VILLAGE OF
Mundelein

>> ZONING ORDINANCE
TITLE 20 OF THE MUNICIPAL CODE

ZONING ORDINANCE

VILLAGE OF MUNDELEIN, ILLINOIS

Prepared For
THE VILLAGE OF MUNDELEIN, ILLINOIS

Prepared By
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Adopted September 24, 2012

Amended:
March 25, 2013
July 14, 2014
August 25, 2014
September 22, 2014
March 9, 2015
April 27, 2015
July 25, 2016

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CHAPTER 20.04 - TITLE, PURPOSE & APPLICABILITY

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20.04.020 – Purpose and intent.
20.04.030 – Applicability.
20.04.040 – Transition rules.
20.04.050 – Severability.
20.04.060 – Effective date.
20.04.070 – Repeal of previous zoning ordinance.

20.04.010 - Title.

This title shall be known, cited and referenced to as the Mundelein Zoning Ordinance.

20.04.020 - Purpose and intent.

The intent of this document is to establish land use regulations to serve the Village of Mundelein. The purpose of this Ordinance is to:

A. To promote and protect the public health, safety and welfare of the people.

B. Regulate and determine the area of open spaces, within and surrounding structures within the Village.

C. Divide the entire Village into zoning districts of such number, shape, area, and of such different classes, according to use of land and structures, height and bulk of structures, intensity of the use of lot area, area of open spaces, or other classification, as deemed best suited to carry out the purposes of this Ordinance.

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

E. To fix reasonable standards to which structures shall conform.

F. To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and the limitations of this Ordinance.

G. To prevent the overcrowding of the land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.

H. To prohibit uses or structures incompatible with the character of development or intended uses within specified zoning districts.

I. To provide for the gradual elimination of nonconforming uses of land and structures.

J. Establish local standards solely for the review of the exterior design of structures, and designate a board or commission to implement the review process.

K. To define and limit the powers and duties of the administrative officers and bodies as provided in this Ordinance.

20.04.030 - Applicability.

A. Territorial Application. This Ordinance shall apply to all land, uses and structures within the corporate limits of the Village.

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

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

D. Private Agreements. This Ordinance is not intended to nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance shall control.

E. Other Laws and Regulations. Unless otherwise specifically provided, the Ordinance shall control over less restrictive statutes, ordinances or regulations, and more restrictive statutes, ordinances or regulations will control over the provisions of this Ordinance.

20.04.040 - Transition rules.

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

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

B. Existing Permitted Uses. If property is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and that use is classified as a special use by this Ordinance as of the effective date of this Ordinance, that use shall be deemed a lawful special use. However, any subsequent addition, enlargement or expansion of that use shall be required to obtain a new special use pursuant to this Ordinance.

C. Certain Uses Rendered Nonconforming. If property is used in a manner that was a lawful use before the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use and shall be controlled by the provisions of Chapter 20.64 (Nonconformities).

D. Certain Structures Rendered Nonconforming. If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance, that structure shall be deemed a legal nonconforming structure and shall be controlled by the provisions of Chapter 20.64 (Nonconformities).

E. Certain Lots Rendered Nonconforming. If a lot of record existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance, that lot shall be deemed a legal nonconforming lot of record and shall be controlled by the provisions of Chapter 20.64

(Nonconformities).

F. Previously Issued Building Permits. If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within one-hundred eighty (180) days of the issuance of that permit and diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

G. Previously Granted Special Uses and Variations. All special uses, including planned unit developments, and variations granted prior to the effective date of this Ordinance shall remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance shall govern. A change in the underlying zoning district shall not affect an existing special use, planned unit development, or variation, including all rights granted as part of the approval.

H. Pending Applications. If an application is pending on the effective date of the Ordinance, the provisions of this Ordinance shall govern that application. A pending application shall be defined as any application that has been submitted to the Village but has not been scheduled for a public hearing or other required review.

20.04.050 - Severability.

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

20.04.060 - Effective date.

The effective date of this Ordinance is the date of adoption, this date September 24, 2012.

20.04.070 - Repeal of previous zoning ordinance.

After the effective date of this Ordinance, all provisions of the Zoning Ordinance of the Village are expressly repealed in their entirety. This repeal only applies to the provisions of the Zoning Ordinance.

CHAPTER 20.08 - ORDINANCE ADMINISTRATION

20.08.010 – Purpose.
20.08.020 – Village board.
20.08.030 – Planning & zoning commission.
20.08.040 – Zoning administrator.

20.08.010 – Purpose.

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

20.08.020 – Village board.

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

A. To make final decisions on zoning text and map amendment applications (Section 20.16.020).

B. To make final decisions on applications for major variations (Section 20.16.030).

C. To make final decisions on special use applications (Section 20.16.040).

D. To make final decisions on planned unit development applications (Chapter 20.20).

20.08.030 – Planning and zoning commission.

The Planning and Zoning Commission shall have the following powers, pursuant to this Zoning Ordinance:

A. To make recommendations to the Village Board on zoning text or map amendment applications (Section 20.16.020).

B. To make recommendations to the Village Board on applications for major variations (Section 20.16.030).

C. To make recommendations to the Village Board on special use applications (Section 20.16.040).

D. To make recommendations to the Village Board on planned unit development applications (Chapter 20.20).

E. To hear and make final decisions on appeals of any zoning interpretation (Section 20.16.070).

F. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

G. To initiate, direct and review, from time to time, studies of the provisions of the Zoning Ordinance and to make reports of its recommendations to the Village Board.

20.08.040 – Zoning administrator.

The Village Administrator, or his/her designee, shall be considered the Zoning Administrator. The Village Administrator may designate one (1) or more Village staff persons as the Zoning Administrator, however, a zoning decision may only be rendered once. The Zoning Administrator shall have the following powers, pursuant to this Zoning Ordinance:

A. To make final decisions on applications for administrative variations (Section 20.16.030).

B. To review and make decisions on zoning interpretations (Section 20.16.070).

C. To receive and forward applications for zoning amendments, variations, site plan reviews, special uses, planned unit developments, zoning appeals and other administrative reviews required by this Ordinance to the Planning and Zoning Commission or Village Board, or appropriate official, as indicated.

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

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

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

G. To review applications for building permits (Section 20.16.080) and certificates of occupancy (Section 20.16.090) for zoning compliance.

H. To review and make decisions on applications for temporary use permits (Section 20.52.060).

I. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.

CHAPTER 20.12 - ADMINISTRATIVE PROCEDURES

20.12.010 – Purpose.
20.12.020– Application.
20.12.030– Notice.
20.12.040 – Public hearing.

20.12.010 – Purpose.

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

20.12.020 – Application.

A. Authorization. An application for a variation (major or administrative), special use or zoning appeal may be filed by an owner of any property in the Village or other person expressly authorized in writing by the owner of property in the Village. An application for a request for a zoning interpretation or a zoning amendment (text or map) may be filed by an owner of any property in the Village or other person expressly authorized in writing by the owner of property in the Village, or by the Village Board or Planning and Zoning Commission, as appropriate.

B. Filing.

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

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

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

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

D. Fees. Each application shall be accompanied by the required filing fee as established and modified, from time to time, in the Village Code. The failure to pay such fee when due shall be grounds for refusing to process the application and considering the application incomplete, and for denying or revoking any permit or approval for the subject property. However, if the application is submitted by the Village Board or Planning and Zoning Commission, then all fee requirements are waived.

E. Withdrawal of Application. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a board, commission or official, including the ability to withdraw the application if it has been tabled by a board or commission. There shall be no refund of fees.

F. Successive applications.

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

2. If the application is resubmitted earlier than one (1) year from the date of denial, such subsequent application shall include a detailed statement of the grounds justifying its consideration.

3. The Zoning Administrator shall make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one (1) year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

20.12.030 – Notice.

A. Published Notices. For all applications that require a public hearing, the Village shall publish notice in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property. Such notice shall be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date.

B. Mailed Notice.

1. Public hearings for zoning map amendments, major variations and special uses require written notice, on forms provided by the Zoning Administrator, to be mailed by certified mail no less than fifteen (15), but nor more than thirty (30), days prior to the public hearing to the owners of all properties located within two-hundred fifty (250) feet from the property line of the subject property. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the Village, notification must be mailed to the owner of the subject property.

2. The applicant shall be responsible for mailing proper notice. The applicant shall provide an affidavit to the Village stating that notice was mailed to every property within two-hundred fifty (250) feet. The applicant shall also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients, and a map indicating the boundaries of the two-hundred fifty (250) foot notice area.

3. For administrative zoning variations, written notice on forms provided by the Zoning Administrator, shall be mailed by certified mail no less than fifteen (15), but no more than thirty (30), days to the owners of all properties located adjacent to the subject property as well as the owner of the property located directly across the street prior to the date indicated on the notice as the date the Zoning Administrator may render a decision. The applicant shall be responsible for mailing proper notice. The applicant shall provide an affidavit to the Village stating that notice was mailed to the required property owners as described in this paragraph. The applicant shall also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients.

4. In the case of an administrative variation, if a noticed property owner objects to the administrative variation prior to the date indicated on the notice, such variation shall then be considered a major variation and subject to the major variance notice requirements.

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

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

C. Posted Sign Notices. Posted sign notice is required on the subject property for all public hearings on zoning map amendment, major and administrative variations, and special uses in accordance with the following provisions:

1. Location and Time Period for Posting Signs. The required posting period shall be no less than fifteen (15) consecutive days, but no more than thirty (30) days, prior to the public hearing (excluding the day of the hearing from this period). The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists. Properties with more than one (1) street frontage shall be required to post one (1) sign visible from each street frontage.

2. Responsibility for Posting Signs. The Village shall provide and erect the sign on the property. The applicant must maintain the sign during the required period.

3. Failure to Post. Failure to post for the required time shall constitute grounds for suspension or continuance of the approval process.

D. Public Examination and Copying of Applications and Other Documents. During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related documents. The Zoning Administrator shall make copies of such materials available for a fee specified by the Village.

20.12.040 – Public hearing.

A. Conduct of Public Hearings.

1. All public hearings are subject to the Illinois Open Meetings Act.

2. The procedure for public hearings is as follows:

a. Call to order and roll call.

b. The Chair opens the public hearing for the application(s) and presents a brief explanation of the public hearing procedure.

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

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

e. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Any person may ask

relevant questions of other witnesses, but only through the Chair and at the discretion of the Chair. All persons wishing to submit evidence at the public hearing shall state for the record his/her name and address.

f. The application and any accompanying exhibits will be identified and made part of the record.

g. The applicant presents testimony regarding the petition and associated applications.

h. Questions are directed to the applicant by the body conducting the hearing.

i. An interested party wishing to ask questions of a witness may, at the time indicated by the Chair, direct questions to the witness. All persons shall state his/her name and address before questioning a witness. This opportunity for questioning a witness shall not be used by the questioner to offer testimony or evidence.

j. Rebuttals.

k. The Chair may use reasonable discretion in determining when testimony has become redundant or is not relevant to the proceedings.

i. Follow-up questions from the body conducting the hearing.

m. Discussion of evidence gathered by the body conducting the hearing.

n. The body conducting the hearing will close that portion of the public hearing in regard to receiving evidence. The hearing will be continued for the purposes of voting on findings and recommendations. The hearing will remain open until such time as a decision is reached.

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

CHAPTER 20.16 - APPLICATIONS & APPROVAL PROCESSES

20.16.010 – Purpose.
20.16.020 – Zoning amendment.
20.16.030 – Variation.
20.16.040 – Special use.
20.16.050 – Planned unit development.
20.16.060 – Zoning interpretation.
20.16.070 – Appeals.
20.16.080 – Building permit.
20.16.090 – Certificate of occupancy.
20.16.100 – Enforcement.

20.16.010 – Purpose.

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

20.16.020 – Zoning amendment.

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

B. Initiation. An owner of any property in the Village, other person expressly authorized in writing by the owner of property in the Village, or the Village may propose zoning text or map amendments.

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

D. Procedure. All applications shall be filed with the Zoning Administrator in accordance with the requirements of Section 20.12.020 (Application). Once it is determined that the application is complete, the Zoning Administrator shall schedule the application for consideration by the Planning and Zoning Commission. Amendments initiated by the Village also require an application, but are exempt from fees.

1. Action by the Planning and Zoning Commission.

a. The Planning and Zoning Commission shall consider the proposed zoning amendment no more than sixty (60) days of receipt of a complete application. The Planning and Zoning Commission shall then conduct a public hearing on a proposed zoning amendment in accordance with Section 20.12.040 (Public Hearing). Notice for the public hearing shall be in accordance with Section 20.12.030 (Notice). If, in the Planning and Zoning Commission's judgment, the application does not contain sufficient information to enable the Planning and Zoning Commission to properly discharge its responsibilities, the Planning and Zoning Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

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

c. The Planning and Zoning Commission shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below. For zoning text amendments, the Planning and Zoning Commission shall recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Planning and Zoning Commission shall recommend approval or denial of the application.

2. Action by the Village Board. The Village Board shall consider the application within sixty (60) days of receiving the findings of fact and recommendation from the Planning and Zoning Commission. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments. The Village Board may also refer the application back to the Planning and Zoning Commission for further consideration.

E. Approval Standards for Zoning Amendments. The Planning and Zoning Commission recommendation and the Village Board decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning and Zoning Commission and the Village Board shall consider the following standards. The approval of amendments is based on a balancing of these standards.

1. Approval Standards for Map Amendments

a. The existing use and zoning of nearby property.

b. The extent to which property values of the subject property are diminished by the existing zoning.

c. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.

d. The relative gain to the public, as compared to the hardship imposed upon the applicant.

e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.

f. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.

g. The evidence, or lack of evidence, of community need for the use proposed by the applicant.

h. The consistency of the proposed amendment with the Comprehensive Plan.

i. That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

j. The extent to which the proposed amendment creates nonconformities.

k. The trend of development, if any, in the general area of the property in question.

l. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

2. Approval Standards for Text Amendments

a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.

b. The relative gain to the public, as compared to the hardship imposed upon the applicant.

c. The consistency of the proposed amendment with the Comprehensive Plan.

d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.

e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

f. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.

g. The extent to which the proposed amendment creates nonconformities.

h. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

F. Limitations on Denials. No application for an amendment that has been denied by the Village Board shall be reconsidered for a period of one (1) year from that date of denial.

G. Written Protest of Map Amendment. Whenever a written protest against a proposed map amendment has been filed within thirty (30) days after the public hearing, the ordinance providing for the proposed map amendment shall not be passed except by the favorable vote of two-thirds (2/3) of the members of the Village Board. Such written protest must be signed by one (1) of the following:

1. The owners of twenty percent (20%) of the frontage of property proposed to be altered; or

2. The owners of twenty percent (20%) of the frontage of property immediately adjoining in the same block or in the block in back of or across an alley therefrom; or

3. The owners of twenty percent (20%) of the frontage of property immediately opposite therefrom.

20.16.030 – Variation.

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

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

C. Definition and Applicability of Major and Administrative Variations. This Ordinance allows for two (2) types of variation. An administrative variation may be approved by the Zoning Administrator and a major variation may only be approved by the Village Board in accordance with the procedures of this section. Applications eligible for an administrative variation are as defined below. All other variations are considered major variations.

1. A variation for lot width within ninety percent (90%) of required minimum lot width.

2. Reduction in required setbacks of no more than ten percent (10%) or two (2) feet, whichever is less.

3. Reduction of required off-street parking spaces by no more than ten percent (10%) of the required amount.

4. A variation for bicycle parking requirements.

5. A variation for the footcandle restrictions of exterior lighting.

6. A variation of permitted building materials.

7. A variation for maximum setback or build-to zone when a drive-through facility is present and interferes with said bulk requirements.

D. Authority and Execution. Variations may be authorized by the terms of this Ordinance. Major variations may only be authorized by the Village Board. The Zoning Administrator is authorized to grant certain administrative variances, as defined in Paragraph C (Definition and Applicability of Major and Administrative Variations) above.

E. Procedure

1. Application. All applications shall be filed with the Zoning Administrator in accordance with the requirements in Section 20.12.020 (Application). Once it is determined that the application is complete, the Zoning Administrator shall consider an application for an administrative variation or shall forward the major variation application to the Planning and Zoning Commission.

2. Administrative Variation.

a. The Zoning Administrator shall review and evaluate the complete administrative variation application, pursuant to the standards in Paragraph F (Approval Standards for Variations) below. The Zoning Administrator shall render a decision at the conclusion of the thirty (30) days on the required notice and either approve, approve with conditions or deny the application.

b. The Zoning Administrator may also, at his/her discretion, determine that, because of its nature, a proposed administrative variation application, even if it meets the criteria of Paragraph C above, must be resubmitted in accordance with the procedures for a major variation, as described in subsection (E)(3) (Major Variance) below.

c. If a noticed property owner objects to the administrative variation application in writing, prior to the date indicated on the notice that the Zoning Administrator may render a decision, the application shall be resubmitted as a major variation. Major variation application, notice and public hearing requirements shall be required.

d. If the Zoning Administrator denies the application for an administrative variance, the applicant shall have the right to appeal to the Planning and Zoning Commission. Appeals must be filed within thirty (30) days of the Zoning Administrator's denial in accordance with Section 20.16.070 (Appeals).

3. Major Variation.

a. The Planning and Zoning Commission shall consider the major variation application no more than sixty (60) days of receipt of a complete application. The Planning and Zoning Commission shall then conduct a public hearing on a major variation application in accordance with Section 20.12.040 (Public Hearing). If, in the Planning and Zoning Commission's judgment, the major variation application does not contain sufficient information to enable the Planning and Zoning Commission to properly discharge its responsibilities, the Planning and Zoning Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

b. The Planning and Zoning Commission shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph F below.

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

d. The Village Board shall consider the variation within sixty (60) days of receipt of the Planning and Zoning Commission recommendation. The Village Board may also refer the application back to the Planning and Zoning Commission for further consideration.

F. Approval Standards for Variations

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

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

b. The plight of the owner is due to unique circumstances.

c. The variation, if granted, will not alter the essential character of the locality.

2. The Zoning Administrator, Planning and Zoning Commission and Village Board, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:

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

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

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

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

e. The proposed variation is consistent with the spirit and intent of this Ordinance and Village land use policies.

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

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

H. Variation Less Than Requested. The appropriate administrative body or official may grant a variation that is less than that requested when it has been decided, based upon the findings of Paragraph F, above, that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variation application.

I. Expiration of Variation. No approved variation shall be valid for a period longer than one-hundred eighty (180) days from the date of such approval unless a building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. The Village Board may grant, as part of the adopting ordinance, a period of validity longer than one-hundred eighty (180) days.

J. Limitations on Denials. No application for a variation that has been denied shall be reconsidered for a period of one (1) year from that date of denial.

20.16.040 – Special use.

A. Purpose. The development and execution of a Zoning Ordinance is based upon the division of the Village into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Initiation. An owner of the subject property or other person expressly authorized in writing by the owner of property in the Village may file an application to use such land for one (1) or more of the special uses authorized within the zoning districts of this Ordinance.

C. Authority and Execution. The Village Board, after receiving a recommendation from the Planning and Zoning Commission, shall take formal action on special use requests.

D. Procedure. An application for a special use shall be filed with the Zoning Administrator. All applications for a special use shall be filed in accordance with the requirements in Section 20.12.020 (Application). Once it is determined that the application is complete, the Zoning Administrator shall schedule the application for consideration by the Planning and Zoning Commission.

1. Action by the Planning and Zoning Commission.

a. The Planning and Zoning Commission shall consider the special use no more than sixty (60) days of receipt of a complete application. The Planning and Zoning Commission shall then conduct a public hearing on the special use in accordance with Section 20.12.040 (Public Hearing). Notice for the public hearing shall be in accordance with Section 20.12.030 (Notice). If, in the Planning and Zoning Commission's judgment, the application does not contain sufficient information to enable the Planning and Zoning Commission to properly discharge its responsibilities, the Planning and Zoning Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

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

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

2. Action by the Village Board. The Village Board shall consider the special use within sixty (60) days of receipt of the Planning and Zoning Commission recommendation. In granting any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with the stipulated conditions. The Village Board may refer the application back to the Planning and Zoning Commission for further consideration.

3. Conditions on Special Uses. The Planning and Zoning Commission may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as may be deemed necessary for the protection of the public interest.

E. Approval Standards for Special Uses. No special use shall be recommended for approval by the Planning and Zoning Commission and approved by the Village Board unless it has made findings, based upon the evidence presented at the public hearing, to support each of the following conclusions:

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

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

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Village land use policies.

4. The special use conforms to the applicable regulations of the zoning district in which it is to be located.

F. No Presumption of Approval. The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each proposed special use shall be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

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

1. Any of the provisions of this section or the Zoning Ordinance, or any of the terms and conditions of the special use permit are violated.

2. A building permit for the construction of the structure(s) for which a special use permit was granted is not issued, through no fault of the Village, within one (1) year of the granting of the special use permit by the Village Board, and the erection or alteration of a building is started or the use is commenced within such period.

3. Whenever an existing special use is changed to or replaced by a permitted use.

4. Whenever a special use is discontinued (where the business has been closed and is no longer operating) for a period of one-hundred eighty (180) continuous days.

H. Limitations on Denials. No application for a special use, which has been denied by the Village Board, shall be reconsidered for a period of one (1) year from that date of denial.

20.16.050 – Planned unit development.

Where permitted within district regulations, planned unit developments shall be considered special uses, and subject to the process and requirements of both special uses in Section 20.16.040 (Special Use) and planned unit developments. See Chapter 20.20 (Planned Unit Development) of this Ordinance for planned unit development process and requirements.

20.16.060 – Zoning interpretation.

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

B. Initiation. Applications for zoning interpretations may be filed by an owner of any property in the Village or other person authorized in writing by the owner of property in the Village. In addition, the Village Board may request that the Zoning Administrator render an interpretation. All applications for interpretations shall be filed with the Zoning Administrator in accordance with the requirements in Section 20.12.020 (Application). Requests initiated by the Village Board require an application, but are exempt from fees. All interpretation requests shall be for the purpose of furthering some actual development.

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

D. Procedure. The Zoning Administrator shall review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator shall have the ability to request additional information prior to rendering an interpretation.

E. Appeals. An applicant may appeal the Zoning Administrator's decision to the Planning and Zoning Commission within thirty (30) days of the decision.

20.16.070 – Appeals.

A. Purpose. The zoning appeals process for review of decisions of the Zoning Administrator is intended to provide appropriate checks and balances on administrative authority.

B. Initiation. Applications for appeals may be filed by any owner of any property in the Village that is directly affected by a determination of the Zoning Administrator.

C. Authority and Execution. The Planning and Zoning Commission may review only those decisions of the Zoning Administrator that result from determinations made directly pursuant to this Zoning Ordinance. Other decisions and actions of the Zoning Administrator cannot be appealed under this process.

D. Procedure. Upon the filing of an application for an appeal of a Zoning Administrator determination, the Planning and Zoning Commission shall conduct a public hearing in accordance with Section 20.12.040 (Public Hearing) within sixty (60) days of receipt of a complete application. If, in the Planning and Zoning Commission judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Planning and Zoning Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing continued. Notice shall give in accordance with Section 20.12.030 (Notice). The Planning and Zoning Commission shall decide the appeal within sixty (60) days of the close of the public hearing. The Planning and Zoning Commission may reverse or affirm or may modify the determination. The Planning and Zoning Commission decision must be on the record.

E. Limitations on Appeals. An interpretation may only be appealed if an application is filed within thirty (30) days of the Zoning Administrator decision.

20.16.080 – Building permit.

Before proceeding with the erection, enlargement, alteration, repair or removal of any structure in the Village, a building permit for such erection, enlargement, alteration, repair or removal is required. As part of the building permit application process, the Zoning Administrator shall review the application for compliance with this Ordinance.

20.16.090 – Certificate of occupancy.

No land shall be occupied or used, no structure shall be occupied or used, in whole or in part, and no change of use shall be made for any purpose whatsoever until a certificate of occupancy is issued stating that the building and use comply with all the building and health laws and ordinances and with the provisions of these regulations. The Zoning Administrator shall be responsible for determining compliance with this Ordinance and all other applicable ordinances prior to issuance of a certificate of occupancy.

20.16.100 – Enforcement.

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

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

C. Fines. Each violation, and each day that such violation continues, shall be subject to a fine of not less than seventy-five dollars ($75.00) and not more than seven hundred fifty dollars ($750.00).

CHAPTER 20.20 - PLANNED UNIT DEVELOPMENTS

20.20.010 – Purpose.
20.20.020 – Initiation.
20.20.030 – Authorization.
20.20.040 – General standards for planned unit developments.
20.20.050 – Exceptions from district regulations.
20.20.060 – Procedure.
20.20.070 – Adjustments to approved final plans.
20.20.080 – Inspections during development.
20.20.090 – Revocations and extensions.
20.20.100 – Conditions and guarantees.
20.20.110 – Issuance of building permit.

20.20.010 – Purpose.

Planned unit developments (PUD) are included in this Zoning Ordinance as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned unit development technique is intended to allow the modification of otherwise applicable substantive requirements based on procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this Zoning Ordinance in recognition of the fact that traditional bulk and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose rigidities on the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach. This technique is intended to be applied to further only those applications which provide special, compensating amenities to the Village. Through the flexibility of the planned unit development technique, the Village seeks to achieve the following specific objectives:

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

B. Encourage planned diversification in the location of structures.

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

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

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

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

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

H. Facilitate the implementation of the Village land use policies, particularly with respect to areas designated for potential redevelopment.

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

20.20.020 – Initiation.

An application for a special use permit to allow or grant a planned unit development may be filed by the owner of record, or any person(s) having a contractual interest in, the property for which the planned unit development is proposed. However, that all owners of record of such property must execute the application

20.20.030 – Authorization.

A planned unit development may be authorized as a special use in all zoning districts. A planned unit development shall be granted in accordance with the procedures and standards of this chapter, and the special use provisions of Section 20.16.040 (Special Use). Unless specifically approved by the ordinance granting or amending the planned unit development as a special use, the requirements of the underlying district shall apply. The ordinance granting or amending the planned unit development as a special use may depart from the normal procedures, standards and other requirements of this Ordinance.

20.20.040 – General standards for planned unit developments.

A. The entire property proposed for the planned unit development shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners of all tracts.

B. The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this section.

C. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned unit development shall stipulate that they may not be modified, removed or released without the express consent of the Village Board and that they may be enforced by future landowners within the proposed development.

D. The applicant may be required to submit a proposed development agreement as part of the planned unit development application. As part of the planned unit development approval, the Village must approve the development agreement.

E. Any area of a planned unit development not used for structures, streets, or parking lots, shall be landscaped. The perimeter of the planned unit development shall be designed to ensure compatibility with uses surrounding the planned unit development by including uses within the planned unit development that are compatible with such surrounding uses, including setbacks, screening, or natural or man-made buffers within such perimeter.

F. Private streets are prohibited unless expressly approved by the Village Board. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in this section.

G. Whenever the Village Board determines that development of a planned unit development will create a need for land for public purposes of the Village within the proposed planned unit development, the Village Board may require that such land be designated and dedicated to the Village for such use. In addition, the Village Board may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met with respect to the proposed planned unit development.

H. Thirty percent (30%) of the area of a residential-only planned unit development is required to be set aside and maintained as common open space. This thirty percent (30%) shall be calculated based on the net area of the site, which is the total area of a site available for development, excluding street rights-of-way and other publicly dedicated improvements. excluding public rights-of-way. The location of common open space shall be consistent with its intended function as set forth in the application and planned unit development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure or recreational uses for which such open space is intended.

1. The following uses shall be considered common open space:

    a. Parks and playgrounds, including skate parks and dog parks.

    b. Indoor or outdoor active recreation facilities, including basketball courts, ball fields, swimming pools and tennis courts.

    c. Jogging trails, bike trails and fitness courses.

    d. Nature preserves, bird sanctuaries, natural water features and similar conservation areas.

    e. Detention/retention ponds may be counted toward common open space but must be accessible to the public via nature trails, boardwalks, and/or perimeter walkways, and they must be designed as natural water features and landscaped with native vegetation. Detention/retention ponds may only count toward twelve percent (12%) of the common open space area requirement

2. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The safeguards must be perpetual and must run with the land. Such safeguards may be released, but only with the express written consent of the Village Board.

3. The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the Village.

4. When the requirements of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

    a. The by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be included as part of the final plan prior to the final plan becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this chapter.

    b. The association must be established and all covenants and restrictions must be recorded prior to the sale or lease of any property within the area of the planned unit development designated to have the use of the proposed open space or improvements.

c. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.

d. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements.

e. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes.

f. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds ($^2/_3$) of the members voting on the issue.

g. The Village must be given the right to enforce the declarations, covenants and restrictions.

h. The Village must be given the right, after ten (10) days written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member for the cost of such maintenance and work. For this purpose alone, the Village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

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

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

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

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

20.20.050 – Exceptions from district regulations.

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

1. Enhances the overall merit of the planned unit development.

2. Promotes the objectives of both the Village and the development.

3. Enhances the quality of the design of the structures and the site plan.

4. Enables the development to offer environmental and pedestrian amenities.

5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.

6. Is compatible with the Village land use policies.

7. Provides a public benefit to the Village, as described in Paragraph B below.

B. The underlying zoning district requirements shall apply, unless an exception is granted by ordinance as part of the approved special use. Exceptions to district regulations may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case shall an exception to district regulations within a planned unit development be granted unless the applicant demonstrates a substantial benefit to the Village. Design characteristics and amenities to be considered in this determination shall include, but are not limited to the following:

1. Reduced use of impervious surface materials, including cluster development and use of semi-pervious materials such as pervious pavers and grass-crete.

2. The use of green building and sustainable development techniques, including LEED or LEED-equivalent certification of structures.

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

4. Preservation of environmental and/or historic features.

5. Open space and recreational amenities such as:

   a. Swimming pools

   b. Tennis courts

   c. Recreational open space accessory buildings

   d. Jogging trails and fitness courses

   e. Playgrounds

   f. Natural water features and conservation areas

   g. Detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation

6. Adaptive reuse of existing buildings.

7. A senior housing set-aside, either rental or for-sale.

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

20.20.060 – Procedure.

In its establishment and authorization as a special use, in addition to the special use standards of Section 20.16.040 (Special Use), the following procedures, requirements, restrictions, and conditions shall be observed. In addition to the special use procedures, approval of a planned unit development is a four-step process, which includes pre-application consultation, Concept Plan, Preliminary Plan, and Final Plan. No plats shall be recorded and no building permit shall be issued until a Final Plan has been approved.

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

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

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

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

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

B. Concept Plan

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

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

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

2. The Village Board shall review the Concept Plan at a meeting, and provide such information and guidance as it deems appropriate. Members of the Planning and Zoning Commission shall be invited to the Concept Plan review meeting in order to offer input on the proposed planned unit development.

3. Any opinions or advice provided by the Village Board shall be in no way binding with respect to any official action the Planning and Zoning Commission or Village Board may take on the subsequent formal application. The review of the Concept Plan shall not be a public hearing, and any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation.

C. Preliminary Plan. All applications for planned unit developments shall contain a Preliminary Plan, which shall be filed with the Zoning Administrator, who shall forward a copy of the same to the Planning and Zoning Commission. When a subdivision of land subject to Title 19 of the Village Code is proposed in connection with a planned unit development, the applicant shall file an application for approval of a preliminary plat of the proposed subdivision simultaneously with the application for development concept plan approval.

1. Preliminary Plan Submittal. The Preliminary Plan shall include, depict, and describe the basic scope, character and nature of the entire proposed planned unit development, and shall include the following elements:

a. A written statement, which shall contain the following information:

i. A statistical tabulation of the acreage amounts of all land uses proposed.

ii. The type and number of dwelling units for any proposed residential land uses.

iii. The stages in which the project will be built and the approximate dates when construction of each phase is expected to begin and to end.

b. A boundary line survey of the subject property, which shall be prepared and certified by a registered land surveyor.

c. A topographic map of the subject property with contours shown at intervals no greater than five (5) feet. Topographic data shall refer to the USGS North American Datum - Mean Sea Level Elevation.

d. A detailed site analysis of the subject property which shall describe or depict the following information:

i. Existing land uses both on the subject property and immediately adjacent to it.

ii. Wooded areas on the subject property.

iii. A soil survey of the subject property and a report from the soil and water conservation district of Lake County identifying any soil problem areas. Additional soil information may be requested by the Planning and Zoning Commission and/or the Village Engineer.

iv. Portions of the subject property in any floodplain or floodplain fringe areas.

v. Streams, drainage ditches, culverts, and standing water.

vi. Tree survey of the subject property containing information identified in Chapter 20.60 (Landscaping & Screening).

vii. General directions of the stormwater runoff across the subject property.

viii. Existing county and/or municipal zoning on the subject property.

ix. Municipal corporate boundaries within or near the subject property.

e. A proposed land use plan drawn on a print of the topographic map for the subject property. The proposed land use plan shall contain the following information:

i. Identification information:

(a) Name of the proposed planned unit development.

(b) Location of the subject property by section, township, and range or by other approved legal description.

(c) Name and address of the planner and engineer for the planned unit development.

(d) Name and address of the owner of the subject property the developer of the planned unit development. If the owner is a land trust, the trust beneficiaries.

(e) Scale, north point, and date, including the date of the last revisions (if any).

ii. Design features:

(a) Right-of-way alignments, widths and names of all streets. Such street names shall not duplicate the name of any street heretofore used in the Village or its environs unless such street is an extension of or is in line with an already named street, in which event that name shall be used.

(b) The location of all buildings and structures proposed for the planned unit development.

(c) Off-street parking, loading and service areas.

(d) All areas to be dedicated as common open space and all sites to be conveyed, dedicated or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-building uses.

(e) The pedestrian circulation system, and bicycle circulation system, if applicable.

(f) All other information necessary to clearly show the proposed elements of the planned unit development.

(g) A landscaping planting plan, indicating the height, size, location, quantities and variety of stock to be planted.

(h) The general architectural style, the types of building materials, the colors, and conceptual elevation drawings, for all buildings, fences, signs, and other structures.

f. A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the location and dimensions of all existing and proposed sanitary sewer, storm sewer, and water lines, drainage ditches, culverts, water retention areas, utility easements, and overhead utility lines, on and adjacent to the subject property. The utility plan shall be accompanied by a statement from the Village Engineer attesting to the capability of existing sewer systems to service the proposed plan unit development.

g. A traffic study, if requested by the Village, indicating the volume of traffic to be generated by the planned unit development and proposing any special engineering design features and/or traffic regulation devices needed to ensure efficient and safe traffic circulation to, through, and around the planned unit development.

h. An economic impact, if requested by the Village, study detailing the impact that the planned unit development will have upon the taxing bodies within which the proposed planned unit development is located. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified.

i. Market study, if requested by the Village.

2. Preliminary Plan Procedure. The procedure for approval of the Preliminary Plan shall be:

a. Action by the Planning and Zoning Commission

i. The Planning and Zoning Commission shall review the Preliminary Plan and special use at a public hearing within sixty (60) days of receipt of a complete application. If, in the Planning and Zoning Commission judgment, the application does not contain sufficient information to enable the Planning and Zoning Commission to properly discharge its responsibilities, the Planning and Zoning Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information.

ii. Within sixty (60) days of the close of the public hearing, the Planning and Zoning Commission shall either:

(a) Recommend approval or denial of the Preliminary Plan and special use, and submit its written recommendation to the Village Board.

(b) Advise the applicant in writing of any recommended changes, additions or corrections to the Preliminary Plan. The applicant may, within thirty (30) days, submit the revised Preliminary Plan for Planning and Zoning Commission consideration at a continuation of, or at a new, public hearing. The applicant may do so without paying an additional filing fee. The Planning and Zoning Commission shall then recommend approval or denial of the Preliminary Plan and special use and submit its written recommendation to the Village Board.

iii. Such recommendation shall include:

(a) Findings of fact.

(b) Specify the reason or reasons for such recommendation or decision.

(c) A conclusion or statement setting forth the recommendation.

(d) Any recommended limitations or conditions.

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

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

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

3. Limitations.

a. No special use application for a planned unit development, which has been denied by the Planning and Zoning Commission or Village Board, shall be reconsidered for a period of one (1) year from that date of denial.

b. The approval of a Preliminary Plan shall automatically expire and be rendered void and the Zoning Administrator shall, without further direction, initiate an appropriate application to revoke the special use permit ordinance for all portions of the planned unit development area that have not yet been completed, if:

i. An application for approval of a Final Plan has not been filed within two (2) years, or such greater length of time as the Village Board may approve, after the date the Village Board grants Preliminary Plan approval

ii. The applicant shall in any other manner fail to comply with any condition of this Ordinance or any approval granted pursuant to it.

D. Final Plan. Within two (2) years following the approval of the Preliminary Plan, the applicant shall file with the Zoning Administrator a Final Plan containing, in final form, the information required for the Preliminary Plan. When a subdivision of land subject to Title 19 of the Village Code is proposed in connection with a planned unit development, the applicant shall file an application for approval of a final plat of the proposed subdivision simultaneously with the application for final plan approval.

1. Final Plan Submittal.

a. A final site plan and final plat drawn to an appropriate scale shall include the following information:

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

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

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

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

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

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

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

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

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

e. If subdivision of the development site is included in the planned unit development, a plat of subdivision shall be prepared suitable for recording with the Recorder of Deeds. Such plat of subdivision shall be prepared in the same form and meet the same specifications required for a normal subdivision as prescribed in the Village's subdivision regulations. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication shall be prepared.

f. A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development.

g. A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers, stormwater drainage facilities, main power lines, phone lines and other utilities, including all easements, required to serve the planned development. The drainage plan shall include the manner in which surface drainage will be controlled and managed consistent with all applicable Village regulations. The utilities and drainage plan will also be submitted to Planning and the Village Engineer for review.

h. A development and construction schedule by phase.

i. Typical building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail.

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

k. A separate schedule setting forth any proposed exceptions to any Village regulations. The schedule shall include, but not necessarily be limited to, the regulations governing use, density, area, bulk, off-street parking and loading and signs as they apply to the

zoning district or districts within which the planned development is to be located. This schedule shall cite by section number each regulation from which an exception is sought.

l. A description of the public benefits and amenities to be provided.

2. Final Plan Procedure.

a. Action by Planning and Zoning Commission

i. Within sixty (60) days after the filing of an application for approval of a Final Plan, the Planning and Zoning Commission shall review the Final Plan in a public hearing, and transmit to the Village Board its recommendation on, the Final Plan. Such review shall consider:

(a) Whether the Final Plan is in substantial conformity with the approved Preliminary Plan.

(b) The merit or lack of merit of any departure of the Final Plan from substantial conformity with the approved Preliminary Plan.

(c) Whether the Final Plan complies with any and all conditions imposed by approval of the Preliminary Plan.

(d) Whether the Final Plan complies with the provisions of this Zoning Ordinance and all other applicable federal, state and Village codes, ordinances, regulations, and other laws.

ii. Each recommendation, as described in item iii below, of the Planning and Zoning Commission shall include:

(a) Findings of fact.

(b) The reason or reasons for such recommendation or decision.

(c) Any recommended limitations or conditions.

(d) A conclusion or statement separate from the findings of fact setting forth the recommendation or decision.

iii. The Planning and Zoning Commission shall make one of the following types of recommendations to the Village Board in regard to the Final Plan:

(a) Recommendation of approval based on substantial conformity, if the Planning and Zoning Commission finds:

(1) Substantial conformity between the Final Plan and the approved Preliminary Plan.

(2) That the Final Plan is in all other respects complete and in compliance with any and all conditions imposed by approval of the Preliminary Plan.

(3) That the Final Plan complies with the provisions of this Zoning Ordinance and all other applicable federal, state, and Village codes, ordinances, regulations, and other laws.

The Planning and Zoning Commission shall transmit the Final Plan to the Village Board with its recommendation that the Village Board approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval. However, in no event shall such conditions of approval impair the rights granted by the Preliminary Plan approval.

(b) Recommendation of approval without substantial conformity, if the Planning and Zoning Commission finds that the Final Plan lacks substantial conformity to the Preliminary Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Zoning Ordinance, it shall transmit the Final Plan to the Village Board with its recommendation that the Final Plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.

