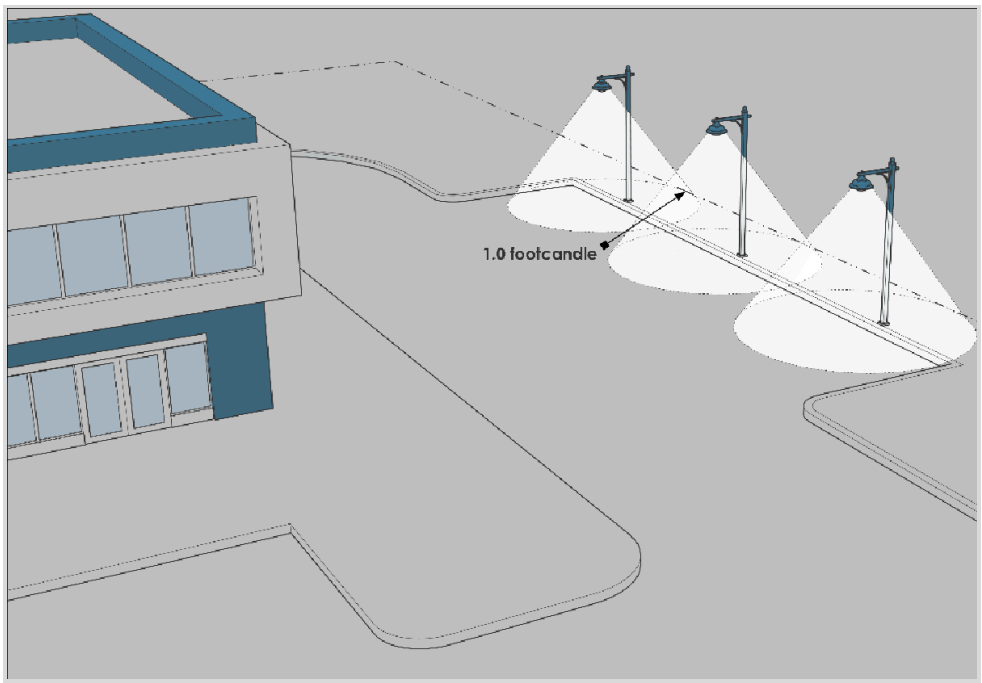


(3) A light fixture may cast light upward only if all upward light is reflected back down by a canopy, roof, or similar feature.

(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



(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.

(J) Measurement of Illumination

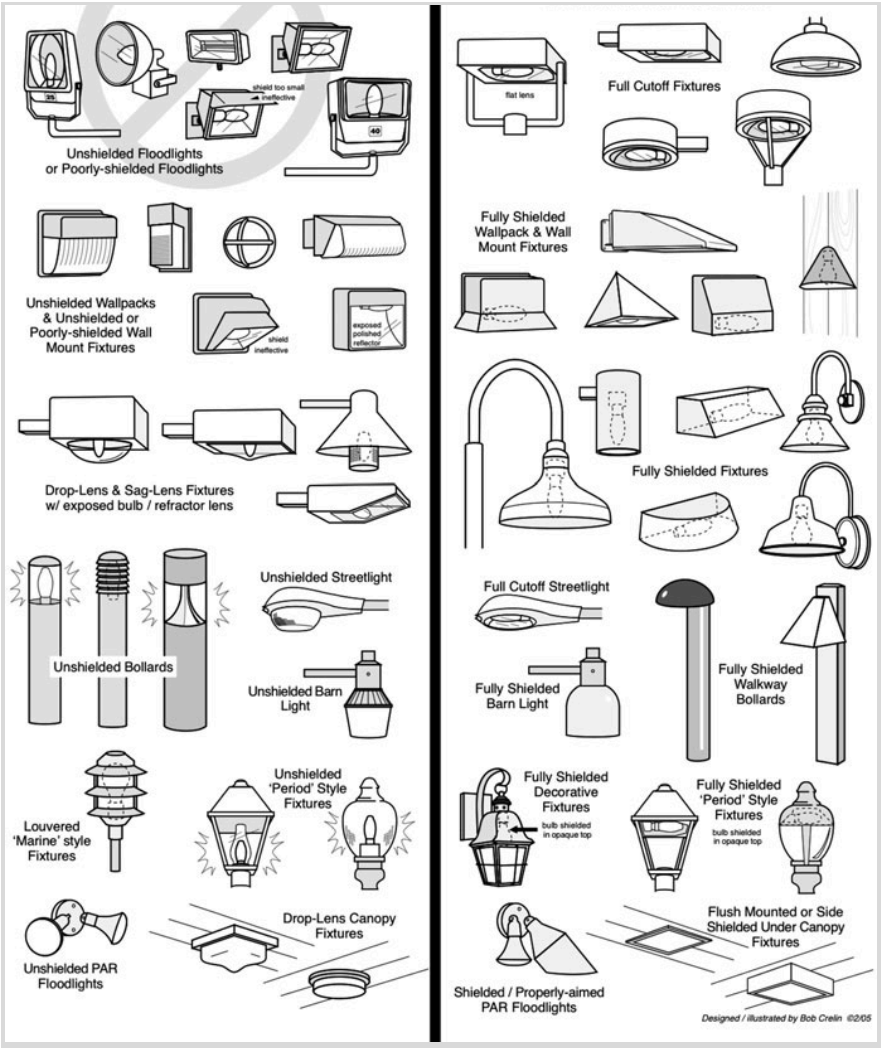
(1) For purposes of administration and enforcement, light levels must be measured with a direct-reading light meter, calibrated at least annually.

(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

Not Recommended **Recommended**



Sec. XII.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. XII.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. XII.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. XII.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.

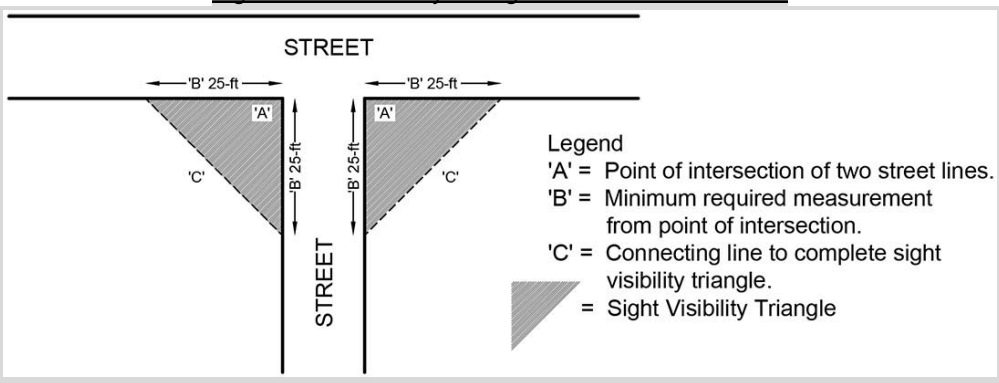
(B) Sight Visibility Triangle Areas

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.

Figure XII-5: Visibility Triangle at Street Intersections

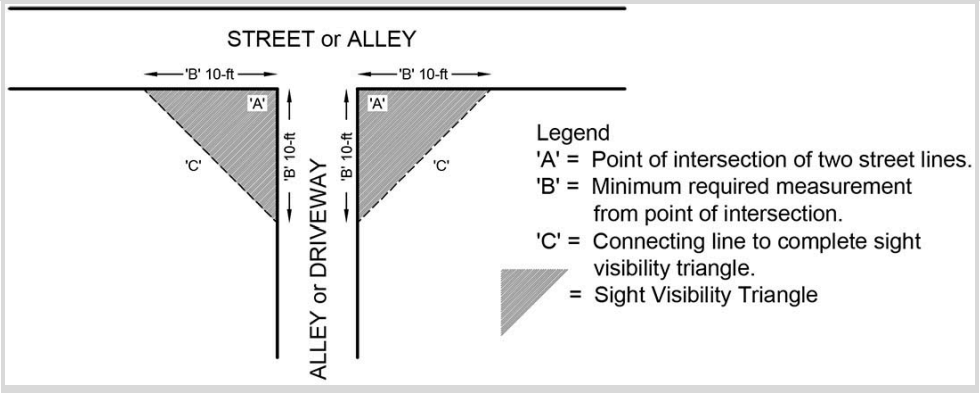


(2) Intersection of an Alley and a Street or a Driveway and a Street

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 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).

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. XIII.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 any nonconformities that adversely affect the orderly development and taxable value of other property not be permitted to continue without restriction. This article provides for the regulation of nonconformities and specifies those circumstances and conditions under which such nonconformities are allowed to continue.

(B) Determination of Nonconformity Status

The burden of 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. XIII.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. XIII.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. 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 nonconforming accessory use must cease when the principal use 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 no more than 2 years old, or by other means acceptable to the zoning administrator.

Sec. XIII.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 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 no more than 2 years old, or by other means acceptable to the zoning administrator.

Sec. XIII.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 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.

Sec. XIII.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-21
Sec. 14.08_Certificates of Occupancy XIV-21
Sec. 14.09_Appeals XIV-21

Sec. XIV.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 Verification Letters	■	–	–
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

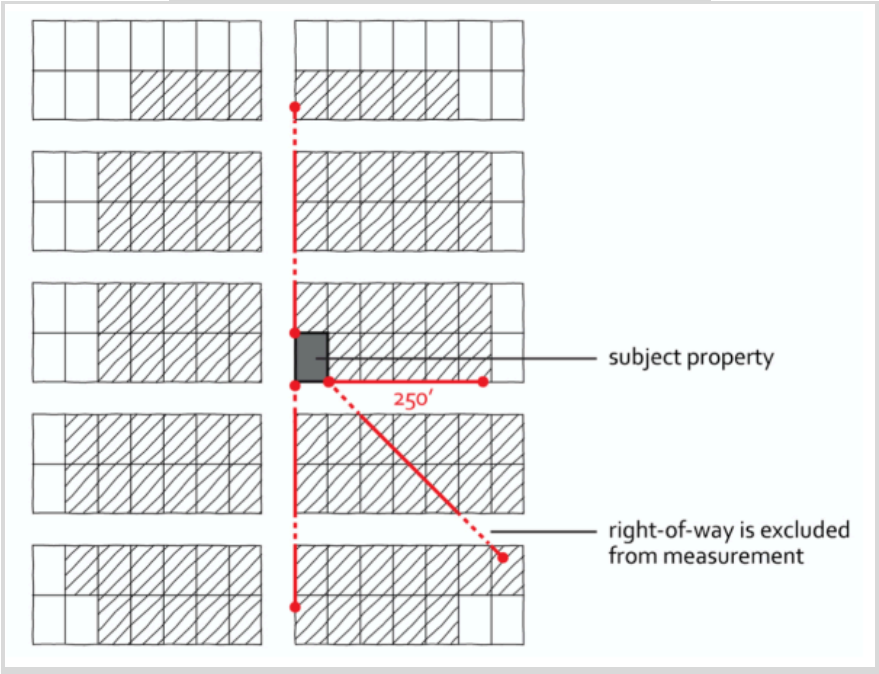
i. Unless otherwise directed by the zoning administrator, whenever the provisions of this article require mailed notice, the applicant must provide mailed notice to owners of the subject property and all owners of property within 250 feet of the property lines of the subject property, as measured from 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.