(c) Recommendation of denial, if the Planning and Zoning Commission finds that the Final Plan is not in substantial conformity with the approved Preliminary Plan and does not merit approval, or does not comply with the other conditions, laws, or criteria. The Planning and Zoning Commission shall transmit the Final Plan to the Village Board together with its recommendation that the Final Plan not be approved.

b. Action by Village Board.

i. Within sixty (60) days after the receipt of the recommendation of the Planning and Zoning Commission, the Village Board shall:

(a) Approve the Final Plan by a duly adopted ordinance.

(b) Reject the Final Plan by a duly adopted ordinance or resolution.

(c) Refer the Final Plan back to the Planning and Zoning Commission for further consideration of specified matters, with or without a new hearing, as may be required.

ii. The approval of any Final Plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval. However, in no event shall such conditions of approval impair the rights granted by the Preliminary Plan approval.

3. Approval. After Final Plan approval, the Final Plan, rather than any other provision of this zoning ordinance, shall constitute the parking, loading, sign, bulk and yard regulations applicable to the subject property. Thus, the property within the planned unit development shall be used and developed only in accordance with the Final Plan, rather than the zoning district regulations otherwise applicable to such property.

E. Concurrent Preliminary and Final Plan Submittal. The applicant may submit an application for approval of a Final Plan simultaneously with the application for approval of a Preliminary Plan and, in such case, the Preliminary Plan and the Final Plan may be comprised of the same document or documents. In such case, the applicant shall comply with all provisions of this Zoning Ordinance applicable to submission of the Preliminary Plan and to submission of the Final Plan. The Planning and Zoning Commission and the Village Board shall consider such plans simultaneously and shall grant or deny, or recommend granting or denying, as the case may be, Final Plan approval in accordance with the provisions of this chapter.

20.20.070 – Adjustments to approved final plans.

No adjustments may be made in the approved Final Plan, except upon application to the Village, according to the following provisions.

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

1. Minor Adjustments. During the development of a planned unit development, the Zoning Administrator may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of technical or engineering difficulties first discovered during actual development. Such minor adjustments shall be limited to the following:

a. Altering the location of any one structure or group of structures by not more than twenty (20) feet or one-fourth (¼) of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned unit development, whichever is less.

b. Altering the location of any circulation element by not more than twenty (20) feet or one-fourth (¼) of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less.

c. Altering the location of any open space by not more than fifty (50) feet.

d. Altering any final grade by not more than twenty percent (20%) of the originally planned grade.

e. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Zoning Ordinance and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Zoning Ordinance.

2. Major Adjustments. Any adjustment to the Final Plan not authorized by item 1 above shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the Village Board. The Village Board, by ordinance duly adopted, may grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with the Final Plan. If the Village Board determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Village Board shall refer the request to the Planning and Zoning Commission for public hearing and review.

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

20.20.080 – Inspections during development

A. After approval of the Final Plan of a planned unit development or any stage thereof, the Zoning Administrator shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule. Such review and comparison shall be conducted at least annually until completion of the planned unit development.

B. If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, then the Zoning Administrator shall notify the Village Board of such fact and may, if necessary to protect the public health, safety, or welfare or to prevent further violation of this Zoning Ordinance and the Final Plan, issue an order stopping any and all work on the planned unit development until such time as any noncompliance is cured.

C. Within sixty (60) days after notification by the Zoning Administrator, the Village Board shall either:

   1. Take such steps as it deems necessary to compel compliance with the Final Plan.

   2. Require the owner or applicant to seek an adjustment to the Final Plan during development provided as in Section 20.20.070 (Adjustments to Approved Final Plans).

D. Failure of the Village Board to act within sixty (60) days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the Final Plan approval as it relates to all uncompleted portions of the planned unit development, all prior plan approvals on which such Final Plan approval depends, and all permits based upon such approvals. The Zoning Administrator shall, without further direction, initiate an appropriate action to revoke the special permit for all portions of the planned unit development that have not yet been completed. Additionally, the Zoning Administrator shall take such other action as may be appropriate to abate the violation.

20.20.090 – Revocations and extensions.

If construction work on the proposed planned unit development has not begun within eighteen (18) months from the date of authorization by the Village Board, the authorization shall become null and void and all rights shall lapse. However, the applicant can request an extension, upon his/her written application, filed prior to the termination of the eighteen (18) month time limit. The Village Board may authorize a single extension of not more than twelve (12) months without a public notice.

20.20.100 – Conditions and guarantees.

A. The approval of either a Preliminary Plan or a Final Plan may be conditioned on such matters as may be necessary or desirable to prevent or minimize any possible adverse effects of the proposed planned unit development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Zoning Ordinance, Title 19 of the Village Code of Mundelein, and Village land use policies. However, no such condition of Final Plan approval shall impair the rights granted by Preliminary Plan approval. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this Zoning Ordinance and shall constitute grounds for revocation of all approvals granted for the planned unit development.

B. Whenever any planned unit development approval granted pursuant to this section is made subject to conditions or limitations to be met by the applicant, the applicant shall file an

affidavit with the Zoning Administrator stating that it has complied with such conditions or limitations within thirty (30) days after compliance therewith.

20.20.110 – Issuance of building permit.

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

CHAPTER 20.24 - ZONING DISTRICTS

20.24.010 – Purpose.
20.24.020 – Districts.
20.24.030 – Zoning map.
20.24.040 – Annexed land.
20.24.050 – Exemptions for rights-of-way and public utilities.

20.24.010 – Purpose.

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

20.24.020 – Districts.

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

A. Residential Districts

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

B. Commercial Districts

C-1 Neighborhood Commercial Zoning District
C-2 General Commercial Zoning District
C-3 Heavy Commercial Zoning District
C-4 Shopping Center Zoning District
C-5 Downtown Zoning District

C. Office Park and Manufacturing Districts

O-R Office-Research Zoning District
M-1 General Manufacturing Zoning District
M-MU Manufacturing Mixed-Use Zoning District

D. Special Purpose Districts

OS Open Space Special Purpose Zoning District
I Institutional Special Purpose Zoning District
L-MU Lakefront Mixed-Use Zoning District

20.24.030 – Zoning map.

A. Location of Districts.

1. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.

2. It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, be included in the zoning districts established by this Ordinance. Any land lying within the Village, but not shown on the Official Zoning Map as being included within a district, shall be classified as the R-1 Single-Family Residential District.

B. Interpretation of Boundary Lines

1. Right-of-Way Lines. Where zoning district boundary lines coincide with streets, alleys, highways, easements, or right-of-way lines of railroads, toll roads or expressways, the boundary line shall be construed to be the centerline of the right-of-way.

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

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

4. Clarification of Boundary Lines. The Planning and Zoning Commission shall decide all interpretations of zoning district boundary lines, where the application of Paragraphs 1 through 3 above leaves doubt as to the boundary between two (2) zoning districts.

20.24.040 – Annexed land.

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

20.24.050 – Exemptions for rights-of-way and public utilities.

A. The provisions of this Ordinance do not apply to land located within rights-of-way.

B. The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells.

C. This exemption does not include permanent aboveground utility structures, wireless telecommunications structures, amateur HAM radio towers, solar collectors, or wind energy system turbines. All such structures must comply with this Ordinance and any other applicable Village ordinances.

CHAPTER 20.28 - RESIDENTIAL ZONING DISTRICTS

20.28.010 – Residential zoning districts purpose statements.
20.28.020 – Permitted and special uses.
20.28.030 – Bulk and yard regulations.
20.28.040 – Measurement of reverse corner side yard.
20.28.050 – General standards of applicability.

20.28.010 – Residential zoning districts purpose statements.

A. Purpose of R-1 Single-Family Residential Zoning District. The R-1 Single-Family Residential District is intended to create a low density environment of single-family homes located upon larger sites. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.

B. Purpose of R-2 Single-Family Residential Zoning District. The R-2 Single-Family Residential District is intended to create a relatively low density environment of single-family homes within residential neighborhoods, located upon sites comparable in dimension typical to newer areas of single-family residential development within the community. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.

C. Purpose of R-3 Single-Family Residential Zoning District. The R-3 Single-Family Residential Zoning District is intended for those areas of moderate density single-family neighborhoods located within older residential areas of the Village. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.

D. Purpose of R-4 Two-Family Residential Zoning District. The R-4 Two-Family Residential Zoning District is intended for areas of moderate density where single-family and two-family dwellings are located, similar in dimension to the typical lot size for single-family housing within the community. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.

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

20.28.020 – Permitted and special uses.

Table 20.28-1: Residential Zoning Districts Permitted and Special Uses lists permitted and special uses for the residential districts. A "P" indicates that a use is permitted within that district. An "S" indicates that a use is a special use in that district and must obtain special use approval as required in Section 20.16.040 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not allowed within that district.

TABLE 20.28-1: RESIDENTIAL ZONING DISTRICTS PERMITTED AND SPECIAL USES						
USE[1]	DISTRICT					USE STANDARDS
	R-1	R-2	R-3	R-4	R-5	
RESIDENTIAL						
Community Residence, Large (More than 8 persons)					P	Section 20.48.030(F)
Community Residence, Small (8 or less persons)	P	P	P	P	P	Section 20.48.030(F)
Dwelling, Multi-Family					P	Section 20.48.030(L)
Dwelling, Single-Family	P	P	P	P	P	Section 20.48.030(L)
Dwelling, Townhouse					P	Section 20.48.030(L)L
Dwelling, Two-Family				P	P	Section 20.48.030(L)
Residential Care Facility					P	Section 20.48.030(DD)
INSTITUTIONAL						
Place of Worship	S	S	S	S	S	Section 20.48.030(Y)
COMMERCIAL						
Day Care Home, Adult or Child	P	P	P	P	P	Section 20.48.030(J)
OPEN SPACE						
Park/Playground	P	P	P	P	P	
OTHER						
Planned Unit Development	S	S	S	S	S	Chapter 20.20
Utilities, Private					S	Section 20.48.030(II)
Wireless Telecommunications Antenna	S, P[2]	S, P[2]	S, P[2]	S, P[2]	S, P[2]	Section 20.48.030(KK)
Wireless Telecommunications Facility	S	S	S	S	S	Section 20.48.030(KK)
Wireless Telecommunications Tower	S	S	S	S	S	Section 20.48.030(KK)

TABLE 20.28-1: FOOTNOTES

[1] The terms in this column ("Use") are defined in Chapter 20.68 (Generic Use Definitions).

[2] Only wireless telecommunications antennas that comply with the stealth design standards of Section 20.48.030(KK) shall be considered permitted uses.

20.28.030 – Bulk and yard regulations.

Table 20.28-2: Residential Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the residential zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a specific use.

TABLE 20.28-2: RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS					
BULK AND YARD REGULATIONS	DISTRICT				
	R-1	R-2	R-3	R-4	R-5
BULK REGULATIONS					
Minimum Lot Area	12,000sf	10,000sf Places of Worship: 12,000sf	6,000sf Places of Worship: 12,000sf	SF: 6,000sf 2F: 7,250sf Places of Worship: 12,000sf	SF: 6,000sf 2F: 7,250sf Townhouse & MF: 3,600sf/du Places of Worship: 12,000sf
Minimum Lot Width	80'	80'	50' Places of Worship: 80'	50' Places of Worship: 80'	60' Places of Worship: 80'
Maximum Building Height[1]	35' and 3 stories	35' and 3 stories	35' and 3 stories	35' and 3 stories	35' and 3 stories MF: 48' and 4 stories
Maximum impervious Surface Coverage	Interior Lot: 50% Corner Lot: 60%	Interior Lot: 50% Corner Lot: 60%	Interior Lot: 50% Corner Lot: 60%	Interior Lot: 55% Corner Lot: 65%	Interior Lot: 55% Corner Lot: 65%
YARD REQUIREMENTS					
Minimum Front Yard [2] (See Section 7.4)	30'; or where 40% of lots on the block are improved, then the average of the front setbacks of two neighboring lots on either side[1]	30'; or where 40% of lots on the block are improved, then the average of the front setbacks of two neighboring lots on either side[1]	30'; or where 40% of lots on the block are improved, then the average of the front setbacks of two neighboring lots on either side[1]	30'; or where 40% of lots on the block are improved, then the average of the front setbacks of two neighboring lots on either side[1]	30'; or where 40% of lots on the block are improved, then the average of the front setbacks of two neighboring lots on either side[1]
Minimum Interior Side Yard (See Section 7.4)	10% of lot width or 15', whichever is less, but no less than 10'	10% of lot width or 15', whichever is less, but no less than 8'	10% of lot width or 10', whichever is less, but no less than of 5'	10% of lot width or 10', whichever is less, but no less than 5'	10% of lot width or 15', whichever is less, but no less than 10'
Minimum Corner Side Yard (See Section 7.4)	20% of lot width or 20', whichever is less, but no less than 16'	20% of lot width or 15', whichever is less, but no less than 10'	20% of lot width or 15' ft, whichever is less, but no less than 10'	20% of lot width or 15', whichever is less, but no less than 10'	20% of lot width or 15', whichever is less, but no less than 10'
Minimum Reverse Corner Side Yard (See Section 7.4)	First 20', as measured from rear lot line, equals the front yard of the lot to the rear; Remainder of the yard: 50% of the front yard depth	First 20', as measured from rear lot line, equals the front yard of the lot to the rear; Remainder of the yard: 50% of the front yard depth	First 20', as measured from rear lot line, equals the front yard of the lot to the rear; Remainder of the yard: 50% of the front yard depth	First 20', as measured from rear lot line, equals the front yard of the lot to the rear; Remainder of the yard: 50% of the front yard depth	First 20', as measured from rear lot line, equals the front yard of the lot to the rear; Remainder of the yard: 50% of the front yard depth
Minimum Rear Yard	30'	30'	30'	30'	30'

TABLE 20.28-2: FOOTNOTES

[1]Steeples and similar architectural features on places of worship are permitted up to extend up to 75' in height. The main structure must meet building height requirements for the district.

[2] In no case shall averaging be based on less than four neighboring lots. For example, in the case of a corner lot, four neighboring lots on the same block shall be used or, in the case of a lot adjacent to the corner lot, the corner lot and three neighboring lots on the same block shall be used.

20.28.040 – Measurement of yards.

A. Typical Yard Configurations

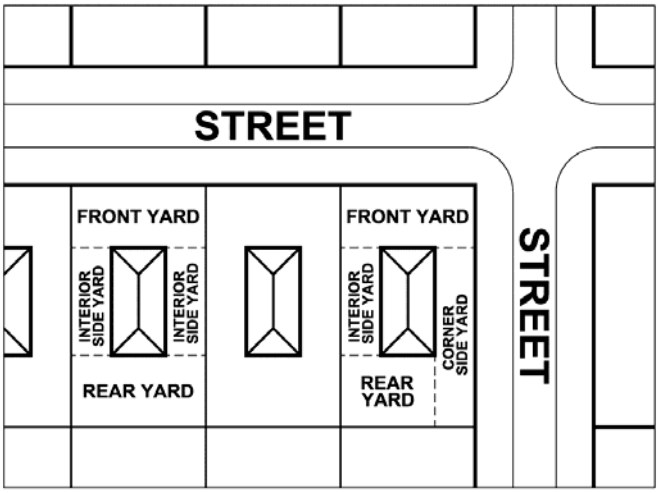
1. A front yard is measured as the required minimum distance a structure, or other improvement on a lot, must be located from a front lot line, as required by Table 20.28-2. The front yard extends the full width of the lot between side lot lines for the required minimum depth, measured perpendicular to the front lot line. (See Figure 20.28-1: Typical Yard Configurations)

2. A rear yard is measured as the required minimum distance a structure, or other improvement on a lot, must be located from a rear lot line, as required by Table 20.28-2. The rear yard extends between the side lot lines for the required minimum depth, measured perpendicular to the rear lot line. (See Figure 20.28-1)

3. An interior side yard is measured as the required minimum distance a structure, or other improvement on a lot, must be located from an interior side lot line, as required by Table 20.28-2. The interior side yard extends along an interior side lot line between the front and rear yard, for the required minimum depth, measured perpendicular to the interior side lot line. (See Figure 20.28-1)

4. A corner side yard is measured as the required minimum distance a structure, or other improvement on a lot, must be located from a corner side lot line, as required by Table 20.28-2. The corner side yard extends along the corner side lot line between the front yard and the rear lot line, for the required minimum depth, measured perpendicular to the corner side lot line. (See Figure 20.28-1)

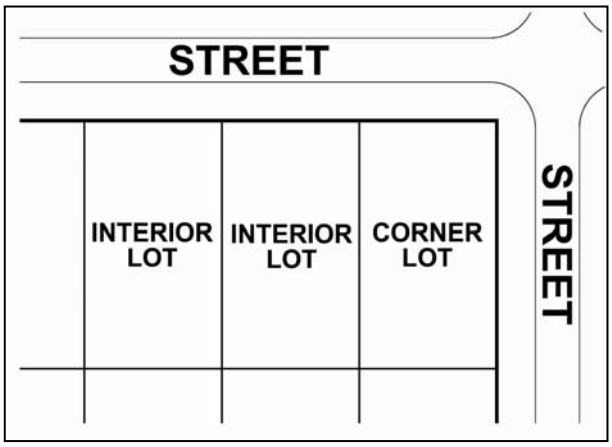
FIGURE 20.28-1: TYPICAL YARD CONFIGURATIONS



B. Reverse Corner Side Yard. To clarify the distinction between a corner lot and a reverse corner lot, and to clarify how to measure a reverse corner side yard, the following illustrations (Figures 20.28-2, 20.28-3 and 20.28-4) are provided.

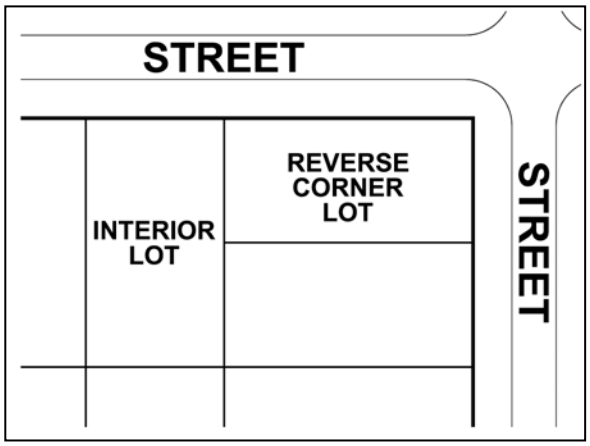
1. For reference, a typical corner lot is a lot situated at the junction of, and abutting, two (2) or more intersecting streets. See Figure 20.28-2: Corner Lot below.

FIGURE 20.28-2: CORNER LOT



2. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear. See Figure 20.28-3: Reverse Corner Lot below.

FIGURE 20.28-3: REVERSE CORNER LOT



3. How to measure the reverse corner side yard of a reverse corner lot is illustrated in Figure 20.28-4: Measurement of Reverse Corner Side Yard below. The dimension of such yard is as required in Table 20.28-2: Residential Districts Bulk and Yard Regulations.

FIGURE 20.28-4: MEASUREMENT OF REVERSE CORNER SIDE YARD

FIGURE 4 – STEP 1:
On a reverse corner lot, the lot line used to determine the location of the front yard and to measure lot width shall be the shorter street frontage.

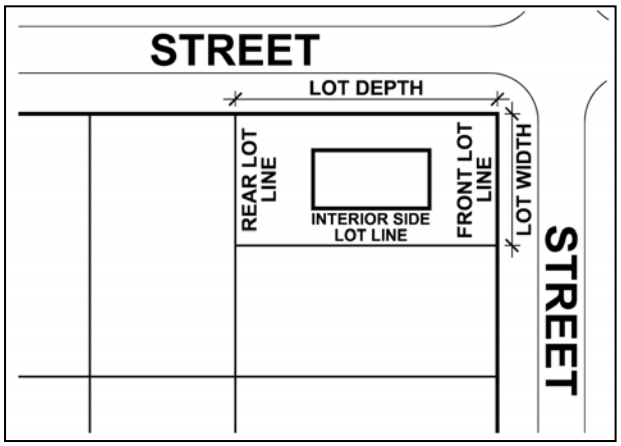
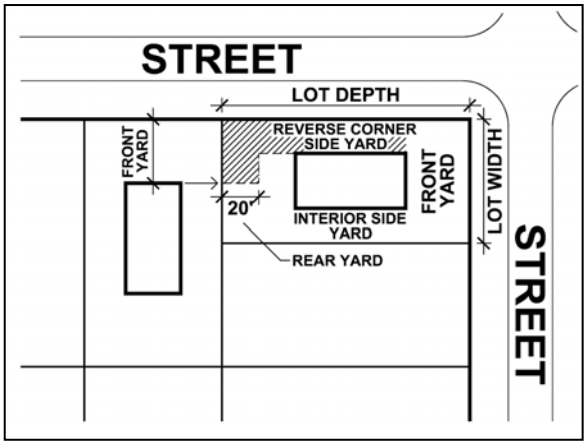


FIGURE 4 – STEP 2:
As measured from the rear lot line of the reverse corner lot, the first twenty (20) feet of the reverse corner side yard shall equal the front yard of the lot to the rear. The remainder of the reverse corner side yard shall be fifty percent (50%) of that front yard depth.



20.28.050 – General standards of applicability.

A. Temporary Uses. See Section 20.52.060 (Temporary Uses) for standards governing temporary uses.

B. Accessory Structures and Uses. See Section 20.52.040 (Accessory Structures and Uses) for standards covering accessory structures and uses. Attached garages are not considered an accessory structure but are subject to the applicable requirements of Section 20.52.040.

C. Site Development Standards. See Chapter 20.52 for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

D. Environmental Performance Standards. See Section 20.52.070 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Off-Street Parking and Loading. See Chapter 20.56 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. Landscape and Screening. See Chapter 20.60 (Landscape and Screening) for standards governing landscape and screening.

CHAPTER 20.32 - COMMERCIAL ZONING DISTRICTS

20.32.010 – Commercial zoning districts purpose statements.
20.32.020 – Permitted and special uses.
20.32.030 – Bulk and yard regulations.
20.32.040 – Commercial district design standards.
20.32.050 – General standards of applicability.

20.32.010 – Commercial zoning districts purpose statements.

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

B. Purpose of C-2 General Commercial Zoning District. The C-2 General Commercial District is intended to provide sufficient space in appropriate locations for a variety of retail uses, personal service uses, and professional offices, generally serving a wider area with a need to accommodate larger-scale, auto-oriented commercial uses which require significant parking and are particularly located along existing commercial corridors.

C. Purpose of C-3 Heavy Commercial Zoning District. The C-3 Heavy Commercial District is intended to provide for auto-oriented heavy commercial uses. Standards for the C-3 District are designed to maintain and enhance the appearance of these areas, and to provide adequate buffering between any residential and lower-intensity commercial properties located adjacent to the district.

D. Purpose of C-4 Shopping Center Zoning District. The purpose of the C-4 Shopping Center District is to preserve and provide for commercial uses located within a shopping center environment that serve both residents and the surrounding areas. The C-4 District provides for shopping center development that generates a sizeable amount of traffic and a significant demand for off-street parking.

20.32.020 – Permitted and special uses.

Table 20.32-1: Commercial Zoning Districts Permitted and Special Uses lists permitted and special uses for the commercial districts. A "P" indicates that a use is permitted within that district. An "S" indicates that a use is a special use in that district and must obtain special use approval as required in Section 20.16.040 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not allowed within that district.

TABLE 20.32-1: COMMERCIAL DISTRICTS PERMITTED & SPECIAL USES					
USE[1]	DISTRICT				USE STANDARDS
	C-1	C-2	C-3	C-4	
RESIDENTIAL					
Dwelling, Above the Ground Floor	P	P	S	P	
Dwelling, Multi-Family				S	Section 20.48.030(L)
Dwelling, Townhouse				S	Section 20.48.030(L)
Residential Care Facility				S	Section 20.48.030(DD)
INSTITUTIONAL					
Assembly Hall	P	P	P	P	
Cultural Facility	P	P	P	P	Section 20.48.030(G)
Educational Facilities, Vocational School		S	S	S	Section 20.48.030(M)
Government Facilities	P	P	P	P	
Place of Worship	S	S	S	S	Section 20.48.030(Y)
COMMERCIAL					
Animal Hospital	S	P	P	P	
Art Gallery	P	P	P	P	
Arts Studio	P	P	P	P	
Banquet Facility		S	S	S	Section 20.48.030(C)
Car Wash		S	S	S	
Currency Exchange	P	P	P	P	Section 20.48.030(H)
Day Care Center, Adult or Child	P	P	P	P	Section 20.48.030(I)
Drive-Through Facility	S	P	P	P	Section 20.48.030(K)
Financial Institution	P	P	P	P	
Funeral Home	S	P	P		
Gas Station	S	P	P	P	Section 20.48.030(O)
Greenhouse/Nursery		P	P	S	
Heavy Retail, Rental and Service			P	S	
Homeless Shelter		S	S		
Hospital		S	S		
Hotel/Motel		S		S	
Indoor Amusement Facility		P	P	P	Section 20.48.030(B)
Kennel		S	P		Section 20.48.030(N)
Live Entertainment – Indoor	P	P	P	P	Section 20.48.030(P)
Live Entertainment – Outdoor		S	S	S	Section 20.48.030(P)
Medical/Dental Clinic	P	P	P	P	
Mini-Warehouse			P		
Motor Vehicle Aftermarket Enhancements		S	S		Section 20.48.030(U)
Motor Vehicle Dealership			S		Section 20.48.030(S)
Motor Vehicle Rental Establishment			S		Section 20.48.030(S)
Motor Vehicle Service and Repair, Minor		S	S		Section 20.48.030(U)
Motor Vehicle Service and Repair, Major			S		Section 20.48.030(U)
Office	P	P	P	P	
Outdoor Amusement Facility		S	P	S	Section 20.48.030(B)
Outdoor Dining	P	P	P	P	Section 20.48.030(W)
Payday or Title Loan Agency		P	P	P	Section 20.48.030(H)
Pawn Shop		P	P		Section 20.48.030(H)
Personal Services Establishment	P	P	P	P	

TABLE 20.32-1: COMMERCIAL DISTRICTS PERMITTED & SPECIAL USES					
USE[1]	DISTRICT				USE STANDARDS
	C-1	C-2	C-3	C-4	
Pet "Day Care" Service	P	P	P	P	Section 20.48.030(N)
Restaurant	P	P	P	P	
Retail Goods Establishment	P	P	P	P	
Shooting Range			S		Section 20.48.030(EE)
Social Club or Lodge	P	P	P	P	
Smoke Shop		S	S	S	Section 20.48.030(FF)
Tattoo Parlor			S		
Tavern/Bar	P	P	P	P	
TRANSPORTATION					
Motor Vehicle Operations Facility			P		Section 20.48.030(T)
Off-Street Parking Lot	S	S	S	S	Section 20.48.030(V)
Parking Structure	S	S	S	S	Section 20.48.030(V)
OPEN SPACE					
Park/Playground	P	P		P	
Urban Agriculture		S	S		Section 20.48.030(HH)
OTHER					
Community Center	S	S	S	S	Section 20.48.030(E)
Planned Unit Development	S	S	S	S	Chapter 20.20
Recycling Facility, Convenience Drop-Off	P	P	P	P	Section 20.48.030(Z)
Utilities, Private	S	P	P		Section 20.48.030(II)
Wireless Telecommunications Antenna	S, P[2]	S, P[2]	S, P[2]	S, P[2]	Section 20.48.030(KK)
Wireless Telecommunications Facility	S	S	S	S	Section 20.48.030(KK)
Wireless Telecommunications Tower	S	S	S	S	Section 20.48.030(KK)

TABLE 20.32-1: FOOTNOTES

[1] The terms in this column ("Use") are defined in Chapter 20.68 (Generic Use Definitions).

[2] Only wireless telecommunications antennas that comply with the stealth design standards of Section 20.48.030(KK) shall be considered permitted uses.

20.32.030 – Bulk and yard regulations.

Table 20.32-2: Commercial Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

TABLE 30.32-2: COMMERCIAL DISTRICT BULK AND YARD REGULATIONS				
BULK AND YARD REGULATIONS	DISTRICT			
	C-1	C-2	C-3	C-4
BULK REGULATIONS				
Minimum Lot Area	Residential: 2,000sf/du Non-Residential: None	Residential: 2,000sf/du Non-Residential: None	Residential: 2,000sf/du Non-Residential: None	Minimum District Size: 2 acres Residential: 2,000sf/du Non-Residential: None
Minimum Lot Width	None	None	None	Minimum District Lot Width: 100 ft
Maximum Building Height[1,2]	35'	40' and 3 stories	35'	40' and 3 stories
Design Standards	See Section 20.32.040(A)	See Section 20.32.040(A)	See Section 20.32.040(B)	See Section 20.32.040(C)
YARD REQUIREMENTS				
Front Yard	Maximum: 10'	Maximum: 10'	Minimum: 10'	Minimum: 25'
Minimum Interior Side Yard – Abutting Non-Residential District	None	None	None	None
Minimum Interior Side Yard – Abutting Residential District	10'	10'	10'	20'

TABLE 30.32-2: COMMERCIAL DISTRICT BULK AND YARD REGULATIONS				
BULK AND YARD REGULATIONS	DISTRICT			
	C-1	C-2	C-3	C-4
Corner Side Yard	Maximum: 10'	Maximum: 10'	None	Minimum: 20'
Minimum Rear Yard	10'	20'	20'	20'

TABLE 20.32-2: FOOTNOTES

[1] An appurtenance in the commercial districts may take any form but shall not exceed a square of 9 feet by 9 feet, and 10 feet in height. Steeples and similar architectural features on places of worship are permitted up to extend up to 75' in height.

[2] Where a place of worship is located within the commercial districts, steeples and similar architectural features on places of worship are permitted up to extend up 75' in height.

20.32.040 – Commercial district design standards.

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

A. C-1 and C-2 District Design Standards

1. Façade Articulation. Buildings in the C-1 and C-2 District shall comply with the following building articulation standards. (See Figure 20.32-1: Façade Articulation)

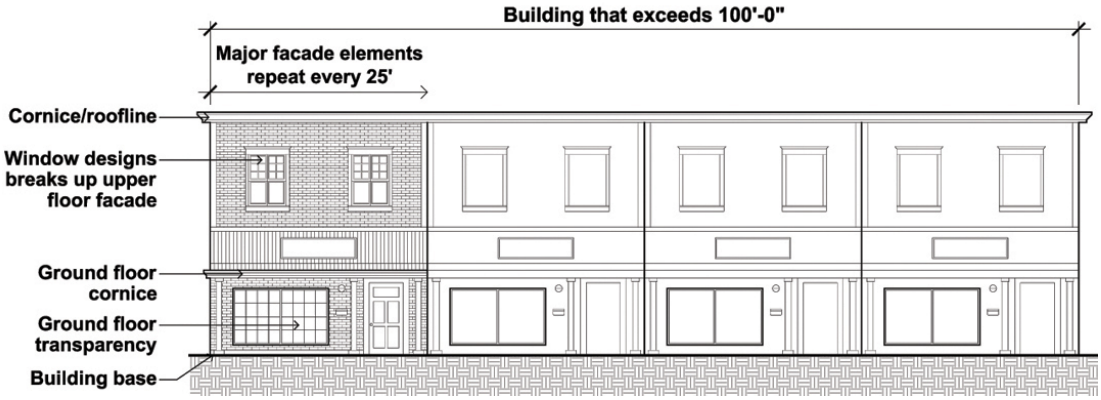
   a. Multi-story buildings shall be designed with a definable base, middle and top. Rooflines, cornice treatments and window designs should divide larger buildings.

   b. When visible from the public right-of-way (excluding alleys) or for any facade abutting a residential district, façades must include architectural features to avoid the appearance of blank walls facing the street. These include, but are not limited to, changes in the depth of wall plane of at least two (2) feet, changes in wall texture or masonry patterns, windows, colonnade, columns or pilasters. Other facades should include some architectural features to minimize the appearance of blanks walls.

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

   d. Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

FIGURE 20.32-1: FAÇADE ARTICULATION



2. Fenestration. Buildings in the C-1 and C-2 District shall comply with the following fenestration standards.

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

   b. Non-residential units under 25,000 square feet on the ground floor along a public street require fifty percent (50%) transparency comprised of clear windows or doors for the façade area between two feet (2') and eight feet (8') above the average grade for all walls that front on a public street or access area, which allows views of indoor space or product display areas. Parking structures or walls of structures that are used for ground floor parking are exempt from the transparency requirements; however, decorative elements and architectural elements are required to break up the façade. Windows shall be constructed of clear or lightly tinted glass. Tinting above twenty percent (20%) or reflective glass is prohibited. In-line retail is considered multiple uses with each unit counting individually towards the size requirement.

3. Roof Design. Buildings in the C-1 and C-2 District shall comply with the following roof design standards.

   a. Roof lines must either be varied with a change in height or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, every one-hundred (100) linear feet in building length. (See Figure 20.32-2: Example of Varied Roofline)

   b. Plain mansard roofs are prohibited.

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

   d. "Green roof" designs are encouraged.

FIGURE 20.32-2: EXAMPLE OF VARIED ROOFLINE

4. Entrances. Buildings in the C-1 and C-2 District shall comply with the following entrance design standards.

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

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

5. Building Materials.

    a. The following materials are permitted for use on exterior elevations:

        i. Clay brick;

        ii. Natural or cast stone;

        iii. Stucco;

        iv. Wood;

        v. Architectural precast concrete.

    b. The following building materials are prohibited. However, such materials may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

        i. Plain concrete block;

        ii. Corrugated metal;

        iii. Aluminum, steel or other metal sidings;

        iv. Metal wall panels;

        v. Exposed aggregate (rough finish) concrete wall panels;

        vi. Exterior insulating finish systems (EIFS);

vii. Plastic;

viii. Vinyl;

ix. Glass curtain walls.

6. Views Corridors for Diamond Lake. When a development in the C-1 or C-2 District is located on a lot adjacent to Diamond Lake, such structure must be sited to allow views of the water from Diamond Lake Road where local east-west streets terminate at Diamond Lake Road.

B. C-3 District Design Standards

1. Façade Articulation and Reduction of Mass and Scale. In the C-3 District, the following standards for façade articulation and reduction of mass and scale apply to all façades that face a public right-of-way (excluding alleys) or a residential district, and the façade where the building entrance is located.

   a. Buildings with façades over one-hundred (100) feet in length shall incorporate wall projections or recesses, or changes in wall plane a minimum of two (2) feet in depth a maximum of every seventy-five (75) feet.

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

   c. Predominant façade colors shall be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

2. Roof Design. Buildings in the C-3 District shall comply with the following roof design standards.

   a. The roofline at the top of the structure shall not run in a continuous plane for more than one hundred (100) feet without offset of the roof plane. Rooflines must be “broken up” by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, forms, etc.

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

   c. The following roof materials are prohibited:

      i. Corrugated metal (standing seam metal roofs permitted);

      ii. Reflective surfaces that produce glare.

   d. “Green roof” and white roof designs are encouraged.

3. Siting. Buildings in the C-3 District shall comply with the following siting standards.

   a. Public entrances and primary building elevations shall face public streets. Main entrances to the buildings shall be well defined. Service doors shall be recessed and integrated into the overall design of the building.

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

   c. When a development in the C-3 District is located on a lot adjacent to Diamond Lake, such structure must be sited to allow views of the water from Diamond Lake Road where local east-west streets terminate at Diamond Lake Road.

4. Building Materials.

   a. Permitted Materials. Permitted building materials for exterior use are as follows:

      i. Clay Brick;

      ii. Wood;

      iii. Natural or cast stone;

      iv. Tinted and/or textured concrete masonry units;

      v. Stucco;

      vi. Architectural precast concrete.

   b. Prohibited Materials. Prohibited materials for a predominant surface finish material are as follows:

      i. Plain concrete block;

      ii. EIFS panels on the ground floor; EIFS panels discouraged on upper floors;

      iii. Vinyl;

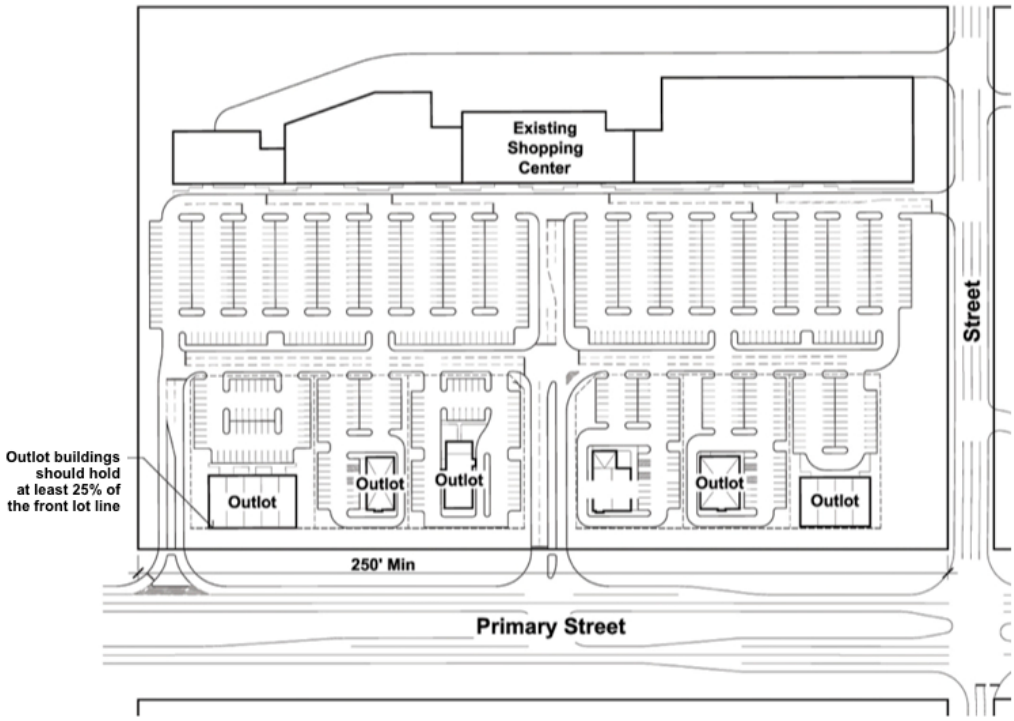
      iv. Corrugated Metal.

C. C-4 District Design Standards

1. Siting. Buildings in the C-4 District shall comply with the following siting standards.

   a. When a shopping center is situated behind a large parking lot, create a street presence for the shopping center by locating part of the center or an outlot building, near the lot line, at the primary street corner or the shopping center entrance. When the center's frontage on the primary street exceeds two-hundred fifty (250) feet in width, outlot buildings should hold at least twenty-five percent (25%) of the front lot line. (See Figure 20.32-3: Building Siting)

FIGURE 20.32-3: BUILDING SITING



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

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

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

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

2. Façade Articulation and Building Design. Buildings in the C-4 District shall comply with the following fenestration and building design standards.

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

b. Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

c. Outlot buildings are encouraged to be designed to reflect the architectural style of the main building(s).

d. Non-residential units under 25,000 square feet on the ground floor along a public street require fifty percent (50%) transparency comprised of clear windows or doors for the façade area between two feet (2') and eight feet (8') above the average grade for all walls that front on a public street or access area, which allows views of indoor space or product display areas. Parking structures or walls of structures that are used for ground floor parking are exempt from the transparency requirements; however, decorative elements and architectural elements are required to break up the façade. Windows shall be constructed of clear or lightly tinted glass. Tinting above twenty percent (20%) or reflective glass is prohibited. In-line retail is considered multiple uses with each unit counting individually towards the size requirement.

3. Roof Design. Buildings in the C-4 District shall comply with the following roof design standards.

a. The roofline at the top of the structure must not run in a continuous plane for more than one-hundred (100) feet without offset of the roof plane. Rooflines must be "broken up" by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, forms, etc.

b. Buildings should use decorative roof elements, such as projecting cornices, to enhance roof edges and define building entrances, waiting areas, transit stops, main pedestrian routes or activity areas.

c. Plain mansard roofs are prohibited.

d. "Green roof" designs are encouraged.