(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.

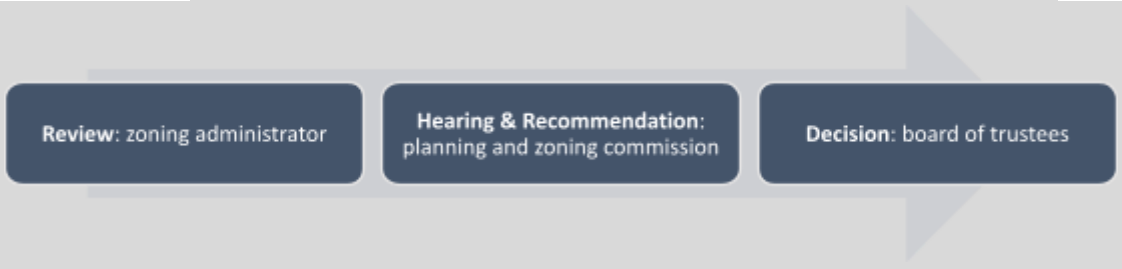
Sec. XIV.02 Zoning Ordinance Text and Zoning Map Amendments

(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. XIV.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

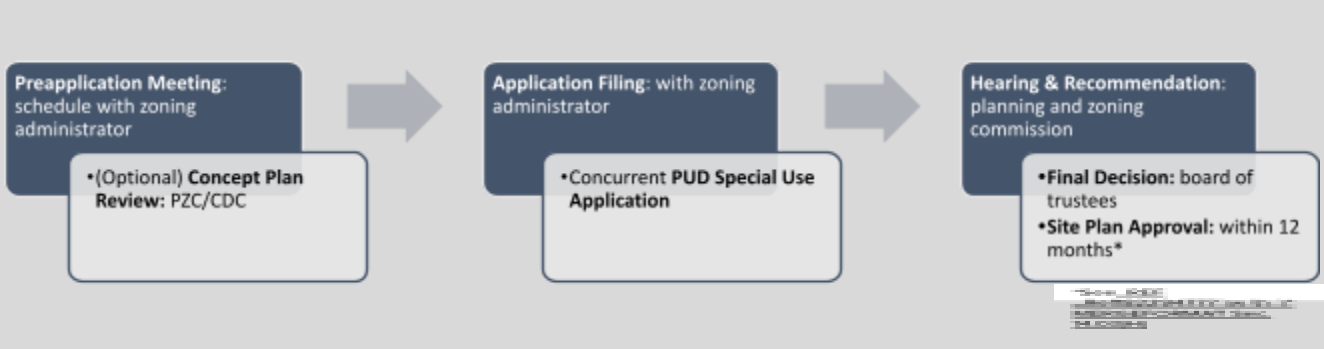
Development plans are required (mandatory) for special use requests for Planned Unit Development (PUD) approval and PUD amendments and for Resort District

(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)



(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. XIV.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.

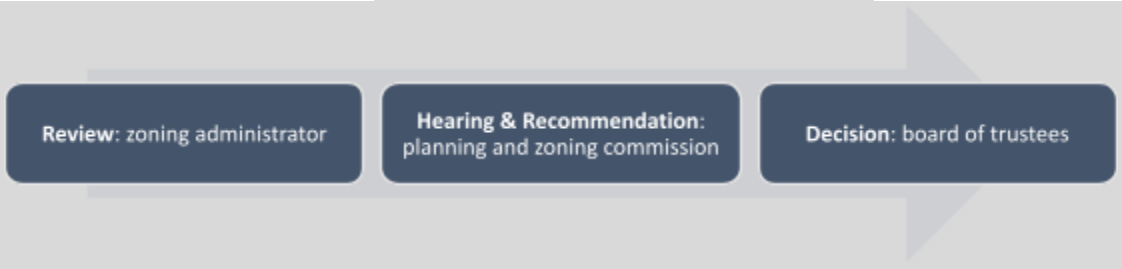
(B) Authorized Special Uses

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. XIV.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

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

(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;

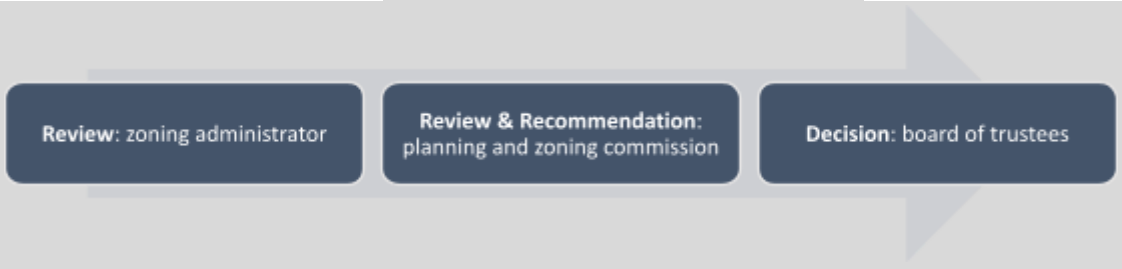
(c) Site plans that qualify as administrative site plans but which are referred by the zoning administrator for processing as a major site plan due to potential adverse impacts on neighboring properties, noncompliance with applicable zoning or other village regulations; and

(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

(e) Whether the proposed plans comply with adopted building and site design guidelines.

(H) Administrative Site Plan Review Process

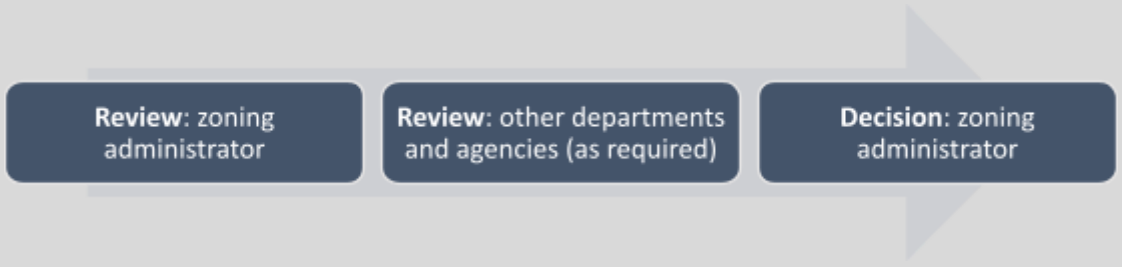
(1) Following receipt of a complete application for administrative site plan review, the zoning administrator must review the administrative site plan application and act to approve the site plan, approve

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.

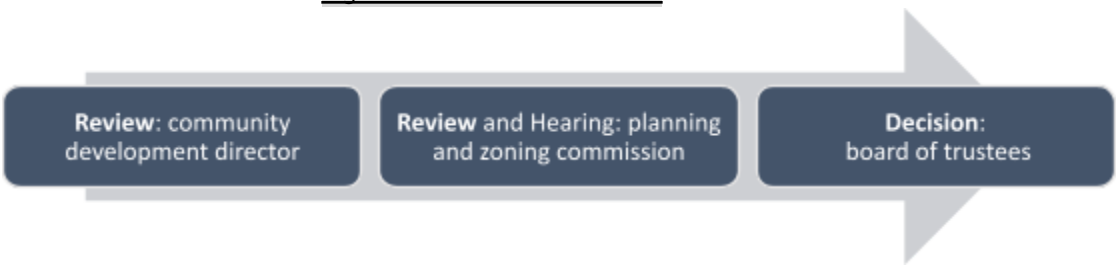
(2) Records documenting any approved minor site plan amendments must be maintained in the office of the zoning administrator.

Sec. XIV.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.

(I) 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.

Sec. XIV.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. XIV.08 Certificates of Occupancy

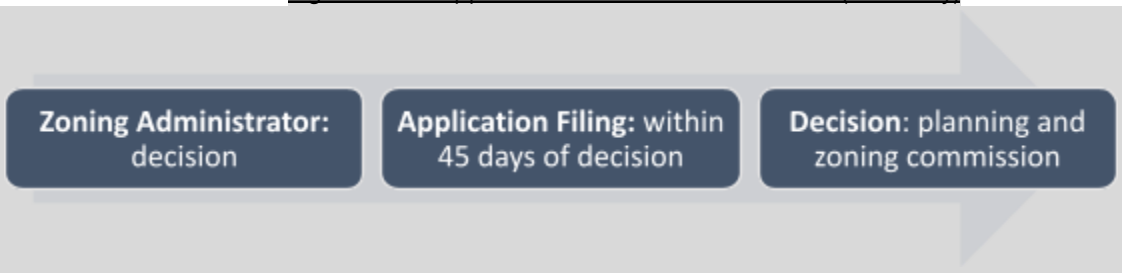
See Chapter 18, Article X of the village code.

Sec. XIV.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-1

Sec. XV.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

(9) Exercising other powers and performing other duties as specified or necessarily implied by the provisions of this zoning ordinance.

Sec. XV.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 $75 nor more than $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. XVI.01 Lot Area

Lot area is measured as the total ground-level surface area contained within the property lines of a lot.

Sec. XVI.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. XVI.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 minimum front setback and a point 30 feet to the rear of the minimum front setback. On cul-de-sac lots and similarly shaped lots, lot width is measured along a line tangent to and at the midpoint of the minimum front setback line. On lots located along an opposite shaped curve (i.e., pie-shaped lots or those narrowing toward the rear of the lot), lot width is measured along a line parallel to and 30 feet to the rear of a chord drawn between the opposite ends of the front setback line.

Sec. XVI.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. XVI.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. XVI.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

(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.

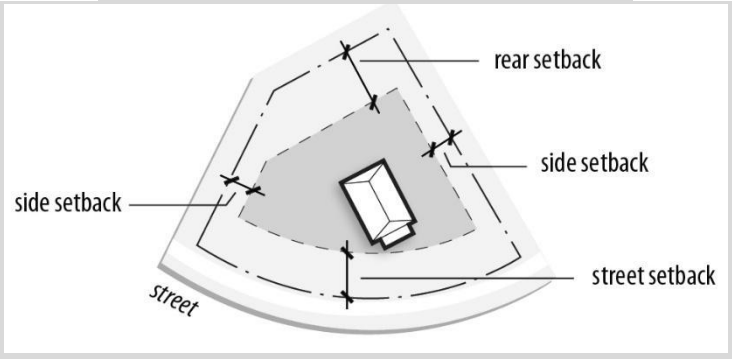
Sec. XVI.07 Setbacks

The minimum horizontal distance between lot line and the nearest wall of a building or other structure for which minimum setback applies.

(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.

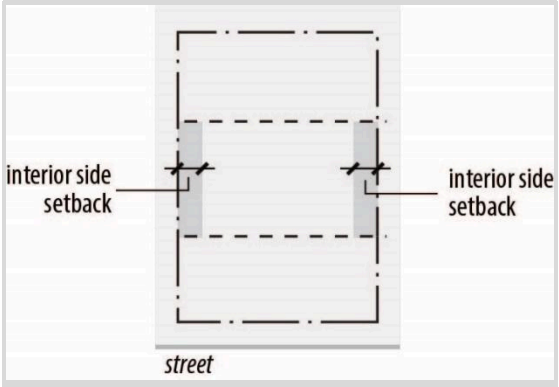
Figure XVI-1: Setbacks from Curvilinear Lot Lines



(2) Street setbacks are measured from the actual right-of-way line of the street (other than an alley).

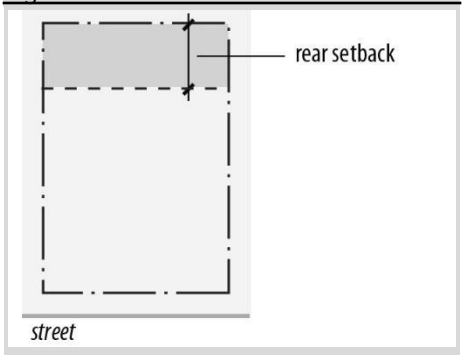
(3) Interior side setbacks are measured from a side lot line that does not abut a street. When there are multiple interior side lot lines, the zoning administrator is authorized to determine the setback regulations that apply (e.g., determining that a minimum front setback is required based on the orientation of streets and buildings in the immediate vicinity).

Figure XVI-2: Side (Interior) Setback Measurement



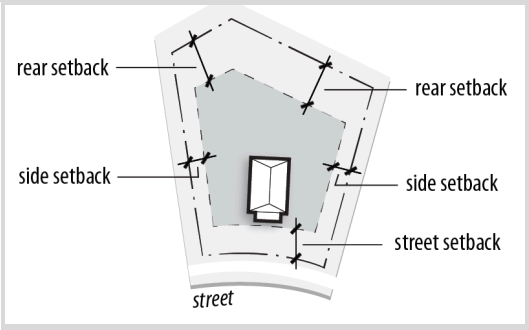
(4) Rear setbacks are measured from the rear lot line.

Figure XVI-3: Rear Setback Measurement



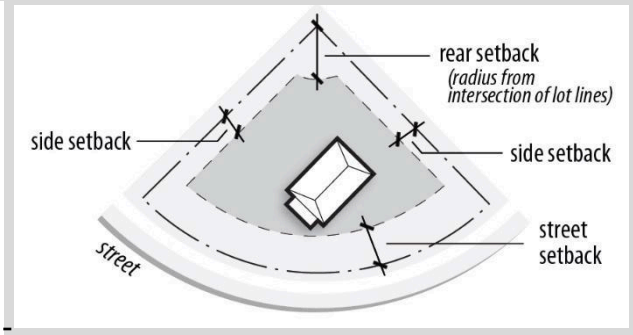
(a) When there are multiple rear lot lines, the rear setback must be measured from each rear lot line.

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

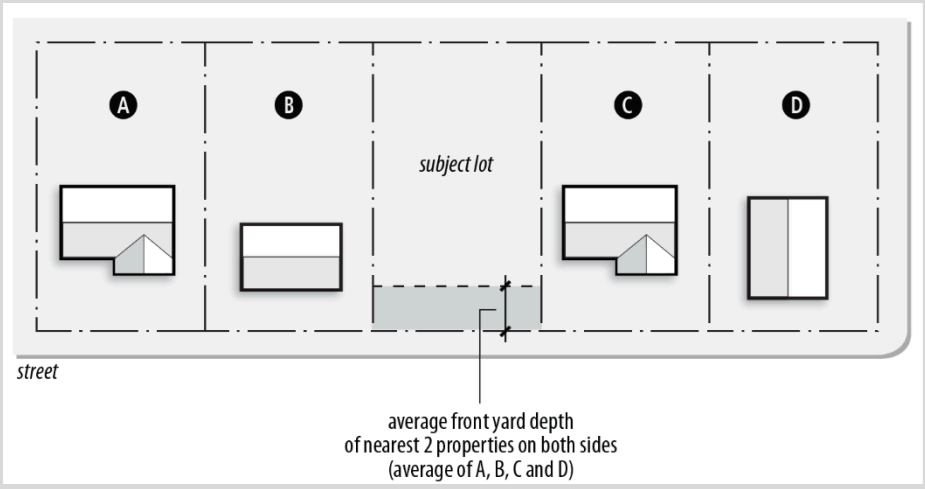
(1) Applicability; Eligible House Types

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

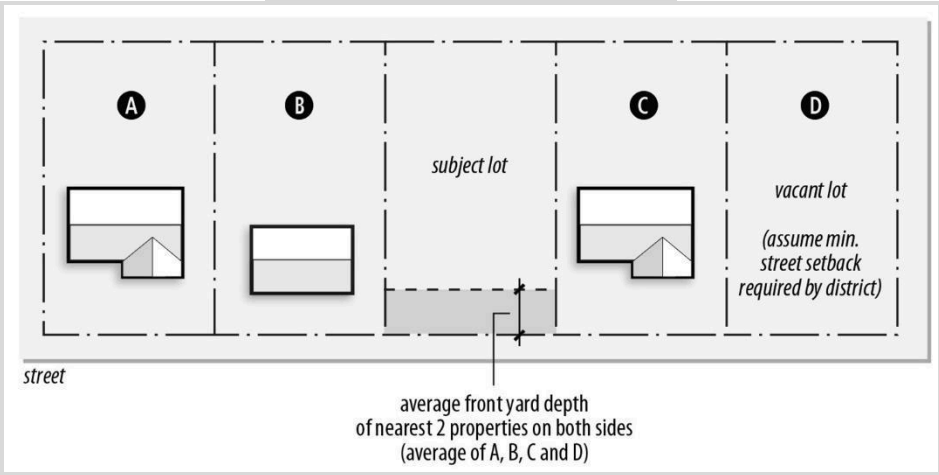
When existing buildings on one or more lots abutting a lot on which an eligible house type is proposed to be constructed or altered are closer to the street property line than the otherwise required street setback, additions to existing houses or construction of new houses on the subject lot may comply 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)



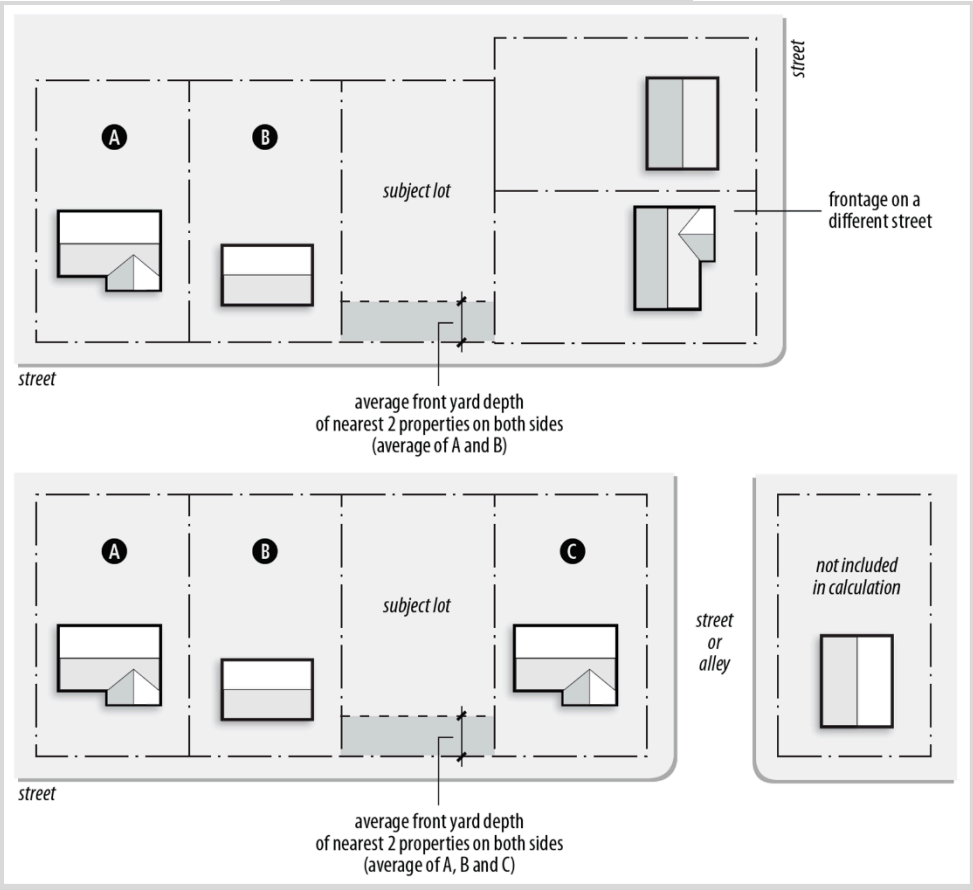
(3) If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Figure XVI-7.

Figure XVI-7: Contextual Setbacks (2)



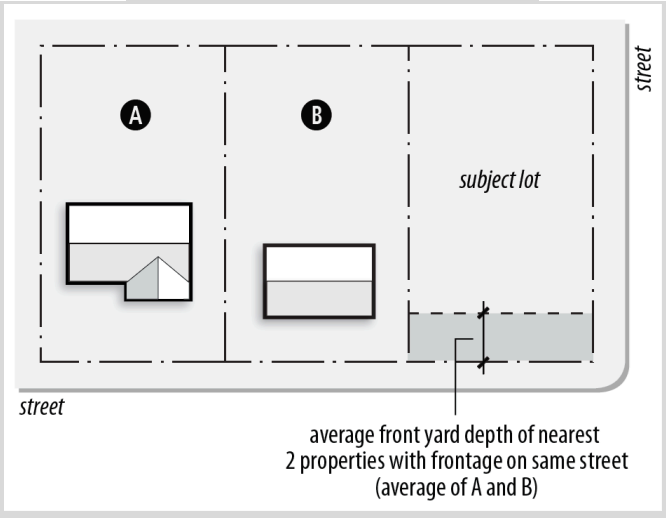
(4) Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley or that are not within an R zoning district may not be used in computing the average setback. See Figure XVI-8.