4. Building Materials

a. The following materials are permitted for use on exterior elevations visible from the public right-of-way (excluding alleys) and from abutting residential districts:

i. Clay brick;

ii. Natural or cast stone;

iii. Stucco;

iv. Wood;

v. Architectural precast concrete.

b. The following building materials are prohibited. However, such materials may be used as part of decorative or detail elements, or on facades that are not visible from the public right-of-way (excluding alleys) or abutting residential districts.

i. Plain concrete block;

ii. Corrugated Metal;

iii. Aluminum, steel or other metal sidings;

iv. Metal wall panels;

v. Exposed aggregate (rough finish) concrete wall panels;

vi. Exterior insulating finish systems (EIFS) on the first floor;

vii. Vinyl;

viii. Plastic;

ix. Glass curtain walls.

5. Views Corridors for Diamond Lake. When a development in the C-4 District is located on a lot adjacent to Diamond Lake, such structure must be sited to allow views of the water from Diamond Lake Road where local east-west streets terminate at Diamond Lake Road.

20.32.050 – General standards of applicability.

A. Temporary Uses. See Section 20.52.060 (Temporary Uses) for standards governing temporary uses.

B. Accessory Structures, and Uses. See Section 20.52.040 (Accessory Structures and Uses) for standards covering accessory structures and uses.

C. Site Development Standards. See Chapter 20.52 for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

D. Environmental Performance Standards. See Section 20.52.070 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Off-Street Parking and Loading. See Chapter 20.56 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. Landscape and Screening. See Chapter 20.60 (Landscape and Screening) for standards governing landscape and screening.

CHAPTER 20.36 - DOWNTOWN ZONING DISTRICT

20.36.010 – Downtown zoning districts purpose statements.
20.36.020 – Permitted and special uses.
20.36.030 – C-5 District permitted project types.
20.36.040 – Project type development regulations.
20.36.050 – Downtown design standards.
20.36.060 – Accessory structures and uses.
20.36.070 – Parking access and design.

20.36.010 – Downtown zoning districts purpose statements.

Mundelein's Downtown and its entry corridors vary in terms of desired uses, building intensity, scale, and character. To maintain this character, the Village establishes the C-5 Downtown Zoning District with four (4) subdistricts: C-5-VC Village Center Subdistrict, C-5-MU Mixed-Use Subdistrict, C-5-C Corridor Subdistrict and C-5-R Residential Subdistrict. The boundaries of these subdistricts are identified in Figure 20.36-1: C-5 Subdistrict Map. The purpose of each subdistrict is described as follows:

A. Purpose of C-5-VC Village Center Subdistrict. The C-5-VC Village Center Subdistrict is intended to facilitate the development envisioned in the Village of Mundelein's Master Redevelopment Implementation Plan. Subdistrict regulations focus on creating a vibrant, mixed-use district within the center of Downtown that is pedestrian-and transit-oriented in nature, focused on a public square.

B. Purpose of C-5-MU Mixed-Use Subdistrict. The C-5-MU Mixed-Use Subdistrict is intended to facilitate development oriented to the commuter rail station. Subdistrict regulations focus on the appropriate mix of uses and building scale and design to create an attractive transit-oriented district that provides a variety of commuting options for commercial, office and residential uses.

C. Purpose of C-5-C Corridor Subdistrict. The C-5-C Corridor Subdistrict is intended to accommodate auto-accessible uses while improving the character of downtown's entryways. Subdistrict regulations focus on creating development that enhances pedestrian links throughout the downtown area and properly manages parking capacity, location and access.

D. Purpose of C-5-R Residential Subdistrict. The C-5-R Residential Subdistrict is intended to accommodate suitable residential development for the Downtown and create appropriate transitions to the surrounding residential neighborhoods. Subdistrict regulations focus on building scale and density to maximize the benefit of the adjacent transit station and mixed-use district, while creating compatibility with adjacent neighborhoods through required buffers and appropriate building types.

FIGURE 20.36-1: C-5 SUBDISTRICT MAP

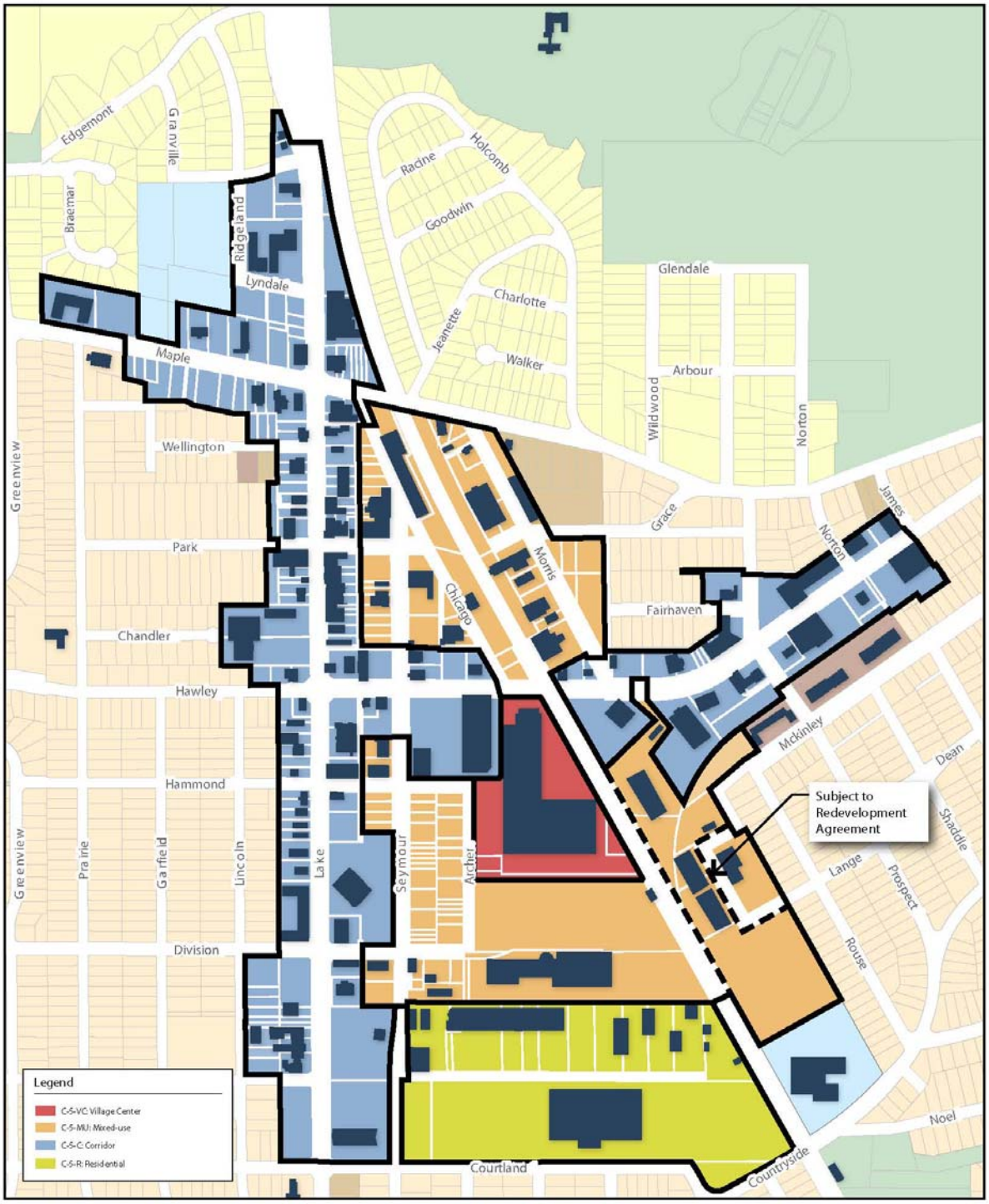


Figure 20.36-1: C-5 Subdistrict Map

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20.36.020 – Permitted and special uses in the C-5 District.

Table 20.36-1: C-5 District Permitted and Special Uses lists permitted and special uses for the downtown districts. A "P" indicates that a use is permitted within that district. An "S" indicates that a use is a special use in that district and must obtain a special use approval as required in Section 20.16.040 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not allowed within that district.

TABLE 20.36-1: C-5 DISTRICT PERMITTED & SPECIAL USES					
USE[1]	DISTRICT				USE STANDARDS
	C-5-VC	C-5-MU	C-5-R	C-5-C	
RESIDENTIAL					
Community Residence		S		S	Section 20.48.030(F)
Dwelling, Single Family			P		
Dwelling, Townhouse	P	P	P		
Dwelling, Two-Family	P	P	P		
Dwelling, Multi-Family	P	P	P	P	
Dwelling, Above the Ground Floor	P	P	P	P	
Residential Care Facility		P		S	Section 20.48.030(DD)
INSTITUTIONAL					
Assembly Hall	S	S		S	
Cultural Facility	P	P		P	Section 20.48.030(G)
Educational Facilities, College/University	P	P		P	Section 20.48.030(M)
Educational Facilities, Vocational School	P	P		P	Section 20.48.030(M)
Government Facilities	P	P		P	
Place of Worship	S	S	S	S	Section 20.48.030(Y)
COMMERCIAL					
Art Gallery	P	P		P	
Arts Studio	P	P		P	
Animal Hospital	P	P		P	
Banquet Facility		S		S	Section 20.48.030(C)
Car Wash				S	
Currency Exchange		P		P	Section 20.48.030(H)
Day Care Center, Adult or Child	P	P		P	Section 20.48.030(I)
Day Care Home, Adult or Child			P	P	Section 20.48.030(J)
Drive-Through Facility				S	Section 20.48.030(K)
Financial Institution	P	P		P	
Funeral Home		S		S	
Gas Station				P	Section 20.48.030(O)
Hotel/Motel	S	S		S	
Indoor Amusement Facility	P	P		P	Section 20.48.030(B)
Pet "Day Care" Service	S	S		S	Section 20.48.030(N)
Live Entertainment – Indoor	P	P		P	Section 20.48.030(P)
Live Entertainment – Outdoor	S	S		S	Section 20.48.030(P)
Medical/Dental Clinic	P	P		P	
Motor Vehicle Dealership				S	Section 20.48.030(S)
Motor Vehicle Rental Establishment				S	Section 20.48.030(S)
Office	P	P		P	
Outdoor Amusement Facility		S		S	Section 20.48.030(B)
Outdoor Dining	P	P		P	Section 20.48.030(W)
Payday or Title Loan Agency		S		S	Section 20.48.030(H)
Personal Services Establishment	P	P		P	
Restaurant	P	P		P	
Retail Goods Establishment	P	P		P	
Smoke Shop				P	Section 20.48.030(FF)

TABLE 20.36-1: C-5 DISTRICT PERMITTED & SPECIAL USES					
USE[1]	DISTRICT				USE STANDARDS
	C-5-VC	C-5-MU	C-5-R	C-5-C	
Social Club or Lodge		P		P	
Tavern/Bar	P	P		P	
Tattoo Parlor				P	
TRANSPORTATION					
Off-Street Parking Lot	S	S		S	Section 20.48.030(V)
Parking Structure	S	S		S	Section 20.48.030(V)
OPEN SPACE					
Parks/Playgrounds	P	P	P	P	
OTHER					
Community Center	S	S	S	S	Section 20.48.030€
Planned Unit Development	S	S	S	S	Chapter 20.20
Utilities, Private	P	P	P	S	Section 20.48.030(II)
Wireless Telecommunications Antenna	S, P[2]	S, P[2]	S, P[2]	S, P[2]	Section 20.48.030(KK)
Wireless Telecommunications Facility	S	S	S	S	Section 20.48.030(KK)
Wireless Telecommunications Tower	S	S	S	S	Section 20.48.030(KK)

TABLE 20.36-1: FOOTNOTES

[1] The terms in this column ("Use") are defined in Chapter 20.68 (Generic Use Definitions).
[2] Only wireless telecommunications antennas that comply with the stealth design standards of Section 20.48.030(KK) shall be considered permitted uses.

20.36.030 – C-5 District permitted project types.

A. Establishment of Project Types. The C-5 District regulates each subdistrict by permitted project types. The project types are defined as follows:

1. Single-Story Commercial Building. A single-story structure containing non-residential uses.

2. Mixed-Use Building. A structure of more than one (1) story that accommodates a full range of uses, including both residential and non-residential uses. A mixed-use building may also be devoted to a single category of land use type, such as all non-residential uses.

3. Multi-Family Building. A structure that contains four (4) or more dwelling units and no non-residential uses.

4. Townhouse/Stacked Flat Building. A townhouse is a structure with three (3) or more individual dwelling units that are attached by party wall, each with a separate entryway. A stacked flat is a structure with two (2) to three (3) dwelling units contained within one (1) structure where units are vertically stacked and accessed by a shared entryway. A minimum of three (3) attached stacked flat buildings defines a stacked flat cluster. Townhouses and stacked flats are subject to the same design regulations.

5. Single-Family Dwelling. A residential structure with one (1) dwelling unit with no other residential structures attached.

B. Permitted Project Types by Subdistrict. Table 20.36-2: C-5 District Permitted Project Types identifies where each project type is permitted within the C-5 District.

TABLE 20.36-2: C-5 DISTRICT PERMITTED PROJECT TYPES				
PROJECT TYPE	C-5-VC	C-5-MU	C-5-C	C-5-R
Single-Story Commercial		X	X	
Mixed-Use	X	X	X	
Multi-Family	X	X	X	X
Townhouse/Stacked Flat	X	X		X
Single-Family Dwelling				X

20.36.040 – Project type development regulations.

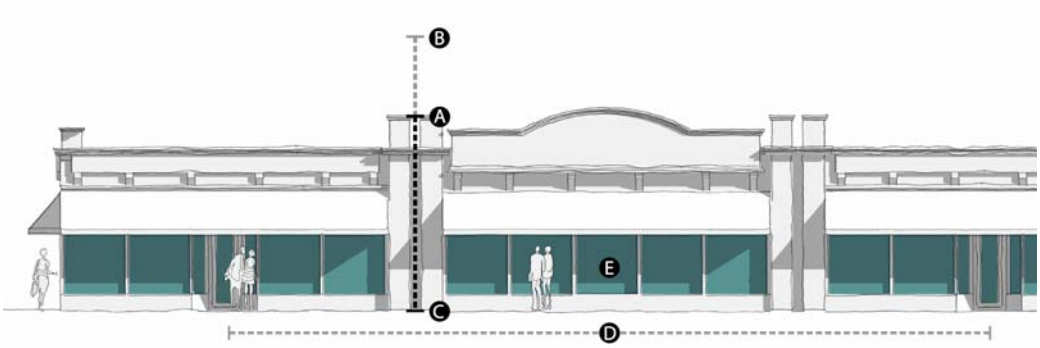
Each project type identified above has individual development regulations as described below. All project types must also comply with the standards of Sections 20.36.050 (Downtown Design Standards), 20.36.060 (Accessory Structures and Uses), and 20.36.070 (On-Site Parking Access and Design Regulations).

A. Single-Story Commercial Buildings.

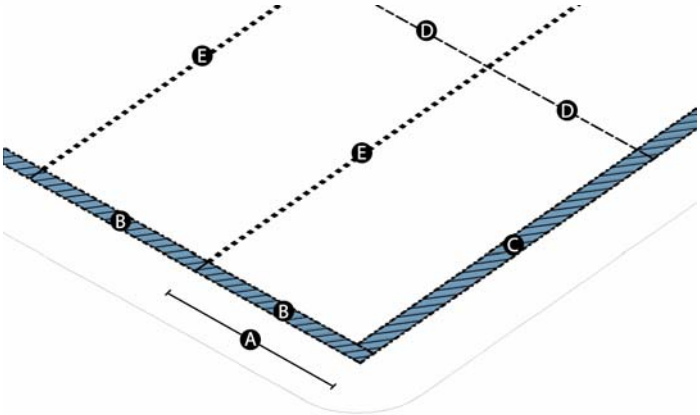
1. Table 20.36-3: Single-Story Commercial Building Bulk and Yard Regulations includes bulk and yard regulations for the single-story commercial building project type. See Figure 20.36-2: Single-Story Commercial Building for illustration of regulations.

TABLE 20.36-3: SINGLE-STORY COMMERCIAL BUILDING BULK AND YARD REGULATIONS		
BULK AND YARD REGULATIONS	C-5 SUBDISTRICTS	
	C-5-MU	C-5-C
Bulk Regulations		
Minimum Lot Width	25’	25’
Minimum Building Height	16’	16’
Maximum Building Height	25’ and 1 story	25’ and 1 story
Maximum Finished Ground Floor Elevation (Measured from Sidewalk)	6”	6”
Minimum Required Building Entry Spacing	1 entry every 75’	1 entry every 75’
Required Ground Floor Transparency	50%	50%
Yard Requirements		
Front Yard	Build-To Zone of 0’ to a maximum of 5’	Build-To Zone of 0’ to a maximum of 10’
Interior Side Yard	0’ Build-To-Line, except: 5’ maximum yard permitted when interior side lot line abuts an alley; or 10’ maximum yard when pedestrian accessway provided at interior side façade with a minimum of 10’ between adjacent façades required (Additional exception for parking in Section 9.7.A)	0’ Build-To-Line, except: 10’ maximum yard permitted when interior interior side lot abuts an alley; or 10’ maximum yard when pedestrian accessway provided at interior side façade with a minimum of 10’ between adjacent façades required (Additional exception for parking in Section 9.7.A)
Corner Side Yard	Build-To Zone of 0’ to a maximum of 5’	Build-To Zone of 0’ to a maximum of 5’
Rear Yard	None required unless abutting a residential district, then 20’	None required unless abutting a residential district, then 20’

FIGURE 20.36-2: SINGLE STORY COMMERCIAL BUILDING



A - Minimum Building Height
B - Maximum Building Height
C - Maximum Finished Floor Elevation
D - Minimum Required Building Entry Spacing
E - Required Ground Floor Transparency



A - Minimum Lot Width
B - Front Yard Build-to Zone
C - Corner Side Yard Build-to Zone
D - Rear Yard
E - Interior Side Yard

2. The elevation of horizontal ground floor façade elements, such as cornices, awnings, sign friezes, and canopies, shall generally align with those of surrounding buildings.

3. A single-story commercial building may have up to fifty percent (50%) or sixty (60) linear feet of the front façade, whichever is less, designated as outdoor seating, which must comply with the following standards:

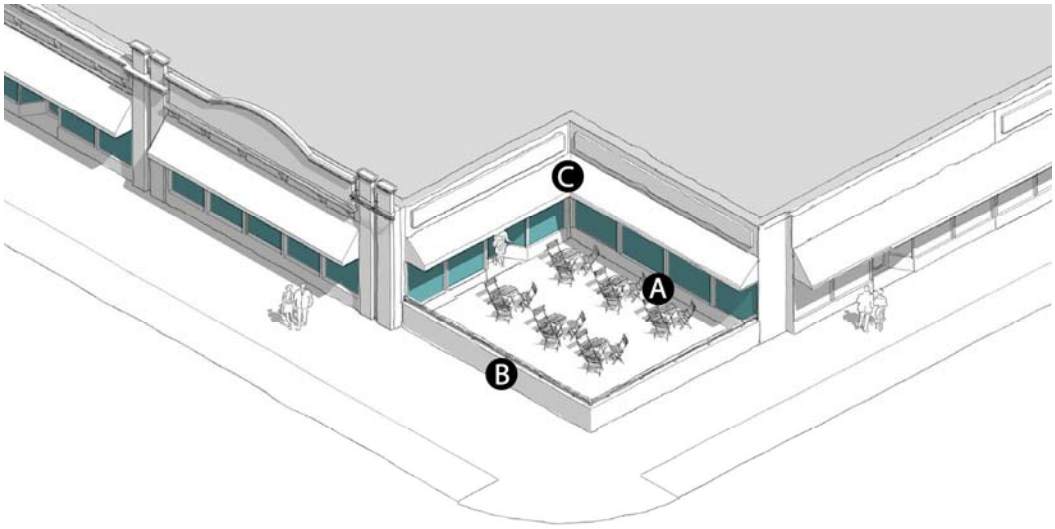
   a. The building façade may be set back an additional twenty-five (25) feet maximum from the maximum building setback for an outdoor seating area.

   b. A distinct delineation is maintained between the public right-of-way and the outdoor seating area through the use of architectural elements that continue the street wall of the building, such as a masonry wall, planters, or bollards. Outdoor seating areas must be paved.

   c. An awning or canopy on the façade of the primary building within the outdoor seating area is provided.

   d. See Figure 20.36-3: Outdoor Seating for illustration of standards.

FIGURE 20.36-3: OUTDOOR SEATING



A - The building facade may be set back an additional twenty-five (25) feet maximum from the maximum building setback for an outdoor seating area.

B - A distinct delineation is maintained between the public right-of-way and the outdoor seating area through architectural elements that continue the street wall of the building, such as a masonry wall, planters, or bollards. Outdoor seating areas must be paved.

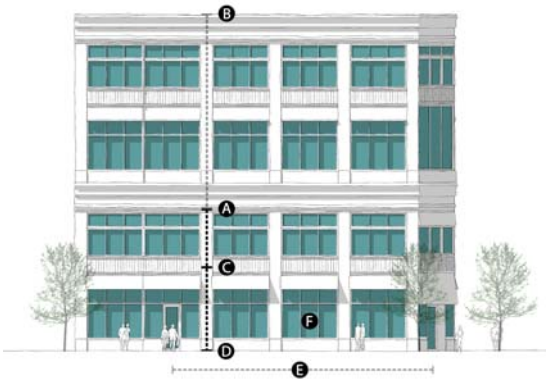
C - An awning or canopy on the façade of the primary building within the outdoor seating area is provided.

B. Mixed-Use Buildings.

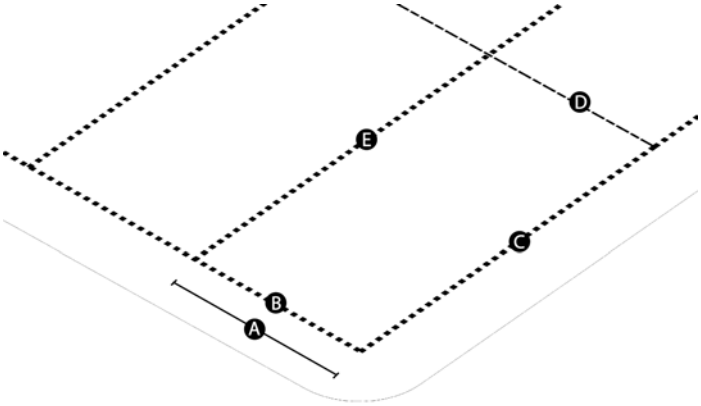
1. Table 20.36-4: Mixed-Use Building Bulk and Yard Regulations includes bulk and yard regulations for the mixed-use building project type. See Figure 20.36-4: Mixed-Use Building for illustration of regulations.

TABLE 20.36-4: MIXED-USE BUILDING BULK AND YARD REGULATIONS			
BULK AND YARD REGULATIONS	C-5 SUBDISTRICTS		
	C-5-VC	C-5-MU	C-5-C
Bulk Regulations			
Minimum Lot Width	50'	25'	25'
Minimum Building Height	24' and 2 stories	24' and 2 stories	24' and 2 stories
Maximum Building Height	65' and 4 stories	65' and 4 stories	36' with no upper story setback; 50' with upper story setback
Minimum Ground Floor Height	14'	14'	14'
Upper Story Setback	Minimum 10' upper story setback permitted after first 36' in building height	Minimum 10' upper story setback permitted after first 36' in building height	Minimum 10' upper story setback permitted after first 36' in building height
Maximum Finished Ground Floor Elevation (Measured from Sidewalk)	6"	6"	6"
Minimum Required Building Entry Spacing	1 entry every 75'	1 entry every 75'	1 entry every 75'
Required Ground Floor Transparency	50% - Required on all facades abutting a street and facades facing the public square 30% - Required on facades facing the Metra rail corridor	50%	50%
Yard Requirements			
Front Yard	Build-To Zone of 0' to a maximum of 5' unless a required Build-To Line of 0' is required by the regulating plan of the Master Redevelopment Implementation Plan	Build-To Zone of 0' to a maximum of 5'	Build-To Zone of 0' to a maximum of 10'
Interior Side Yard	0' Build-To-Line, except 10' maximum yard when pedestrian accessway provided at interior side façade with a minimum of 10' between adjacent façades required (Additional exception for parking in Section 20.36.070(A))	0' Build-To-Line, except: 5' maximum yard permitted when interior lot line adjacent to alley; or 10' maximum yard when pedestrian accessway provided at interior side façade with a minimum of 10' between adjacent façades required (Additional exception for parking in Section 20.36.070(A))	0' Build-To-Line, except: 10' maximum yard permitted when interior lot line adjacent to alley; or 10' maximum yard when pedestrian accessway provided at interior side façade with a minimum of 10' between adjacent façades required (Additional exception for parking in Section 20.36.070(A))
Corner Side Yard	0' Build-To Line	Build-To Zone of 0' to a maximum of 5'	Build-To Zone of 0' to a maximum of 5'
Rear Yard	None required	None required unless abutting a residential district, then 20'	None required unless abutting a residential district, then 20'

FIGURE 20.36-4: MIXED-USE BUILDING



A - Minimum Building Height
B - Maximum Building Height
C - Minimum Ground Floor Height
D - Maximum Finished Floor Elevation
E - Minimum Required Entry Spacing
F - Required Ground Floor Transparency



A - Minimum Lot Width
B - Front Yard Build-To Line
C - Corner Side Yard Build-To Line
D - Rear Yard
E - Interior Side Yard Build-To Line

2. The elevation of horizontal ground floor façade elements, such as ground floor cornices, awnings, signage friezes, and canopies, shall generally align with those of surrounding buildings.

3. The articulation, massing and rhythm of upper story façade elements shall reflect that of vertical ground floor façade elements.

4. A mixed-use building in the C-5-MU and C-5-C Subdistricts may have up to fifty percent (50%) or sixty (60) linear feet, whichever is less, designated as outdoor seating, which must comply with the following standards:

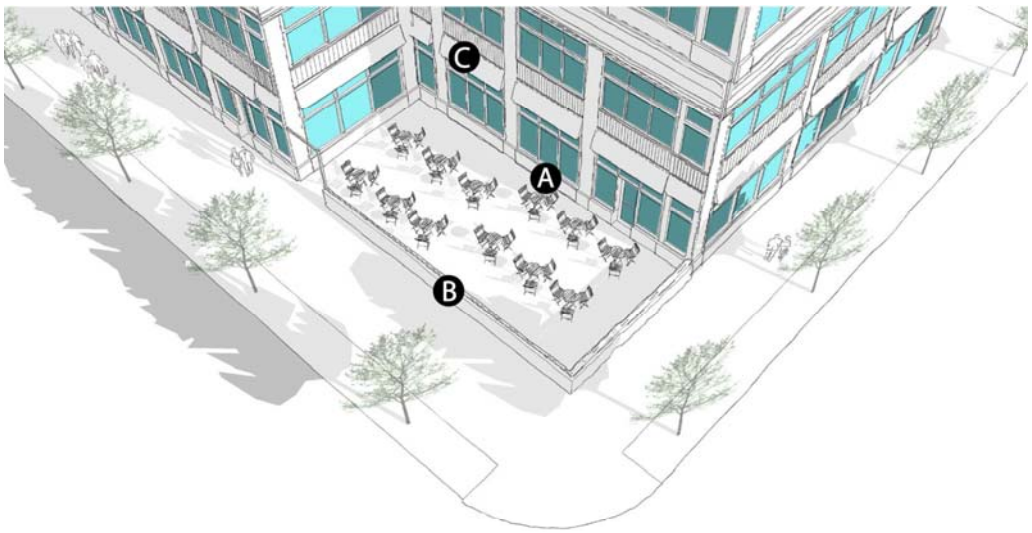
   a. The building façade may be set back an additional twenty-five (25) feet maximum from the maximum building setback for an outdoor seating area.

   b. A distinct delineation is maintained between the public right-of-way and the outdoor seating area through the use of architectural elements that continue the street wall of the building, such as a masonry wall, planters, or bollards. Outdoor seating areas must be paved.

   c. An awning or canopy on the façade of the primary building within the outdoor seating area is provided.

   d. See Figure 20.36-5: Outdoor Seating for illustration of regulations

FIGURE 20.36-5: OUTDOOR SEATING



A - The building facade may be set back an additional twenty-five (25) feet maximum from the maximum building setback for an outdoor seating area.

B - A distinct delineation is maintained between the public right-of-way and the outdoor seating area through architectural elements that continue the street wall of the building, such as a masonry wall, planters, or bollards. Outdoor seating areas must be paved.

C - An awning or canopy on the façade of the primary building within the outdoor seating area is provided.

5. A mixed-use building in the C-5-VC Subdistrict is required to maintain an arcade frontage in the areas indicated in the regulating plan of the Master Redevelopment Implementation Plan. Arcades must comply with the following standards:

   a. An arcade shall be defined by building columns and a coordinated hardscape treatment, which may incorporate planters, seating areas and similar features.

   b. Arcade columns shall be evenly spaced and located at the required Build-To-Line.

   c. The minimum depth of an arcade shall be six (6) feet to a maximum depth of twelve (12) feet.

   d. See Figure 20.36-6: Arcade Frontage for illustration of regulations

FIGURE 20.36-6: ARCADE FRONTAGE

6. Mixed-use buildings located on prominent corners are encouraged to use architectural massing elements, such as towers, turrets, or chamfered facades. See Figure 20.36-7: Prominent Corners for an example of these regulations. The following are identified as prominent corners:

   a. Lake and Maple;

   b. Lake and Hawley;

   c. Lake and Division;

   d. Lake and Courtland;

   e. Hawley and Seymour;

   f. Hawley and Morris;

   g. Hawley and Prospect;

   h. Seymour and Park;

   i. Seymour and Division;

   j. Seymour and Courtland.

FIGURE 20.36-7: PROMINENT CORNERS

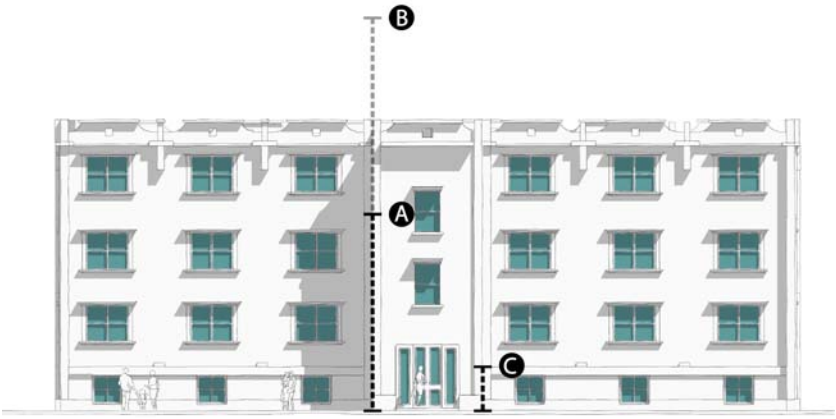
C. Multi-Family Buildings.

1. Table 20.36-5: Multi-Family Building Bulk and Yard Regulations includes bulk and yard regulations for the multi-family building project type. See Figure 20.36-8: Multi-Family Building for illustration of regulations.

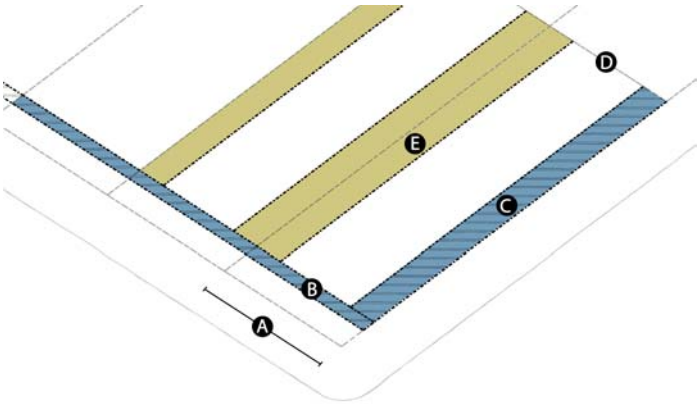
2. Exterior stairs are prohibited along any façade that abuts a public street. Exterior stairs are permitted for façades that do not abut a public street. These stairs may provide access to units on various floors through rear patios or porches.

TABLE 20.36-5: MULTI-FAMILY BUILDING BULK AND YARD REGULATIONS				
BULK AND YARD REGULATIONS	C-5 SUBDISTRICTS			
	C-5-VC	C-5-MU	C-5-C	C-5-R
Bulk Regulations				
Minimum Lot Width	50'	50'	50'	50'
Minimum Lot Area	1,000sf/du	1,000sf/du	1,500sf/du	1,500sf/du
Maximum Impervious Surface Coverage	80%	80%	80%	80%
Minimum Building Height	24' and 2 stories	24' and 2 stories	24' and 2 stories	None
Maximum Building Height	65' and 4 stories	48' with no upper story setback; 70' with upper story setback	36' with no upper story setback; 50' with upper story setback	48'
Upper Story Setback	Minimum 10' upper story setback permitted after first 36' in building height	Minimum 10' upper story setback permitted after first 36' in building height	Minimum 10' upper story setback permitted after first 36' in building height	None
Maximum Finished Ground Floor Elevation (Measured from Sidewalk)	6'	6'	6'	6'
Maximum Building Length along Front Lot Line	200'	200'	200'	200'
Yard Requirements				
Front Yard	Build-To Zone of 0' to a maximum of 15' unless a required Build-To Line of 0' is required by the regulating plan of the Master Redevelopment Implementation Plan	Build-To Zone of 10' to a maximum of 15'	Build-To Zone of 10' to a maximum of 15'	Build-To Zone of 10' to a maximum of 20'
Interior Side Yard	Minimum: 10'	Minimum: 10'	Minimum: 10'	Minimum: 10'
Corner Side Yard	Build-To Zone of 0' to a maximum of 10'	Build-To Zone of 0' to a maximum of 10'	Build-To Zone of 0' to a maximum of 10'	Build-To Zone of 5' to a maximum of 10'
Rear Yard	None required	None required unless abutting a residential district, then 20'	None required unless abutting a residential district, then 20'	None required unless abutting a residential district, then 20'
Separation Between Multiple Developments on a Lot	Minimum: 10'	Minimum: 10'	Minimum: 10'	Minimum: 10'

FIGURE 20.36-8: MULTI-FAMILY BUILDING



A - Minimum Building Height
B - Maximum Building Height
C - Max. Finished Ground Floor Elevation



A - Minimum Lot Width
B - Front Yard Build-to Zone
C - Corner Side Yard Build-to Zone
D - Rear Yard (None Required)
E - Interior Side Yard

D. Townhouse/Stacked Flat Buildings.

1. Table 20.36-6: Townhouse/Stacked Flat Building Bulk and Yard Regulations includes bulk and yard regulations for the townhouse/stacked flat building project type. See Figure 20.36-9: Townhouse/Stacked Flat Building for illustration of regulations.

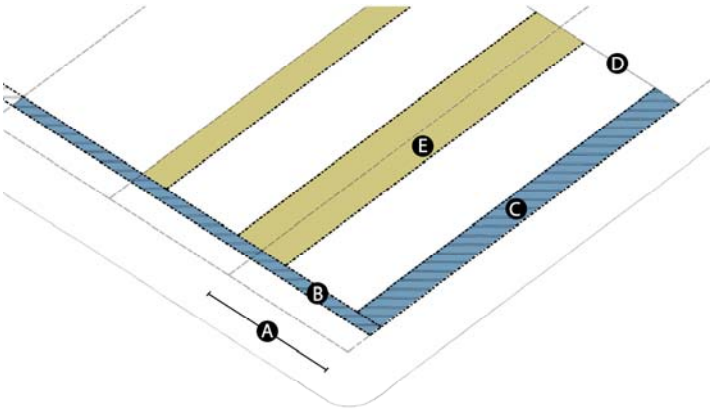
2. Exterior stairs are prohibited along any façade that abuts a public street. Exterior stairs are permitted for façades that do not abut a public street. These stairs may provide access to units on various floors through rear patios or porches.

3. All units within a stacked flat building must be accessed by a shared entry.

TABLE 20.36-6: TOWNHOUSE/STACKED FLAT BUILDING BULK AND YARD REGULATIONS			
BULK AND YARD REGULATIONS	C-5 SUBDISTRICTS		
	C-5-VC	C-5-MU	C-5-R
Bulk Regulations			
Minimum Lot Width	20' per each individual townhouse or stacked flat structure	20' per each individual townhouse or stacked flat structure	20' per each individual townhouse or stacked flat structure
Maximum Lot Width	30' per each individual townhouse or stacked flat structure	30' per each individual townhouse or stacked flat structure	30' per each individual townhouse or stacked flat structure
Minimum Lot Area	1,000sf per each individual townhouse or stacked flat structure	1,200sf per each individual townhouse or stacked flat structure	1,200sf per each individual townhouse or stacked flat structure
Maximum Impervious Surface Coverage	80%	With Alley: 75% No Alley and Up to 150' in Lot Depth: 80% No Alley and Over 150' in Lot Depth: 85%	With Alley: 75% No Alley and Up to 150' in Lot Depth: 80% No Alley and Over 150' in Lot Depth: 85%
Minimum Building Height	18'	18'	18'
Maximum Building Height	45'	45'	35'
Maximum Finished Ground Floor Elevation (Measured from Sidewalk)	6'	6'	6'
Maximum Building Length along Front Lot Line	180'	180'	180'
Minimum Number of Attached Structures	3	3	3
Yard Requirements			
Front Yard	Build-To Zone of 0' to a maximum of 15' unless a required Build-To Line of 0' is required by the regulating plan of the Master Redevelopment Implementation Plan	Build-To Zone of 5' to a maximum of 15'	Build-To Zone of 10' to a maximum of 20'
Interior Side Yard	Minimum: 5'	Minimum: 5'	Minimum: 5'
Corner Side Yard	0' Build-To Line	Build-To Zone of 5' to a maximum of 10'	Build-To Zone of 5' to a maximum of 15'
Rear Yard	None required	None required unless abutting a residential district, then 20'	None required unless abutting a residential district, then 20'
Separation Between Multiple Developments on a Lot	Minimum: 10'	Minimum: 10'	Minimum: 10'

FIGURE 20.36-9: TOWNHOUSE/STACKED FLAT BUILDING

A - Minimum Building Height
B - Maximum Building Height
C - Max. Finished Ground Floor Elevation



A - Minimum Lot Width
B - Front Yard Build-to Zone
C - Corner Side Yard Build-to Zone (End Units Only)
D - Rear Yard (None Required)
E - Interior Side Yard (End Units Only)

E. Single-Family Dwelling.

Table 20.36-7: Single-Family Dwelling Bulk and Yard Regulations includes bulk and yard regulations for the single-family dwelling project type. See Figure 20.36-10: Single-Family Dwelling for illustration of regulations.

TABLE 20.36-7: SINGLE-FAMILY DWELLING BULK AND YARD REGULATIONS	
BULK AND YARD REGULATIONS	C-5 SUBDISTRICT
	C-5-R
Bulk Regulations	
Minimum Lot Width	30'
Minimum Lot Area	5,000sf
Maximum Lot Area	8,000sf
Maximum Impervious Surface Coverage	65%
Maximum Building Height	35'
Maximum Finished Ground Floor Elevation (Measured from Sidewalk)	6'
Yard Requirements	
Front Yard	Build-To Zone of 10' to a maximum of 20'
Interior Side Yard	Minimum: 5'
Corner Side Yard	Minimum: 5'
Rear Yard	20'

20.36.050 Downtown design regulations.

The following regulations apply to all project types within the C-5 District.

A. Building Articulation. Buildings shall use architectural or structural elements to break up large flat planes as required in Table 20.36-8: Façade Articulation Requirements. Articulation is required:

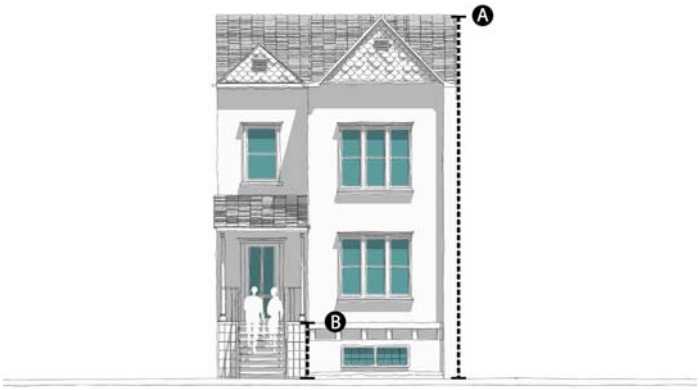
1. Along any façade that faces a public street.