Figure XVI-8: Contextual Setbacks (3)



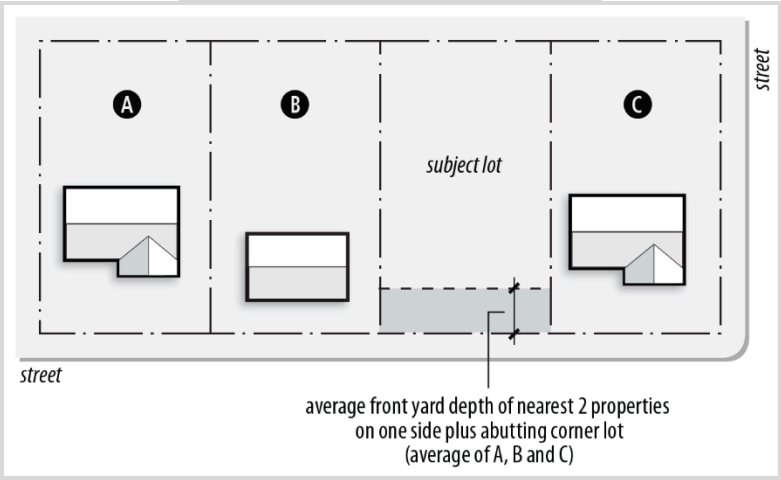
(5) When the subject lot is a corner lot, the average street yard depth must be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure XVI-9.

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.

(9) When calculating the average, only the front wall of the principal building may be used. Attached accessory structures, such as covered porches, landings, and decks may not be used when calculating the contextual setback

Sec. XVI.08 Lot Coverage

Lot coverage is measured as the percentage of a lot covered by buildings, structures and permanent impervious surfaces. Small accessory buildings that comply with the regulations of Sec. 7.02(A)(2) are not counted when calculating lot coverage.

Sec. XVI.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.

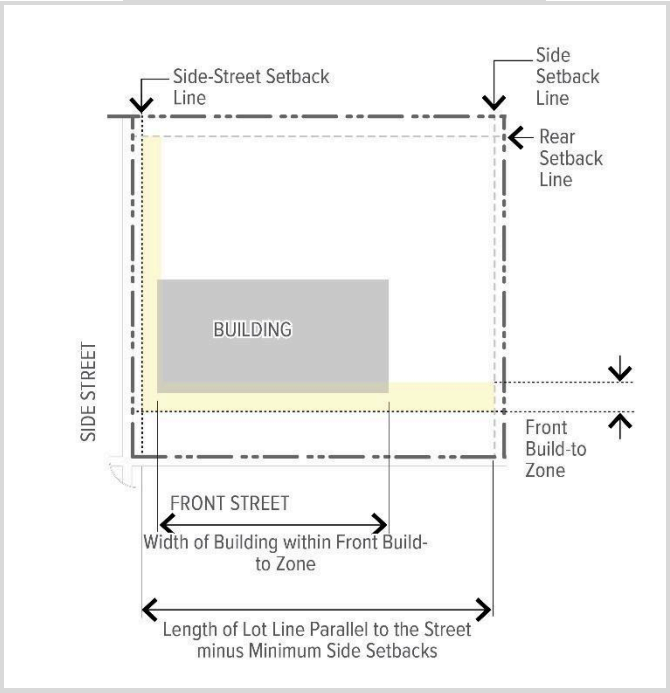
Sec. XVI.10 Streetwall Width

(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:

$$\frac{\text{Width of Building Wall within Build-to Zone}}{\text{Length Front Lot Line – Minimum Required Side Setbacks}}$$

(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. XVI.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.

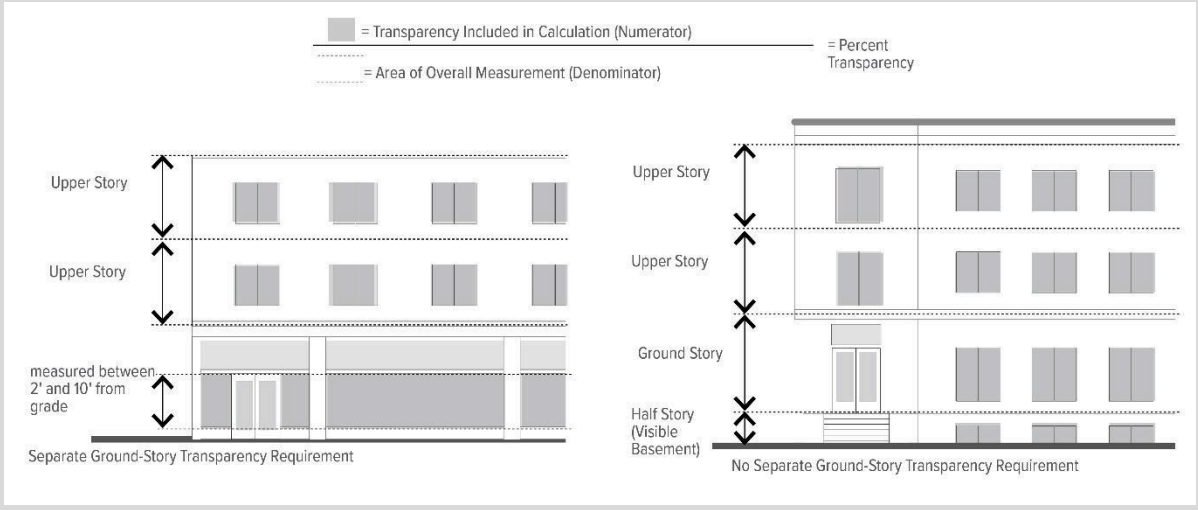
(A) False Windows

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.

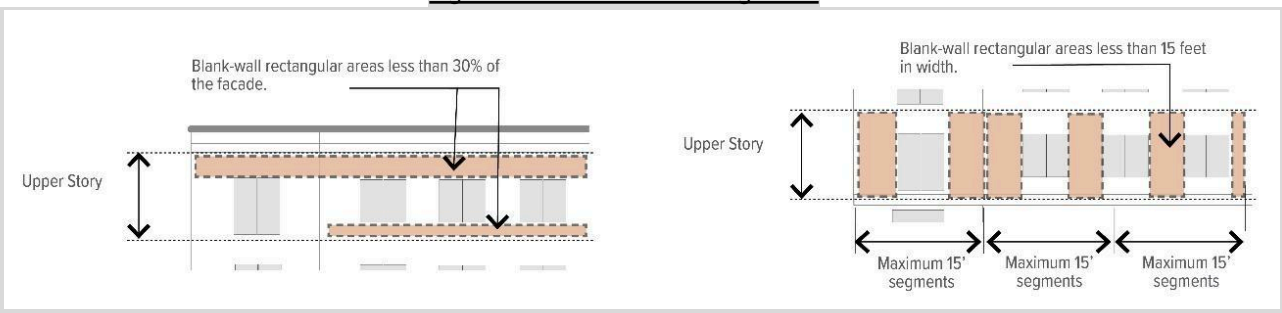
(C) Blank Wall Segments

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.

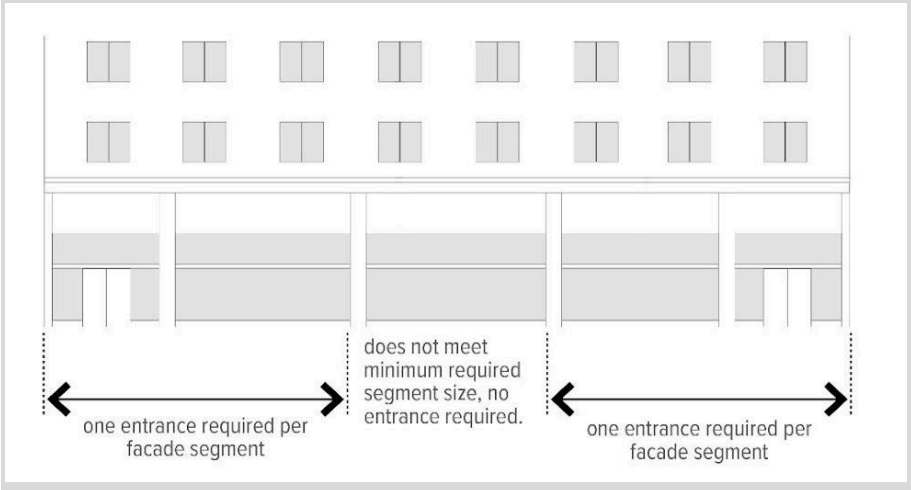
(E) Half Stories

All half-story facades located within the roof structure and within visible basements must meet the minimum required transparency for the facade.

Sec. XVI.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. XVI.13 Height

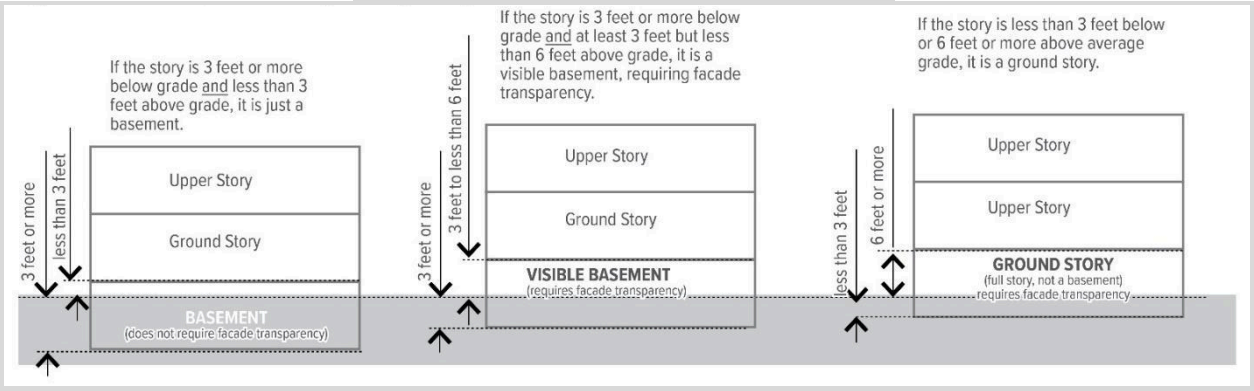
(A) Measurement

(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



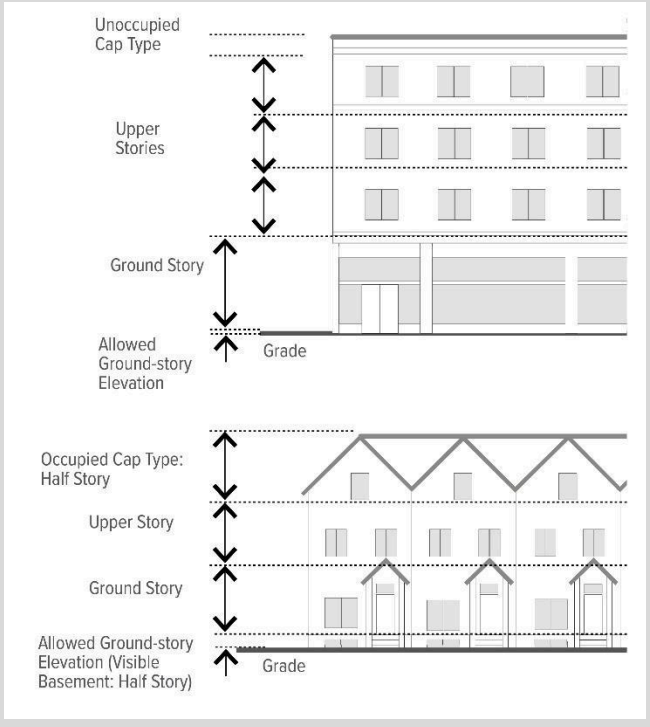
(b) Buildings must meet any applicable minimum height requirements along all front street facades and for a depth of at least 20 feet into the building.

(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 fully screened by parapet walls or similar screening to conceal their view when viewed from the adjoining street from an eye level height of 5 feet.

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. XVII.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. XVII.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. XVII.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. XVII.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. XVII.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. XVII.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.

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).

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
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.

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.

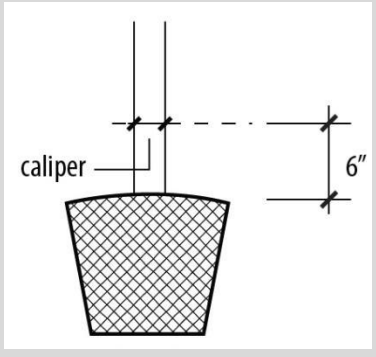
Building, Height
See Sec. 16.13.

Building Materials
Dimension lumber, millwork, cabinets and other building materials, including milling, planning, jointing or manufacturing of millwork.

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



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 applicable lot and building regulations and structure-oriented dimensional or locational regulations of the district in which the building or structure is located.

Contiguous
In actual contact.

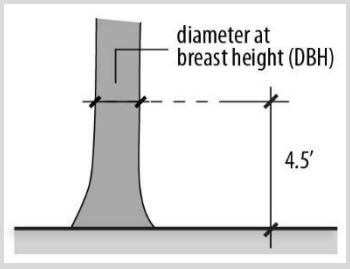
Craft Alcoholic Beverages
Any fermented specialty beverage for sale or for consumption on the premises in which it is produced and that contains ethyl alcohol as an intoxicating agent and that is fit for human consumption. Craft alcoholic beverages include craft beer or artisanal wine.

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)



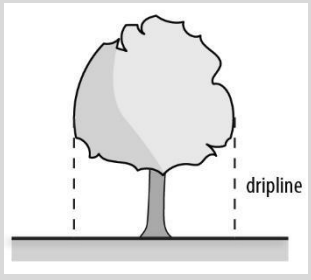
Disability or Disabled
A defined in the *Americans with Disabilities Act* and the *Fair Housing Amendments Act*.

District
See Zoning District.

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
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 a single household. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire household, must always be included within each "dwelling unit."

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.

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.

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
Completely enclosed space within a principal or accessory building used for the storage of motor vehicles with a (typically overhead) door and vehicle access provided by a driveway..

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).

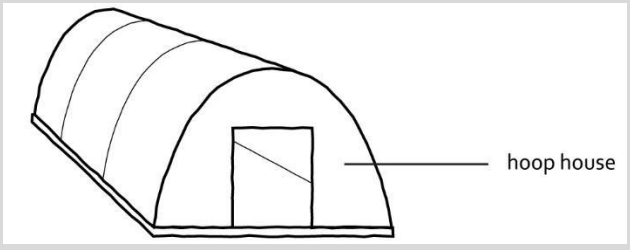
Grade, Finished
The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

Greenhouse
A building comprised largely of glass or polycarbonate panels and designed for the purposes of protecting and cultivating plants.

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 for the standing, loading or unloading of trucks and delivery vehicles and with access to a street or alley.

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. A "lot" may or may not 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. See also Sec. 16.07(B).

Lot Line, Front
A lot line that abuts a street. 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.

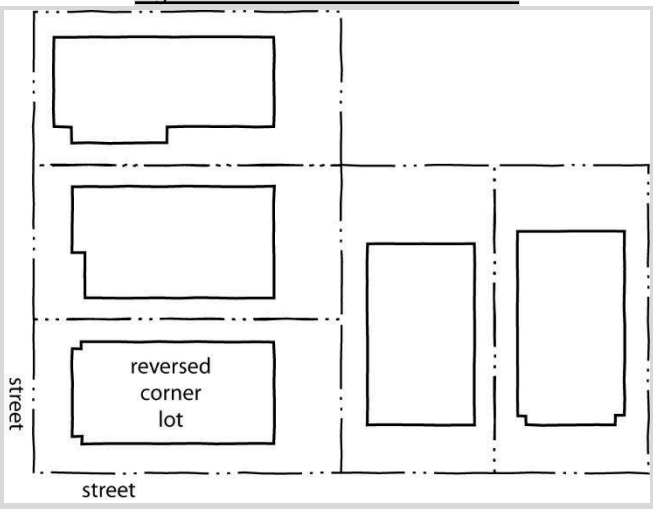
Lot Line, Street
A lot line that abuts a street. A lot may have more than one street lot line, and a street lot line may be a front lot line or street side lot line.

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.

Multi-Tenant Center
A single building, on one lot, under unified control that is occupied by 2 or more commercial uses.. Office buildings are excluded from this definition.

Nonconforming Building or Structure
See Sec. 13.04.

Nonconforming Use

See Sec. 13.03(A).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.

Outdoor Storage
Any open storage of goods, equipment, materials, or vehicles that does not occur in a completely enclosed building.

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.

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
See Sec. 5.04

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.

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.

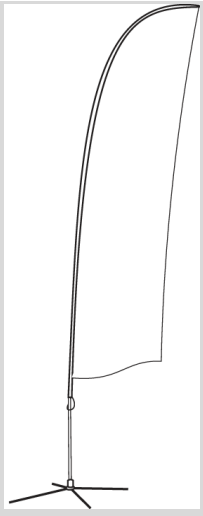
Sign, Drive-through
A sign located on the site of an allowed drive-through use.

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, 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."

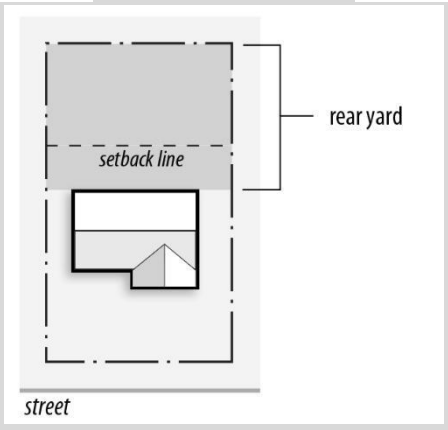
Yard
An actual (as opposed to "required") open, unoccupied space that exists on a lot between a building and a lot line.

Yard, Front
A yard extending along the full length of the front lot lines between the side lot lines.

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.

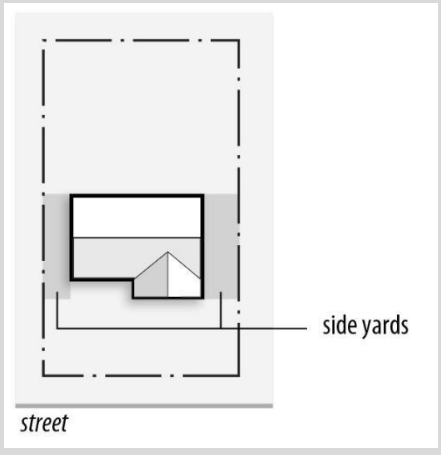
Yard, Rear
A yard extending along the full length of the rear lot line between the side lot lines.

Figure XVII-7: Rear Yard



Yard, Side
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.

Zoning Districts
The districts established by this zoning ordinance and as set forth on the zoning 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	No	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

Botanical Name	Common Name	Street Tree	Parking Lot	Transition Area
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
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

Botanical Name	Common Name	Street Tree	Parking Lot	Transition Area
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
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

Botanical Name	Common Name	Street Tree	Parking Lot	Transition Area
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

DRAFT AMENDMENT LANGUAGE
(amendments are indicated by underlined and shaded text; deletions are indicated by ~~strikeouts~~):

Appendix A References:

Sec. 19-13. - Appeals.
All reports and decisions of the director made pursuant to this chapter shall be made in writing in a timely manner. Any decision of the director may be appealed to the planning and zoning commission pursuant to ~~Appendix A, section 13.08~~ Chapter 95, Section 14.09 of this Code and may include a request for a variation pursuant to ~~Appendix A, section 13.07~~ Chapter 95, Section 14.06 of this Code.

Sec. 22-612. - Zoning ordinance to control.
The provisions of this article shall not be construed to permit the establishment of any factory or place of business in any location where the factory or place of business is prohibited by the village zoning ordinance (~~Appendix A~~Chapter 95).

Sec. 70-201. - Introduction.
This article is intended to formalize a policy for the installation of public sidewalks in the Village of Westmont, Illinois.

(1)Reason for installation. Walking is a basic means of travel for citizens. It is the village's desire to install paved public sidewalks in order to provide a clean and safe path for use by pedestrians.(2)Goal of the policy. It is the village's intention to provide public sidewalks initially on at least one side of all streets in the village and on both sides of all heavily-traveled streets in order to minimize the need for pedestrians to cross over said streets to access a public sidewalk. Ultimately, the village intends to provide public sidewalks on both sides of all streets within the village's boundaries.(3)Sidewalk maintenance. Once installed, the village desires to keep its sidewalks in reasonably safe condition for use by the public. To this end, an Inspection and Repair Program has been established, and this is described in the attached ~~Appendix A~~ Chapter 95.
(Ord. No. 05-285, § 1(Exh. A), 12-19-2005)

Note~~— Appendix A~~Chapter 95, referenced above, is not set out herein but is on file and available for inspection in the village offices.

Sec. 18-576. - Night operations.
No construction or alteration operations shall be carried on between the hours of 8:00 p.m. and 7:00 a.m. if such activities are accompanied by loud or annoying noises. Provided, that emergency repairs may be undertaken if the conditions so dictate. See ~~appendix A, section 8.02, subsection (B)(1)~~ Chapter 38, Article IV for noise control standards.

Sec. 46-203. - Expiration and renewal of license.

A license as provided for in this article shall expire upon the expiration of each calendar year. Applications for renewal shall be made no later than October 1. The renewal fee shall be $75.00. There shall be a $25.00 late filing fee for applications for renewal filed prior to October 31. No application for renewal shall be granted if filed on or subsequent to November 1. An application for renewal shall be processed in the same manner as the initial application noted in section 46-202. The failure to renew any license required by this section 46-203 shall result in a cessation of use on the premises, and any special use permit granted for the use under section 8.03 of the zoning ordinance (appendix A to this Code) shall automatically terminate. No new license shall be granted until the operator has obtained proper village board approval of the special use.

Sec. 58-34. - No firearms or weapons inside village buildings.