2. Between facades that face each other within a multiple building development for multi-family or townhouse/stacked flat project types.

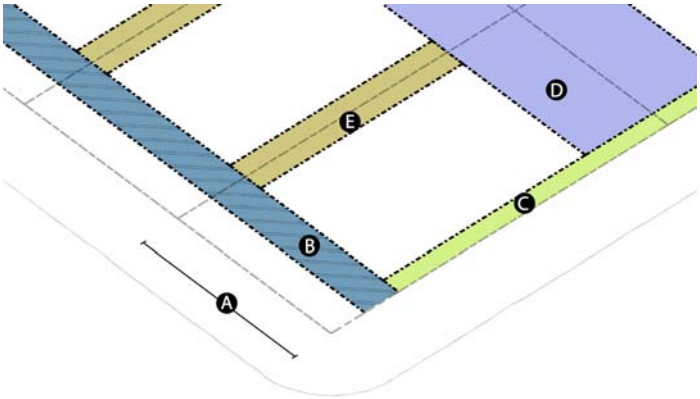
3. In the C-5-VC Subdistrict, along facades that face the public square and the Metra rail corridor.

TABLE 20.36-8: FAÇADE ARTICULATION REQUIREMENTS				
ARTICULATION REQUIREMENTS	PROJECT TYPE			
	COMMERCIAL	MIXED-USE	MULTI-FAMILY	TOWNHOUSE/STACKED FLAT
Maximum articulation spacing	25'	25'	30'	30'
Minimum width of articulation element	6"	6"	1'	1'
Minimum depth of articulation element	6"	6"	6"	6"

FIGURE 20.36-10: SINGLE-FAMILY DWELLING



A - Maximum Building Height **B** - Max. Finished Ground Floor Elevation



A - Minimum Lot Width
B - Front Yard Build-to Zone
C - Corner Side Yard
D - Rear Yard
E - Interior Side Yard

B. Building Orientation and Pedestrian Access.

1. All buildings shall be oriented with its primary façade towards the most primary public street on which it fronts.

2. The primary façade shall include a prominent building entry from the public sidewalk, as either an articulated or recessed entryway.

3. For commercial and mixed-use project types seventy-five (75) feet or more in building width, designated pedestrian access path from rear parking areas to the public sidewalk shall be provided based on the following regulations (see Figure 20.36-11: Pedestrian Access Paths):

   a. For buildings seventy-five (75) feet to one-hundred forty-nine (149) feet in width: One (1) dedicated pedestrian access path is required.

   b. For lots one-hundred fifty (150) feet or more in width: Two (2) dedicated pedestrian access paths are required.

   d. Permitted pedestrian access paths may include the following:

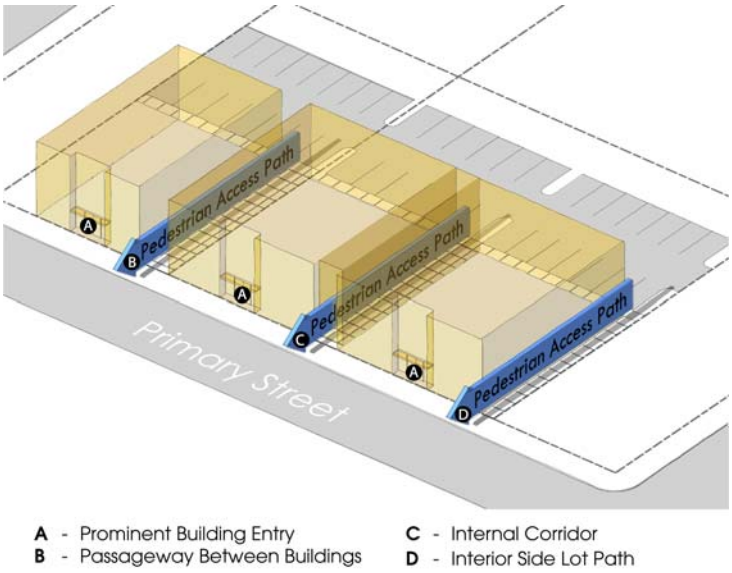
      i. Building access path along interior side lot line a minimum of five (5) feet in width.

      ii. Passageway between buildings a minimum of ten (10) feet in width.

      iii. Internal corridor.

      iv. On a corner lot, a public sidewalk on the corner street may serve as the designated pedestrian access if a paved sidewalk a minimum of five (5) feet in width is present and direct pedestrian access is provided from the parking area to that public sidewalk.

FIGURE 20.36-11: PEDESTRIAN ACCESS PATHS



C. General Building Design Regulations. The following façade elements shall be included in the design of buildings in the C-5 District according to Table 20.36-9: Required Façade Elements. Articulation is required (see Figure 20.36-12: Required Façade Elements):

1. Along any façade that faces a public street.

2. Between facades that face each other within a multiple building development for multi-family or townhouse/stacked flat project types.

3. In the C-5-VC Subdistrict, along facades that face the public square and the Metra rail corridor.

TABLE 20.36-9: REQUIRED FAÇADE ELEMENTS																
	PROJECT TYPE															
	SINGLE-STORY COMMERCIAL				MIXED-USE				MULTI-FAMILY				TOWNHOUSE/ STACKED FLAT & SINGLE FAMILY			
FAÇADE	FRONT	INTERIOR SIDE	CORNER SIDE	REAR	FRONT	INTERIOR SIDE	CORNER SIDE	REAR	FRONT	INTERIOR SIDE	CORNER SIDE	REAR	FRONT	INTERIOR SIDE	CORNER SIDE	REAR
FAÇADE ELEMENT																
Ground Floor Kneewall – Maximum of 2' in height	X		X		X		X									
Awning or Sign Frieze	X		X		X		X									
Upper Story Decorative Window Casing					X		X	X								
Residential Decorative Window Casing									X		X	X	X		X	X
Roof Cornice or Parapet Wall (Required for Flat Roof Design Only)	X		X		X		X		X		X		X		X	
Decorative Fascia (Required for Pitched Roof Design Only)									X	X	X	X	X	X	X	X
Articulated or Recessed Entryway	X				X				X		X		X			

FIGURE 20.36-12: REQUIRED FAÇADE ELEMENTS

Ⓐ Ground Floor Kneewall (Maximum 2' in Height)

Ⓑ Awning or Sign Frieze

Ⓒ Upper Story Decorative Window Casing

Ⓓ Residential Decorative Window Casing

Ⓔ Roof Cornice or Parapet Wall (Flat Roof Only)

Ⓕ Decorative Fascia (Pitched Roof Only)

Ⓖ Articulated or Recessed Entryway

D. Roof Form. Roof types are permitted in the C-5 District according to Table 20.36-10: Permitted Roof Types. Buildings are encouraged to include design elements, such as turrets, dormers, or articulated roof elements that break up large roof areas.

TABLE 20.36-10: PERMITTED ROOF TYPES					
ROOF TYPE	PROJECT TYPE				
	COMMERCIAL	MIXED-USE	MULTI-FAMILY	TOWNHOUSE/ STACKED FLAT	SINGLE-FAMILY
Flat	X	X	X	X	X
Gable	X	X	X	X	X
Hip	X	X	X	X	X
Mansard		X	X	X	X

E. Building Materials.

1. Permitted building materials are listed in Table 20.36-11: Permitted Building Materials. Materials not listed below may be considered by the Zoning Administrator, unless specifically prohibited in this section. "General use" materials are those that may be used for any portion of the façade. "Trim" materials are those that may be used for detailed architectural elements and may not to exceed a total of twenty percent (20%) of the total façade area, and up to twenty-five percent (25%) of the ground floor façade area.

TABLE 20.36-11: PERMITTED BUILDING MATERIALS					
MATERIAL	COMMERCIAL OR MIXED-USE GROUND FLOOR		MIXED-USE UPPER STORY OR RESIDENTIAL TYPES		PITCHED ROOF
	GENERAL USE	TRIM	GENERAL USE	TRIM	
Clay Brick	X		X		
Poured Concrete	X		X		
Decorative Stone		X		X	
Cast Stone		X		X	
Modular Masonry Finishes	X		X		
Cementitious Stucco		X		X	
Decorative Metals		X		X	X
Precast Concrete		X		X	
Cut Stone	X		X		
Decorative Wood		X		X	
EIFS/Dryvit		X		X	
Non-Reflective Glass	X		X		
Architectural Shingles					X
Slate Shingles					X

2. The following exterior building materials are prohibited in the C-5 District:

   a. Natural-cut stone;

   b. Fiberglass or plastics;

   c. Vinyl or aluminum siding;

   d. Concrete masonry units (CMU);

e. King-size or jumbo brick;

f. Exposed aggregate (rough finish) concrete wall panels;

g. T-111 composite plywood siding;

h. Highly reflective wall surface material and mirror glass;

i. Asphalt shingles (does not apply to single-family dwellings and townhouse/stacked flats).

20.36.060 – Accessory structures and uses.

A. Coordination with Principal Building.

1. All accessory structures shall complement and coordinate with the principal buildings on the lot, both in architectural style and material selection.

2. Accessory structures shall be constructed of façade materials that reflect the general character and theme of the principal building.

3. Accessory structures that abut the principal building shall, to the extent possible, include horizontal design elements, such as kneewalls and cornices, which match those on the principal building.

B. Refuse Containers and Recycling Containers.

1. Containers shall be located only to the rear or side of the building. No refuse containers shall be located within the front or corner side yard, or within five (5) feet of a lot line.

2. All containers shall be fully enclosed by walls six (6) feet in height, and provided with gates to contain trash. The materials used for the screen wall shall complement the architecture of the building, and shall meet the design regulations of Paragraph A above.

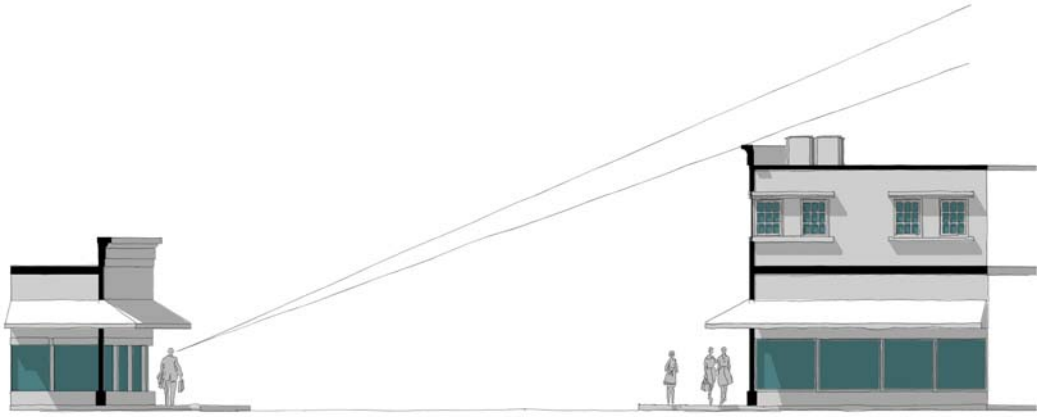
3. Shared containers and enclosures among adjacent properties are encouraged.

C. Roof-Mounted Mechanical Equipment.

1. Roof-mounted mechanical equipment shall be screened from view from surrounding public sidewalks. The full enclosure of mechanical equipment within the building is encouraged.

2. The roof structure, parapet walls, or other screening structure must screen the equipment. The height of the screening shall equal the height of the tallest rooftop mechanical element installed on the building. Such screening shall be designed to blend in with and complement the architecture of the building. See Figure 20.36-13: Roof-Mounted Equipment Screening for illustration of regulations.

FIGURE 20.36-13: ROOF-MOUNTED EQUIPMENT SCREENING



D. Ground-Based Mechanical Equipment.

1. Ground-based mechanical equipment is discouraged. Wherever possible, mechanical equipment shall be contained within buildings or shall be roof-mounted.

2. All ground-based mechanical equipment shall be located only in the rear of the building or in interior side yard. No ground-based mechanical equipment shall be located within the front or corner side yard.

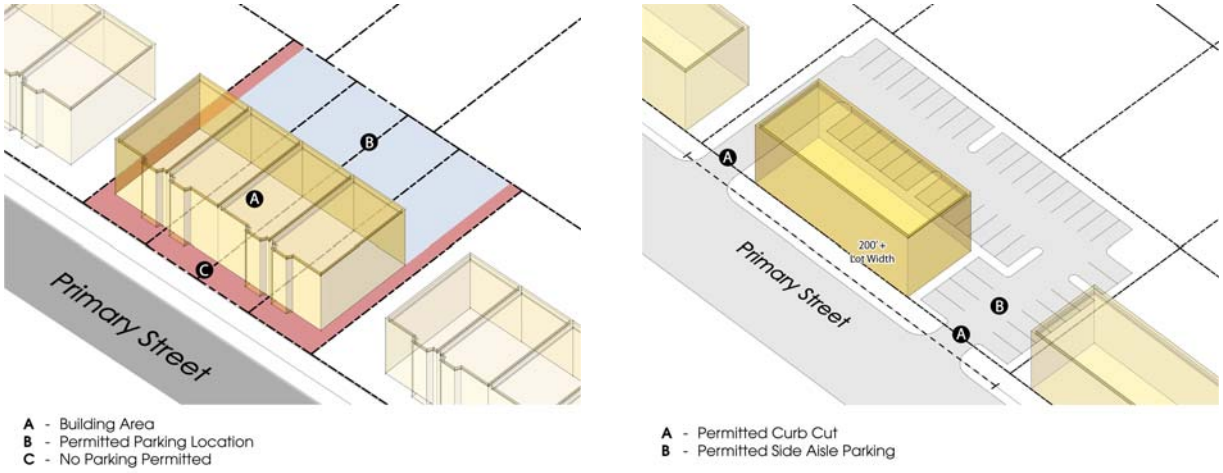
3. All ground-based mechanical equipment, including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), shall be fully screened from public view in accordance with the screening regulations of Section 20.60 (Landscape and Screening).

20.36.070 – Parking access and design.

The following regulations apply to all lots in the C-5 District. The regulations included in this section are in addition to those of Section 20.56 (Off-Street Parking and Loading).

A. All parking must be located behind the principal building. One (1) aisle of parking may be located in an interior side yard or between two (2) principal buildings if the development is a single-story commercial or mixed-use project type with a lot width of two-hundred (200) feet or more, in which case the interior side yard requirement does not apply. (See Figure 20.36-14A: Parking Access)

FIGURE 20.36-14A: PARKING ACCESS



B. Single-story commercial, mixed-use and multi-family project types shall comply with the following regulations:

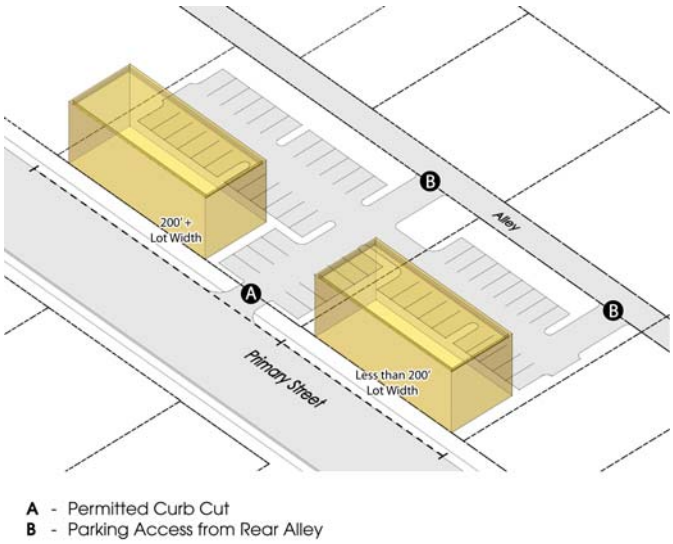
1. All lots with alley access shall comply with the following regulations (See Figure 20.36-14B: Parking Access):

   a. For lots less than two-hundred (200) feet in lot width, no curb cut is permitted on the primary street.

   b. For lots with two-hundred (200) feet or more of lot width, one (1) curb cut is permitted on a primary street, with one (1) additional curb cut permitted for each one-hundred fifty (150) feet thereafter.

   c. Corner lots are permitted one (1) curb cut from the secondary street.

FIGURE 20.36-14B: PARKING ACCESS



2. All lots without alley access shall comply with the following regulations (See Figure 20.36-14C: Parking Access):

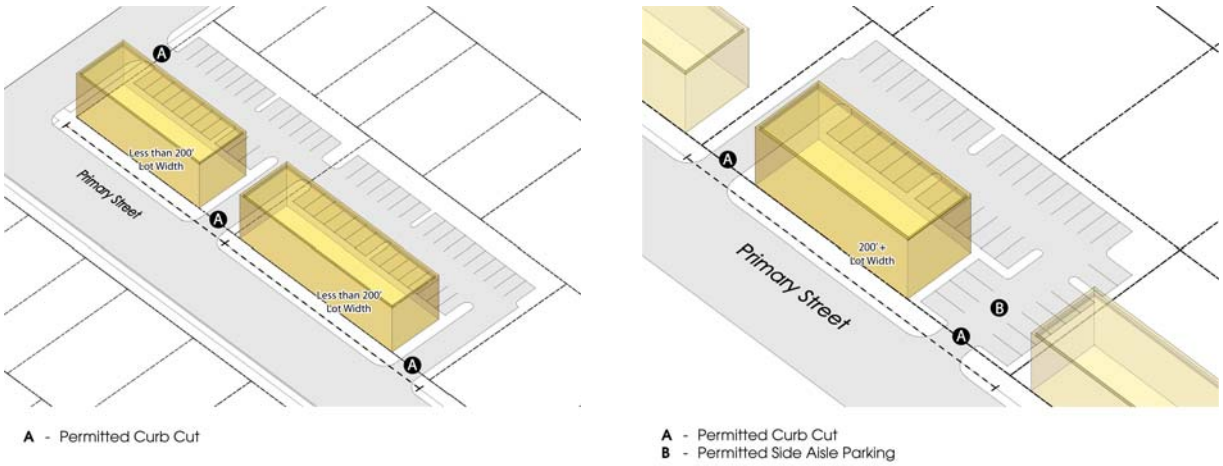
   a. For interior lots with less than two-hundred (200) feet in lot width, one (1) curb cut is permitted on the primary street.

   b. For corner lots with less than two-hundred (200) feet in lot width, one (1) curb cut is permitted on the primary street and one (1) curb cut is permitted on the secondary street.

   c. For interior lots with more than two-hundred (200) feet in lot width, two (2) curb cuts are permitted on the primary street.

   d. For corner lots with more than two-hundred (200) feet in lot width, one (1) curb cut is permitted on the primary street, and one (1) curb cut is permitted on the secondary street.

FIGURE 20.36-14C: PARKING ACCESS



3. Any multi-family project type that includes more than one (1) principle building on the site shall minimize curb cuts to the extent possible by providing access to multiple multi-family buildings from one (1) curb cut.

C. Townhouse/stacked flat project types shall comply with the following regulations:

   1. Townhouse/stacked flat clusters with alley access shall provide direct access to dedicated parking from the alley. No curb cut is permitted along a public street.

   2. Townhouse/stacked flat cluster without alley access shall be permitted one (1) curb cut.

   3. A townhouse or stacked flat project type with multiple buildings are permitted one (1) curb cut for every two (2) townhouse/stacked flat clusters.

D. Detached single-family dwellings shall comply with the following regulations:

   1. A lot with alley access shall provide access to on-site parking from the alley. No curb cuts are allowed from the primary street.

   2. A lot without alley access is permitted one (1) curb cut on the primary street and driveway

leading to a designated parking area behind the rear façade of the primary structure. If the lot is a corner lot, a curb cut is permitted only from the secondary street.

E. On-site parking shall be provided as required in Section 20.56 (Off-Street Parking and Loading). Additional regulations specific to the C-5 District are as follows:

1. Designated Turn-Around Location. Any parking aisle that does not provide two (2) means of vehicular egress shall provide, at the closed end, a space designated as a turn-around area. This space shall be located at the end of a parking aisle and have dimensions of nine (9) feet wide by nine (9) feet deep. The designated turn-around area must include a "No Parking" sign.

2. Shared Parking. Shared parking between uses is permitted.

3. Cross-Access Easements. Adjacent uses that possess dedicated parking areas are encouraged to provide a cross-access drive to allow circulation and sharing of parking spaces between sites. For new development, a system of joint use driveways and cross-access easements is encouraged. If cross-access is provided, the Zoning Administrator requires proof that adjacent property owners have agreed to the provision of cross-access. Joint use driveways and cross-access easements require the following:

   a. Bump-outs and other design features to make it visually obvious that the abutting properties are tied together.

   c. Recording of an easement allowing cross-access to and from properties served by the joint use driveways and cross-access easement, and record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

F. Parking structures improve the functionality of downtown but must be constructed to compliment its character. Therefore, parking structures shall be designed as follows:

1. On facades that front on public streets, the exterior articulation of interior vertical circulation is prohibited. Façade design and screening shall be used to mask the interior ramps and create the illusion of horizontality. The design of the primary façade shall include horizontal design elements, such as kneewalls and cornices, which reflect the design of other structures in the Downtown.

2. Parking structures shall conform to the façade articulation regulations of mixed-use project types in Table 20.36-9.

3. Attached parking structures must be constructed with materials and design elements of the principal building. If the parking structure is the principal building, it shall conform to the building material regulations for the appropriate C-5 Subdistrict.

4. On portions of the ground floor façade where parking spaces are visible, a decorative screen shall be provided atop the kneewall to screen traffic and pedestrians in the public right-of-way from headlight glare. The total height of the kneewall and decorative screen shall be a minimum of four (4) feet. See Figure 20.36-15: Ground Floor Parking Structure Screening.

FIGURE 20.36-15: GROUND FLOOR PARKING STRUCTURE SCREENING

5. For parking structures with rooftop open-air parking, the parapet of the façade shall be extended such that a seven (7) foot tall vehicle is not visible from the public sidewalk across the street.

6. A vehicular clear sight zone shall be included at vehicular exit areas that include a triangular sight area on each side of the exit defined by the following requirements See Figure 20.36-16: Vehicular Clear Zone):

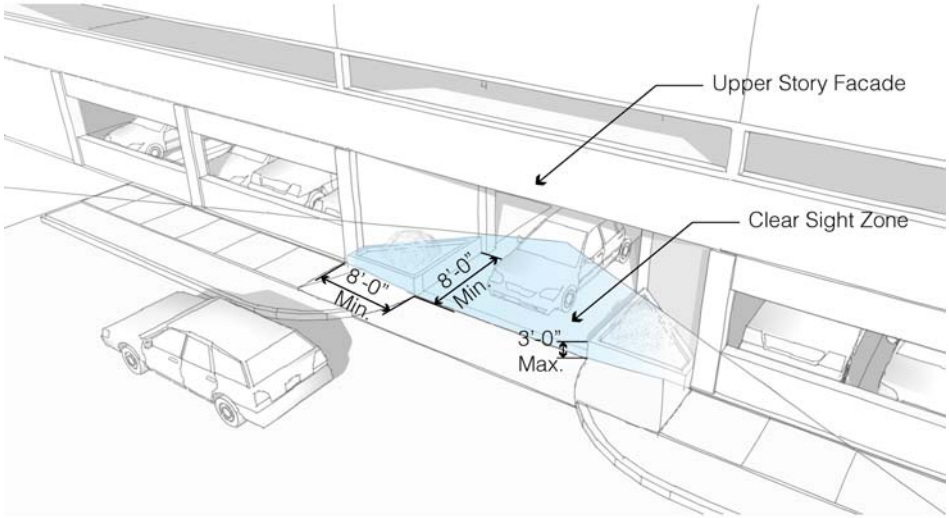
    a. The façade of vehicular exit areas shall be set back from the public sidewalk a minimum of eight (8) feet for the portion of the façade that includes the vehicle exit area and eight (8) feet on each side of the exit opening.

    b. A sight triangle shall be defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the public sidewalk eight (8) feet to the side of the exit lane.

    c. In the sight triangle (bound by the parking structure wall, public sidewalk and vehicular exit lane), ground cover, landscape, or decorative wall shall be used to act as a buffer between the exit aisle and the public sidewalk. Landscape or a decorative wall shall not exceed three (3) feet in height in order to maintain driver peripheral sightlines to the public sidewalk.

    d. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.

FIGURE 20.36-16: VEHICULAR CLEAR ZONE



CHAPTER 20.40 - OFFICE PARK & MANUFACTURING ZONING DISTRICTS

20.40.010 – Office park and manufacturing zoning purpose statements.
20.40.020 – Permitted and special uses.
20.40.030 – Bulk and yard regulations.
20.40.040 – Office park and manufacturing district design standards.
20.40.050 – General Standards of Applicability.

20.40.010 – Office park and manufacturing districts purpose statements.

A. Purpose of O-R Office-Research Zoning District. The purpose of the O-R Office-Research District is to accommodate developments of large office structures, research and development facilities, and/or light manufacturing uses with no outside impacts. This district sets aside large, accessible parcels of land where architecturally coordinated office and industrial structures can be built in a campus-like atmosphere. Examples of typical O-R District uses might include the international headquarters of a large corporation, large research and development facilities, or office parks of substantial size.

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

C. Purpose of M-MU Manufacturing Mixed-Use Zoning District. The purpose of the M-MU Manufacturing Mixed-Use Zoning District is to provide for research and development facilities, general industrial, warehousing, storage and office uses. In addition to these uses, certain non-industrial uses are also permitted, such as recreational uses and more intensive commercial uses like kennels and pet day care services. Development standards are intended to buffer surrounding less intense uses from the impact of the industrial and commercial uses within the district.

20.40.020 – Permitted and special uses.

Table 20.40-1: Office Park and Manufacturing Zoning Districts Permitted and Special Uses lists permitted and special uses for the office park and manufacturing districts. A “P” indicates that a use is permitted within that district. An “S” indicates that a use is a special use in that district and must obtain special use approval as required in Section 20.16.040 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not allowed within that district.

TABLE 20.40-1: OFFICE PARK AND MANUFACTURING ZONING DISTRICTS PERMITTED & SPECIAL USES				
USE[1]	DISTRICT			USE STANDARDS
	O-R	M-1	M-MU	
COMMERCIAL				
Adult Use		S	S	Section 20.48.030(A)
Arts Studio	P[2]		P	
Car Wash		P	P	Section 20.48.030(D)
Day Care Center, Adult or Child	P[2]			Section 20.48.030(I)
Drive-Through Facility	P[2]			Section 20.48.030(K)
Financial Institution	P[2]			
Government Facilities	P	P	P	
Heavy Retail, Rental and Service			S	
Indoor Amusement Facility			S	Section 20.48.030(B)

TABLE 20.40-1: OFFICE PARK AND MANUFACTURING ZONING DISTRICTS PERMITTED & SPECIAL USES				
USE[1]	DISTRICT			USE STANDARDS
	O-R	M-1	M-MU	
Kennel	P[2]		P	Section 20.48.030(N)
Medical Cannabis Dispensary		P	P	Section 20.48.030(Q)
Mini-Warehouse		P	P	
Motor Vehicle Aftermarket Enhancements		P	P	Section 20.48.030(U)
Motor Vehicle Dealership			P	Section 20.48.030(S)
Motor Vehicle Rental Establishment			P	Section 20.48.030(S)
Motor Vehicle Service and Repair, Minor		P	P	Section 20.48.030(U)
Motor Vehicle Service and Repair, Major		P	P	Section 20.48.030(U)
Pet "Day Care" Service	P[2]		P	Section 20.48.030(N)
Office	P	P	P	
Outdoor Dining	P[2]			Section 20.48.030(W)
Outdoor Amusement Facility			S	Section 20.48.030(B)
Personal Services Establishment	P[2]		P[2]	
Restaurant	P[2]			
Retail Goods Establishment	P[2]		P[2]	
Shooting Range			S	Section 20.48.030(EE)
TRANSPORTATION				
Freight Terminal		P	S	
Motor Vehicle Operations Facility		P	P	Section 20.48.030(T)
Off-Street Parking Lot	S	S	S	Section 20.48.030(V)
Parking Structure	S	S	S	Section 20.48.030(V)
INDUSTRIAL				
Contractor Storage Yard – Fully Enclosed (Permanent Structure)		P	P	
Contractor Storage Yard		S	S	Section 20.48.030(X)
Manufacturing, Light	P	P	P	
Manufacturing, General		P	P	
Medical Cannabis Cultivation Center		P	P	Section 20.48.030(R)
Outdoor Storage Yard		S	S	Section 20.48.030(X)
Recycling Facility, Convenience Drop-Off	P	P	P	Section 20.48.030(Z)
Recycling Facility, General Construction		S	S	Section 20.48.030(AA)
Recycling Facility, Major		S		Section 20.48.030(BB)
Recycling Facility, Minor		P	P	Section 20.48.030(CC)
Research and Development Facility	P	P	P	
Solar Farm	S	S	S	Section 20.48.030(GG)
Warehouse/Distribution	S	P	P	
Wind Farm	S	S	S	Section 20.48.030(JJ)
OTHER				
Community Center			S	Section 20.48.030(E)
Planned Unit Development	S	S	S	Chapter 20.20
Utilities, Private	S	S	S	Section 20.48.030(II)
Wireless Telecommunications Antenna	S, P[3]	S, P[3]	S, P[3]	Section 20.48.030(KK)
Wireless Telecommunications Facility	S	S	S	Section 20.48.030(KK)
Wireless Telecommunications Tower	S	S	S	Section 20.48.030(KK)

TABLE 20.40-1: FOOTNOTES

[1] The terms in this column ("Use") are defined in Chapter 20.68 (Generic Use Definitions).

[2] Allowed only when accessory to developments of large office structures, research and development facilities, and/or light manufacturing uses, and integrated into the larger development to serve the employees.

[3] Only wireless telecommunications antennas that comply with the stealth design standards of Section 20.48.030(KK) shall be considered permitted uses.

20.40.030 – Bulk and yard regulations.

Table 20.40-2: Office Park and Manufacturing Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the manufacturing districts.

TABLE 20.40-2: OFFICE PARK AND MANUFACTURING ZONING DISTRICTS BULK & YARD REGULATIONS			
BULK AND YARD REGULATIONS	DISTRICT		
	O-R	M-1	M-MU
BULK REGULATIONS			
Minimum Lot Area	5 acres	10,000sf	10,000sf
Minimum Lot Width	100'	100'	100'
Maximum Building Height[1]	75' and 6 stories	35' and 3 stories	35' and 3 stories
YARD REQUIREMENTS			
Minimum Front Yard	25'	25'	25'
Minimum Interior Side Yard –Abutting Non-Residential District	25'	15'	15'
Minimum Interior Side Yard – Abutting Residential District	25'	25'	25'
Minimum Corner Side Yard	25'	25'	25'
Minimum Rear Yard	25'	25'	25'

TABLE 20.40-2: FOOTNOTES

[1] An appurtenance in the office park and manufacturing districts may take any form but shall not exceed a square of 9 feet by 9 feet, and 10 feet in height.

20.40.040 – Office park and manufacturing design standards.

The O-R, M-1 and M-MU Districts shall comply with the following design standards. (See Figure 20.40-1: Office Park and Manufacturing District Design Standards Examples)

A. Façade Articulation and Reduction of Mass and Scale. The following standards for façade articulation and reduction of mass and scale apply to all façades that face a public right-of-way (excluding alleys) or abut a residential district, and the façade where the building entrance is located.

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

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

3. Buildings with façades over one-hundred (100) feet in length shall incorporate wall projections or recesses, or changes in wall plane a minimum of two (2) feet in depth a maximum of every seventy-five (75) feet.

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

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

6. Predominant façade colors shall be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

B. Roof Design.

1. The roofline at the top of the structure shall not run in a continuous plane for more than one hundred (100) feet without offset of the roof plane. Rooflines must be “broken up” by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, forms, etc.

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

3. The following roof materials are prohibited:

   a. Corrugated metal (standing seam metal roofs permitted).

   b. Reflective surfaces that produce glare.

4. Green roof, blue roof and white roof designs are encouraged.

C. Site Layout.

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

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

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

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

5. Campus developments shall provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the campus and commercial uses outside the development.

D. Building Materials.

1. Permitted Materials.

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

   a. Clay Brick;

   b. Wood;

   c. Natural or cast stone;

   d. Tinted and/or textured concrete masonry units;

   e. Stucco;

   f. For manufacturing buildings, high quality metal may be used as exterior siding or in large expanses only if approved by the Zoning Administrator (metal may be used for minor architectural features and trims);

   g. Architectural precast concrete;

   h. Pre-fabricated steel panels may be used for accent features only, not as the primary façade material.

2. Prohibited Materials.

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

   a. Plain concrete block;

   b. EIFS panels on the ground floor; EIFS panels discouraged on upper floors;

   c. Vinyl;

   d. Corrugated metal.

FIGURE 20.40-1: OFFICE PARK AND MANUFACTURING DISTRICT DESIGN STANDARDS EXAMPLES

Buildings with façades over 100 feet in length must incorporate wall projections or recesses. Predominant façade colors must be subtle, neutral or earth-tone colors. Building trim and accent areas may be brighter and include primary colors. All facades that face the street must incorporate architectural features to avoid the appearance of blank walls, including windows and openings, and changes in color, texture and/or material to add interest to the building elevation.

Rooflines must be broken up articulations in the facade, changes in the height of portions of the roof, or change in color, material or texture.

Front entrances should be well-defined.

FIGURE 20.40-1: OFFICE PARK AND MANUFACTURING DISTRICT DESIGN STANDARDS EXAMPLES

The parking lot should not dominate the street entrance. Landscaping should complement the front entrance.

Plazas integrated into the building site can enhance landscaping and can be used to link together multi-complex buildings.

20.40.050 – General Standards of Applicability.

A. Temporary Uses. See Section 20.52.060 (Temporary Uses) for standards governing temporary uses.

B. Accessory Structures and Uses. See Section 20.52.040 (Accessory Structures and Uses) for standards covering accessory structures and uses.

C. Site Development Standards. See Chapter 20.52 for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

D. Environmental Performance Standards. See Section 20.52.070 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Off-Street Parking and Loading. See Chapter 20.56 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. Landscape and Screening. See Chapter 20.60 (Landscape and Screening) for standards governing landscape and screening.

CHAPTER 20.44 - SPECIAL PURPOSE ZONING DISTRICTS

20.44.010 – Special purpose zoning districts purpose statements.
20.44.020 – Permitted and special uses.
20.44.030 – Bulk and yard regulations.
20.44.040 – L-MU District design standards.
20.44.050 – General standards of applicability.

20.44.010 – Special purpose zoning districts purpose statements.

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

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

C. Purpose of L-MU Lakefront Mixed-Use Zoning District. The purpose of the L-MU Lakefront Mixed-Use Zoning District is to create a mixed-use environment along the Diamond Lake lakefront. In the L-MU District non-residential uses are encouraged along the ground floor, with residential uses above. Commercial uses such as restaurants and retail establishments should be oriented to the lake and sited so that access to Diamond Lake is maintained both physically and visually.

20.44.020 – Permitted and special uses.

Table 20.44-1: Special Purpose Zoning Districts Permitted and Special Uses lists permitted and special uses for the special purpose districts. A “P” indicates that a use is permitted within that district. An “S” indicates that a use is a special use in that district and must obtain special use approval as required in Section 20.16.040 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not allowed within that district.

TABLE 20.44-1: SPECIAL PURPOSE ZONING DISTRICTS PERMITTED & SPECIAL USES			
	DISTRICT		
USE[1]	OS	I	USE STANDARDS
INSTITUTIONAL			
Assembly Hall	P	P	
Cultural Facility	P	P	Section 20.48.030(G)
Educational Facilities, College/University		P	Section 20.48.030(M)
Educational Facilities, Primary		P	Section 20.48.030(M)
Educational Facilities, Secondary		P	Section 20.48.030(M)
Educational Facilities, Seminary		P	Section 20.48.030(M)
Educational Facilities, Vocational School		P	Section 20.48.030(M)
Government Facilities	P	P	
Hospital		P	
Place of Worship		P	Section 20.48.030(Y)
OPEN SPACE			
Cemetery	P		
Country Club	P		
Driving Range	P		
Forest Preserve	P		
Golf Course	P		
Park/Playground	P	P	
Urban Agriculture	P	S	Section 20.48.030(HH)
Zoo	P		
OTHER			
Community Center	S	S	Section 20.48.030(E)
Planned Unit Development		S	Chapter 20.20
Utilities, Private		S	Section 20.48.030(II)
Wireless Telecommunications Antenna	S, P[2]	S, P[2]	Section 20.48.030(KK)
Wireless Telecommunications Facility	S	S	Section 20.48.030(KK)
Wireless Telecommunications Tower	S	S	Section 20.48.030(KK)

TABLE 20.44-1: FOOTNOTES

[1] The terms in this column ("Use") are defined in Chapter 20.68 (Generic Use Definitions).

[2] Only wireless telecommunications antennas that comply with the stealth design standards of Section 20.48.030(KK) shall be considered permitted uses.

TABLE 20.44-1: SPECIAL PURPOSE ZONING DISTRICTS PERMITTED & SPECIAL USES		
USE[1]	L-MU	USE STANDARDS
RESIDENTIAL		
Dwelling, Above the Ground Floor	P	
Dwelling, Multi-Family	P	Section 20.48.030(L)
Residential Care Facility	P	Section 20.48.030(DD)
INSTITUTIONAL		
Assembly Hall	S	
Cultural Facility	S	Section 20.48.030(G)
Government Facilities	P	
COMMERCIAL		
Art Gallery	P	
Arts Studio	P	
Banquet Facility	S	Section 20.48.030(C)
Day Care Center, Adult or Child	P	Section 20.48.030(I)
Financial Institution	P	
Hotel/Motel	S	
Indoor Amusement Facility	P	Section 20.48.030(B)
Live Entertainment – Indoor	P	Section 20.48.030(P)
Live Entertainment – Outdoor	S	Section 20.48.030(P)
Office	P	
Outdoor Dining	P	Section 20.48.030(W)
Personal Services Establishment	P	
Pet "Day Care" Service	P	Section 20.48.030(N)
Restaurant	P	
Retail Goods Establishment	P	
Tavern/Bar	P	
OPEN SPACE		
Park/Playground	P	
OTHER		
Community Center	S	Section 20.48.030(E)
Planned Unit Development	S	Chapter 20.20
Utilities, Private	S	Section 20.48.030(II)
Wireless Telecommunications Antenna	S, P[2]	Section 20.48.030(KK)
Wireless Telecommunications Facility	S	Section 20.48.030(KK)
Wireless Telecommunications Tower	S	Section 20.48.030(KK)

TABLE 20.44-1: FOOTNOTES

[1] The terms in this column ("Use") are defined in Chapter 20.68 (Generic Use Definitions).

[2] Only wireless telecommunications antennas that comply with the stealth design standards of Section 20.48.030(KK) shall be considered permitted uses.

20.44.030 – Bulk and yard regulations.

Table 20.44-2: Special Purpose Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the special purpose districts.

TABLE 20.44-2: SPECIAL PURPOSE ZONING DISTRICTS BULK AND YARD REGULATIONS			
BULK AND YARD REGULATIONS	DISTRICT		
	OS	I	L-MU
BULK REGULATIONS			
Minimum Lot Area	None	None	Residential: 2,000sf/du Non-Residential: None
Minimum Lot Width	None	None	None
Minimum Building Height[1]	None	None	24'
Maximum Building Height[1]	35' and 3 stories	45' and 4 stories	40' and 3 stories
Maximum Lot Coverage[2]	50%	50%	None
YARD REGULATIONS[2]			
Minimum Front Yard	20'	20'	10'
Minimum Interior Side Yard	15'	15'	15'
Minimum Corner Side Yard	20'	20'	10'
Minimum Rear Yard	25'	25'	10'

TABLE 20.44-2: FOOTNOTES

[1] An appurtenance in the office park and manufacturing districts may take any form but shall not exceed a square of 9 feet by 9 feet, and 10 feet in height. Where a place of worship is located within the I District, steeples and similar architectural features on places of worship are permitted up to extend up to 75' in height.

[2] For the OS District, yard and lot coverage regulations apply only to permanent structures.