(a)Prohibition. No person may possess, bring or cause any concealed or unconcealed firearm or weapon to be present in or upon any village owned, occupied or controlled building, structure or vehicle at any time.(1)The prohibitions set forth in subsection (a), above, shall not apply to any active sworn law enforcement officers or arson investigators who are required to possess a handgun pursuant to enumerated job duties.(b)Definitions. The following terms used in subsection (a) of this section shall have the following meanings:

Building shall have the meaning set forth in this Code, specifically ~~Appendix A (Zoning), Article XIV (Definitions)~~ Chapter 95 (Zoning), Article XVII (Definitions) which includes the terms "structure" and "accessory building" as amended from time to time. ~~, to wit: "(a) structure designed or built for the support, enclosure, shelter, or protection of person, animals, chattel or property of any kind, and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by a party wall, then such portion shall be deemed to be a separate building."~~

Law enforcement officer shall mean and include "police officer" and shall have the same meaning in Chapter 78 of this Code, specifically section 78-1 (Definitions) to wit: "every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations" as well as those sworn officers who are charged with the apprehension of criminals and the prevention and detection of crime and maintenance of public order including village police officers, village arson investigators, DuPage County Sheriff police officers, state patrol officers, other sworn state law enforcement officers, and sworn federal law enforcement agents.

Structure shall have the meaning set forth in this Code, specifically ~~Appendix A (Zoning), Article XIV (Definitions)~~ Chapter 95 (Zoning), Article XVII (Definitions), as amended from time to time, to wit: "(a)nything 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."

Village shall mean the Village of Westmont, Illinois.

(c)Violations; penalties. Any person who violates any provision of this section shall forfeit and pay to the village a penalty of not more than $75.00 and not to exceed $750.00 per weapon per incident, together with the costs of prosecution for each offense, and in default of the payment of

such penalties, the violator shall be subject to the remedies available to a court of law for failure to pay imposed fines and penalties. In addition, the offending firearm(s) and/or weapon(s) shall be seized by the village police department and forever forfeited to the state.

Sec. 19-2. - Definitions.
For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section. To the extent not set forth in this section, the definitions set forth in ~~Appendix A, Article XIV~~ Chapter 95 (Zoning), Article XVII (Definitions) of this Code or the Condominium Property Act (765 ILCS 605/1 et seq.) shall apply for purposes of this chapter:

Sec. 19-2. - Definitions.
Parking space: A space dedicated exclusively to the location or storage of a motor vehicle which meets the requirements of ~~Appendix A, Article X~~ Chapter 95, Article IX of this Code.

Sec. 18-4. - Board of appeals.
(d) Procedures. The procedures for notices, public hearings, recommended actions and final decision by the board of appeals shall be as outlined in ~~appendix A, article XIII~~ Chapter 95, Article XIV, of this Code.

Sec. 1-100. - Village administrative code hearing system-established.
(17) ~~Appendix A~~ Chapter 95 . Zoning

Sec. 18-487. - Building permit fees.
(1) Commercial and residential:a.Scope: Commercial building permit fees shall apply to all buildings or structures in the commercial, business, manufacturing, office/research and multi-family use categories, as defined in the village zoning code, including, but not limited to, new construction, repair, renovation, addition and/or remodeling. Commercial building permit fees shall also apply to include all accessory buildings, structures and fences, including, but not limited to new construction, repair, renovation, addition and/or remodeling. The types of uses in the commercial category, and their accompanying buildings or structures, are specified in ~~appendix A - Zoning, article VII and VIII~~ Chapter 95 - Zoning, Articles III, IV, V, and VI of this Code. Residential building permit fees shall apply to all one and two family dwellings. Including, but not limited to, new construction, repair, renovation, addition and/or remodeling. Residential building permit fees shall also apply to accessory buildings, structures and fences, including, but not limited to new construction, repair, renovation, addition and/or remodeling.

Chapter 6 - ADVERTISING[1]

Footnotes:

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Cross reference— Alcoholic beverages, ch. 10; businesses, ch. 22; streets, sidewalks and other public places, ch. 70; display of signs resembling traffic control devices, § 78-9; attaching signs and notices to trees, shrubs, § 86-37; vehicles for hire, ch. 90; zoning, ~~app. A~~ ch. 95.

State Law reference— Deceptive Advertising Act, 720 ILCS 295/1a et seq.

Chapter 10 - ALCOHOLIC BEVERAGES[1]

Footnotes:

--- (1) ---

Cross reference— Advertising, ch. 6; businesses, ch. 22; use of alcoholic liquor on private parking lots, § 22-501; restaurants, § 46-66 et seq.; traffic and vehicles, ch. 78; driving under the influence of alcohol, § 78-147; zoning, ~~app. A~~ ch. 95; schedule of fees, taxes and charges, app***. C.***

State Law reference— Liquor Control Act, 235 ILCS 5/1-1 et seq.

Chapter 14 - ANIMALS[1]

Footnotes:

--- (1) ---

Cross reference— Businesses, ch. 22; environment, ch. 38; health and sanitation, ch. 46; penalties when citations are issued, § 54-101; traffic and vehicles, ch. 78; zoning, ~~app. A~~ ch. 95; schedule of fees, taxes and charges, app***. C.***

State Law reference— Animals running at large, dog tax, 65 ILCS 5/11-20-9; Animal Control Act, 510 ILCS 5/1 et seq.; municipal regulation of dogs and other animals, 510 ILCS 5/24; Humane Care for Animals Act, 510 ILCS 70/1 et seq.

Chapter 19 - CONDOMINIUM CONVERSIONS[1]

Footnotes:

--- (1) ---

Cross reference— *Buildings and building regulations, ch. 18; zoning,* ~~**app. A**~~ **ch. 95***; land development,* App. *B.*

Chapter 34 - ENGINEERING AND FLOOD CONTROL[1]

Footnotes:

--- (1) ---

Cross reference— Planning and zoning commission, § 2-446 et seq.; buildings and building regulations, ch. 18; environment, ch. 38; housing, ch. 50; planning and development, ch. 63; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; vegetation, ch. 86; zoning, ~~**app. A**~~ **ch. 95*****; land development,* app. *B; schedule of fees, taxes and charges,* app. *C.***

State Law reference— Flood hazards, municipal building regulations, 65 ILCS 5/11-30-2; posting flood insurance rate maps, 65 ILCS 5/11-114.1-1; state aid, taking over by municipality of flood protection works constructed by state, 65 ILCS 5/11-115-1; municipal-federal flood control projects, 65 ILCS 5/11-115.1-1 et seq.

Chapter 63 - PLANNING AND DEVELOPMENT[1]

Footnotes:

--- (1) ---

Cross reference— *Buildings and building regulations, ch. 18; engineering and flood control, ch. 34; housing, ch. 50; streets, sidewalks and other public places, ch. 70;*

telecommunications systems, ch. 76; utilities, ch. 82; zoning, ~~**app. A**~~ **ch. 95***; land development,* app. *B.*

Chapter 76 - TELECOMMUNICATIONS SYSTEMS[1]

Footnotes:

*--- (**1**) ---*

Editor's note— *Ordinance No. 97-82, § 1, adopted September 15, 1997, amended the Code by adding ch. 76, §§ 76-1.1—76-8.19, which sections have been renumbered as §§ 76-1—76-289 at the discretion of the editor.*

Cross reference— *Businesses, ch. 22; planning and development, ch. 63; streets, sidewalks and other public places, ch. 70; taxation, ch. 74; telecommunications infrastructure maintenance fee, ch. 77; traffic and vehicles, ch. 78; utilities, ch. 82; zoning,* ~~**app. A**~~ **ch. 95***; schedule of fees, taxes and charges,* app. *C.*

Chapter 90 - VEHICLES FOR HIRE[1]

Footnotes:

*--- (**1**) ---*

Cross reference— *Advertising, ch. 6; businesses, ch. 22; streets, sidewalks and other public places, ch. 70; traffic and vehicles, ch. 78; parking in taxicab loading zones, § 78-310; zoning,* ~~**app. A**~~ **ch. 95***; schedule of fees, taxes and charges,* app. *C.*

State Law reference— *Power of village to license, tax, regulate or prohibit runners for cabs and buses, 65 ILCS 5/11-42-4; power of village to license, tax and regulate hackmen, bus drivers and cabmen, 65 ILCS 5/11-42-6; The Illinois Driver Licensing Law, 625 ILCS 5/6-100 et seq.*

Community Development Director

Community Development Director (adding Zoning Administrator)

Sec. 18-3. - Community development director.

(a) There is hereby created the position of community development director, an administrative office of the village. The community development director shall be appointed and subject to removal by the village manager, subject to the approval of the president and board of trustees. Wherever in this chapter the term "director" or "building official" or "zoning administrator" is used, it shall mean the community development director of the village. Such officer is hereby authorized and it is his or her duty to administer and enforce the provisions of this chapter, making such determinations, interpretations and orders as are necessary therefor, and requiring such plats, plans and other descriptive information in connection with applications for permits as are necessary for him or her to judge compliance with this chapter.

(b) It shall be the responsibility of the community development director and his or her agents to enforce the provisions of the building code, housing code, electrical code, plumbing code, zoning ~~code~~ ordinance, land development ordinance, sign ordinance and other similar regulatory ordinances assigned to his or her jurisdiction by legislative act or by the village manager. He or she shall also regulate the activities of contractors working within the village and assume additional responsibilities as are assigned by the village manager.

Chapter 80 Article IV

~~ARTICLE IV- LANDSCAPE REQUIREMENTS AND TREE PRESERVATION~~

~~Sec. 80-60. Jurisdiction.~~

~~Any construction activity that is subject to the site plan approval procedures of the zoning ordinance is subject to the provisions and regulations of this article, as well as the heritage tree regulations.~~

~~Sec. 80-61. - Landscape plan application procedure.~~

~~All zoning and permit applications for construction shall include the following materials in a form acceptable to the village and as further described herein. The village shall review the application which may include an inspection of the site and referral of the application for recommendation to other appropriate departments or agencies.~~

~~(1) Tree survey. The tree survey shall include information on all existing trees four inches DBH or larger. Information shall include the location, size, species and condition of each tree, as well as existing and proposed structures, improvements, utilities, driveways, existing and proposed contours at one-foot intervals.~~

~~(2) Tree preservation plan. The tree preservation plan shall identify those trees to be protected with a tree protection detail labeled on the survey. Information shall include the location, size, species and condition of each tree, as well as proposed structures, improvements, utilities, driveways, proposed contours at one-foot intervals and any protective measures to be taken to avoid construction damage to protected trees (i.e. pumping concrete, crown or root pruning).~~

~~(3) Landscape plan. The applicant shall provide the village with a landscape plan, which shall consist of a site plan overlaying the locations of existing trees to be preserved, utilities and utility easements, building pads, retention/detention basins, proposed contours and all proposed landscaping. All landscaping plans shall be prepared by a professional landscape architect or landscape designer in accordance with the village requirements.~~

~~Sec. 80-62. - Permit issuance.~~

~~No permit for construction shall be issued until such time that a tree preservation plan is approved by the village.~~

~~Sec. 80-63. Tree preservation and replacement.~~

~~All zoning and permit applications for construction shall be subject to the following tree preservation and replacement requirements:~~