20.44.040 – L-MU District design standards.

All structures in the L-MU District shall meet the following design standards.

A. Façade Articulation and Siting.

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

2. Blank walls are prohibited on all facades visible from the public right-of-way (excluding alleys), abutting a residential district or located along the lakefront.

3. Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

4. Outdoor dining and public outdoor seating areas are encouraged along any façade that abuts the lakefront.

5. No overhead service doors or bays may face the lakefront. Loading and service areas must be internal to the development and may be accessed through internal service corridors.

B. Fenestration.

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

2. Non-residential units under 25,000 square feet on the ground floor along a public street require fifty percent (50%) transparency comprised of clear windows or doors for the façade area between two feet (2') and eight feet (8') above the average grade for all walls that front on a public street or access area, which allows views of indoor space or product display areas. Parking structures or walls of structures that are used for ground floor parking are exempt from the transparency requirements; however, decorative elements and architectural elements are required to break up the façade. Windows shall be constructed of clear or lightly tinted glass. Tinting above twenty percent (20%) or reflective glass is prohibited. In-line retail is considered multiple uses with each unit counting individually towards the size requirement.

C. Roof Design.

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

2. Green roof, blue roof and white roof designs are encouraged.

D. Entrances.

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

2. Secondary building entrances are encouraged on facades facing the lakefront.

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

E. Building Materials.

1. The following materials are permitted for use on exterior elevations:

   a. Clay brick;

   b. Natural or cast stone;

   c. Stucco;

   d. Wood;

   e. Architectural precast concrete.

2. The following building materials are prohibited. However, such materials may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

   a. Plain concrete block;

   b. Corrugated Metal;

c. Aluminum, steel or other metal sidings;

d. Metal wall panels;

e. Exposed aggregate (rough finish) concrete wall panels;

f. Exterior insulating finish systems (EIFS);

g. Plastic;

h. Vinyl.

F. View and Access Corridors for Diamond Lake.

1. All buildings must be sited to allow views of the water from Diamond Lake Road where local east-west streets terminate at Diamond Lake Road.

2. For new development, a public access promenade should be established along the lakefront no less than fifteen-five (15) feet in width, of which a minimum of twelve (12) feet must be a permanently constructed promenade. Those areas that do not consist of permanently constructed promenade must be landscaped and maintained in a manner that is visible to the public. Public access promenade improvements must be built and maintained by the property owner. Public access on private property is subject to reasonable rules and regulations as may be promulgated by the owner of such property and agreed to in writing by the Zoning Administrator. The completion of the promenade must coincide with the completion of the adjacent development on the property.

20.44.050 – General standards of applicability.

A. Temporary Uses. See Section 20.52.060 (Temporary Uses) for standards governing temporary uses.

B. Accessory Structures and Uses. See Section 20.52.040 (Accessory Structures and Uses) for standards covering accessory structures and uses.

C. Site Development Standards. See Chapter 20.52 for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.

D. Environmental Performance Standards. See Section 20.52.070 (Environmental Performance Standards) for standards governing environmental performance standards.

E. Off-Street Parking and Loading. See Chapter 20.56 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

F. Landscape and Screening. See Chapter 20.60 (Landscape and Screening) for standards governing landscape and screening.

CHAPTER 20.48 - USE STANDARDS

20.48.010 – Purpose.
20.48.020 – Use of land and structures.
20.48.030 – Generic use standards.

20.48.010 – Purpose.

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

20.48.020 – Use of land and structures.

No structure or premises shall be used or occupied except in conformity with the regulations for the zoning district in which it is located. No structure shall be erected, reconstructed, extended, enlarged, altered or moved except in conformity with the regulations of the zoning district in which it is located.

20.48.030 – Generic use standards.

In addition to the use standards below, all uses are required to comply with all provisions of this Code including, but not limited to, Chapter 20.52 (On-Site Development Standards), Chapter 20.56 (Off-Street Parking and Loading) and Chapter 20.60 (Landscape and Screening), and all other Village regulations. Approved special uses may have additional conditions and standards imposed upon them that must be complied with as well.

A. Adult Use. All adult uses shall comply with the requirements of Title 5, Chapter 80 (Adult-Oriented Businesses) of the Village Code.

B. Amusement Facilities, Indoor or Outdoor. The location of entrances and exits, exterior lighting, service areas, and parking and loading facilities shall be designed to minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties. The following standards shall be met:

   1. The location, arrangement, size, design and general site compatibility of buildings, and lighting, shall be designed to:

      a. Ensure compatibility with, and mitigation of, any potential impact upon, adjacent property.

      b. Minimize any adverse impact of site illumination on adjacent properties.

   2. Screening must be used to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.

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

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

      b. Minimizing potentially dangerous traffic movements.

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

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

C. Banquet Facility

1. A banquet facility may be either the principal use of a structure or accessory to a restaurant use. When banquet facilities are accessory to a restaurant use, separate use approval is needed for the accessory banquet facilities if operated before or after the restaurant hours of operation. Accessory banquet facilities that operate only during restaurant hours of operation do not require separate use approval.

2. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.

3. All events must be held within a completely enclosed building.

D. Car Washes

1. Proper discharge to the sanitary sewer shall be established unless a separate waste water containment and removal service is approved by the Village, installed, and placed in operation.

2. Vehicles dropped off at the site shall have current plates and current registration.

3. Vehicles shall not be parked in a manner that blocks ingress and egress of the site, overhead doors, parking stalls, and the parking lot.

4. There shall be no sale of vehicles on the premises.

5. A noise abatement plan shall be submitted for properties adjacent to residential uses.

E. Community Center

1. A plan describing the scope of activities to be conducted on the premises shall be submitted. If a new use is added in the future beyond those originally approved, a variation must be obtained.

2. In addition to these standards, the facility will also be required to comply with any additional generic use standards within Section 20.48.030 that apply to each component of the facility's scope.

3. Each individual component of the facility must be either a Permitted or Special Use in that facility's zoning district.

4. Off-street parking requirements shall be calculated based on the percentage of the total facility each component occupies. If components overlap spatially, then the use requiring more off-street parking prevails

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

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

2. The facility shall retain a residential character, which shall be compatible with the surrounding neighborhood.

3. The operation of the facility shall not adversely impact surrounding properties.

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

1. The location, arrangement, size, design and general site compatibility of buildings, and lighting, including:

a. Compatibility with, and mitigation of, any potential impact upon, adjacent property.

b. Site illumination designed and installed to minimize adverse impact on adjacent properties.

2. Use of screening to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.

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

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

b. Minimizing potentially dangerous traffic movements.

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

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

H. Currency Exchange, Payday or Title Loan Establishment and Pawn Shop. No currency exchange, payday or title loan establishment or pawn shop shall be located within one-thousand (1,000) feet of another currency exchange, payday or title loan establishment or pawn shop.

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

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

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

3. Open space and recreational areas shall be provided as required by the State of Illinois licensing requirements.

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

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

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

3. Open space and recreational areas shall be provided as required by the State of Illinois licensing requirements.

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

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

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

1. All drive-through facilities shall provide adequate stacking spaces, in accordance with Chapter 20.56, Off-Street Parking and Loading.

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

3. No exterior lighting shall produce a glare into, or upon, the surrounding area or any residential premises. All drive-through facilities shall be properly screened, in accordance with Section 20.60.140 (Screening Requirements), to prevent glare from vehicles passing through service lanes.

4. Drive aisles shall be separated from landscaped areas by a six (6) inch curb.

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

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

7. An administrative variation may be approved by the Zoning Administrator in the event that a drive-through lane interferes with a maximum setback or build-to zone, in accordance with Section 20.16.030(C) of the Zoning Ordinance regarding administrative variations.

L. Dwelling.

1. Dwelling, Single-Family and Two-Family.

a. Façade Articulation.

i. Large, flat front and side facades are prohibited. Windows or other architectural features are required to avoid the appearance of blank walls and facades facing neighboring homes and the street.

ii. Shear, two-story walls are discouraged for front and side facades. Wall heights of

one (1) to one and one-half (1½) stories are preferred facing the street and neighboring homes. Walls that face the street can be broken up with one-story front porches that define front doors and entrances.

iii. The front entry shall be the predominant feature on the front elevation of a home. The front entry should be emphasized as an integral part of the building design with features such as front porches, raised steps and stoops, roof overhangs, columns and decorative railings, to help create a protected entry area and enhance its appearance.

b. Roof Forms.

i. The pitch, design and scale of roofs shall complement surrounding dwellings. Sloping roof forms, such as gable, hip and gambrel roofs, are preferred over mansard or flat roofs.

ii. Large monotonous, simple pitched roofs, without breaks in the expanse of the roof, should be avoided. Dormers and gables can break up large expanses of roof area. However, a simple pitched roof may be appropriate for smaller homes.

iii. Roofs should be designed with overhanging eaves or detailed gutters wide enough to create shadowing on the building.

c. Building Additions.

i. The scale and mass of additions should be in keeping with the original structure and should not visually overwhelm neighboring structures.

ii. Additions are encouraged to locate along the side and rear of homes. If located on the side of a home, large, flat side facades are prohibited.

iii. The pitch, design and materials used on the roof of an addition must match or compliment that of the existing building.

iv. Exterior building materials and colors, as well as trim and other architectural details, must match or compliment the existing building.

v. Windows must match or compliment the prevailing orientation and alignment of existing windows.

2. Dwelling, Multi-Family and Dwelling, Townhouse. The following use standards apply to townhouse and multi-family dwellings outside of the C-5 District. Townhouse and multi-family dwellings in the C-5 District are regulated by the standards of Chapter 20.36.

a. Façades shall be designed to be viewed from multiple directions and, therefore, they must be designed with consistent materials and treatment that wraps around all façades. There shall be a unifying architectural theme for an entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials and colors in the entire structure. (See Figure 20.48-1: Townhouse and Multi-Family Design Guidelines)

b. Windows and doors shall have raised elements to create shadow and articulation. In addition, three-dimensional elements, such as balconies and bay windows, should be incorporated to provide dimensional elements on a façade. Windows shall be set back ("punched") into or projected out from the façade to provide façade depth and shadow, vertical in orientation and of a consistent style. (See Figure 20.48-1)

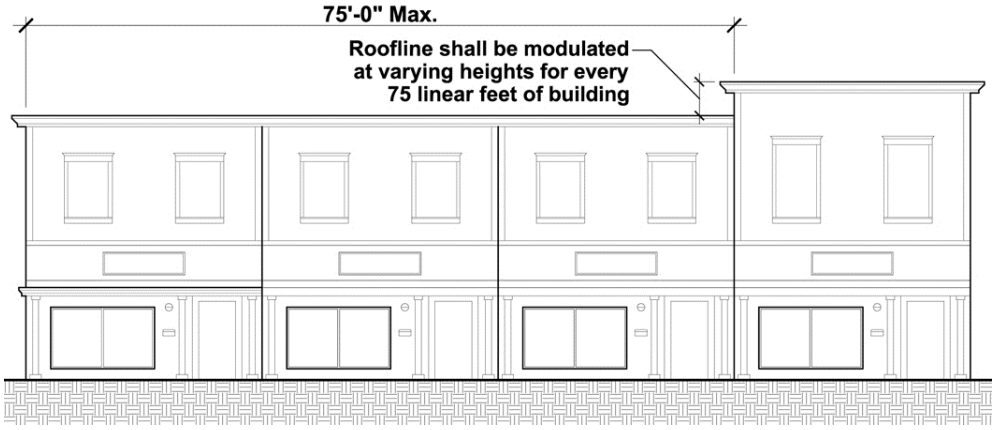
FIGURE 20.48-1: TOWNHOUSE AND MULTI-FAMILY DESIGN GUIDELINES

Side walls of townhouses or multi-family developments that face the street should be designed with front façade elements, such as windows and doors, to avoid blank walls facing the street.

Facades should be designed with consistent materials and treatment that wraps around all facades. Street-facing facades should create substantial shadows and visual interest. Juliet balconies, windows set back into the façade with detailed trim, projected entrances and overhangs are encouraged on the front façade.

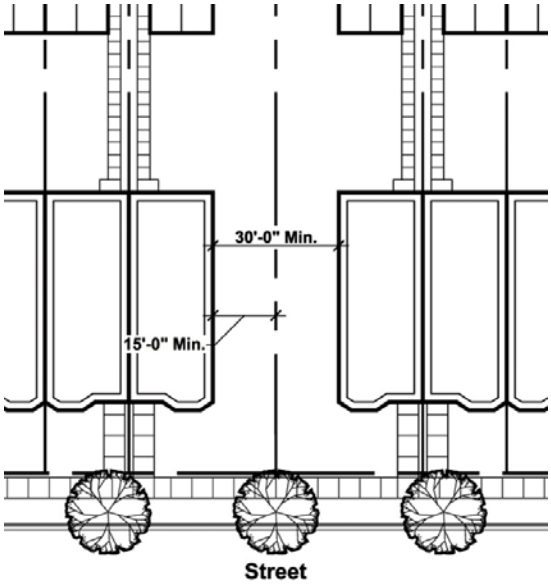
c. Roof forms shall be articulated so that varied planes and massing within the overall roof are provided. Large, monotonous, simple pitched roofs, without breaks in the expanse of the roof, are prohibited. Dormers and gables can be used to break up large expanses of roof area. For flat roofs, cornices and parapets should be used to add variety and break up the roofline. Rooflines shall be modulated at maximum every seventy-five (75) feet through the use of varied roof heights. (See Figure 20.48-2: Roof Design)

FIGURE 20.48-2: ROOF DESIGN



d. There shall be a minimum separation of fifteen (15) feet between sidewalls among rows of townhouse developments and multi-family dwellings. Where the front or rear wall of a row of townhouse or multi-family dwellings faces the front or rear wall of another row of townhouse or multi-family dwellings, the minimum required separation between such buildings shall be a minimum of thirty (30) feet. Driveways and parking areas may be located within this minimum separation area. (See Figure 20.48-3: Required Separation)

FIGURE 20.48-3: REQUIRED SEPARATION



e. Large, flat facades shall be avoided, which can be accomplished by articulating the building mass to create substantial shadows and visual interest. Windows, projected entrances and overhangs must be included on the street facing façade to add variety and maintain a pedestrian-scale. When the sidewalls of multi-family or townhouse development face a street, building facades shall be designed with elements of a front façade, including doors and/or windows. (See Figure 20.48-1)

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

g. When a multi-family or townhouse development is located on a lot adjacent to Diamond Lake, such structure must be sited to allow views of the water from Diamond Lake Road where local east-west streets terminate at Diamond Lake Road.

M. Educational Facilities (All). Educational facilities shall be designed so that the location of entrances and exits, exterior lighting, outdoor recreation areas, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties. The following standards shall be met:

1. The location, arrangement, size, design and general site compatibility of buildings, and lighting, including:

   a. Compatibility with, and mitigation of, any potential impact upon, adjacent property.

   b. Site illumination designed and installed to minimize adverse impact on adjacent properties.

2. Use of screening to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.

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

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

   b. Minimizing potentially dangerous traffic movements.

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

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

N. Kennel and Pet "Day Care" Service.

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

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

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

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

O. Gas Station.

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

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

3. Gas stations may include the sale of retail goods and restaurants as accessory uses.

4. Gas stations may also include an automatic car wash with one (1) bay. Stacking spaces shall be in accordance with Chapter 20.56 (Off-Street Parking and Loading).

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

6. Gas stations shall not be subject to the maximum front setback of the C-1 and C-2 Districts. However, a minimum five (5) foot landscaped setback shall be provided.

P. Live Entertainment

1. Live entertainment must submit the following impact management plans:

a. A parking and loading management plan. If parking is not required, a parking management plan is not required, but a loading management plan must be submitted.

b. A security plan.

c. A litter abatement and trash disposal plan.

d. A noise abatement plan.

2. Live entertainment must submit the following operation plan:

a. Days and hours of operation.

b. Intended use of amplification, noise levels, and need for soundproofing.

c. The size of the establishment and the size, location and configuration of the live entertainment area within the establishment including stage design and stage construction plan.

d. Exterior lighting design.

e. Maximum occupancy loads.

f. Loading areas.

3. If the live entertainment use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, the impact management plans and operation plans must be updated and resubmitted for approval. Revised impact management plans and operation plans must be approved prior to the issuance of any permits.

4. Impact management plans and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans must be resubmitted for approval.

Q. Medical Cannabis Dispensaries.

1. Compliance with State Regulations and Rules

a. All Medical Cannabis Dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all rules and regulations adopted in accordance therewith.

2. Setbacks.

a. Notwithstanding anything to the contrary in Section 20.40.030 of the Ordinance codified in this title, a Medical Cannabis Dispensary shall be a minimum of 30 feet from all property lines. This setback requirement does not apply to existing buildings and shall only apply in the case of new construction or additions.

3. Buffering from other Medical Cannabis Dispensaries.

a. A Medical Cannabis Dispensary shall be a minimum of 1,000 feet from all other Medical Cannabis Dispensaries measured from the parcel boundaries.

4. Size of Dispensary Premises.

    a. If a Medical Cannabis Dispensary is established on a multiple use or tenant property, the Dispensary shall be a minimum of 5,000 square feet.

5. Parking.

    a. All customer parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. If any non-customer parking is not visible from a public road or private road that is accessible to the public, it must be fenced or otherwise enclosed to maintain a separation from the customer parking.

    b. Notwithstanding anything to the contrary in Section 20.52.040, Section 20.60.090, or Section 20.60.100 of the Zoning Ordinance codified in this title, customer parking cannot be screened from the roadway with vegetation, fencing or other obstructions.

    c. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by the Dispensary's staff and continually recorded in a tamper proof format.

6. Exterior Display.

    a. No Medical Cannabis Dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, Medical Cannabis Infused Products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the Dispensary is located.

    b. No portion of the exterior of the Dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.

7. Drug Paraphernalia Sales.

    a. Medical Cannabis Dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

8. Age and Access Limitations.

    a. It shall be unlawful for any Medical Cannabis Dispensary to allow any person who is not at least eighteen (18) years of age on the premises. Dispensaries shall not employ anyone under eighteen (18) years of age.

    b. Access shall be limited exclusively to Dispensary staff, Cardholders, local and state officials, and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

9. Hours of Operation.

    a. Medical Cannabis Dispensaries shall operation only between 8:00 a.m. and 6:00 p.m.

10. Drive-Through.

    a. A Medical Cannabis Dispensary shall not have a drive-through service.

11. Security and Video Surveillance.

    a. The Medical Cannabis Dispensary shall be an Enclosed Locked Facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft.

    b. The Medical Cannabis Dispensary parking area, client entrance, sales area, back room, storage areas, and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by the Dispensary's staff and continually recorded in a tamper proof format.

    c. A sign shall be posted in a conspicuous visible location on the premises which includes the following language: "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."

    d. The Village Administrator, or his/her designee, shall review the adequacy of lighting, security and video surveillance installations with assistance from appropriate local law enforcement officials.

    e. A Medical Cannabis Dispensary shall report all criminal activities to the police immediately upon discovery.

    f. Deliveries shall occur during normal business hours within a secure enclosed delivery bay.

12. Conduct on Site.

    a. Loitering is prohibited on the dispensary premises.

    b. It shall be prohibited to smoke, inhale or consume cannabis products on the Medical Cannabis Dispensary premises or anywhere on the property occupied by the Dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the Dispensary premises in a conspicuous visible location and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

R. Medical Cannabis Cultivation Centers

1. Compliance with State Regulations and Rules

    a. All Medical Cannabis Cultivation Centers shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all rules and regulations adopted in accordance therewith.

2. Single Use Property

    a. Medical Cannabis Cultivation Centers shall not be established in multiple use or tenant property or on a property that shares parking with other uses.

3. Setbacks

    a. Notwithstanding anything to the contrary in Section 20.40.030 (Section 10.3) of the Ordinance codified in this title, a Medical Cannabis Cultivation Center shall be a minimum of 50 feet from all property lines. This setback requirement does not apply to existing buildings and shall only apply in the case of new construction or additions.

4. Parking

    a. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by the Cultivation Center's staff and continually recorded in a tamper proof format.

5. Age and Access Limitations

    a. It shall be unlawful for any Medical Cannabis Cultivation Centers to allow any person who is not at least eighteen (18) years of age on the premises.

    b. Cultivation Centers shall not employ anyone under eighteen (18) years of age.

    c. Access shall be limited exclusively to cultivation center staff and local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

6. Security and Video Surveillance

    a. The Medical Cultivation Center shall be an Enclosed Locked Facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft.

    b. Notwithstanding anything to the contrary in Section 20.52.040 (Section 13.4) of the Ordinance codified in this title, the facility shall be enclosed by a High Security Fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied into an access control system.

    c. The Medical Cannabis Cultivation Center parking, cultivation, production, and warehousing areas, and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by the Cultivation Center's staff and continually recorded in a tamper proof format.

    d. A sign shall be posted in a conspicuous visible location on the premises which includes the following language: "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."

    e. The Village Administrator, or his/her designee, shall review the adequacy of lighting, security and video surveillance installations with assistance from appropriate local law enforcement officials.

    f. Loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

7. Noxious Odors

    a. All Cultivation Centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.

8. Conduct on Site

    a. Retail sales of medical cannabis or Medical Cannabis Infused Products are strictly prohibited at Medical Cannabis Cultivation Centers.

b. It shall be unlawful to cultivate, manufacture, process or package any product, other than medical cannabis and Medical Cannabis Infused Products, at a Cultivation Center.

S. Motor Vehicle Dealership or Motor Vehicle Rental Establishment.

1. Motor vehicle dealerships or rental establishments shall have a minimum lot size of ten-thousand (10,000) square feet.

2. Any service and repair facilities must also comply with the standards of Paragraph U (Motor Vehicle Service and Repair, Major or Minor) below.

3. No required off-street parking may be used for vehicle display.

T. Motor Vehicle Operations Facility. All repair operations and service bays shall be fully enclosed. No required off-street parking may be used for vehicle storage.

U. Motor Vehicle Service and Repair, Major and Minor, and Motor Vehicle Aftermarket Enhancements

1. Minor motor vehicle service and repair shops and motor vehicle aftermarket enhancement establishments may not store the same vehicles outdoors on the site for longer than seventy-two (72) hours. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than fifteen (15) days. No required off-street parking may be used for vehicle storage.

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

3. All operations must be fully enclosed. Only vehicles being serviced at the establishment may be stored outdoors. Wrecked or junked vehicles may not be stored on-site. Where the property abuts a residential use, the facility must install an opaque fence at least six (6) feet high on the property line to buffer the residential use.

4. Minor motor vehicle service and repair shops may also include gas stations as an accessory use. All gas stations that are part of such an establishment must comply with the regulations of this Ordinance.

5. The sale of used or new automobiles is not permitted.

6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

7. All equipment and parts must be stored indoors.

V. Off-Street Parking, Structure or Lot.

1. Parking Structure.

a. Parking structures located in the C-1 and C-2 Districts shall include commercial uses along a minimum of fifty percent (50%) of the length of a façade adjacent to a public right-of-way excluding alleys. A landscaped yard a minimum of ten (10) feet in width shall be provided for the remainder of the frontage. (See Figure 20.48-4: Commercial Frontage on Parking Garage Façade)

FIGURE 20.48-4: COMMERCIAL FRONTAGE ON PARKING GARAGE FAÇADE

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

2. Off-Street Parking Lot.

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

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

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

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

e. The off-street parking lot shall be screened and landscaped in accordance with Chapter 20.60 (Landscaping and Screening).

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

W. Outdoor Dining. Outdoor dining is considered a separate use, rather than accessory to the principal use, and shall be subject to the following standards:

1. Outdoor dining shall not interfere with the pedestrian access or parking spaces and aisles.

2. Outdoor dining shall not be located in any required yard that abuts a residential district unless the following standards are met:

a. A street or alley is located between the use and the residential district.

b. There is a minimum distance of twenty (20) feet between the edge of the outdoor dining area and a residential property line. In such cases, the outdoor dining area must close by 10:00pm.

3. All outdoor dining areas must be delineated on the site plan or plat of survey, as applicable.

4. A distinct delineation is maintained between the public right-of-way and the outdoor seating area through the use of architectural elements that continue the street wall of the building, such as a masonry wall, planters, or bollards. Outdoor seating areas must be paved.

X. Outdoor Storage Yard and Contractor Storage Yard with Outdoor Storage.

1. All outdoor storage must comply with the screening requirements of Section 20.60.140 (Screening Requirements).

2. When there is a structure affiliated with the storage yard, the structure shall be oriented toward the front of the lot and the storage area shall be located to the rear of the lot. The outdoor storage area should be located to the rear of the lot where possible. All structures must be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.

3. Outdoor storage areas shall be surfaced, and graded and drain all surface water. Outdoor storage areas may be surfaced with pervious paving, if adequate drainage and erosion and dust control are provided. However, gravel is prohibited.

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

5. All items stored outdoors must be related to the on-site business and its operations.

Y. Place of Worship. The location of entrances and exits, exterior lighting, service areas, and parking and loading facilities shall be designed to minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties. The following standards shall be met:

1. The location, arrangement, size, design and general site compatibility of buildings, and lighting, shall be designed to:

   a. Ensure compatibility with, and mitigation of, any potential impact upon, adjacent property.

   b. Minimize any adverse impact of site illumination on adjacent properties.

2. Screening must be used to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.

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

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

   b. Minimizing potentially dangerous traffic movements.

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

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

Z. Recycling Facility, Convenience Drop-Off.

1. A business plan detailing the area and amount of materials recycled shall be submitted for review.

2. Areas used for recycling shall be ancillary to another business on the site and must not take up more than 30% of interior floor space for the business.

3. All material dropped off for recycling shall be contained within an enclosed structure, otherwise the use is subject to the zoning and standards for recycling facilities, minor.

4. All recyclable materials shall be stored in sealable containers.

AA. Recycling Facilities: General Construction or Demolition Debris.

1. Purpose. The purpose of these standards is to:

a. Establish location, design, operating and reporting criteria appropriate to assess the suitability and on-going compliance of a recycling facility of general construction or demolition debris.

b. Promote the safe and unobtrusive recycling of general construction or demolition debris from the waste stream.

2. State Regulations. In addition to the standards of this section, all recycling facilities for general construction or demolition debris shall comply with the Section 415 ILCS 5 of the Illinois Environmental Protection Act, as amended.

3. Location and Siting Standards.

a. The lot size must be a minimum of (5) acres.

b. The facility shall be located a minimum of three hundred (300) feet from any residential district or residential use unless such district or use is separated from the facility by an active rail line. The measurement between the facility and the nearest residential district or residential use shall be from the closest point of the facility's lot line to the closest point of the residential lot line, inclusive of roadways, alleys and rights-of-way.

c. The facility shall be located outside of the 100-year floodplain.

4. Design Standards.

a. The general construction or demolition debris receiving/tipping areas shall be constructed of a low permeability material (for example, portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.

b. The facility shall be equipped with a fence no less than eight (8) feet in height enclosing the operating areas of the facility.

c. The facility shall be equipped with a vehicle scale to weigh incoming deliveries and outbound shipments.

5. Operating Plan Required. The applicant shall provide the Village with an operating plan that demonstrates how the facility will comply with Section 22.38 of Section 415 ILCS 5 of the Illinois Environmental Protection Act. The operating plan shall, at a minimum, contain the follow information:

    a. Number of employees anticipated at the facility.

    b. Proposed hours of operations for receipt of general construction or demolition debris, and the processing and shipment of general construction or demolition debris.

    c. Estimated daily average and maximum volume (in tons) of general construction or demolition debris to be received at the facility.

    d. Identify if the facility will accept general construction or demolition debris deliveries from third-party haulers. If so, describe the means by which third party haulers will be informed of what materials are acceptable at the facility.

    e. Identify the number of vehicles (by vehicle type) estimated to use the facility on a daily basis and demonstrate that the facility as proposed minimizes the impact on area roadways.

    f. Describe the method and equipment used to separate the recyclable general construction or demolition debris from the non-recyclable general construction and demolition debris.

    g. Describe the procedures by which all non-recyclable general construction or demolition debris will be removed and disposed of.

    h. Describe any processing equipment, such as grinders, shredders or balers, proposed to be used to prepare the recyclable general construction or demolition debris for stockpiling or shipment. Describe the design or operating controls proposed and compliance with applicable noise standards.

    i. Describe operating methods employed to control odor, combustion of materials, vectors, dust and litter.

    j. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition for shipment from the facility.

    k. Identify which activities are proposed to be conducted indoors or under cover.

    l. Provide typical and maximum estimated height of stockpiled recyclable construction or demolition debris for each recyclable material by type. Discuss the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.

    m. Identify any other proposed site uses, such as truck storage, maintenance, fueling or container storage, and demonstrate that they can be conducted in a safe and unobtrusive manner without interfering with safe general construction or demolition debris recycling activities.

    n. The operator shall provide information regarding his/her experience in operating material recovery facilities, which require the marketing and shipment of numerous recyclable commodities.

o. Describe the proposed end-use markets for separated general construction or demolition debris to demonstrate compliance with the diversion requirements of Section 22.38 of Section 415 ILCS 5 of the Illinois Environmental Protection Act.

p. Identify all regulatory permits necessary to operate the facility as proposed.

q. Discuss the material tracking methods and recordkeeping to be employed to demonstrate compliance with Section 22.38 of Section 415 ILCS 5 of the Illinois Environmental Protection Act.

r. Provide a closure plan and closure cost estimate for the facility.

BB. Recycling Facility, Major.

1. Purpose. The purpose of these standards is to:

a. Establish the location, design, operating and reporting criteria appropriate to assess the suitability and on-going compliance of a recycling facility which receives/stores/processes recyclable materials, other than general construction or demolition debris, in whole or part outside of an enclosed building or structure.

b. Promote the safe and unobtrusive recycling of recyclable materials other than general construction or demolition debris from the waste stream.

2. State Regulations. In addition to the standards of this section, all recycling facilities, major, shall comply with any applicable regulations set forth by the federal and Illinois Environmental Protection Agencies.

3. Location and Siting Standards.

a. The lot size shall be a minimum of (5) acres.

b. The facility shall be located a minimum of three hundred (300) feet from any residential district or residential use unless such district or use is separated from the facility by an active rail line. The measurement between the facility and the nearest residential district or residential use shall be from the closest point of the facility's lot line to the closest point of the residential lot line, inclusive of roadways, alleys and rights-of-way.

c. The facility shall be located outside of the 100-year floodplain.

4. Design Standards.

a. The general receiving/tipping areas shall be constructed of a low permeability material (for example: portland cement concrete and asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.

b. The facility shall be equipped with a fence no less than eight (8) feet in height enclosing the operating areas of the facility.

c. The facility shall be equipped with a vehicle scale to weigh incoming deliveries and outbound shipments.

5. Operating Plan Required. The applicant shall provide the Village with an operating plan that demonstrates the kind of materials which will be received/processed, how those materials will be handled and how the facility will comply with the applicable regulations

of the federal and Illinois Environmental Protection Agencies. The operating plan shall, at a minimum, contain the following information:

a. Number of employees anticipated at the facility.

b. Proposed hours of operations for the receipt of the recyclable materials, and the proposed hours of operation for processing and shipment of recyclable materials.

c. Estimated daily average and maximum volume of materials received at the facility.

d. Identify whether the facility will accept deliveries from third-party haulers. If so, describe the means by which third party haulers will be informed of what materials are acceptable at the facility.

e. Identify the number of vehicles (by vehicle type) estimated to use the facility on a daily basis and demonstrate that the facility as proposed minimizes the impact on area roadways.

f. Describe the method and equipment used to separate the recyclable items from the non-recyclable materials.

g. Describe the disposal and removal procedures for all non-recyclable materials.

h. Describe any processing equipment, such as grinders, shredders or balers, proposed to be used to prepare the recyclable materials for stockpiling or shipment. Describe the design or operating controls proposed and compliance with applicable noise standards.

i. Describe operating methods employed to control odor, combustion of materials, vectors, dust and litter.

j. Describe the method and equipment used to load recyclable and non-recyclable materials for shipment from the facility.

k. Identify which activities are proposed to be conducted indoors or under cover.

l. Provide typical and maximum estimated height of stockpiled recyclable debris for each recyclable material by type. At no point shall the stockpiles exceed 10 feet in height. Discuss the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.

m. Any materials to be stored outdoors shall be stored in containers, dumpsters, or similar apparatus that can be covered when not in use.

n. Identify any other proposed site uses, such as truck storage, maintenance, fueling or container storage, and demonstrate that they can be conducted in a safe and unobtrusive manner without interfering with safe recycling activities.

o. The operator shall provide information regarding his/her experience in operating material recovery facilities, which require the marketing and shipment of numerous recyclable commodities.

p. Describe the proposed end-use markets for separated materials.

q. Identify all regulatory permits necessary to operate the facility as proposed.

r. Discuss the material tracking methods and recordkeeping to be employed.

s. Provide a closure plan and closure cost estimate for the facility.

CC. Recycling Facility, Minor.

1. The processing of materials shall be completely indoors.

2. Solid waste shall not be stored on-site.

3. Multi-tenant locations shall provide a detailed plan to minimize impact on adjacent units. Driveways, loading areas, and common space shall not be impacted by the operation of the recycling facility.

4. Any recyclable or related materials to be stored outdoors (subject to approval with a Special Use Permit) shall be stored in containers, dumpsters, or similar apparatus that can be covered when not in use.

5. Any outside storage area, if approved by the Village, for recyclable materials or processed materials shall be enclosed by a minimum eight (8) foot high opaque fence or solid wall. Screening shall be in accordance with Section 20.60, Landscape and Screening.

6. Parking and storage of all vehicles related to the business shall be on an approved surface in accordance with the provisions of 20.56, Off-Street Parking and Loading.
7. Such use shall be located a minimum of one hundred fifty (150) feet from any lot in a residential zoning district or mixed-use zoning district that allows residential uses. The measurement between the facility and the nearest residential district or residential use shall be from the closest point of the facility's lot line to the closest point of a residential lot line, inclusive of roadways, alleys, and rights-of-way.

8. Such use shall provide the Zoning Administrator with evidence that it has complied with all Federal and State licenses, certifications, and other regulations.

9. There shall be a plan for regular shipping or reprocessing of recyclable materials, such that the size of the storage yard is minimized in relationship to the amount of recyclable materials estimated to be received. In no event shall any recyclable material remain onsite for a period exceeding thirty (30) days. Such plan shall be submitted to the Zoning Administrator as part of the approval.

10. Any drop-off areas for recyclable materials shall meet the stacking requirements for drive through uses in Section 20.56.110, Off-Street Parking and Loading. Each dumpster is equivalent to a drive through window.

11. Any dumpsters for drop-off materials shall be screened on three sides by an eight (8) foot high opaque fence or solid wall.

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

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

2. The facility shall be harmonious with surrounding buildings, in respect to scale, architectural design and building placement. If located within a residential district, the facility shall be compatible with the residential character of the neighborhood.

3. In residential districts, the surrounding street network shall be capable of accommodating the traffic generated by the facility.

EE. Shooting Range. A shooting range must comply with all applicable local and state laws, rules and regulations regarding the discharge of a firearm. Shooting ranges shall also comply with the following standards:

1. Shooting ranges are permitted only as indoor facilities.

2. All shooters must complete an orientation safety program or show a valid firearm owners identification (FOID) card, before they are allowed to discharge firearms.

3. All shooting ranges shall provide ceiling and in-wall sound barriers to prevent sound from traveling beyond the property lines of the subject property.

4. The number of shooters is limited to two (2) per firing points or stations identified on the plans.

5. The storage of live ammunition must occur in an approved safe and is subject to all applicable fire codes.

FF. Smoke Shop. All smoke shops must install an independent ventilation system that exhausts smoke from the business and is designed and terminated in accordance with the Building Code. The ventilation system must not vent into any other establishments or designated smoke-free areas.

GG. Solar Farm.

1. The minimum lot size for a solar farm shall be two (2) acres.

2. Solar panels shall be erected no less than twenty-five (25) feet from any property line. All other structures must meet district yard requirements.

3. On-site power lines shall be placed underground to the maximum extent possible.

4. The entry to office or guest facilities shall address the street, with direct access to office or guest facilities from street frontages and parking areas.

HH. Urban Agriculture.

1. A minimum lot area of one (1) acre is required.

2. Urban agriculture uses that involve any of the following activities must prepare a management plan that addresses how the following activities will be managed to avoid impacts on surrounding land uses and natural systems.

   i. Processing of food produced on site.

   ii. Spraying of agricultural chemicals.

   iii. Use of heavy equipment such as tractors.

3. Structures related to agricultural use, such as greenhouses, hoop houses, cold-frames, tool sheds, shade pavilions, barns, restroom facilities and planting preparation houses, are permitted. Buildings must be set back from any lot line a minimum distance of thirty (30) feet. No structure may exceed twenty-five (25) feet in height. The combined area of

all structures is limited to fifteen percent (15%) of the lot area.

4. Prior to the establishment of the urban agriculture use, soil testing is required to measure nutrients, heavy metals and any other harmful contaminants that may be present. The applicant must submit to the Zoning Administrator the soil testing results and proposed remediation methodology, if needed. Alternatively, the applicant may use raised planter boxes for all plants, in which case soil testing is not required.

5. Farmstands are permitted and are limited to sales of items grown at the site. Permanent farmstands must be designed as coordinated structures, with an open wall design. Temporary farmstands must be removed from the premises or stored inside a structure on the premises when items are not offered for sale. The maximum height of any farmstand is fourteen (14) feet.

6. Open fences of a minimum of five (5) feet in height are required along the front and corner side lot line. Decorative fences are encouraged along the front and corner side lot lines. Six (6) foot solid fences are required along the interior side and rear lot lines.

7. The site is designed and maintained so that water and fertilizer will not drain onto adjacent property.

8. The use of herbicides and weed killers is prohibited.

9. Areas of dry, loose soil that may be moved by wind must be covered by mulch or plastic or otherwise confined.

10. Animal husbandry, including chicken coops and apiaries, and fish farms are prohibited.

II. Utilities, Private.

1. Private utilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties. Additional landscaping and screening may be required to achieve this.

2. Any aboveground private utility structures, such as pedestals for cable wire access or other access points for underground infrastructure (communications wiring, fiber optic, etc.) must be screened from view of any public right-of-way.

JJ. Wind Farm

1. The minimum lot size for a wind farm shall be four (4) acres.

2. Wind turbines within a wind farm shall be permitted up to a height of three-hundred (300) feet, unless otherwise limited by the special use approval, as measured from the base of the tower to the top of a fully extended blade. However, The turbine height shall be further limited to a maximum of one-hundred twenty-five (125) feet if the base of the turbine is located within five-hundred (500) feet of a residential district.

3. The minimum clearance under a wind turbine shall be fifty (50) feet as measured from the lowest point of the blades to the ground directly below.

4. Wind turbines shall be set back a minimum distance equal to one-hundred fifty percent (150%) of the turbine height or three-hundred (300) feet, whichever is greater, to all property lines, third party transmission lines, and wireless communication towers, unless

otherwise specified by the special use approval.

5. The wind farm shall comply with all applicable codes and ordinances regulating sound generation, including, but not limited to the requirements of the Mundelein Village Code and the Illinois Pollution Control Board. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels at the residence of any non-participating landowner, the facility owner or operator shall take such measures as are necessary to bring sound levels down to those permitted by the Mundelein Village Code and Illinois Pollution Control Board.

6. The facility shall be sited so as not to produce shadow flicker on any existing residential dwelling or within fifty (50) feet of the buildable area of a residentially-zoned lot, as defined by current yard requirements, of non-participating properties.

7. Wind turbines, towers and blades shall be finished in off-white, light gray, or other neutral color. The finish shall be flat or matte, so as to reduce incidence of sun glint. However, de-icing materials that can give a high gloss appearance may be applied to the surface of the blades during winter weather conditions. The required coloration and finish shall be maintained throughout the life of the facility.

8. The facility shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA) or necessary for workers involved in maintenance or repairs. Any required lighting shall be shielded so that no glare extends beyond the property line of the facility.

9. Facilities shall not cause electromagnetic interference to communications systems. All facilities turbines shall utilize non-metallic rotor blades unless the applicant can supply documentation from an independent testing laboratory certifying that any metallic blade rotor proposed to be used will not cause electromagnetic interference. The determination of degradation of performance and of quality and proper design shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and Electrical Industries Association.