~~(a) It shall be unlawful for any person to remove, injure, or undertake any procedure which will cause death or substantial damage to any tree protected by this article.~~

~~(b) All trees within construction areas or areas where future construction is expected shall be protected until otherwise stated upon approval of a submitted tree survey, tree preservation plan and landscape plan.~~

~~(c) Fifty percent of existing trees of greater than four-inch diameter, as shown on the required tree survey, will be required to be replaced within all construction areas. If the property cannot accommodate the replacement tree or trees, then the village may allow payment as approved by the village, equal to the cost that would have been incurred, in order to purchase and install the replacement tree or trees elsewhere. The village shall then use such funds to purchase and plant trees elsewhere within the village. Trees required to be planted by other landscaping regulations may be counted toward this replacement requirement.~~

~~(d) It shall be unlawful for any person to remove, injure, or undertake any procedure which will cause death or substantial damage to any tree on construction areas or areas where future construction is expected prior to approval of a submitted tree survey, tree preservation plan and landscape plan. Trees that are removed prior to 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 tree or 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 the replacement tree or trees elsewhere. The village shall then use such funds to purchase and plant trees elsewhere within the village.~~

~~(e) The village shall retain jurisdiction to ensure compliance with this section and shall have the right to issue a stop work order for non-compliance. No stop work order issued pursuant to this section shall be removed except by the village.~~

~~Sec. 80-64. Tree protection.~~

~~(a) In instances where construction 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.~~

~~(b) Protective fencing is required for protection of any tree to be preserved in place within 15 feet of any construction or construction material or construction equipment storage, including trees on adjacent properties, and is to be shown on the tree preservation plan. The entire parkway, except 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. Suitable protection shall include a six (6) foot high temporary chain link construction fence secured to metal posts driven into the ground which are spaced no further than ten (10) feet apart, unless otherwise specified by the village. Fencing shall not be removed or relocated unless authorized in writing by the village. The general contractor shall be 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 shall be available on the building site before work commences and always during construction of the project. The general contractor shall be responsible for giving~~

~~written notice of the tree preservation plan to all contractors or subcontractors prior to their entering the site.~~

~~(c) Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required for preservation of the existing trees. These measures must be indicated on the tree preservation plan.~~

~~(d) During construction all reasonable steps necessary to prevent the destruction or damaging of trees to be preserved and their root zones shall be taken. No vehicle or equipment shall be driven nor parked within the tree protection zone.~~

~~(e) During construction, unless otherwise authorized by the approved tree preservation Plan, no excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the root zone of any tree that is required to be preserved in its present location.~~

~~(f) No attachments, fences or wires, other than approved materials for bracing, guying or wrapping, shall be attached to any tree which is being preserved during the construction period.~~

~~(g) All measures shall be taken to maintain the health of trees which are transported to the site.~~

~~(h) Because construction damage to trees can sometimes take a number of years before becoming apparent, any violation of the tree preservation specifications will deem the tree injured. The contractor will then have the option to remove and replace the tree as specified in this chapter or post a bond for a period of three years for the associated cost of alleviating said construction damage within the three year period (pruning or removal and replacement). Contractors shall retain no responsibility after the construction process is completed for trees which have been properly protected throughout the entire construction process.~~

~~(i) The village shall retain jurisdiction to ensure compliance with this section and shall have the right to issue a stop work order for non-compliance. No stop work order issued pursuant to this section shall be removed except by the village.~~

~~Sec. 80-65. Penalty for non-compliance with tree preservation plan.~~

~~Failure to comply with an approved tree preservation plan or removal of protected trees prior to approval of said plan is subject to the following penalties and remedies:~~

~~(1) If any tree subject to preservation under this article is removed within one year prior to any zoning or permit application, to the extent possible, the removed tree(s) shall be included in the tree replacement requirements described in this article.~~

~~(2) Any tree that is designated for preservation is removed during construction activities shall be replaced with a new tree or trees of approved species with a minimum DBH equal to the removed tree(s). If the property cannot accommodate the replacement tree or 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 shall then use such funds to purchase and plant trees elsewhere within the village.~~

~~(3) If a tree, which 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 continues a hazard to persons or property, it shall be removed and replaced with a tree or trees of approved species with a minimum DBH equal to the removed tree(s). If the property cannot accommodate the replacement tree or 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 shall then use such funds to purchase and plant trees elsewhere within the village.~~

~~(4) The village shall approve all species of trees to be planted on the property when planting of replacement trees is required.~~

~~(5) The village may pursue any other lawful remedy for the violation, including but not limited to administrative adjudication and the imposition of fines for the violation.~~

~~Sec. 80-66. - Landscape standards.~~

~~The planting of trees and beautification of the village is essential to the quality of life for the village 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 the village a more beautiful and a healthier place to live. Landscapes with diversity and seasonal interest are encouraged.~~

~~(1) Minimum standards for residential construction (except for single-family construction):~~

~~a. In front, side or rear yards, a minimum of two shrubs with a minimum height of 24 inches at the time of planting, must be planted for every ten~~

~~linear feet of foundation along the portion of the building facing a public or private street.~~

~~b. In addition to the above, two of the following must also be satisfied:~~

~~• One shade tree must be planted on the site for each 100 linear feet of foundation, or portion thereof, along the front and corner side yards.~~

~~• Two under story or ornamental trees must be planted on the site for each 100 linear feet of foundation, or portion thereof, along the front and corner side yards.~~

~~• Two six to eight foot tall evergreens must be planted on the site 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 should be done in a solar conscious design, emphasizing the benefits of shade during the summer months and warming sunlight in the winter.~~

~~(2) Ability to waive requirements for residential landscape plan. The village may waive the minimum landscape requirement and the requirement for a landscape plan if the petitioner demonstrates that one or more of the following conditions are satisfied:~~

~~a. Sufficient mature trees and vegetation exist on the site in a manner that meets the intent of this article with plans to properly protect said trees or vegetation and protection measures are carried out properly throughout the entire construction process.~~

~~b. Installing plant material would compromise the health, vitality, or ecology of the existing vegetation on the site, or on neighboring sites.~~

~~c. Significant open space or vistas would be negatively impacted by the installation of the required plants.~~

~~(2) Minimum standards for non-residential, commercial, and multi-family construction:~~

~~a. At least 50 percent of the open space on the site shall be landscaped.~~

~~b. At least one tree shall be planted for every 500 square feet of the area required to be landscaped. One-third of the trees shall be evergreens of a minimum six feet in height, one-third of the trees shall be ornamental with a minimum of three inch caliper or six feet in height, and one third of the trees shall be shade trees, a minimum of three inch DBH.~~

~~c. One shrub shall be planted for every 50 square feet of the area required to be landscaped. For shrubs that mature less than five feet in height, minimum installation size shall be two feet tall. For shrubs that mature~~

~~greater than five feet in height, minimum installation size shall be three feet tall.~~

~~d. Foundation plantings of a minimum width of six feet shall be provided on all sides of the main structure except where sidewalks, driveways or other hardscapes abut the structure. Foundation plantings shall be comprised of a combination of shade trees, ornamental trees, evergreens, shrubs, ground covers and flowers.~~

~~Sec. 80-67. - Parking lots.~~

~~(a) Parking lot interior. At least one tree of not less than three inches DBH shall be planted for every 1,500 square feet of pavement area between zero and 6,000 square feet. For pavement areas exceeding 6,000 square feet, at least one tree of not less than three inches DBH shall be planted each additional 3,000 square feet. Fifty percent of tree placement shall be within the pavement area as opposed to perimeter planting.~~

~~(b) Parking lot screening. All off-street parking areas containing more than four parking spaces and non-residential driveways adjacent to lot lines shall be suitably screened on each side and rear lot line by a screen fence or wall not less than four feet in height plus a planting strip of four feet minimum width in accordance with the following, or on an alternate arrangement as approved by the village board. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis within the planting strip. On the street lot line, a planting screen not less than three 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 two feet in height where location is such that sight lines are necessary for vehicular movement across pedestrian ways.~~

~~Sec. 80-68. - Native/natural areas plantings.~~

~~The village is committed to improving and enhancing the environment and quality of life in the village. 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:~~

- ~~Filtration and removal of nutrients and other contaminants from stormwater runoff;~~
- ~~Reduction of erosion and sedimentation;~~
- ~~Reduction of pollution, resulting from less mowing activity;~~
- ~~Reduction of long-term maintenance costs;~~
- ~~Reduction of congregating nuisance waterfowl on sites;~~
- ~~Provide habitat for local wildlife;~~
- ~~Help meet the goals of the National Pollution Discharge Elimination System (NPDES) Phase II of the Clean Water Act.~~

~~(1) The design and installation of BMP's shall be performed by a practitioner with at least five years' experience in the practice of native landscaping or ecological restoration.~~

~~(2) 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 three years. Upon the completion and acceptance of the three-year maintenance period, responsibility for long term maintenance will be assumed by the owner of the development or the homeowners association.~~

~~(3) Long term maintenance will require controlled burns as the primary management tool and be required once every three years. Spot herbicide application may also be employed where burning is not effective in controlling invasive species. All person(s) employed or contracted to perform a controlled burn shall have the proper certification and insurance and be responsible for acquiring the necessary open burn permit through the Illinois Environmental Protection Agency (IEPA). The village police and fire departments must be notified of the controlled burn two weeks prior to the activity.~~

~~Sec. 80-69. - Maintenance.~~

~~(a) Responsibility. All required landscaping on private property, including fencing or screening, shall be maintained, repaired and replaced, as necessary throughout the life of the project, and this obligation is binding on subsequent owners.~~

~~(b) Weeds. Refer to other provisions of this code for information regarding the village's rules regarding vegetation/weeds.~~

~~Sec. 80-70. - Conflict in regulations.~~

~~In the event of a conflict between the terms and conditions of this chapter and the terms and conditions of any other village ordinance or regulation, the terms and conditions of this chapter shall prevail.~~

Appendix C, Fees

Appendix C, Fees

PERMITS

Permit and basis for fee			Fee	Code section number
(1)	Signs, permanent			
	(a)	All signs requiring a permit	$ Varies	~~App. A, § 11.03~~ Chapter 95, Art XI
(2)	~~Temporary sign, per display period~~ Reserved		~~25.00~~	~~App. A, § 11.03~~

Service or item received and basis for charge		**Charge**	**Code section number**
(1)	Electrician's certificate of registration, annual	$ 25.00	18-292
(2)	(Reserved)		
(3)	Certificate of occupancy		

	(a)	Single-family residences: Alterations/remodeling, garages, accessory buildings	100.00	18-489
	(b)	Commercial structures: Common spaces, each tenant space, alterations/remodeling	100.00	18-489
	(c)	Existing buildings (BOCA section 119.3)	100.00	18-489
	(d)	Changes in use and occupancy (associated with issuance of license)	100.00	18-489
	(e)	Temporary certificate of occupancy (BOCA section 119.3)	100.00	18-489
(3.5)	Late renewal of letter of credit for completion of development improvements		800.00	app. B, § 2.05
(4)	Hearing before planning and zoning commission for preliminary plan		150.00	app. B, § 6.01
		Plus, per lot	0.50	app. B, § 6.01
(5)	Variations			
		Hearing fee		
		Residential		

			R-1, R-2 and R-3	$250.00	~~app. A,~~ ~~§ 13.12~~ Chapter 95, Art XIV
		Other zones			
			R-4, R-5, R-6, R-7, B-1, B-1(A), B-2, B-3, M, O/R, and PUD	500.00	~~app. A,~~ ~~§ 13.12~~ Chapter 95, Art XIV
(6)(a)	Special use - Residential (R-1, R-2 and R-3)			100.00	~~app. A,~~ ~~§ 13.12~~ Chapter 95, Art XIV
(6)(b)	Special use - Commercial (R-4, R-5, R-6, R-7, B-1, B-1(A), B-2, B-3, M, O/R, and O/R-1)			500.00	Chapter 95, Art XIV
(7)	Zoning code amendment text or map			500.00	~~app. A,~~ ~~§ 13.12~~ Chapter 95, Art XIV
(8)	~~Planned d~~Development Plan			~~500.00~~ 800.00	~~app. A,~~ ~~§ 13.12~~ Chapter 95, Art XIV
(9)	Major Amendment to a Development Plan			500.00	Chapter 95, Art XIV

(10)	Minor Amendment to a Development Plan		150.00	Chapter 95, Art XIV
(11)	Major Site Plan		500.00	Chapter 95, Art XIV
(12)	Administrative Site Plan		150.00	Chapter 95, Art XIV
~~(9)~~ ~~(13)~~	Pre-annexation agreement			
		Residential		
		R-1, R-2, R-3	100.00	app. A, § 13.12
		All other zones	500.00	app. A, § 13.12

Footnotes:
*--- (**1**) ---*
Editor's note— *Printed herein is the schedule of fees, taxes and charges, as adopted by the village board. Amendments to the schedule are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original schedule. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.*
Cross reference— *Alcoholic beverages, ch. 10; animals, ch. 14; buildings and building regulations, ch. 18; businesses, ch. 22; engineering and flood control, ch. 34; fire prevention, fire protection and emergency services, ch. 42; health and sanitation, ch. 46; streets, sidewalks and other public places, ch. 70; taxation, ch. 74; telecommunications systems, ch. 76; telecommunications infrastructure maintenance fee, ch. 77; traffic and vehicles, ch. 78; vehicles for hire, ch. 90; zoning, ~~app. A.~~* Chapter 95

Appendix D, Parking

Appendix D, Parking

2. DIMENSIONS

A. ~~The standard dimensions for an automobile parking space shall be ten (10) feet wide by twenty (20) feet long.~~ Handicapped spaces shall be sixteen (16) feet wide. ~~The actual paved length of a space may be reduced by two (2) feet where adequate "head-in" bumper overhang space exists, exclusive of the required screening and setback requirements.~~ Concrete curb and gutter must be provided whenever bumper overhang is considered. Other pertinent dimensions for parking areas having spaces of various angles are included on the following page.

Performance Standards

Performance Standards Chapter 38 Environment, Article IV

(A) *Performance standards.* Any use established on any property shall be so operated as to comply with the performance standards governing:

(1) Noise;
(2) Vibration;
(3) Smoke and particulate matter;
(4) Toxic matter;
(5) Odorous matter;
(6) Fire and explosive hazards;
(7) Glare and heat; and
(8) Radiation hazards, as set forth hereinafter.

Established uses may be altered, enlarged, expanded or modified provided that the additions or changes comply with said performance standards and comply with all other village ordinances, codes and regulations.

(1) *Performance standards—Noise.* For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.

The flat network and the slow meter response of the sound level meter shall be used. Sounds of very short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (American National Standards Institute Standard S 1.6—1967, Preferred Frequencies and Band Numbers for Acoustical Measurements) shall be used.

The following uses and activities shall be exempt from the noise level regulations:

Noises not directly under the control of the property user.

Nonroutine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.

The noises of safety signals, warning devices and emergency pressure relief valves.

Transient noises of moving sources of noise such as automobiles, trucks, excavation equipment, tractors, airplanes and railroads.

The decibel values specified for measurement at nearest residence districts shall be reduced by three decibels between the hours of 7:00 p.m. and 7:00 a.m. In M manufacturing districts, the generation of noise shall not exceed the decibel limits prescribed below:

Maximum Permitted Sound Levels
Decibels (re .0002 Microbar)

Octave Band Preferred Frequencies (cycles per second)	Measured at Neighboring Lot	Measured at Nearest Residential Lot Line
31.5	83	76
63	78	71

125	72	65
250	64	57
500	57	50
1,000	51	45
2,000	46	39
4,000	41	34
8,000	38	32

Impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:

	Measured at Neighboring Lot	Measured at Nearest Residential Lot Line
Overall peak	86	80

(2) *Performance standards—Vibration.* In the manufacturing districts, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values or vibration limits given below.

Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.

The maximum permitted displacements shall be determined by the following formula:

$D = K / f$

where	D	=	Displacement in inches.
	K	=	A constant to be determined by reference to the following tables.
	f	=	The frequency of the vibration transmitted through the ground, cycles per second.

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding paragraph (2) and the appropriate K constant shown in table 1.

Table 1. Values of K to be used in Vibration Formula

Location		K
In any neighboring lot:		
	Continuous	0.008
	Impulsive	0.015
	Less than eight pulses per 24-hour period	0.037
In any residence district:		
	Continuous	0.003
	Impulsive	0.006
	Less than eight pulses per 24-hour period	0.015

(3) *Performance standards—Smoke and particulate matter.* The emission of smoke or particulate matter in sufficient quantities and of such characteristics and duration as to be injurious to public health and safety or which unreasonably interferes with personal comfort and welfare is hereby declared to be a public nuisance and shall not be permitted in the manufacturing districts.

For the purpose of grading the density of equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 (May 1967) shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

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

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four-hour period which will result in the highest average emission rate.

The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for not more than two minutes in any four-hour period, smoke up to and including Ringelmann No. 2 shall be permitted.

The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed five-tenths of a pound per acre of lot area per hour.

Suspended particulates carried across lot lines shall not exceed 25 micrograms per cubic meter, averaged over a 24-hour period at ground level or habitable elevation.

(4) *Performance standards—Toxic matter.* The release of airborne toxic matter shall not exceed 1/30of the threshold limit values currently recommended by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period. If a toxic substance is not listed, the applicant shall be required to submit documented proof that the proposed levels will be safe and not detrimental to the public health or injurious to plant and animal life.

(5) *Performance standards—Odorous matter.* The emission of odorous matter shall be in accordance with the requirements of each district.

The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.

When odorous matter is released from any operation, activity or use in the manufacturing districts, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.

(6) Performance standards—Fire and explosive hazards.

(a) *Detonable materials.* Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each district.

Such materials shall include but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is limited to an inventory of five pounds.

(b) *Flammable solids.* In all manufacturing districts the storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

In the manufacturing districts, the storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having no less than two-hour fire-resistant exterior walls and protected with an automatic fire extinguishing system; or

Said material, if stored outdoors, will be not less than 100 feet to the nearest lot line and provided that a special use permit is obtained which specifically approves the outdoor storage of said materials or products.

(c) *Flammable liquids and gases.* The storage, utilization or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Aboveground flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines. Flammable liquids and gases in original sealed containers [of] 55 gallons liquid capacity or less may be stored or utilized without restriction within a completely enclosed building.

Total Capacity of Flammable
Materials Permitted
(in gallons)

	Aboveground (within enclosed building)	Underground
Materials having a closed cup flashpoint over 187 degrees but less than 300 degrees Fahrenheit	20,000	100,000
From and including 105 degrees Fahrenheit to and including 187 degrees Fahrenheit	10,000	100,000
Materials having a closed cup flashpoint of less than 105 degrees Fahrenheit	3,000	100,000

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

(7) *Performance standards—Glare and heat.* In all manufacturing districts, any operation or activity producing glare or heat shall be conducted within a completely enclosed building in such manner as not to create a public nuisance or hazard beyond the boundaries of the lot.

(8) *Performance standards—Radiation hazards.*

Release outside property lines: In all manufacturing districts, the release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Illinois.

Unsealed radioactive materials: In all manufacturing districts, unsealed radioactive materials shall not be manufactured, utilized or stored (except when such materials are stored in a fireproof container at or below ground level) in excess of the following multiples of the quantities set forth in the table of Quantities of Radioactive Materials (see Appendix A).

Appendix A

Quantities of Radioactive Materials

	Unsealed sources (curies)
Actinium 227	0.1
Americium 241	0.1
Antimony 124	1
Arsenic 73	10
74	10
76	10
77	10
Astatine 211	0.1
Barium-lanthanum 140	1
Beryllium 7	100
Bromine 82	10
Cadmium-silver 109	10
Calcium 45	1
Carbin 14	1,000
Cerium-praseodymium 144	1
Cesium-barium 137	10
Chlorine 36	10
Chromium 51	100
Cobalt 58	10
60	10
Copper 64	10
Curium 242	0.1
Europium 154	1

Fluorine 18	100
Gallium 72	10
Germanium 71	100
Gold 196	10
198	10
199	10
Holmium 166	10
Hydrogen (tritium) 3	1,000
Indium 114	1
Iodine 131	1
132	10
Iridium 190	10
192	10
Iron 55	10
59	1
Krypton 85	1,000
Lanthanum 140	10
Lead 203	10
210 + dtrs	0.1
Lutecium 177	10
Manganese 52	10
54	10
56	10
Molybdenum 99	10
Nickel 59	10
63	10
Niobium 95	10
Palladium-silver 109	10
Palladium-rhodium 103	10
Phosphorus 32	10
Platinum 191	10
193	10
Plutonium 239	0.1
Polonium 210	0.1
Potassium 42	10
Praseodymium 143	10
Promethium 147	10
Radium 226	0.1
Rhenium 183	10
186	10
Rhodium 105	10
Rubidium 86	10
Ruthenium 103	10
Ruthenium-rhodium 106	1
Samarium 151	1
153	10
Scandium 46	10
47	10
48	10

Silver 105	10
110	10
111	10
Sodium 22	10
24	10
Strontium 89	1
Strontium-yttrium 90	0.1
Sulfur 35	10
Tantalum 182	10
Technetium 96	1
99	1
Tellurium 127	10
129	10
Thallium 200	10
201	100
202	10
204	10
Thorium natural	100
Thorium-protoactinium 234	1
Thulium-ytterbium 170	1
Tin 113	10
Tungsten 181	10
185	10
Uranium 233	0.1
natural	1,000
Vanadium 48	10
Yttrium 91	1
Zinc 65	10
Zirconium-niobium 95	10