10. The base of any facility tower shall not be climbable for a vertical distance of fifteen (15) feet from the base. All access doors to wind farms shall be locked to prevent unauthorized access.

11. Wind farms shall be equipped with a redundant braking system, including both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection. The facility operator or owner shall immediately cease operations as reasonably requested.

12. Wind farm turbines shall have no advertising material, writing, picture, or signs other than warning, turbine tower identification, or manufacturer or ownership information. This prohibition includes the attachment of any flag, streamers, ribbons, spinners or waving, fluttering or revolving devices, but not including meteorological/weather devices.

13. For wind farms, warning signs, no less than four (4) square feet and no greater than six (6) square feet in area, shall be posted at the base of each tower and at access points to the property. The sign shall include a notice of no trespassing, warnings of high voltage and the potential of falling ice, and the phone number of the owner to call in case of

emergency. Each tower shall be marked with a visible identification number to assist with emergency services.

14. All wind farms shall comply with the following conditions on stormwater and drainage:

    a. The applicant/owner shall design and install all necessary stormwater facilities as required by all regulations pertaining to stormwater management.

    b. The owner shall repair any and all field drain tiles or other drainage and stormwater structures damaged by the construction or installation of the facility at their own expense.

    c. The owner shall maintain any and all drainage and stormwater systems on the subject property and keep them in good working order.

15. The Village may allow, as a condition of the special use permit, the construction and/or installation of a meteorological tower for the sole purpose of collecting wind generation data.

    a. If meteorological towers are to use guy wires, bird flight diverters or high visibility marking devices must be utilized.

    b. The applicant shall provide summary documentation of research and study that clearly demonstrates that the site has sufficient wind resources to be economically beneficial.

    c. Meteorological towers shall be limited to no more than one (1) per one (1) square quarter mile.

    d. Meteorological towers must be dismantled within three (3) years of their installation.

    e. The removal of the meteorological towers shall coincide with the decommissioning plan.

16. All facilities shall be designed to withstand a minimum wind velocity of one-hundred (100) miles per hour, with an impact pressure of forty (40) pounds per square foot.

17. Each facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

18. All electrical wires and lines connecting each of the facilities shall be installed underground.

19. To reduce potential bird perching and nesting, towers shall consist of enclosed tubular structures with pointed tops, rather than lattice structures. External platforms and ladders shall not be permitted on towers, without appropriate mitigation, as determined by the special use permit.

20. Should a wind farm become inoperable, or should any part of the facility become damaged or otherwise violate the operating requirements of this Ordinance, the owner shall cease operations immediately.

21. If the facility is not completely removed within ninety (90) days of the finding of abandonment, the Village may remove all structures at the owner's expense. In the case of such removal, the Village has the right to file a lien for reimbursement, for any and all expenses incurred by the Village without limitation, including attorney fees and accrued interest.

22. All applications for a wind farm shall include the following information:

    a. General Information.

        i. Name, company, address and phone number of owner and applicant.

        ii. Photos of existing conditions for proposed facilities.

        iii. Project summary including the manufacturer information, number of proposed turbines, and proposed height to the top of the turbine, including tower height and length of the blades.

        iv. Evidence from a wind study that the site is a feasible location for wind farm.

    b. Site Plan.

        A site map or survey, drawn to scale, signed and sealed by a professional engineer, licensed in the State of Illinois indicating:

        i. Existing and proposed contours, at a minimum of two (2) foot intervals.

        ii. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property and on abutting properties.

        iii. Location of each of the turbines and the corresponding identification numbers.

        iv. Location of existing and planned meteorological towers.

        v. Location of proposed access roads.

        vi. Location and size of existing waterways, wetlands, floodplains, aquifers, sanitary sewers, field drain tiles, storm sewerage systems, and water distribution systems.

        vii. Location of any overhead power lines.

    c. Engineering Plans, Drawings and Schematics.

        i. A detailed drawing of electrical components and installation details for the proposed facility shall be provided as supplied by the manufacturer.

        ii. A structural engineer's seal from a structural engineer, licensed in the State of Illinois, shall accompany manufacturer's engineering specifications of the tower, turbine and foundation.

    d. Coordination with Local Fire Department and Emergency Services. All applications shall describe how the facility will comply with the following requirements for local fire department and emergency services:

i. Facility operators shall provide emergency services access to the facility twenty-four (24) hours a day, and all drives and access points shall remain unobstructed at all times.

ii. The applicant shall submit a copy of the site plan to the Mundelein Fire Department and Mundelein Police Department.

iii. Upon request by the fire department, the owner shall cooperate with the local fire department to develop the fire department's emergency response plan.

iv. Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

e. Insurance. The applicant shall provide proof of a current general liability policy covering bodily injury and property damage with limits of at least $1.5 million per occurrence and $1.25 million in the aggregate at the time of the special use permit application. The amount of coverage may be changed upon consultation with the Village Attorney.

f. Electric Utility. An approval letter from the local electric utility company must be provided with permit application, if the facility is connected to the energy grid.

g. Soil Studies.

i. Provide manufacturer's specifications for the tower construction, indicating the soil conditions that will structurally support the facility.

ii. A full soil boring/sampling analysis to a depth equal/greater than the actual foundation depth is required at each turbine location.

iii. Towers shall be embedded in an approved concrete foundation, stamped by a licensed Illinois structural engineer.

h. Shadow Flicker Study. Using available software, the applicant shall show calculated locations of shadow flicker caused by the facility and the expected duration in total number of hours per year of the flicker on non-participating residential districts within one-half (½) mile.

i. Lighting Plan. A lighting plan shall be developed to establish compliance with Federal Aviation Administration requirements and with regulations prohibiting glare and light spillage. Security lighting and any emergency lighting may only be approved as part of special use permit.

j. Sound. A sound level study conducted by a certified noise engineer which confirms/certifies that the site plan will comply with all regulations.

k. Wildlife Environmental Study.

i. A thorough wildlife study must be provided with the application, as carried out by a qualified professional.

ii. This study must evaluate the potential impact of the proposed construction and operation of a wind farm on any species of concern or high quality wildlife habitat on or near the subject property, including but not limited to migrating, breeding or foraging birds or bats, and threatened, and threatened and endangered species.

iii. The study must also evaluate the potential for impact on any Lake County Forest Preserve District, Illinois Nature Preserves Commission, Illinois Department of Natural Resources, and Illinois Natural Areas Inventory lands within one and one-half (1½) miles.

iv. Documentation of how concerns raised by environmental studies affect the siting and design.

v. In cases where the wildlife study indicates that it is likely that a protected natural resource may adversely affected by the proposed facility, the Village may consult with the Illinois Department of Natural Resources, and the U.S. Fish and Wildlife Service on all proposals for wind farms regarding potential impacts from the proposed facility on natural resources.

vi. Notice of the proposed wind farm shall mail notice to Lake County Forest Preserve District Illinois Nature Preserves Commission, when Lake County Forest Preserve District lands and Illinois Nature Preserves or Illinois Natural Areas Inventory sites are within one and one-half (1.5) miles of proposed wind farm.

l. Complaint Hotline

i. The applicant shall establish a telephone number hotline and e-mail address for the general public to call contact with any complaints or questions. The hotline number and e-mail address shall also be posted at the operations and maintenance center and the construction marshalling yard. The owner shall operate the telephone hotline during usual business hours, and shall have an answering recording service during other hours.

ii. The owner shall log each complaint or call made to the hotline, identifying the name, address and reason for the call. The owner shall notify the Village of any complaints within the next two (2) business days.

m. Roads and Access. The applicant, as a condition of use of any public road(s), for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the wind farm or substation(s), shall comply with all regulations of the Village and appropriate highway authority, be it the Illinois Department of Transportation, Lake County Division of Transportation, Village of Mundelein township or other municipality.

n. Decommissioning Plan. The applicant shall develop a decommissioning plan for the eventual removal of facility and met towers at the time of application. The plan shall include:

i. The triggering events for decommissioning the facility.

ii. Provisions for the removal of structures, debris and cabling, including those below the soil surface.

iii. Provisions for the restoration of the soil and vegetation to pre-construction conditions, referencing photos submitted at application.

iv. Estimate of the decommissioning costs, certified by a professional engineer.

v. Financial assurance (i.e. letter of credit or performance bond) satisfactory to the Village Attorney, secured by the owner, for the purpose of adequately performing

decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs.

vi. Acknowledgement that Village shall have the right to access to the site, pursuant to reasonable notice, in order to affect or complete decommissioning of the facility.

vii. The terms of the decommissioning plan shall be binding upon the owner and any of their successors, assigns, or heirs.

KK. Wireless Telecommunications Antenna, Facility and Tower.

1. Purpose

The following standards for wireless telecommunications antennas, facilities and towers are intended to:

a. Ensure public health, safety, convenience, comfort and general welfare.

b. Ensure access to reliable wireless telecommunications services throughout the Village.

c. Encourage the use of existing towers and other structures for the colocation of wireless telecommunications antenna.

d. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the Village will be minimal and preferably in non-residential, as opposed to residential, districts.

e. Minimize the potential adverse effects associated with the construction of wireless telecommunications towers through the implementation of reasonable design, landscaping and construction practices.

2. Application Requirements. In addition to the requirements for a special use, all applications to erect, construct or modify any part of a wireless telecommunications antenna, facility or tower shall include the following items, unless waived by the Village:

a. A site plan showing:

i. The location, size, screening and design of all buildings and structures, including fences.

ii. The location and size of all outdoor equipment.

iii. A landscape plan showing all screening.

iv. If the site plan is for a new wireless telecommunications tower, indication of the fall zone (shaded circle).

b. A maintenance plan, and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to a reasonably prudent standard, including maintenance of landscaping, keeping the area free from debris and litter, and immediate removal of any graffiti.

c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications antenna, facility or tower to be located where proposed.

d. The reason or purpose for the placement, construction or modification, with specific reference to the provider's coverage, capacity, and/or quality needs, goals and objectives.

e. The service area of the proposed wireless telecommunications antenna, facility or tower.

f. An EME/RF Study which documents both the individual carrier's contribution of radiofrequencies (RF) to the environment, and the cumulative effects of all RF sources at the site. The study must document where the "maximum permissible exposure" (MPE) is exceeded.

g. The nature and extent of the provider/applicant's ownership, easement or lease interest in the property, building or structure upon which the antenna, facility or tower is proposed for placement, construction or modification.

h. The identity and address of all owners and other persons with a real property recorded interests in the property, building, or structure upon which the antenna, facility or tower is proposed for placement, construction or modification.

i. If the proposal is for a new telecommunications tower, then a map showing colocation opportunities within the Village and within areas surrounding the borders of the Village shall be provided and justification for why colocation is not feasible in order to demonstrate the need for a new tower.

j. Certification by a State of Illinois licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

k. A visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. The Village may require the visual simulation shall be provided from two (2) different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.

3. Fall Zone Setback.

a. A fall zone shall be constructed around any wireless telecommunications tower equal to one-hundred twenty-five percent (125%) of the height of the tower. The fall zone shall not include public right-of-way, and must be located on property either owned or leased by the applicant, or for which the applicant has obtained an easement, and may not contain any structure other than an associated wireless telecommunications facility. In all cases, the wireless telecommunications tower must at least meet the underlying setback requirements of the zoning district in which it is located.

b. The Village may reduce the required fall zone as part of the special use approval, but the Village must find that the tower is less visible as a result and that safety is not compromised. Such reduction in the fall zone setback shall require submission of a written instrument signed by all adjoining property owners, and duly notarized, agreeing to such modification. In all cases, the wireless telecommunications tower must at least meet the underlying setback requirements of the zoning district in which it is located.

c. Any associated wireless telecommunications facilities shall be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

4. Height. The maximum height of a wireless telecommunications tower shall be one-hundred (100) feet, including all attachments (antennas, lightening rods, arrays, etc.). A special use application for approval of a wireless telecommunications tower shall demonstrate that the tower does not exceed the minimum height requirement necessary to function satisfactorily, which may be less than the one-hundred (100) foot maximum permitted here. As part of the special use approval, a tower may exceed the maximum height if the Village finds that the exception is necessary for colocation purposes. In any case, the tower shall not exceed the height necessary to function satisfactorily.

5. Lighting and Marking. Wireless telecommunications antennas, towers and facilities shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

6. Landscape. Landscape is required to enhance compatibility with adjacent land uses. A fence six (6) feet in height must be erected around the wireless telecommunications tower and/or facility. Landscape shall be installed outside the fencing in accordance with the following:

   a. One (1) shade tree shall be provided for every twenty-five (25) feet of fence length, not including gates or other fence openings.

   b. One (1) shrub for every five (5) feet of fence length, not including gates or other fence openings.

   c. Landscape may be flexible in its arrangement (but not quantity) by appropriately aggregating the required plant materials and maintaining open areas around gates or other fence openings.

7. Additional Standards for Wireless Telecommunications Antennas.

   a. Wireless telecommunications antennas shall be a special use in all districts, except where they are considered a permitted use subject to site plan review in accordance with Paragraph 10 (Stealth Design for Wireless Telecommunications Antennas) below.

   b. Wireless telecommunications antennas do not include satellite dishes, as regulated in Section 20.52.040(R) (Satellite Dish Antennas) of this Code.

   c. Antennas shall be of a color that is identical or similar to the color of the supporting structure to make the antenna visually unobtrusive.

   d. No antenna shall increase the overall height of any building or structure on which it is mounted by more than ten percent (10%), or ten (10) feet, whichever is less. However, antennas attached to existing communication towers shall not increase the height of tower above the maximum allowed.

   e. The Village may require, at its discretion, additional EME/RF Studies once antennas have been mounted and are in use in order to verify that the MPE has not been exceeded.

8. Additional Standards for Wireless Telecommunications Facilities.

    a. Wireless telecommunications facilities shall be a special use in all districts.

    b. Any buildings, cabinets or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation shall not be stored on the site. The facility shall be un-staffed and does not include telecom hotels.

    c. Signs for the wireless telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is strictly prohibited.

9. Additional Standards for Wireless Telecommunications Towers.

    a. Wireless telecommunications towers shall be a special use in all districts.

    b. Wireless telecommunications towers shall be designed to accommodate at least three (3) telecommunications providers.

    c. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for at least three (3) telecommunications providers.

    d. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers shall have a galvanized silver or gray finish.

10. Stealth Design for Wireless Telecommunications Antennas.

    Stealth design for wireless antennas is encouraged and shall be considered a permitted use in all districts, subject to site plan review. All applications for site plan review shall include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design shall comply with the following regulations:

    a. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a causal observer.

    b. Antennas must be located on or in structures already permitted within zoning districts, such as steeples, water towers, crosses, streetlights, monuments, penthouses and parapet walls, and shall be designed to blend in to the structure. Antennas that collocate on existing conforming wireless telecommunications towers shall also be considered stealth design. However, antennas attached to existing communication towers shall not increase the height of tower above the maximum allowed.

    c. No antenna shall increase the overall height of any building or structure on which it is mounted. If an antenna exceeds the overall height of any building or structure, it shall be considered a special use.

11. Abandonment.

    Any wireless telecommunications tower or facility that is not operated for a period of one-hundred eighty (180) consecutive days shall be considered abandoned. The property owner shall remove the tower or facility within one-hundred eighty (180) days of its abandonment. The Village shall ensure and enforce removal by means of its existing regulatory authority.

12. Nonconformities.

    a. Nonconforming Wireless Telecommunications Antenna or Facilities. Ordinary maintenance may be performed on nonconforming antenna or facilities. However, if the proposed alteration would intensify a nonconforming characteristic of the antenna or facility, a variance is required.

    b. Nonconforming Telecommunications Towers.

        i. Ordinary maintenance may be performed on nonconforming towers.

        ii. Collocation of an antenna on an existing nonconforming tower is allowed as a special use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not intensify the nonconformity.

CHAPTER 20.52 - ON-SITE DEVELOPMENT STANDARDS

20.52.010 – Purpose.
20.52.020 – Use of land and buildings.
20.52.030 – Exterior lighting.
20.52.040 – Accessory structures and uses.
20.52.050 – Permitted encroachments.
20.52.060 – Temporary uses and structures.
20.52.070 – Environmental performance standards.

20.52.010 – Purpose.

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

20.52.020 – Use of land and buildings.

A. Number of Buildings on a Lot. In the R-1, R-2, R-3 and R-4 Districts there shall be no more than one (1) principal building per lot. In all other districts, more than one (1) building may be erected on a single lot, provided that each building shall comply with all bulk and yard requirements of a district as though it were a principal building on an individual lot.

B. All Activities within an Enclosed Structure. Within all districts, except Institutional and Open Space Districts, all activities shall be conducted entirely within an enclosed structure, with the exception of the following activities and uses:

1. Off-street parking and loading, in accordance with Chapter 20.56 (Off-Street Parking and Loading).

2. Outdoor businesses, and those businesses with a required outdoor component, including, but not limited to, play areas associated with daycare centers outdoor amusement facilities, outdoor storage yards, outdoor contractor storage yards, outdoor dining, car washes, kennels/pet “day care” services and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, where special use approval is applicable.

3. Permitted outdoor storage, and outdoor sales and display areas.

4. Temporary uses, in accordance with Section 20.52.060 (Temporary Uses).

5. Park/Playgrounds.

C. Frontage on a Public or Private Street. All lots shall front on a public or private street. Lot width shall be calculated based on the frontage along the public or private street.

D. Required Yards. No lot shall be reduced in area so that the yards are less than required by this Title, provided that recorded building lines or setback lines for a zoning lot, whichever is in effect from the time the property was last developed, shall continue to be in effect for zoning lots with existing primary structures in the event that a portion of said zoning lot is conveyed to the Village or other governmental authority for the widening of a public right-of-way or other public purpose other than in the case of a subdivision or resubdivision. The required yards for a zoning lot shall not be considered a yard for any other zoning lot. All yards allocated to a building shall be located on the same zoning lot as such building.

E. Applicability of Bulk Requirements. All structures erected after the effective date of this Ordinance shall meet the requirements for the zoning district in which the structure is located. No existing structure shall be enlarged, altered, reconstructed or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure shall be located. No structure shall be built within an easement unless otherwise allowed by this Ordinance.

F. Applicability of Use Restrictions. No structure or land shall be used for any use other than one allowed as either a permitted or special use in the zoning district in which such structure or land is located. Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of Section 20.52.060 (Temporary Uses) and Section 20.52.040 (Accessory Structures and Uses).

G. View Obstruction.

1. The following view obstruction regulations apply to all corner lots:

   a. At a non-signalized intersection, at a point fifteen (15) feet in any direction from the point of intersection of the street right-of-way, no sign, wall, fence, hedge, shrub or other object may exceed a height of three (3) feet above the established grade.

   b. At a signalized intersection, at a point ten (10) feet in any direction from the point of intersection of the street right-of-way, no sign, wall, fence, hedge, shrub or other object may exceed a height of three (3) feet above the established grade

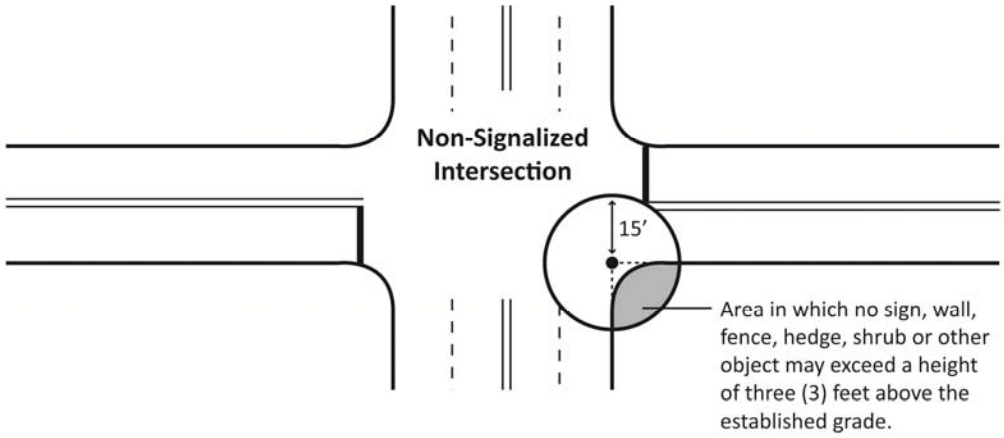
2. The following view obstruction regulations apply to all non-residential lots:

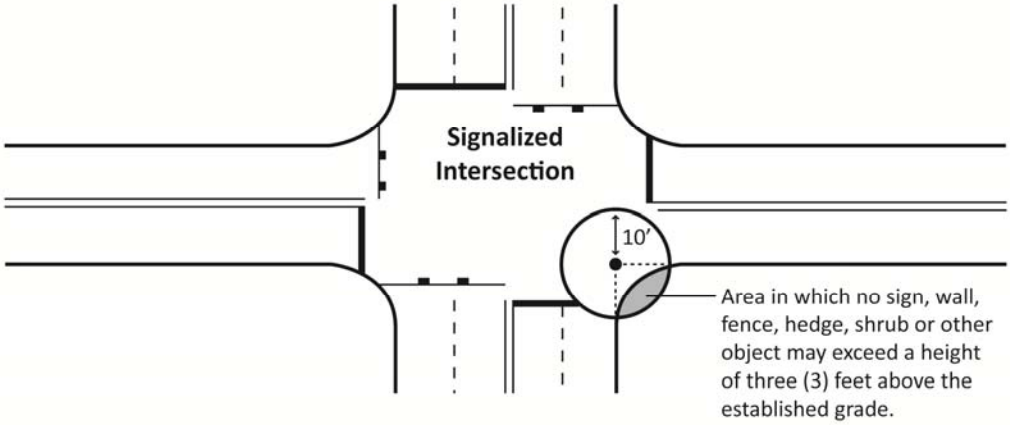
   a. For all driveways, at a point five (5) feet in any direction from the point of intersection of the street right-of-way, no sign, wall, fence, hedge, shrub, or other object may exceed a height of three feet above the established grade.

3. Exceptions are where the Zoning Administrator determines the encroachment will not create a traffic hazard in the C-5-C Downtown Corridor; C-5-MU Downtown Mixed-Use; C-5-R Downtown Residential; and L-MU Lakefront-Mixed Use Districts.

4. Figure 20.52-1: View Obstruction illustrates the measurements for non-signalized and signalized intersection view obstructions.

Figure 20.52-1: View Obstruction





20.52.030 – Exterior lighting.

A. Light Trespass and Distraction.

1. No exterior lighting shall glare into, or upon, the surrounding area or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets. The light level shall be no greater than zero (0) footcandles at any property line or public right-of-way line, except that in the Downtown C-5 Zoning District, footcandles may not exceed 2.0 at the zoning lot line or any public right-of-way line. Where this footcandle restriction cannot be met, an administrative variance may be applied for.

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

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

b. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal or local government.

c. In addition, gas station lighting shall comply with the requirements of Section 20.48.030(O) (Gas Station) and screening of drive-through facilities shall comply with Section 20.60.140(D) (Drive-Through Facilities).

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

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

1. Non-Residential Districts.

a. Lights poles and building-mounted fixtures shall be designed with fully-shielded luminaires.

b. Building-mounted fixtures shall not exceed sixteen (16) feet in height or one (1) foot below the roof line or eave line, whichever is less.

c. Light poles in C-1 Neighborhood Commercial, C-5 Downtown, and L-MU Lakefront Mixed-Use Zoning Districts shall not exceed sixteen (16) feet in height.

d. Light poles in C-2 General Commercial and O-R Office-Research Zoning Districts shall not exceed twenty-five (25) feet in height.

e. Light poles in all other non-residential zoning districts shall not exceed thirty-five (35) feet in height, except as may be allowed under other sections of this Ordinance.

f. Light poles for outdoor recreational facilities in the OS Open Space and I Institutional Zoning Districts shall not exceed sixty (60) feet in height. If light poles that exceed sixty (60) feet are necessary, such light poles are subject to special use approval.

2. Residential Districts. Light poles for single- and two-family dwellings shall not exceed eight (8) feet in height. Light poles for non-residential uses in residential districts, multi-family and townhouse uses shall not exceed twelve (12) feet in height. Lighting shall be directed so that it does not produce glare upon adjacent properties.

D. Uplighting Prohibited. Uplighting or direct illumination of a building façade above the eave or cornice line is prohibited. Uplighting or direct illumination of canopies is prohibited. Uplighting or direct illumination of signs is prohibited unless such lighting is directed only onto the sign face.

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

20.52.040 – Accessory structures and uses.

All accessory structures and uses shall be subject to the requirements of this Section and the requirements of Section 20.52.050 (Permitted Encroachments) below. Additional accessory structures not regulated in this section may be regulated in Section 20.52.050 (Permitted Encroachments) below.

A. Accessory Structures - General Regulations. All accessory structures shall be subject to the following regulations, in addition to any other regulations within this Chapter and this Ordinance.

1. No accessory structure shall be constructed prior to construction of the principal building to which it is accessory.

2. The accessory structure is customarily incidental and subordinate to and serves a principal use established on the same zoning lot.

3. The accessory structure is subordinate in area, floor area, intensity, extent, and purpose to the principal building, structure, or use.

4. The accessory structure is located on the same zoning lot as the principal building, structure, or use served.

5. The accessory structure does not exceed maximum impervious surface area for the zoning district.

6. Only those accessory structures permitted by this section or Section 20.52.050 (Permitted Encroachments) are permitted in required yards.

7. The maximum height of any detached accessory structure shall be measured from the floor of the structure to the peak of the roof, unless otherwise allowed by this Ordinance. No detached accessory structure shall exceed fifteen (15) feet, unless otherwise permitted or limited by this Ordinance.

8. All accessory structures must be located a minimum of five (5) feet from any rear lot line and three (3) feet from an interior side lot line, unless otherwise permitted by this Ordinance. On a reverse corner lot, no accessory building shall be located in the reverse corner side yard, nor nearer than five (5) feet to the side lot line of the adjacent lot.

9. On residential lots each accessory structure may not exceed one-hundred forty-four (144) square feet in floor area unless otherwise specified by this Ordinance. Exceptions to this include decks and patios; however, these are subject to the impervious surface requirements.

10. For the Open Space and Institutional Zoning Districts, accessory structures are permitted in any yard except the required front yard.

11. Accessory structures are permitted for nonresidential uses. Materials must be complementary to the primary structure.

B. Amateur (HAM) Radio Equipment.

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 20.52.070 (Environmental Performance Standards) shall be permitted only in the rear yard, and shall be located ten (10) feet from any lot line. Towers shall not exceed the maximum building height of the applicable

district by more than ten (10) feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications in accordance with Paragraph 3 below.

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

3. An antenna or tower that is proposed to exceed the height limitations shall be considered a special use. The operator must provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna shall not prove a hazard to birds (i.e., minimal chance of bird strikes). Such tower and/or antenna must conform to all applicable performance criteria as set forth in Section 20.52.070 (Environmental Performance Standards). As part of the application, the applicant must submit a site plan showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.

4. Radio antennae and/or towers owned and operated by the Village are exempt from these requirements and other requirements of this Ordinance.

C. Carport.

1. A carport, whether attached to the principal building or as a detached structure, may be constructed in a required interior side, corner side, or rear yard.

2. Every part of the projection of such carport must be at least three (3) feet from the interior side lot line and five (5) feet from any rear lot line.

3. The height of any carport may not exceed fifteen (15) feet. The length and width of a carport may not exceed twenty (20) feet.

4. A carport, whether attached to or detached from the principal building, must be unenclosed on the side nearest an interior or corner side lot line.

5. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.

D. Donation Boxes. Donation boxes are permitted for non-residential uses.

1. Only one (1) donation box is permitted per zoning lot. The donation box must be accessory to and owned by the principal use on the site.

2. No donation box may be located in the front yard. Donation boxes may be located in the corner side, interior side or rear yard but must be three (3) feet from any property line. No donation box may be located within a required parking space.

3. The area surrounding the donation box must be kept free of any junk, debris or other material.

4. Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.

5. Donation boxes shall be locked or otherwise secured.

6. Donation boxes shall contain the following contact information on the front of each donation box: the name, address, email, and phone number of the operator.

7. Donation boxes shall be serviced and emptied as needed, but a minimum of every fifteen (15) days.

8. Donation boxes shall not exceed five (5) feet in height and sixty (60) cubic feet.

E. Electrical Generators. Electrical generators may be located in the interior side or rear yard but must be located at least five (5) feet from a rear lot line and three (3) feet from an interior side lot line. Electrical generators are prohibited in the front or corner side yard. All maintenance runs must occur between the hours of 9AM and 6PM.

F. Electric Vehicle Charging Stations.

1. General.

a. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.

b. Public electric vehicle charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

2. Parking.

a. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.

b. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

3. Equipment. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks. Equipment is subject to the lot and building regulations of the subject zoning district unless otherwise expressly stated.

4. Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or when other problems are encountered.

G. Fences.

1. General Requirements.

a. No fence shall be erected within the Village without first obtaining a building permit. In addition, replacement of fifty percent (50%) or more of the total area of an existing fence requires a building permit.

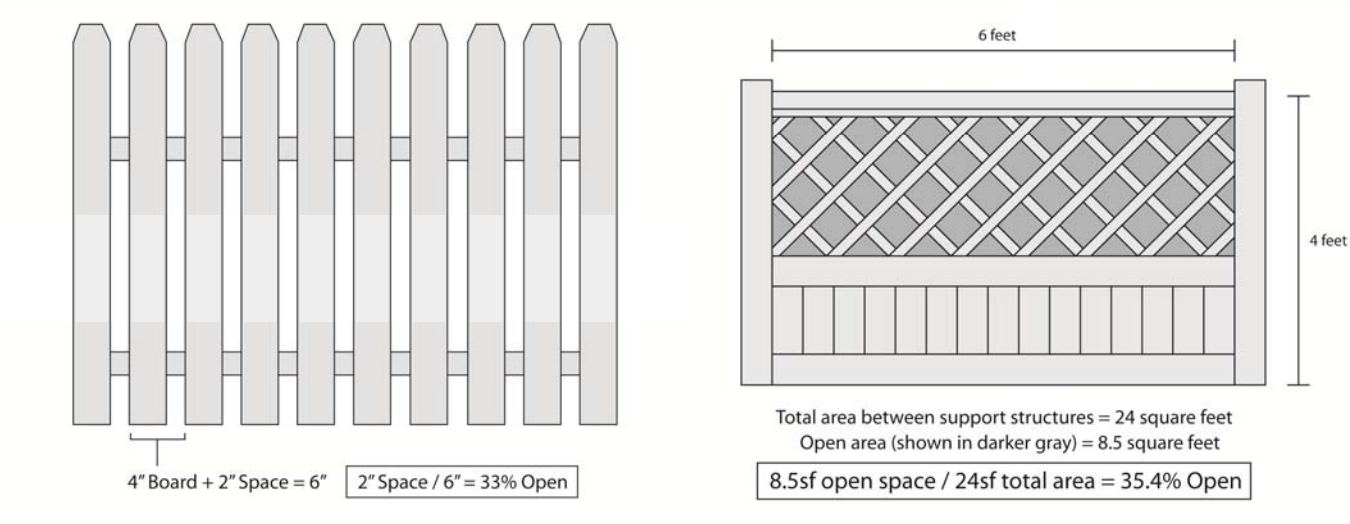
b. All fences shall be measured from grade of the ground adjacent to the fence, unless otherwise specified.

c. Fences for utilities and public recreational uses in any district shall be subject to the regulations of Paragraph 5 below.

d. Three (3) inches of clearance shall be allowed from grade to the bottom of the fence and not count towards the overall height of the fence to prevent fences from being buried in the ground.

e. An open fence shall be defined as a fence which has, between each support structure, thirty-three percent (33%) or more of its surface area open, defined as allowing a direct view through the fence from a position perpendicular to the fence. A solid fence shall be defined as a fence which has less than thirty-three percent (33%) of its surface area open.

Figure 20.52-2: Examples of fences that meet the 33% openness requirement.



f. For the purposes of this section, masonry walls are considered solid fences.

2. Fence Construction and Design Requirements.

a. If there is an unfinished side of a fence, the finished side of all fences shall face away from the lot on which it is located. Both sides of all fences shall be similar in design, construction and appearance.

b. All fence posts shall be placed on the inside of the fence.

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

d. Fences shall only be constructed of the following materials:

i. Treated wood, pine, cedar or redwood;

ii. Simulated wood;

iii. Decorative brick or stone;

iv. Wrought-iron or simulated wrought-iron;

v. Coated chain link, brown, black or green in color (permitted in rear and interior side yard only);

vi. Vinyl.

The Zoning Administrator may approve additional fence materials that are professionally manufactured but not listed above.

3. Fences in Residential Districts.

a. Fences in yards are limited as follows:

i. Fences located parallel to the front lot line, between the side lot line and the structure, and at or behind the front building line, may be solid or open fences and are limited to a maximum height of six (6) feet. Fences located in front of the front building line, including fences parallel to the front and side lot lines, must be open fences and are limited to a maximum height of three (3) feet. The front building line is the front façade of the structure, excluding projections such as porches, bay windows and attached garages. However, on a corner lot, the fence at or behind the front building line between the building and a corner lot line meet corner side lot line fence requirements.

ii. Fences located parallel to the interior side lot line, between the front building line and the rear lot line, may be solid or open fences and are limited to a maximum height of six (6) feet.

iii. Fences located parallel to the corner side lot line, between the front building line and the rear lot line, must be open fences and are limited to a maximum height of four (4) feet. However, the area along the rear lot line that is within the corner side yard is also subject to this regulation.

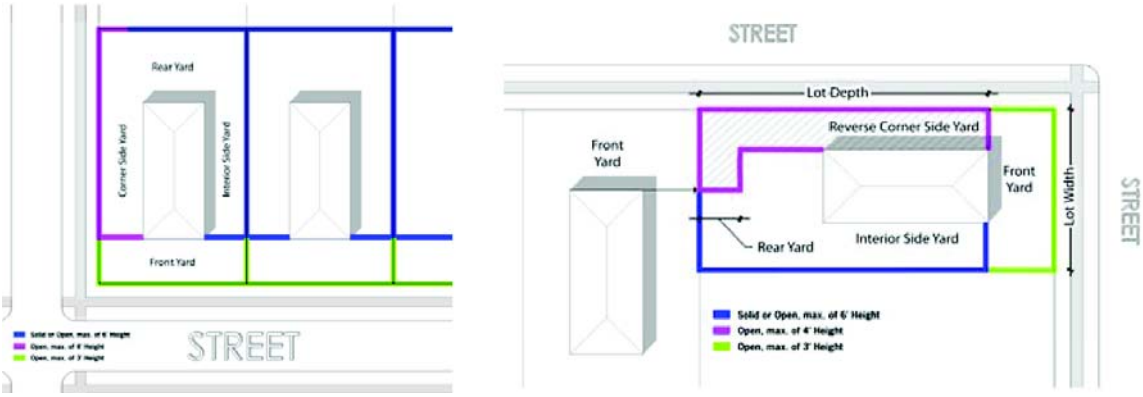
iv. Fences located parallel to the rear lot line, between side lot lines, may be solid or open fences and are limited to a maximum height of six (6) feet. However, on a corner lot, the area along the rear lot line that is within the required corner side yard must meet corner side lot line fence requirements.

v. On a reverse corner lot, fences located parallel to the reverse corner side lot line, between the front building line and the rear lot line, must be open fences and are limited to a maximum height of four (4) feet.

b. When a residential lot abuts a County or State highway or tollway, or nonresidential use, the residential lot owner is permitted to erect an eight (8) foot fence along the rear or interior side lot lines that abut such use.

c. Fences are permitted are shown in Figure 20.52-3: Permitted Residential Fence Location.

FIGURE 20.52-3: PERMITTED RESIDENTIAL FENCE LOCATION



4. Fences in Non-Residential Districts.

    a. Fences are permitted in the interior side and rear yards and may be solid or open fences, limited to a maximum height of eight (8) feet.

    b. Fences are permitted in the front and corner side yard but must be open fences and limited to a maximum height of three (3) feet.

5. Fences for Utilities and Public Recreational Uses.

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

    b. Utility uses shall be fenced. Wrought iron, masonry, or other similar material shall be used for a utility facility. Such fences shall be a maximum height of eight (8) feet. Such fences may be located in any yard and are not required to be open.

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

6. Fences Installed in Utility or Drainage Easements. Fences may be installed or constructed across or upon certain utility or drainage easements located on the owner's property upon the issuance of a permit provided that the following conditions are met:

    a. No fence shall be installed or constructed across or upon any access easement or pedestrian walkway.

    b. No drainage easement, stormwater management easement, special "A" drainage easement, drainage swale, overland flow path, or storm inlet (individually and collectively referred to in this chapter as "drainage easement") shall be altered or in any way impeded by such fence. A minimum clearance of three (3) inches from the bottom of the fence to the ground shall be maintained at all times on fences installed or constructed within the drainage easement.

    c. Prior to digging postholes within the utility or drainage easement, the property owner or contractor shall notify J.U.L.I.E. (Joint Underground Location Information for Excavators) of the proposed work and obtain from J.U.L.I.E. all information relating to

the location and depth of all underground pipes, conduits, wires and other apparatus within the utility or drainage easement.

d. Prior to installing fence posts within the utility or drainage easement, the property owner or contractor shall notify the Village and request an inspection of the postholes.

e. All owners of the property on which the fence is installed or constructed and contractors performing work thereon shall be jointly and severally responsible for any damage to any pipes, conduits, wires and other apparatus within the utility or drainage easement.

f. No further improvements, additions or alterations may be performed on such fence or within the utility or drainage easement, without first applying for and receiving a new permit from the Village.

g. It is the property owner's obligation to promptly remove the fence or such portion of the fence as may be necessary upon notice from the Village or public utility company in order for the Village or public utility company to install, repair, remove, replace, maintain or do other work on such pipes, conduits, wires or other apparatus within the utility or drainage easement. If the property owner fails to do so in a timely manner or if there is an emergency as determined by the Village or public utility company, the Village or public utility company may remove the fence or such portion of the fence as may be necessary to do work within the utility or drainage easement.

h. The Village or public utility company and their contractors, employees and agents shall have no liability for the removal or damage to such fence in the course of performing any work on such pipes, conduits, wires or other apparatus within the utility or drainage easement and the property owner shall be responsible, at his/her cost, for the repair or reinstallation of any portion of the fence damaged or removed.

i. This section shall be referenced in all fence permits regarding fences to be installed or constructed within a utility or drainage easement, and the permit shall state that it is conditioned on the property owner and his contractor fully complying with this section. The obligations and responsibilities of the property owner under this section shall apply to the property owner applying for and receiving the fence permit and all subsequent owners of the property.

7. Nonconforming Fences. A nonconforming fence may be maintained. Maintenance is defined as incidental repairs and/or replacement to less than fifty percent (50%) of the total area of an existing fence. No such maintenance shall expand any existing or create any new nonconformity. Replacement of more than fifty percent (50%) of the total area of an existing nonconforming fence requires the entire fence to be brought into conformance. Replacement of more than fifty percent (50%) of the total area requires a building permit.

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

1. Attached Garages

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

b. Windows, doors and roof treatments of that part of the garage facing the street shall incorporate architectural detail expressive of a residence.

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

2. Detached Garages.

a. A detached garage is prohibited if the principal structure has a functioning attached garage. A functioning attached garage shall be defined as having a driveway that leads to the attached garage and the presence of a garage door.

b. A detached garage shall not exceed a maximum of fifteen (15) feet in height, measured from the center of the tallest part of the building down to the adjacent grade. For a gable, hip, shed, gambrel, or other similar roof type, the measurement should be to the average mean of the building as measured from the top of the wall to the top of the ridge. A flat roof shall be measured to the highest point of the top of the roof. However, a detached garage may be constructed to a taller height with approval of a special use permit in order to match the roof pitch of the principal structure. As part of the special use permit application, the applicant must demonstrate that the increased height is necessary to match the roof pitch.

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

d. Detached garages shall not exceed six-hundred seventy-six (676) square feet for single-family residential districts, duplexes, two-flats, and townhomes. Detached garages may exceed six-hundred seventy-six (676) square feet for multi-family units where a garage structure serves more than four residential units, provided the separate garage space for each residential unit does not exceed five-hundred seventy-six (576) square feet.

e. Detached garages are permitted in the rear, interior side and corner side yards. Detached garages shall be located a minimum of five (5) feet from any rear lot line or corner side lot line and three (3) feet from an interior side lot line.

f. If a lot abuts a public alley, a detached garage shall be constructed so that access is from the public alley.

g. Detached garages constructed after the date of adoption of this Ordinance shall be complementary of the architecture and design of the principal building. Complementary of design may include use of the same palette of materials as the principal building, roofing, roof pitch, trim and colors.

h. Detached garages shall be located a minimum of ten (10) feet from the principal structure on a lot. The distance shall be measured from the walls of the structure.

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

1. Gazebos shall be limited to fifteen (15) feet in height as measured from the floor of the gazebo to the peak of the roof.

2. The gazebo shall be set back a minimum of five (5) feet from any lot line.

3. Detached gazebos may have screens and glass or plastic windows.

4. Gazebo structures of a similar type to lawn furniture with canvas or fabric sides are considered temporary structures and do not require a permit.

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

1. The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes.

2. No more than thirty percent (30%) or six-hundred (600) square feet of the residential dwelling, including any garage or accessory building, whichever is less, shall be used in the conduct of the home occupation.

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

4. No person other than an occupant residing on the premises shall be employed as part of a home occupation.

5. The home occupation shall be conducted completely within the residential dwelling, including any garage or accessory building. The outside display or storage on the premises of equipment, materials, supplies and/or goods, wares and merchandise is prohibited. The entrance to the space devoted to a home occupation shall only be from within the residential dwelling.

6. No goods, wares and merchandise shall be displayed, sold or offered for sale at either retail or wholesale within the residential dwelling or on the premises where the home occupation is being conducted. This provision shall not apply to house parties, such as where housewares, cosmetics and similar items are demonstrated and offered for sale on an occasional basis. Sale, repair or manufacturing of firearms is prohibited as a home occupation.

7. Vehicular traffic and on-street parking shall not be increased by the home occupation. The conduct of any home occupation shall not reduce areas or render unusable areas provided for off-street parking or prevent the number of cars intended to be parked in a garage from doing so.

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

9. There shall be no display, activity or environmental manifestation that will indicate from the exterior of the residential dwelling in which a home occupation is being conducted that such residential dwelling is being used in whole or in part for anything other than residential purposes. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential

occupancy within a residentially zoned district under normal circumstances where no home occupation exists.

10. Home occupations shall not generate refuse exceeding amounts typically produced by an average residential occupancy within a residentially zoned district under normal circumstances where no home occupation exists.

11. No alteration of any kind shall be made to the residential dwelling where a home occupation is conducted that would change its residential character, including, but not limited to, the enlargement of public utility services, cooking facilities, or driveway or parkway areas beyond the capacities customarily required for residential use. No sign shall advertise the presence or conduct of a home occupation that is visible from any public or private street.

12. Any type of motor vehicle service and repair is a prohibited home occupation.

13. Day care homes are not considered a home occupation and are subject to the regulations set forth in this Ordinance.

K. Mechanical Equipment.

1. In all districts, all ground-based mechanical equipment including, but not limited to, heating, ventilating and air-conditioning (HVAC) units, may be located in the interior side or rear yard but must be located at least five (5) feet from a rear lot line and three (3) feet from an interior side lot line. Ground-based mechanical equipment is prohibited in the front or corner side yard.

2. All approved ground-based mechanical, including, but not limited to, HVAC units, shall be completely screened when visible from the adjoining lot public or right-of-way, excluding alleys. Screening materials may be masonry, wood, landscaping or other opaque material, and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot. Color and texture of a masonry screen wall shall be compatible with the color and texture of the principal building on the site.

3. Any HVAC units located on the roof of any structure in any zoning district shall be screened either by an architectural element of the roof and at least six (6) feet from any supporting wall of the building to permit safe access to the roof. Screening applies to new HVAC units and replacement equipment.

L. Outdoor Storage – Accessory.

1. The following uses are permitted accessory outdoor storage in areas where the primary use is permitted or a Special Use Permit has been approved by the Village Board:

   a. Greenhouse/nursery, including the growing of plants in the open.

   b. Motor vehicle dealership and rental establishment, however only vehicles being offered for sale or rent by the establishment are allowed to be stored outdoors.

   c. Motor vehicle operations facility, however, only vehicles being serviced by the establishment are allowed to be stored outdoors.

   d. Motor vehicle service and repair, however only vehicles being serviced by the establishment are allowed to be stored outdoors.

   e. Light and general manufacturing

f. Heavy retail, rental, and service.

g. Contractor Storage Yards.

2. Accessory outdoor storage areas must meet the following standards, in addition to any applicable standards of Chapter 20.48 (Use Standards):

a. All manufacturing, assembly, repair or work activity traditionally taking place indoors shall take place inside an enclosed building. No work shall take place outdoors. This excludes activities related to loading, unloading, or moving the outdoor storage materials.

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

c. All outdoor storage must comply with the screening requirements of Section 20.60.140 (Screening Requirements). No materials stored or displayed outdoors shall be of a greater height than that of the required screening.

d. The outdoor storage area shall be located to the rear of the lot where possible. Outdoor storage is not allowed in required front or corner side yards. All primary structures must be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.

e. Outdoor storage areas shall be surfaced and graded to drain all surface water. Outdoor storage areas may be surfaced with pervious paving, if adequate drainage, erosion and dust control are provided. Gravel is prohibited.

f. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to not illuminate any adjacent residential areas.

g. All items stored outdoors must be related to the on-site business and its operations.

3. Additional accessory outdoor storage areas for principal uses may be approved as a special use.

M. Porches.

1. Unenclosed porches may encroach six (6) feet into any required front, corner side or rear yard.

2. Enclosed porches must meet all minimum yard requirements.

3. Stoops are not considered porches.

N. Private Free Libraries.

1. A building permit is required and must include a sketch of the proposed structure with dimensions and materials.

2. Private Free Libraries must be within a permanently installed structure that meet the following:

a. The overall height of the structure must not exceed six (6) feet above grade.

b. The bulk of the structure may not exceed more than three (3) feet wide, three (3) feet tall, and three (3) feet deep.

3. Private Free Library structures shall be constructed of durable, weatherproof materials and shall be maintained and kept in good condition and repair by the owner and/or occupant of the property on which it is located.

4. Private Free Library structures shall not be located in a public right-of-way.

5. Private Free Library structures shall be located only in the front yard or corner side yard of the property on which it is located.

6. Private Free Library structures shall not be placed in a sight triangle and shall not obstruct the vision of pedestrians, motorists, or bicyclists.

7. Where a sidewalk is present, Private Free Library structures shall be set back at least one (1) foot from the sidewalk. No overhang is permitted within the one-foot setback.

8. Drainage and snow removal shall not be impeded by the Private Free Library structures.

9. Private Free Library structures shall not be placed in an easement.

10. Private Free Library structures shall not have electrical hookups.

11. Private Free Library structures may have solar or battery power to provide lighting for the structures.

O. Private Greenhouses.

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

2. The maximum height of any private greenhouse shall be fifteen (15) feet.

3. No private greenhouse shall exceed one-hundred forty-four (144) square feet.

P. Propane Storage Cabinets. Propane storage cabinets are permitted for retail uses and may be located on the exterior of a structure in accordance with the section.

1. Propane storage cabinets must be placed against the exterior of the principal building and cannot encroach into any public right-of-way or into any required yard or parking.

2. Propane storage cabinets must be placed so that customers accessing these units do not block the public right-of-way.

3. Propane storage cabinets must not exceed eight (8) feet in height, four (4) feet in width and five (5) feet in length.

4. The only sign permitted is the word “PROPANE.” The size of the sign is limited to one (1) square foot in area.

5. The color of these cabinets must be unobtrusive. Propane storage cabinets placed against the exterior of the building may be steel gray or neutral tones only.

5. The area surrounding the propane storage cabinets must be kept free of any junk, debris or other material.

Q. Salt Dome (Road Salt Storage). Salt domes, whether permanent or temporary, are permitted for non-residential and multi-family uses with surface parking lots and are subject to the following:

1. Salt domes must be located ten (10) feet from any rear or interior side lot line and twenty (20) feet from any front or corner side lot line. No required parking space may be used for a salt dome.

2. Salt domes must be located at least fifty (50) feet from a residential lot, measured from the residential lot line to the closest point of the salt dome.

3. Road salt must be stored on an impermeable surface.

4. Road salt must be securely covered year round. A waterproof tarp is permitted if it is sufficiently secured to withstand damage from wind. Securing the tarp with excess salt is prohibited.

5. The area surrounding the salt dome must be kept clear of salt residue.

6. All salt domes must be kept in good repair to prevent direct contact of the salt with precipitation or run-off from rain or ice and snow melt.

7. Salt domes must solely serve the property on which they are located, except for municipal salt storage or those salt domes located on properties where licensed landscapers and property maintenance service providers legally operate a business office with approved outside storage facilities.

R. Satellite Dish Antennas.

1. General Requirements.

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

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

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

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

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

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

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

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

   a. Residential Districts

      i. Large satellite dish antennas are permitted only in the rear yard, and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five (5) feet from any lot line.

      ii. The overall height of a large satellite dish antenna shall not exceed twelve (12) feet.

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

   b. Non-Residential Districts

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

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

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

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

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

S. Sheds.

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

   2. The maximum height of any shed shall be fifteen (15) feet.

   3. No shed shall exceed one-hundred forty-four (144) square feet in a residential district

   4. Sheds in nonresidential districts are subject to the impervious surface coverage in the districts in which they are located.

   5. Sheds in nonresidential districts may not exceed more than 30% of the zoning lot area,

   6. Sheds are subject to the following permitted materials:

      a. Wood or simulated wood (excluding plywood);

      b. Resin, plastic, vinyl, or high density polyethylene;

c. Metal (prefabricated shed kits only);

d. Brick or stone;

e. The Zoning Administrator may approve additional shed materials that are professionally manufactured but not listed here.

T. Solar Collectors.

1. The installation and construction of solar collectors is subject to the following development and design standards:

a. A solar energy system may be building-mounted or ground mounted.

b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

c. All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.

d. Advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials are prohibited. The manufacturer and equipment information, warning signs or ownership information is allowed on any equipment of the solar energy system.

e. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

2. Building-Mounted Systems

a. A building mounted system may be mounted on a principal building or accessory structure.

b. When mounted on a roof:

i. On a flat roof, solar panels must be setback eight (8) feet from the front façade.

ii. For other roof forms, solar panels are permitted on the rear and side roof but must be setback six (6) feet behind ridge line.

iii. If the front roof is the location that optimizes solar access, special use approval is required.

iv. The solar panel system is limited to the maximum building height of the zoning district for the building type (principal or accessory structure) or a maximum height of five (5) feet, whichever is less. Height is measured from the roof surface, on which the system is mounted, to the highest edge of the system.

c. When mounted on a façade:

i. Mounting is permitted on side and rear building facades.

ii. Mounting is allowed on front or corner building facades, subject to special use approval and compliance with the following conditions:

(a) The front and corner façade is the location that optimizes solar access.

(b) Systems are simultaneously used to shade the structure's windows.

iii. Solar collectors may project up to four (4) feet from a facade.

iv. Solar collectors may project into a required yard, but must be a minimum of five (5) feet from the property line.

3. Freestanding Systems.

a. A freestanding system is permitted only in the rear yard and must be setback a minimum of five (5) feet from any lot line.

b. A freestanding system shall not exceed the maximum building height for accessory buildings.

c. Single-family residential lots twenty thousand (20,000) square feet or less in size are limited to a total of one-hundred (100) square feet in area of panels. Single-family residential lots over twenty thousand (20,000) square feet up to forty-thousand (40,000) square feet in area are limited to a total of two-hundred (200) square feet in area of panels. There is no limitation for lots of forty-thousand (40,000) square feet or more in area.

U. Swimming Pools and Hot Tubs.

1. All swimming pools and hot tubs shall comply with the requirements of the Village Code.

2. Swimming pools are only permitted in rear yards.

V. Wind Energy Systems.

1. Wind energy systems are subject to the following height restrictions:

a. The maximum height of any ground-mounted wind turbine is sixty-five (65) feet or twenty (20) feet above the tree line, whichever is greater.

b. The maximum height of any roof-mounted wind turbine mounted upon a detached accessory structure is fifteen (15) feet above the maximum permitted height for such structure. The maximum height of any roof-mounted wind turbine mounted upon a principal structure is ten (10) feet above the maximum permitted height for such structure.

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

d. No portion of the turbine blades may be within fifteen (15) feet of the ground.

2. Ground-mounted wind energy systems may be located in the rear yard only. No part of the wind energy system structure, including guy wire anchors and blades, may extend closer than ten (10) feet to the property boundaries of the installation site. The tower must be setback from all lot lines equal to the height of the system.

3. All wind energy systems must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system. All wind turbines shall be equipped with automatic and manual braking systems. The owner shall immediately cease operations as reasonably requested.

4. The turbine's shadow flicker shall not fall on any window of an existing residential dwelling or within the buildable areas, as defined by current yard requirements of a residentially zoned lot.

5. As measured at its widest point, the width of a building-mounted turbine shall not exceed twenty percent (20%) of the width of the building's front elevation for residential buildings and fifty percent (50%) of the width of the building's front elevation for non-residential buildings.

6. The turbines surface finish shall be flat or matte, so as to reduce incidence of sun glint. However, de-icing materials that can give a high gloss appearance may be applied to the surface of the blades during winter weather conditions.

7. Turbines shall not violate Federal Communication Commission (FCC) or other state or local laws by causing electromagnetic interference with communications systems. The determination of degradation of performance and of quality and proper design shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and Electrical Industries Association.

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

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

10. Turbines shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other appropriate authority. Any required lighting shall be shielded so that no glare extends beyond the property line.

11. Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

12. Turbines shall have no advertising material, writing, picture or sign other than warning, turbine tower identification, or manufacturer or ownership information. This prohibition includes the attachment of any flag, streamers, ribbons, spinners or waving, fluttering or revolving devices.

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

14. No wind energy system may be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

15. Should a turbine become inoperable, or should any part of the turbine become damaged, or should the turbine violate a permit condition, the owner shall cease operations immediately and remedy the condition promptly.

20.52.050 – Permitted encroachments.

An encroachment is the extension or placement of any structure or building, or component of such, into a required yard. Unless otherwise specified, accessory structures may not encroach further than three (3) feet from a side lot line or five (5) feet from a rear lot line. Additional restrictions on permitted encroachments, including additional yard requirements and bulk regulations, can be found in Section 20.52.040 (Accessory Structures and Uses) above and are referenced within the following table. Permitted encroachments are found in Table 20.52-1: Permitted Encroachments.

TABLE 20.52-1: PERMITTED ENCROACHMENTS Y= Permitted // N= Prohibited			
ENCROACHMENT	REQUIRED YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Accessibility Ramp	Y	Y	Y
Air Conditioner Window Unit - No more than 18" into any required yard	Y	Y	Y
Amateur (HAM) Radio Equipment - Subject to Section 20.52.040(B)	N	N	Y
Arbor or Trellis	Y	Y	Y
Awning & Canopy (Non-Sign, Residential Use) - Minimum clearance of 8' - No more than 3' into required yard	Y	Y	Y
Balcony - Must be located at least 2' above ground - No more than 4' into a required yard	Y	N, except in Multi-Family	Y
Bay Window - No more than 3' into required yard	Y	Y	Y
Carport - Subject to Section 20.52.040(C)	N – Front yard Y – Corner Side Yard	Y	Y
Chimney - No more than 2' into a required yard	Y	Y	Y
Compost Pile - Shall be located in rear yard only	N	N	Y, but 5' from any lot line
Deck - No higher than the first floor of a structure	N	N	Y,
Donation Box - Subject to Section 20.52.040(D)	N	Y	Y
Driveway	Y	Y	Y
Eaves (Principal Structure) - No more than 18" into a required yard	Y	Y	Y
Electrical Generator - Subject to Section 20.52.040(E)	N	Y	Y
Electric Vehicle Charging Station - Subject to Section 20.52.040(F)	Y	Y	Y
Exterior Stairwells - No more than 4' into a required yard - In the R-1, R-2, R-3 and R-4 Districts, exterior stairwells shall be located in the rear yard only	N	N	Y

TABLE 20.52-1: PERMITTED ENCROACHMENTS Y= Permitted // N= Prohibited			
ENCROACHMENT	REQUIRED YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Fence - Subject to Section 20.52.040(G)	Y	Y	Y
Fire Escape	Y	Y	Y
Flagpole - No more than 3 per zoning lot - Not to exceed 35' in height	Y	N	Y
Garage, Detached (residential) - Subject to Section 20.52.040(H) - Cannot exceed 15' in height - Single-Family Limited to 676 square feet	N – Front yard Y – Corner Side Yard	Y	Y
Gazebo - Subject to Section 20.52.040(I)	N	N	Y
Hedges	Y, but to a maximum height of 3'	Y	Y
Mechanical Equipment, Ground-Mounted (Central air conditioning, heating, ventilating, compressors, etc.) - Subject to Section 20.52.040(K)	N	Y	Y
Ornamental Lighting, Lamp Posts, & Lawn Decorations (Benches, statues, birdbaths, sculptures, etc.) - Subject to view obstruction and exterior lighting regulations	Y	Y	Y
Outdoor Fireplaces - Located in the rear yard only	N	N	Y, but 10' from any lot line
Patio or Terrace	N – Residential Y – Non-Residential	N	Y
Pergola	Y, but only up to 6' into required yard - Residential Y – Non-Residential	N	Y
Pier - Must be accessory to principal use	N	N	Y
Porch, Unenclosed - Subject to Section 20.52.040(M)	Y	N	Y
Porch, Enclosed - Subject to Section 20.52.040(M)	N	N	N
Private Free Libraries - Subject to Section 20.52.040(N)	Y	N	N
Private Greenhouses - Subject to Section20.52.040(O)	N	N	Y
Recreational Equipment - Does not include equipment located on park/playground, school or day care center site - Located 5' from any lot line - Basketball standards & backboards shall be permitted in all setbacks and yards	N	Y	Y
Recycling & Refuse Containers - Not located in required parking area & does not interfere with site circulation - Must be maintained at all times (free of litter & debris, lid remains closed) - Located on paved surface	N	Y	Y

TABLE 20.52-1: PERMITTED ENCROACHMENTS Y= Permitted // N= Prohibited			
ENCROACHMENT	REQUIRED YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Salt Dome - Subject to Section 20.52.040(Q) - Non-residential uses only	N	Y	Y
Satellite Dish Antenna (1 meter or less in diameter) - Subject to Section 20.52.040(R)	Y	Y	Y
Satellite Dish Antenna (More than 1 meter in diameter) - Subject to Section 20.52.040(R)	N	Residential - N Non-Residential - Y	Y
Sidewalk & Private Walkway	Y	Y	Y
Sills, belt course, cornices & ornamental features of the principal structure - No more than 18" into a required yard	Y	Y	Y
Sheds - Subject to Section 20.52.040(S)	N	Y	Y
Steps - Maximum of 4' above grade	Y	Y	Y
Stoops - May be roofed; eaves allowed to extend 1' over stoop area	Y, provided they extend no more than 5' into the required yard	Y, provided they extend no more than 3' into the required yard	Y, provided they extend no more than 10' into the required yard
Solar Collectors – Building-Mounted - Subject to Section 20.52.040(T) - 5' into a required yard with a maximum projection of 4' from a building façade	Y	Y	Y
Solar Collector - Freestanding - Subject to Section 13.4.T - Located in the rear yard only and 5' from any lot line	N	N	Y
Swimming Pool and Hot Tub - Subject to Section 20.52.040(U)	N	N	Y
Tennis Court - Shall be located in the rear yard only	N	N	Y
Wind Energy Systems - Subject to Section 20.52.040(V) - Located in the rear yard only	N	N	Y

20.52.060 – Temporary uses and structures.

A. Temporary Use Permit Application.

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

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

3. Temporary uses not specifically listed here shall require the specific approval of the Village Board. Unless otherwise limited, temporary uses may be allowed in any zoning

district, provided that it is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located.

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

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

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

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

3. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses. No temporary use shall block handicapped or fire lanes.

4. No temporary use shall be authorized that would unreasonably reduce the amount of parking spaces available for use in connection with permanent uses located on the lot in question. The Zoning Administrator may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Zoning Administrator shall approve the temporary use only if such parking spaces are provided.

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

6. This section regulates temporary uses that occur entirely on and within the zoning lot. Temporary uses located on the public right-of-way are regulated separately by the Village Code.

C. Permitted Temporary Uses.

1. Carnival/Circus

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

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

b. Comply with all local regulations.

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

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

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

f. Provide a list of all employees who will be working at the carnival/circus for the duration of the event.

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

2. Christmas Tree Sales Lot and Pumpkin Sales Patch. Christmas tree sales and pumpkin sales patches shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. These uses shall be limited to a period not to exceed forty-five (45) days.

3. Farmers Markets. All outdoor farmers' markets require an Event Permit and must submit market rules of operation. The farmers' market operator must submit dates for the event, a list of potential vendors, site layout, and signature providing permission to use property by any affected property owners.

4. House, Apartment, Garage and Yard Sales. House, apartment, garage and yard sales are allowed in any district, but only when limited to personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted. These uses shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) sales shall be conducted from the same residence in any twelve (12) month period. House, apartment, garage and yard sales are exempt from temporary use permits.

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

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

7. Temporary Outdoor Entertainment Events.

a. Temporary outdoor entertainment events are allowed for non-residential uses.

b. Temporary outdoor entertainment events will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.

c. The event must take place entirely on private property. However, these uses do not need to comply with the yard requirements of the district.

d. Temporary outdoor entertainment events are limited to two (2) events per calendar year and a maximum duration of two (2) days per event. If any additional events are requested beyond the permitted two (2) per year, a special use permit is required. If

any one event is requested of a duration longer than two (2) days, a special use permit is required.

8. Temporary Outdoor Sales and Display. Retail goods establishments are allowed temporary outdoor sales and display of merchandise, by either a storeowner or occupant, within the same zoning lot with approval of a temporary use permit. Outdoor sales and display must meet the following conditions:

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

    b. The application for a temporary use permit must include a description of the location of the outdoor sales and display area and the length of display time. The Zoning Administrator may request additional information at the time of application.

    c. All outdoor sales and display areas must comply with any screening requirements of Section 20.60.140 (Screening Requirements).

9. Temporary Car Sales Lot. Temporary car sales lots are permitted in the commercial and manufacturing districts only. Temporary car sales lots shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. A site layout displaying adequate ingress and egress routes for all vehicles with no dead-end aisles shall be submitted in advance of the event. All exits and entrances must be clearly marked. The temporary use permit will state the timeframe that a temporary car sales lot may be operated. Once the temporary use permit expires the lot must be restored to its original condition.

10. Temporary Outdoor Recreation. Temporary outdoor recreation is permitted for the commercial uses within commercial districts only. Temporary outdoor recreation uses shall be evaluated on the basis of the proposed event, the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.

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

12. Tents.

    a. Commercial Districts.Tents within commercial districts shall be permitted for no longer than fourteen (14) days and must be in conjunction with a special event of a use located on the same lot. Tents must be removed within two (2) days of the end of the event for which it was erected, but in no case may a tent be in place for longer than fourteen (14) days. Unless waived in writing by the Zoning Administrator, every tent shall comply with the bulk requirements applicable to accessory structures.

Additionally, the size and location of tents may be restricted where it is determined that it creates parking and/or access problems on the site.

b. Residential Districts. Tents within residential districts shall be limited to no more than five (5) days and must be located within the rear yard. These structures shall include tents used for entertainment or assembly purposes that are not intended for living purposes, such as camping and sleeping. Tents within residential districts are exempt from temporary use permits.

13. Temporary Storage Containers

a. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed seventy-two (72) hours.

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

c. Temporary storage containers are exempt from temporary use permits.

20.52.070 – Environmental performance standards.

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

A. Noise. No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state and local regulations, as amended from time to time. These limits shall not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

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

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

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

E. Discharge and Disposal of Radioactive and Hazardous Waste. The discharge of fluid and the disposal of solid radioactive and hazardous waste materials shall comply with applicable federal, state and local laws and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material shall commence without prior notice to the Village. Notice shall be given at least three (3) weeks before the operation is commenced. Radioactive and hazardous material waste shall be transported, stored, and used in conformance with all applicable federal, state and local laws.

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

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

H. Toxic Substances. The storage, handling, or transport of toxic substances shall comply with federal, state and local regulations.

I. Fire and Explosion Hazards. Materials that present potential fire and explosion hazards shall be transported, stored and used only in conformance with all applicable federal, state and local regulations.

J. Stormwater Control and Watershed Development. Any development must also satisfy the performance standards of Chapter 16.30 of the Municipal Code, Stormwater Control and Watershed Development.

CHAPTER 20.56 - OFF-STREET PARKING & LOADING

20.56.010 – Purpose.
20.56.020 – General provisions.
20.56.030 – Computation.
20.56.040 – Construction of parking and loading facilities.
20.56.050 – Collective provisions.
20.56.060 – Land banked future parking.
20.56.070 – Fee-in-lieu parking reduction.
20.56.080 – Location of off-street parking spaces.
20.56.090 – Design standards.
20.56.100 – Accessible parking.
20.56.110 – Stacking spaces for drive-through facilities.
20.56.120 – Commercial vehicles in residential districts.
20.56.130 – Recreational vehicles in residential districts.
20.56.140 – Required off-street parking spaces.
20.56.150 – Required bicycle parking.
20.56.160 – Required off-street loading spaces.
20.56.170 – Design of off-street loading spaces.

20.56.010 – Purpose.

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

20.56.020 – General provisions.

The provisions of this Chapter shall apply as follows:

A. Existing Facilities.

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

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

3. If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within one-hundred eighty (180) days of the issuance of a permit, the number of off-street parking and loading spaces shall be provided in the amount required for the issuance of said building permit, regardless of what may be required by this Chapter.

B. Damage or Destruction. When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Chapter.

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

D. Change in Intensity of Use

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

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

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

F. Provision of Car-Share Facilities. Spaces within parking lots and parking structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day. Car-sharing is not considered a motor vehicle rental establishment. Spaces reserved for car-share facilities are in addition to the minimum parking requirements of this Ordinance.

20.56.030 - Computation

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

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

B. A fraction of less than one-half (½) may be disregarded, and a fraction of one-half (½) or more shall be counted as one (1) parking space. When determining of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as one (1) loading space

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

D. Except as otherwise specified, parking or loading spaces required on an employee basis shall be based on the maximum number of employees normally present on the premises at any one time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or manager shall be counted as an employee(s).

20.56.040 – Construction of parking and loading facilities.

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

20.56.050 – Collective provisions.

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

B. An off-street parking facility may be alternately shared between two (2) or more uses, provided that use of such facility by each user does not occur at the same time. No alternate shared use of parking spaces shall be permitted unless:

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

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

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

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

20.56.060 – Land banked future parking.

The Planning & Zoning Commission may permit land banking of up to twenty-five percent (25%) of the required parking spaces through the site plan review process.

A. Sufficient evidence shall be provided by the applicant that supports the reduced parking needs.

B. The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time.

C. Landscaping of the land-banked area shall be in full compliance of the zoning regulations and, at a minimum, landscaped with turf. As a result of site plan review, additional landscaping of the land-banked area may be required.

D. The land banking area cannot be used for any other use. The land banked parking area cannot be used to fulfill other landscaping requirements of this Ordinance.

E. As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "Land-Banked Future Parking."

F. The Zoning Administrator, on the basis of increased parking demand for the use, shall require the conversion of all or part of the land-banked area to off-street parking spaces. Nothing shall prevent the applicant from converting the land banked area to parking prior to Village notification.

20.56.070 – Fee-in-lieu parking reduction.

A. A reduction in the required number of off-street parking spaces for non-residential uses in the C-5 District may be granted by the Village Board. The Village Board may authorize the requested parking reduction conditioned upon payment, by the owner, of a fee-in-lieu of providing the required parking spaces, such fee established from time to time by resolution of the Village Board. Such payment shall be placed into a Village fund to be used by the Village for the acquisition, construction and maintenance of public off-street parking facilities to serve the district.

B. Upon payment, the property granted the modification in the number of required off-street spaces shall be credited permanently by ordinance with the number of spaces for which payment was received by the Village.

20.56.080 – Location of off-street parking spaces.

A. Residential Uses.

1. The C-5 District (Chapter 20.36) contains specific parking location standards for development within the district.

2. All required parking spaces for residential uses shall be located on the same lot as the building or use served. In a mixed-use building, all parking for the residential portion shall be located on the same lot.

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

within a garage or carport shall be considered as satisfying the off-street parking requirements for such single-family, two-family and townhouse dwellings

4. Tandem parking is permitted for townhouse or multi-family dwellings but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.

B. Non-Residential Uses.

1. The C-5 District (Chapter 20.36) contains specific parking location standards for development within the district.

2. All required off-street parking areas for non-residential uses shall be located on the same zoning lot as, or within six-hundred (600) feet of, the building or use served. In a mixed-use building, only parking for the non-residential portion may be located off-site, subject to the six-hundred (600) foot limitation. However, off-street parking accessory to a non-residential use shall not be located in any residential district.

3. A non-residential use may provide valet service to a parking facility with no distance restriction.

4. In all districts with the exception of the C-1 and C-2 Districts, off-street parking spaces are permitted within required yards, subject to the standards of Chapter 20.60 (Landscape and Screening). Parking is prohibited in the front and corner side yards of the C-1 and C-2 Districts, but is permitted in the rear and interior side yards, subject to the standards of Chapter 20.60 (Landscape and Screening). See Chapter 20.36 for specific standards for the C-5 District.

20.56.090 – Design standards.

All off-street parking facilities shall comply with the following standards:

A. Dimensions.

1. Off-street parking spaces within a parking lot or structure shall be shall be designed in accordance with Figure 20.56-1: Off-Street Parking Dimensions (Standard).

2. All parking spaces within a parking lot or structure shall have a minimum vertical clearance of seven (7) feet.

B. Access.

1. Each off-street parking space within a parking lot or structure shall open directly upon an aisle or driveway of such width as will provide adequate means of vehicular access to such parking space. All parking lots or structures shall be provided with appropriate means of vehicular access in a manner that least interferes with traffic movement and must allow the driver of the vehicle to proceed forward into traffic rather than back out.

2. All required off-street parking spaces shall have vehicular access from a street, alley, driveway or cross-access connection.

3. The C-5 District (Chapter 20.36) contains specific parking access standards for development within the district.

4. Within off-street parking lots or structures, all aisles shall be designed in accordance with Figure 20.56-1: Parking Space Dimensions.

FIGURE 20.56-1: PARKING SPACE DIMENSIONS

Parking Dimensions - All Districts Except C-5 District

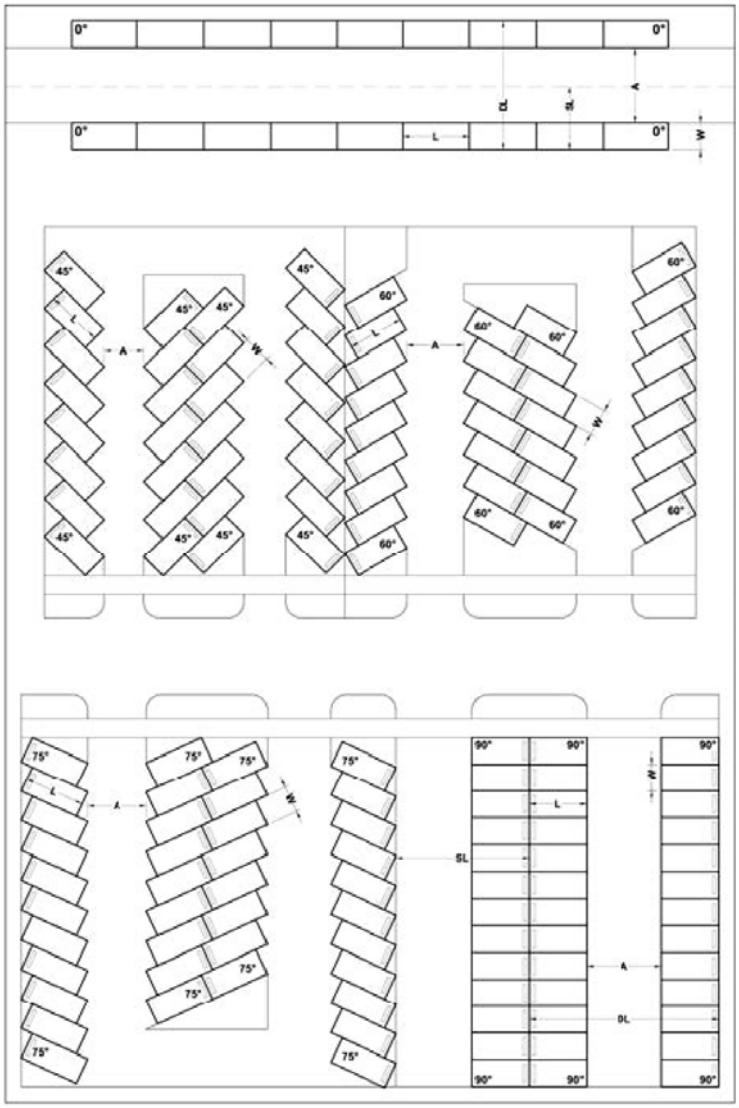
Parking Angle	Stall Width (W)	Stall Length (L)	Aisle Width (A)
0°	9'	21'	12' / 24' [1]
45°	9'	18'	13'
60°	9'	18'	18'
90°	9'	18'	24' [1]

[1] Two-way traffic permitted

Parking Dimensions - C-5 District

Parking Angle	Stall Width (W)	Stall Length (L)	Aisle Width (A)
0°	8.5'	21'	12' / 22' [1]
45°	8.5'	18'	13'
60°	8.5'	18'	18'
90°	8.5'	18'	22' [1]

[1] Two-way traffic permitted



5. Driveways.

a. Residential Driveways, Excluding Multi-Family and Townhouse Dwellings.

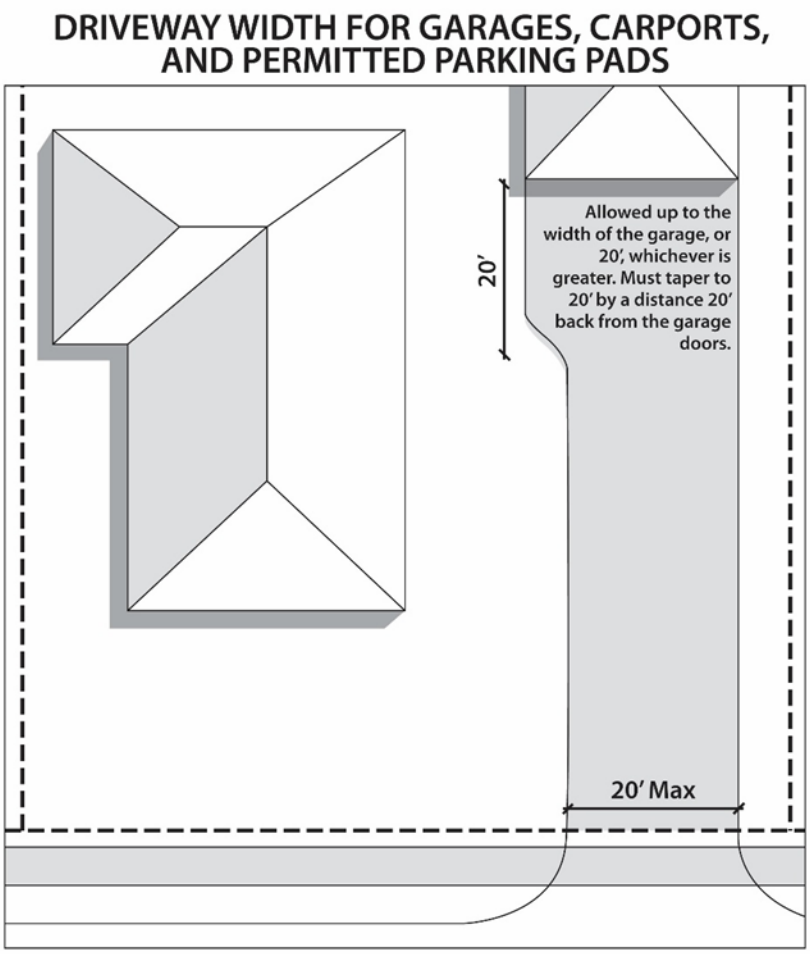
i. A residential driveway that provides access to a detached garage, attached garage, carport, or permitted parking pad shall be no more than twenty (20) feet in width at the property line. (See Figure 20.56-2).

ii. Single-family, two-family and townhouse dwellings are permitted a paved parking pad, which may be paved with a permeable surface. Parking pads are prohibited in the required front yard. Parking pads must be located a minimum of one (1) foot from any lot line. All driveways must comply with the requirements of Paragraph i above. The maximum impervious surface requirement for the lot may not be exceeded to accommodate a parking pad.

iii. A residential driveway may be shared between lots and located on the lot line. This location is allowed only if agreed to by the owners of each lot, and such approval is recorded as a shared driveway easement on each plat of survey.

iv. Single-Family and two-family residential dwelling are permitted only one driveway per zoning lot.

FIGURE 20.56-2: RESIDENTIAL DRIVEWAY WIDTH



b. Multi-Family and Townhouse Dwellings, and Non-Residential Driveways.

i. Driveways shall be a minimum of twelve (12) feet for one-way drives, and a minimum of twenty-four (24) feet for two-way drives. No driveway shall have a width exceeding thirty (30) feet.

ii. Driveways, off-street parking areas and access aisles for multi-family residential and non-residential parking lots shall be designed in accordance with Figure 20.56-1.

iii. Townhouse dwellings are permitted only one driveway per dwelling unit.

C. Surfacing. All open off-street parking lots shall be improved with a hard surfaced, all-weather dustless material as approved by the Village Engineer. Permeable materials such as grass-crete and pervious pavers may also be used, subject to the approval of the Village Engineer.

D. Striping. Off-street parking lots of four (4) or more spaces shall delineate parking spaces with paint or other permanent materials, which shall be maintained in clearly visible condition. Parking spaces for handicapped persons shall be identified with the appropriate sign and shall be visible at all times of the year, regardless of snow cover, plant growth or similar conditions.

E. Curbing and Bumper Stops. Bumper stops, wheel stops or curbing shall be installed within parking lots along the perimeter of the lot or parcel to prevent motor vehicles or parts of vehicles from damaging or encroaching upon any adjacent parking or loading space, sidewalk, landscaped area or parking lot island, fence, wall or building. Such wheel stops or curbing shall be constructed of concrete, masonry, asphalt or steel, a minimum height of eight (8) inches over ground level, and permanently affixed to the paved parking area.

F. Lighting. Parking lot lighting shall be in accordance with Section 20.52.030 (Exterior Lighting). Illumination of an off-street parking area shall be arranged to deflect light away from adjacent properties and streets.

G. Landscape and Screening. All parking lots shall be landscaped in accordance with Chapter 20.60 (Landscape and Screening).

H. Use of Parking and Loading Spaces. All required parking and loading spaces must be used for vehicle parking and loading, as applicable. No required space may be used for storage or vehicle repair.

20.56.100 – Accessible parking.

A. Required Spaces. With the exception of single-family, two-family and townhouse dwellings, in all off-street parking facilities where parking is provided for employees, visitors or both, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.

B. Dimensions and Design. Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code. Such spaces shall be identified by a sign and pavement markings indicating parking for the disabled only. Such spaces shall be the spaces closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access.

20.56.110 – Stacking spaces for drive-through facilities.

A. Design.

Every drive-through facility shall provide a minimum of two (2) stacking spaces per bay, unless more than two (2) spaces are required by Table 20.56-1: Required Off-Street Parking. Stacking spaces provided for drive-through uses shall be:

1. A minimum of nine (9) feet in width, as measured from the outermost point of any service window to the edge of the driveway, and eighteen (18) feet in length. (See Figure 20.56-3: Measurement of Drive-Through and Figure 20.56-4: Stacking Spaces)

2. Placed in a single line behind the drive-through facility.

3. Located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.

4. Stacking spaces shall begin behind the vehicle parked at a last point of service, such as a window or car wash bay.

FIGURE 20.56-3: MEASUREMENT OF DRIVE-THROUGH

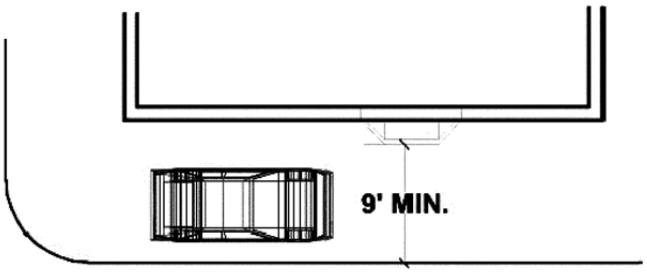
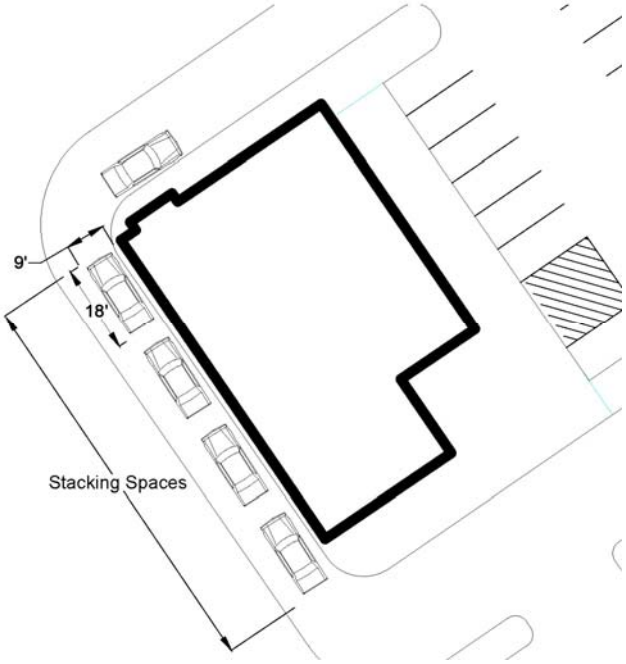


FIGURE 20.56-4: STACKING SPACES



20.56.120 – Commercial vehicles in residential districts.

The following restrictions shall apply to the parking or storage of commercial vehicles on property zoned for residential use.

A. No commercial vehicle as defined in the Illinois Vehicle Code, which has a Gross Vehicle Weight Rating (GVWR) of 8,001 pounds or more, or is required by the Illinois Secretary of State to be registered with a Class D license plate or larger, shall be parked on any public right-of-way or any private property in a residential district, except for vehicles engaged in loading or unloading, or vehicles used in connection with current work being done at or on the adjacent premises, or as otherwise specifically permitted under Subsection (C) of this Section.

B. No stored or parked commercial vehicle shall be occupied or used for human habitation.

C. Only one (1) commercial vehicle which has a Gross Vehicle Weight Rating (GVWR) of 12,000 pounds or less and is required by the Illinois Secretary of State to be registered with a Class D license plate or smaller, including a van or pick-up truck, or a livery vehicle or taxicab, is permitted to be stored or parked outdoors overnight on residentially-zoned property. A permitted commercial vehicle is a vehicle owned and used for commercial purposes by the occupant of a dwelling on the same premises, provided that the vehicle is stored or parked in the permitted parking area. Such permitted commercial vehicle may include the logo of the commercial business painted on or applied to the vehicle.

20.56.130 – Recreational vehicles in residential districts.

A. A recreational vehicle may not be parked or stored on a single-family lot in a residential district, unless each of the following conditions is met:

1. The recreational vehicle does not exceed thirty-two (32) feet in length and twelve (12) feet in height, excluding any mast or other comparable vertical device. Length is to be measured from the rearmost point of the vehicle to the frontmost point of the vehicle. If the recreational vehicle is a watercraft, the measurement shall include the motor and propeller. If the recreational vehicle is mounted on a trailer, the measurement shall extend from the frontmost part of the vehicle or trailer, whichever is furthest, to the rearmost part of the vehicle or trailer, whichever is furthest. If the recreational vehicle (watercraft) has a mast and/or other comparable vertical devices exceeding twelve (12) feet in height, they must be removed during storage. However, homes on a lake shall not be required to remove the mast from the watercraft when stored on the lake shore.

2. The recreational vehicle and the area where it is parked or stored shall be maintained in a clean, well-kept state on an all-weather, asphalt or concrete paved surface so as not to detract from the appearance of the surrounding area. However, homes on a lake shall not be required to store a watercraft on all-weather, dustless stone or gravel, asphaltic or concrete pavement surface when stored in the required rear yard.

3. If the recreational vehicle is equipped with liquefied petroleum gas containers, such containers shall meet the standards of the State Fire Marshal, Interstate Commerce Commission or the Federal Department of Transportation or the American Society of Mechanical Engineers, as amended from time to time. Further, such liquefied petroleum gas container must be securely attached to the recreational vehicle. Valves must be kept closed when not in use, and in the event that leakage is detected from such liquefied petroleum gas containers, immediate corrective action must be taken.

4. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes.

5. Only one (1) such recreational vehicle shall be parked or stored outside on the premises. In addition, a maximum of two (2) non-motorized watercraft not to exceed seventeen (17) feet in length may be stored in the rear yard.

6. Outdoor storage of recreational vehicles shall be subject to the following:

   a. Parking is permitted outside in the rear yard, but not within three (3) feet of a side lot line or within five (5) feet of a rear lot line.

   b. Recreational vehicles shall not be used as accessory structures in any zoning district.

   c. No major repairs shall be performed on any recreational vehicle except within a garage or other structure. Minor repairs may be undertaken along with typical annual maintenance operations.

   d. No vehicle used or maintained for use as an office or to conduct a trade, business or profession shall be parked or stored outside on the premises.

7. Temporary parking of recreational vehicles on a single-family lot in a residential district is permitted subject to the following:

   a. One (1) houseguest of a householder at any one time may park a recreational vehicle on the driveway within the rear yard, side yard or front yard for a period of time not

exceeding a total of fourteen (14) days in a calendar year for all such visits, provided however, such recreational vehicle may be used for sleeping purposes only while so parked. The name of the owner or occupant of such recreational vehicle, the permanent address of such person, the license or registration number of the recreational vehicle and the towing vehicle used therewith, shall be registered in the office of the Village Clerk not later than twenty-four (24) hours from the time of its arrival on the premises on which it is parked or not later than 4:00 p.m. on the Monday following arrival on the previous Friday, Saturday or Sunday.

b. Parking is permitted for any size recreational vehicle on the driveway within the front yard or side yard for a period not to exceed seventy-two (72) hours to permit loading or unloading. Only one (1) seventy-two (72) hour period for loading or unloading shall be permitted within any week (Sunday through Saturday) and the seventy-two (72) hour periods must be separated by a period of at least forty-eight (48) hours when no vehicle is parked within the front yard or side yard. The Building Commissioner may extend the seventy-two (72) hour loading and unloading period for a maximum of forty-eight (48) hours within any week upon request of the owner when a hardship exists.

B. Recreational vehicles may be parked or stored in any multi-family zoning district, in parking or storage areas specifically designated by either the apartment complex management or condominium association, subject to the following provisions:

1. The owner or lessee of the recreational vehicle so parked or stored must be a person whose primary place of residence is located on the same lot as the lot where it is parked or stored.

2. The recreational vehicle shall be parked or stored either in a fully enclosed building, or on an established surfaced parking lot.

3. Only one (1) recreational vehicle may be stored outdoors on a residentially zoned lot. No more than one (1) recreational vehicle may be parked or stored outdoors on a lot for each individual dwelling unit.

4. No recreational vehicle may be parked or stored so as to reduce the availability of off-street parking spaces as required by this Ordinance.

C. In the Commercial Districts, O-R and M-1 Districts, recreational vehicles shall be parked or stored in the following manner:

1. Parking or storing of recreational vehicles is permitted inside any enclosed structure, which conforms to the zoning requirements of district.

2. Outdoor storage of recreational vehicles shall be prohibited and outside parking is limited to a period not exceeding seventy-two (72) hours to permit loading or unloading. Only one (1) seventy-two (72) hour period for loading or unloading shall be permitted within any week (Sunday through Saturday) and said seventy-two (72) hour periods must be separated by a period of at least forty-eight (48) hours when no vehicle is parked on the property. The Building Commissioner may extend the seventy-two (72) hour loading and unloading period for a maximum of forty-eight (48) hours within any week upon request of the owner when a hardship exists.

3. Outside storage of recreational vehicles is permitted in only in the M-1 District where the following facilities are located: mini-warehouses; carting, express hauling or storage yards and freight terminals; and boat building and repair facilities and yards (limited to recreational watercraft).

4. No parking of recreational vehicles in commercial, industrial and office-research zoning districts shall be permitted within an off-street parking facility.

D. No recreational vehicle may be stored or parked on any vacant zoning lot.

E. This section does not apply to recreational vehicles offered for-sale in an approved outdoor sales and display area of a motor vehicle dealership.

20.56.140 – Required off-street parking spaces.

The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 20.56-1: Off-Street Parking Requirements. Every drive-through facility shall provide a minimum of two (2) stacking spaces per bay, unless more than two (2) spaces are required by Table 20.56-1. Table 20.56-1 lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain generic uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 20.56-1.

TABLE 20.56-1: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
RESIDENTIAL	
Community Residence	.25 per bed + 1 per 2 employees
Dwelling, Above the Ground Floor	1-bedroom unit: 1 per dwelling unit 2-bedroom or more unit: 1.5 per dwelling unit C-5 District: 1 per dwelling unit
Dwelling, Multi-Family	1-bedroom unit: 1.5 per dwelling unit 2-bedroom unit: 2 per dwelling unit + .33 per dwelling unit for visitor spaces 3-bedroom or more unit: 2.5 per dwelling unit + .33 per dwelling unit for visitor spaces C-5 District: 1 per dwelling unit
Dwelling, Single-Family	2 per dwelling unit, enclosed C-5 District: 1 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit, enclosed + .5 per dwelling unit for visitor spaces (enclosed or unenclosed) C-5 District: 1 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit, enclosed C-5 District: 1 per dwelling unit
Residential Care Facility	Assisted Living: 0.5 per bed + 1 per 2 employees Independent Living: 1 per dwelling unit + 1 per 2 employees Nursing Care: 0.25 per bed + 1 per 2 employees
INSTITUTIONAL	
Cultural Facility	2 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Educational Facility, College/University	1 per 2 students (based on maximum enrollment) + 1 per employee
Educational Facility, Primary	1 per employee + 2 per classroom
Educational Facility, Secondary	1 per 10 students (based on maximum enrollment) + 1 per employee
Educational Facility, Seminary	1 per 2 students + 1 per 1,000sf of residential living area

TABLE 20.56-1: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
Educational Facility, Vocational School	1 per 2 students (based on maximum enrollment) + 1 per employee
Government Facilities	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Place of Worship	1 per 4 seats + 1 per 1,000 sf of residential living area if convent or rectory attached + spaces otherwise required for any accessory uses (e.g. outdoor amusement, classrooms, office, day care)
COMMERCIAL	
Adult Use	3 per 1,000sf GFA
Animal Hospital	5 per 1,000sf GFA
Art Gallery	2 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Art Studio	2 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Banquet Facility	1 per 100sf of public seating area C-5 District: None for first 500sf of public seating area, then 1 per additional 100sf of public seating area
Car Wash	5 per bay
Currency Exchange	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Day Care Center, Adult or Child	1 per 2 employees + 1 passenger loading space C-5 District: 1 per 3 employees
Financial Institution	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Funeral Home	4 per 1,000sf GFA
Gas Station	1 per bay + 2 per 1,000sf GFA of any accessory convenience retail and/or food service
Greenhouse/Nursery	2 per 1,000sf GFA + 2 per 1,000sf of outdoor sales & display area
Heavy Retail, Rental and Service	3 per 1,000sf GFA, including outdoor sales & display area
Hospital	1 per 10 hospital beds + 1 per 6 employees including staff doctors on maximum shift
Hotel/Motel	1.5 per room
Indoor Amusement Facility	3 per 1,000sf of public use area C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Kennel/Pet "Day Care" Service	2 per 1,000sf of GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Live Entertainment	1 per 100sf of public seating area C-5 District: None for first 500sf of public seating area, then 1 per additional 100sf of public seating area
Medical/Dental Clinic	1.5 per exam room + 1 per doctor C-5 District: 1 per exam room
Motor Vehicle Dealership	2 per 1,000sf of public sales & display area (indoor + outdoor) + 2 per 1,000sf of office & public waiting area + 5 per service bay if service on-site
Motor Vehicle Rental Establishment	1 per 1,000sf of public sales & display area (indoor + outdoor) + 2 per 1,000sf of office & public waiting area

TABLE 20.56-1: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
Motor Vehicle Service and Repair, Major or Minor, and Motor Vehicle Aftermarket Enhancements	2 per service bay + 2 per 1,000 square feet of GFA + 1 for every vehicle used in conjunction with the business (e.g. courtesy cars, tow truck, etc.)
Office	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Outdoor Amusement Facility	3 per 1,000sf of public use area C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Payday or Title Loan Agency	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Pawn Shop	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Personal Services Establishment	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Restaurant	1 per 100sf of public seating area (excluding any outdoor dining area) + 4 stacking spaces per drive through lane C-5 District: None for first 500sf of public seating area, then 1 per additional 100sf of public seating area (excluding any outdoor dining area) + 4 stacking spaces per drive through lane
Retail Goods Establishment	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Smoke Shop	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Tattoo Parlor	3 per 1,000sf GFA C-5 District: None for first 1,000sf GFA, then 2 per additional 1,000sf GFA
Tavern/Bar	1 per 100sf of public seating area (excluding any outdoor dining area) C-5 District: None for first 500sf of public seating area, then 1 per additional 100sf of public seating area (excluding any outdoor dining area)
INDUSTRIAL	
Contractor Storage Yard	2 per 1,000sf GFA of structures
Freight Terminal	1 per 1,500sf of GFA up to 30,000sf; then 1 per 2,500sf of GFA above 30,000sf
Manufacturing, Light	1 per 1,500sf of GFA up to 30,000sf; then 1 per 2,500sf of GFA above 30,000sf
Manufacturing, Medium	1 per 1,500sf of GFA up to 30,000sf; then 1 per 2,500sf of GFA above 30,000sf
Mini-Warehouse	1 per 25 storage units
Motor Vehicle Operations Facility	2 per 1,000sf of office space
Outdoor Storage Yard	2 per 1,000sf GFA of structures
Recycling Facilities	1 per 1,000 GFA of buildings/structures
Research and Development Facility	1 per 1,000sf of GFA up to 20,000sf; then 1 per 2,000sf of GFA above 20,000sf
Warehouse/Distribution	1 per 20,000sf GFA of warehouse space + 2 per 1,000sf of office space
OPEN SPACE	
Cemetery	1 per 250sf of office and/or chapel space
Country Club	See applicable uses (golf course, driving range, restaurant, etc.)

TABLE 20.56-1: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
Driving Range (Principle Use)	1.5 per tee
Golf Course	5 per hole
Zoo	1 per 1,000sf GFA
OTHER	
Unspecified Uses	When a use type is proposed where there is no specific parking requirement, the Zoning Administrator shall make a determination as to the closest generic use type and apply said parking requirements.

20.56.150 – Required bicycle parking.

A. Design.

1. Required bicycle spaces must have a minimum dimension of two (2) feet in width by six (6) feet in length, with a minimum overhead vertical clearance of seven (7) feet.

2. Bicycle parking facilities must provide racks where the bicycle may be locked by the user or lockable enclosed lockers. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location.

3. If required bicycle parking facilities are not visible from the street, signs must be posted indicating their location.

4. Areas used for required bicycle parking must be paved and drained to be reasonably free of mud, dust, and standing water, and must be well-lit.

B. Location.

1. All required bicycle spaces must be located on the same zoning lot as the use served. However, the Zoning Administrator may approve the location of bicycle spaces in the public right-of-way.

2. Required bicycle parking for residential uses may be provided in garages, storage rooms and other resident-accessible, secure areas. Space within dwelling units or on balconies may not be counted toward satisfying bicycle parking requirements.

C. Required Number of Bicycle Spaces.

1. Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as indicated in Table 20.56-2: Required Bicycle Spaces.

TABLE 20.56-2: REQUIRED BICYCLE SPACES	
USE	REQUIRED BICYCLE SPACES
Multi-Family Dwelling	1 per 10 dwelling units
Retail Goods Establishment, Personal Services Establishment or Office Business over 10,000sf in GFA	1 per 10 parking spaces
Indoor or Outdoor Recreation or Entertainment	1 per 10 parking spaces
Educational Facilities, Primary, Secondary	1 per 25 parking spaces
Educational Facilities, Universities, Vocational	1 per 10 parking spaces

2. In all cases where bicycle parking is required, a minimum of two (2) spaces is required.

3. After the first fifty (50) bicycle parking spaces are provided, additional bicycle parking spaces required are one-half (½) space per unit listed.

4. A parking lot or structure with more than two-hundred fifty (250) vehicle parking spaces must provide a bicycle parking area equivalent to the area of two (2) parking spaces.

5. If a development cannot meet the required bicycle parking, the owner may apply for an administrative variance.

20.56.160 – Required off-street loading spaces.

Off-street loading spaces shall be provided for a building, structure or use which requires the receipt or distribution of materials or merchandise by trucks or other vehicles in accordance with the following:

A. Hotels with exhibition halls, convention halls, auditoriums, office facilities or retail shops: One (1) off-street loading and unloading space for the first forty-thousand (40,000) square feet of gross floor area, plus one (1) additional off-street loading space for each one-hundred fifty-thousand (150,000) square feet of gross floor area, or fraction thereof, in excess of forty-thousand (40,000) square feet.

B. Commercial establishments of ten-thousand (10,000) to one-hundred thousand (100,000) square feet of gross floor area: One (1) off-street loading and unloading space, plus one (1) additional such space for each additional one-hundred thousand (100,000) square feet of gross floor area, or fraction thereof, in excess of one-hundred thousand (100,000) square feet.

C. Financial institutions, professional offices and government facilities of forty-thousand (40,000) to one-hundred thousand (100,000) square feet of gross floor area: One (1) off-street loading and unloading space, plus one (1) additional such space for each additional one-hundred thousand (100,000) square feet of gross floor area, or fraction thereof, in excess of one-hundred thousand (100,000) square feet.

D. Light and medium manufacturing uses, research and development, and warehouse/distribution of more than eight-thousand (8,000) square feet of gross floor area, exclusive of basement area, and less than forty-thousand (40,0000) square feet of gross floor area: One (1) off-street loading and unloading space, plus one (1) additional such space for each additional sixty-thousand (60,000) square feet of gross floor area in excess of forty-thousand (40,000) square feet.

E. Hospitals or sanitariums containing forty-thousand (40,000) to one-hundred thousand (100,000) square feet of gross floor area: One (1) off-street loading and unloading space, plus one (1) additional such space for each additional one-hundred thousand (100,000) square feet of gross floor area or fraction thereof in excess of one-hundred thousand (100,000) square feet.

20.56.170 – Design of off-street loading spaces.

A. Location.

1. All off-street loading spaces shall be located on the same zoning lot as the building or use served. No off-street loading spaces shall project into a public right-of-way.

2. Off-street loading spaces shall be located at least twenty-five (25) feet from the intersection of any two (2) streets.

3. No off-street loading space shall be located in a front yard.

4. All off-street loading spaces shall be located a minimum of fifty (50) feet from the lot line of any lot in a residential district, unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height.

B. Dimensions. All required off-street loading spaces shall be at least ten (10) feet in width and at least thirty (30) feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least fourteen (14) feet.

C. Surfacing. All off-street loading spaces shall be a hard-surfaced area improved in accordance with the requirements of the Village Engineer.

D. Access Control and Signs. Each required off-street loading space shall be designed with adequate means of vehicular access to a street or alley in a manner that will minimize interference with traffic movement.

E. Lighting. Loading facility lighting shall be in accordance with Section 20.52.030 (Exterior Lighting). Illumination of an off-street loading facility shall be arranged so as to deflect the direct rays of light away from adjacent properties and streets.

F. Landscape and Screening. All loading facilities shall be landscaped and screened in accordance with Chapter 20.60 (Landscape and Screening).

CHAPTER 20.60 - LANDSCAPE & SCREENING

20.60.010 – Purpose.
20.60.020 – Enforcement of landscape provisions.
20.60.030 – Certificate of approval and tree permit.
20.60.040 – Selection, installation and maintenance of plant materials.
20.60.050 – Landscape design standards.
20.60.060 – On-lot landscape.
20.60.070 – Building foundation landscape.
20.60.080 – Parking lot landscape.
20.60.090 – Parking lot perimeter landscape yard.
20.60.100 – Interior parking lot landscape.
20.60.110 – Buffer yards.
20.60.120 – Require landscape illustration.
20.60.130 – Parkway trees.
20.60.140 – Screening requirements.

20.60.010 – Purpose.

The landscape and screening requirements established by this Chapter are intended to preserve and enhance the appearance, public health, safety, and welfare of the Village by fostering an aesthetically pleasing development. Proper landscape contributes to the Village in many ways: enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. These regulations are also intended to increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on, or created by, adjoining or neighboring uses.

20.60.020 – Enforcement of landscape provisions.

A. No building permit or occupancy permit shall be issued for any lot or use subject to the requirements of this Section unless all the requirements of this Section have been fulfilled. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the occupancy permit and/or the application of fines and penalties, as established in this Ordinance. In addition, all landscape is subject to periodic inspection.

B. If weather prohibits the installation of landscape at the time an occupancy permit is applied for, the applicant shall provide the Village with a letter of credit, on forms provided by the Village, or cash in the amount required to complete landscape installation in order to receive an occupancy permit, which shall be returned upon completion of required landscape.

20.60.030 – Certificate of approval and tree permit.

As required in Title 16, Chapter 23 (Landscape Code) of the Village Code, no work involving, or preparatory to, grading, building construction or removal of trees on a lot shall be undertaken, and no village permit required in connection with such work shall be issued, unless a tree survey is submitted to the Village Engineer and a tree permit authorizing such work is issued by the Building Commissioner. Single-family and two-family uses are exempt from this requirement.

20.60.040 – Selection, installation and maintenance of plant materials.

A. Selection. All planting materials used shall be of good quality and meet American Association of Nurserymen (ANNS) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimates. The use of species native to northeastern Illinois shall be encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred.

B. Installation. All landscape materials shall be installed in accordance with the current planting procedures established by the AANS. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.

C. Required Element. Landscape materials depicted on landscape plans approved by the Village shall be considered to be required site plan elements in the same manner as buildings, parking and other improvements. As such, the owner of record, or in some instances the homeowner's association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscape elements over the entire life of the development.

D. Maintenance

1. General. All landscape materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy or missing plants shall be replaced within thirty (30) days of notification by the Village, unless an extension is permitted by the Zoning Administrator. Fences, steps, retaining walls and similar landscape elements shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscape elements, and refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

2. Trees Dangerous to Traffic or Pedestrians.

a. Any tree, bush, shrub or plant on private property which overhangs any public way in such a manner as to impede or interfere with traffic or travel on said public way or which obstructs the view of motorists at the intersection of streets shall be trimmed by the owner of the property so that the interference or obstruction is removed.

b. Any tree or limb of a tree which has become dead, decayed or broken and is likely to fall on or across any public way shall be removed by the owner of the property.

c. Any trimming or removal shall be completed within twenty-one (21) days after written notice requiring said trimming or removal. Said notice shall be served upon the owner of the property, and will be delivered by personal delivery or regular mail. It shall be the duty of the owner of such property to trim or remove the tree, shrub, bush or plant under the direction of the Building Commissioner or his/her designee.

d. If the trimming or removal is not completed within the twenty-one (21) day period aforementioned, the Village may prosecute the owner for such failure or neglect and may in addition to such prosecution, or as an alternative thereto, proceed with the trimming or removal of said tree, shrub, bush or plant and assess the cost against the owner.

i. The cost of said trimming or removal shall be recoverable from the owner of said property by placement of lien on the property, said lien shall be superior to all prior existing liens and encumbrances, except taxes.

ii. However, the lien shall not be effective unless within sixty (60) days after such trimming or removal, the Village shall have filed a notice of lien for such cost and expense incurred in the Office of the Recorder of Deeds of Lake County, Illinois. The notice shall consist of a sworn statement setting out the legal description sufficient for identification thereof, the amount of money representing the expense incurred and the dates when the expense was incurred by the Village.

iii. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's lien. Suit to foreclose the lien shall be commenced within three (3) years after the date when the expense was incurred by the Village.

iv. Upon payment of the amount of the lien after notice has been filed, the lien shall be released by the Village. The release may be filed of record as in the case of filing the notice of lien.

20.60.050 – Landscape design standards.

Landscape plans, as described above, shall be prepared by a landscape architect, and evaluated and approved based on the following design criteria.

A. Scale and Nature of Landscape Material. The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.

B. Selection of Plant Material. Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions. Trees planted in all areas of a development, lot or subdivision shall be limited to species approved by the Public Works and Engineering Department, but may also include species of pine and spruce. The Zoning Administrator may approve other species for planting after considering for hardiness, year-round interest, color, habitat and food source for birds and animals, and use in similar locations in other communities. Trees that have inappropriate root systems for an area, or are not generally recommended by landscape architects, shall not be approved.

C. Shade Trees. All deciduous shade trees shall have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified.

D. Evergreen Trees. Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

E. Ornamental Trees. Single stem ornamental trees shall have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight (8) feet at planting, unless otherwise specified.

F. Shrubs. Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.

Large shrubs shall be considered to be those shrubs that reach five (5) or more feet in height at maturity. Small shrubs shall be considered to be those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.

G. Softening of Walls and Fences. Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

H. Planting Beds. Planting beds may be mulched with shredded hardwood, granite mulch, river rock, feather rocks or similar materials. Lava rock is not permitted.

I. Irrigation. Landscape design pursuant to the requirements of this Chapter shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize the use of water.

J. Energy Conservation. Plant material placement should be designed to reduce the energy consumption needs of the development.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

2. Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

K. Species Diversity. Diversity among required plant material is required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table 15-1: Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used.

For example, if a development requires forty-five (45) shade trees, no more than eighteen (18) trees (40%) and no less than five (5) trees (10%) can be of one (1) species, and there must be a minimum of five (5) different species within the forty-five (45) trees.

TABLE 20.60-1: DIVERSITY REQUIREMENTS			
TOTAL NUMBER OF PLANTS PER PLANT TYPE	DIVERSITY REQUIREMENTS		MINIMUM NUMBER OF SPECIES
	MAXIMUM OF ANY SPECIES	MINIMUM OF ANY SPECIES	
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

L. Berming. Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

20.60.060 – On-lot landscape.

A. Landscape Required. All yards within the Village shall be landscaped primarily with live groundcover and/or turf (seed or sod). Artificial turf is not permitted.

B. Required Trees. In addition to other requirements of this Chapter, shade trees shall be provided on all zoning lots at a minimum of:

1. Two (2) shade trees per townhouse or multi-family development, except in the C-5 District where no on-site trees are required. This does not exempt lots in the C-5 District from the parking lot landscape requirements of this Chapter.

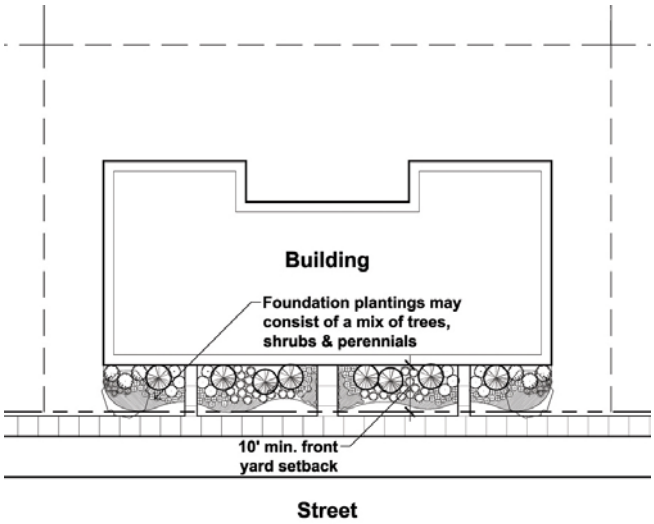
2. Four (4) shade trees per non-residential or mixed-use development. The Village may waive this requirement where space does not allow for additional trees to be planted.

Existing on-site trees shall be counted toward this required minimum number.

20.60.070 – Building foundation landscape.

A. If a multi-family residential, non-residential or mixed-use development maintains a front and corner side yard of ten (10) feet or more, building foundation landscape is required. (See Figure 20.60-1: Building Foundation Landscape)

FIGURE 20.60-1: BUILDING FOUNDATION LANDSCAPE



B. Foundation plantings shall work in concert with buffer yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings shall respond to the materials and the form of a building.

C. Foundation plantings shall be installed across sixty percent (60%) of the length of the façade of the building, except where walkways and driveways are located.

D. A minimum four (4) foot wide double hedge row shall be planted with one (1) shrub every three (3) feet on center, spaced linearly. Such shrubs shall measure a minimum of twenty-four (24) inches at planting, and shall be a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity. A minimum one (1) foot of width is required for

live groundcover. Foundation plantings may be supplemented with trees, additional shrubs and perennials.

20.60.080 – Parking lot landscape.

A. Parking Lot Landscape Design Guidelines. Perimeter landscape is required for all parking lots and shall be established along the edge of the parking lot. Interior parking lot landscape is required for those lots of ten (10) or more spaces. Nothing in this Chapter shall be deemed to prevent the applicant's voluntary installation of additional interior parking lot landscape, so long as parking space requirements and parking lot design requirements are complied with.

B. Existing Parking Lots.

1. For existing parking lots that currently do not comply with the required parking lot landscape, such landscape shall be provided when:

    1. A new principal building is constructed or a building addition is constructed that increases the floor area by thirty percent (30%) or more.

    2. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. For purposes of this section, reconstruction shall include all paving of previously unpaved surfaces, replacement of pavement with new binder and/or surface courses, construction of curbing, and similar activities. Reconstruction shall not include maintenance activities such as repair of existing curbing, repairs, sealing, re-striping, or placement of surface course pavement over previously paved areas.

    3. When an existing parking lot under ten thousand (10,000) square feet in area is expanded by fifty percent (50%) or more in total surface area.

    4. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.

2. When an existing parking lot is required by Paragraph 1 above to provide landscape, which would result in creating a parking area that no longer conforms to the parking regulations of the Chapter and this Ordinance, such existing parking lot shall not be required to install all or a portion of the required landscape. The applicant shall be required to show that landscape cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Zoning Administrator shall make the determination that all or a portion of required landscape does not have to be installed.

20.60.090 – Parking lot perimeter landscape yard.

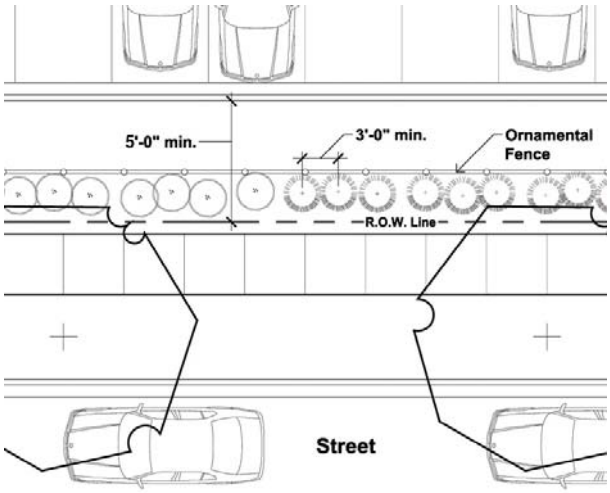
Perimeter parking lot landscape provides for the enhancement and screening of parking lots by requiring a scheme of pedestrian walls and/or landscape along public streets. Perimeter landscape is required for all parking lots and shall be established along the edge of the parking lot. The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas shall be protected with raised concrete curbs. Landscaped areas outside of shrub and tree masses shall be planted in turf or other live groundcover. The landscaped area shall be improved as follows. (See Figure 20.60-2: Parking Lot Perimeter Landscape Yard)

A. One (1) shrub, measuring a minimum of eighteen (18) inches at planting and a minimum of three (3) feet at maturity, shall be planted for every three (3) feet of landscaped area length, spaced linearly to adequately screen vehicle bumpers.

B. Alternatively, a low pedestrian wall the height of which provides effective screening to a maximum height of three (3) feet may be used instead of shrubs. Where feasible, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.

C. The perimeter parking lot landscape area shall be at least five (5) feet in width, as measured from the back of curb, in order to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

FIGURE 20.60-2: PARKING LOT PERIMETER LANDSCAPE YARD



20.60.100 – Interior parking lot landscape.

For parking lots consisting of ten (10) or more spaces, interior parking lot landscape shall be required. (See Figure 20.60-3: Interior Parking Lot Landscape)

A. Amount. One (1) parking lot island shall be provided between every ten (10) parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required one (1) island for every ten (10) spaces. However, all rows of parking spaces shall be terminated by a parking lot island or landscaped area.

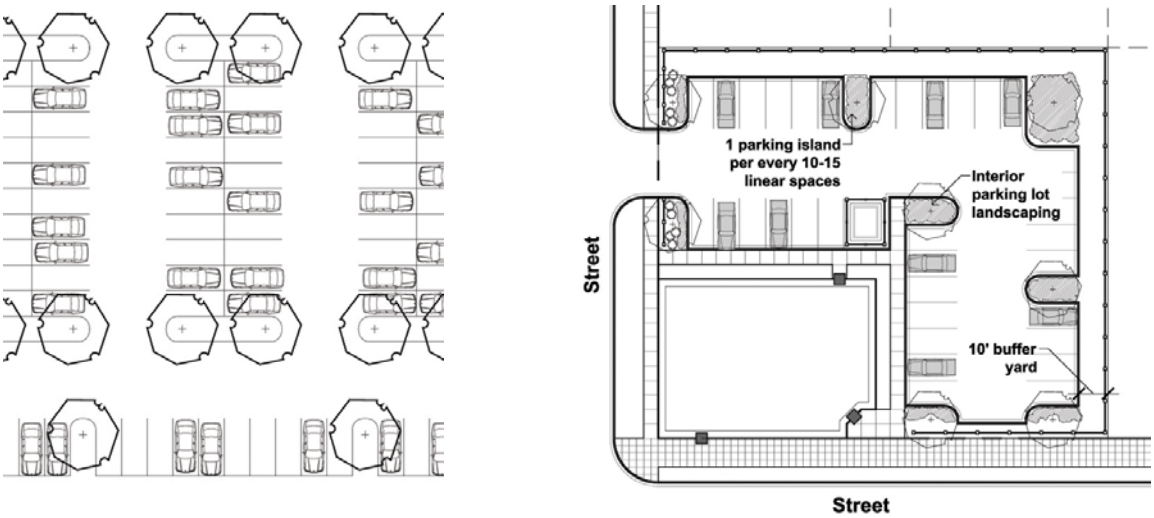
B. Size and Planting of Parking Lot Islands. Parking lot islands shall be the same dimension as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row. A minimum of one (1) shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees shall be provided.

C. Design of Planting Areas. Parking lot islands or landscaped areas shall be at least one-hundred forty-four (144) square feet in area and at least six (6) inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.

D. Type of Landscape Material. Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but shall not create visibility concerns for automobiles and pedestrians.

E. Groundcover. A minimum of seventy-five percent (75%) of every parking lot island shall be planted in turf or other live groundcover, perennials or ornamental grasses.

FIGURE 20.60-3: INTERIOR PARKING LOT LANDSCAPE



20.60.110 – Buffer yards.

A. This section establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section shall be deemed to prevent the applicant's voluntary installation of buffer yards to these design specifications where they are not required.

B. As of the date of adoption of this Ordinance, buffer yards are required for new construction or, in the case of a rezoning, new construction on a rezoned lot[1].

1. Where an R-5 District abuts an R-1, R-2, R-3 or R-4 District.

2. Where a non-residential district abuts a residential district.

3. Where a non-residential use is located within a residential district.

However, a buffer yard is not required where the rear wall of a commercial building is located on the rear property line or where an alley is located between a commercial use and a residential use.

[1] For example, when new commercial construction locates next to an existing residential use, the new commercial construction must provide the buffer yard. Conversely, if a new residential use locates next to an existing commercial use, the existing commercial use is not required to provide a buffer yard and is not considered nonconforming.

C. Buffer yards shall be provided in interior side and rear yards. Buffer yards may be located within required setbacks, and shall be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces are permitted within the buffer yard area.

D. All plantings in the buffer yard shall be in accordance with the design standards of this Chapter. The minimum size and improvement of buffer yards shall be as follows:

1. A buffer yard within shall be a minimum of five (5) feet in width.

2. Shade trees shall be planted on an average of one (1) tree for every twenty-five (25) linear feet of yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements or design scheme, but the total number of trees planted will be no less than the amount required by a linear planting spaced twenty-five (25) feet apart.

3. An opaque masonry wall (stone, stucco or brick), solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height, shall be erected along one hundred percent (100%) of the yard length.

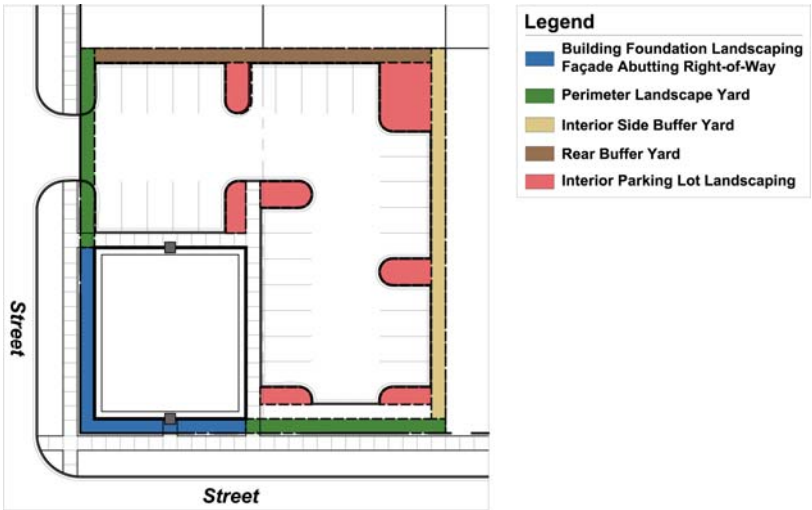
4. Shrubs shall be planted on an average of one (1) shrub for every three (3) feet of yard length. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements or design scheme, but the total number of shrubs planted will be no less than the amount required by a linear planting spaced three (3) feet apart.

5. Areas not planted with trees or shrubs shall be maintained as turf or other live groundcover.

20.60.120 – Required landscape illustration.

Figure 20.60-4: Landscape Requirements illustrates the location of the landscape requirements in Sections 20.60.070 (Building Foundation Landscape), 20.60.090 (Parking Lot Perimeter Landscape Yard), 20.60.100 (Interior Parking Lot Landscape) and 20.60.110 (Buffer Yards).

FIGURE 20.60-4: LANDSCAPE REQUIREMENTS



20.60.130 – Parkway trees.

Parkway trees are required in accordance with Section 16.23 of the Village Code.

20.60.140 – Screening requirements.

A. Refuse Disposal Dumpsters and Refuse Storage Areas. All refuse containers shall be fully enclosed on three (3) sides by an opaque masonry wall (stone, stucco or brick) or wall of the principal structure six (6) feet in height and the enclosure shall be gated. The materials used for screening, including the enclosure, shall complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six (6) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.

B. Loading Berths. Where feasible, loading berths shall be located and oriented so as not be visible from the street and adjacent properties, while still allowing access to the use it is serving. In addition, loading berths in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six (6) feet in height.

C. Outdoor Storage and Display Areas.

1. Outdoor Storage Areas. All outdoor storage areas, whether as a principal use or accessory to a principal use, shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six (6) feet in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.

2. Outdoor Sales and Display Areas.

a. When the rear or interior side yard of an outdoor display area abuts a residential district, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height.

b. All outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.

c. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be screened by small shrubs at a rate of one (1) shrub every three (3) linear feet or a low pedestrian wall of no less than three (3) feet in height to optimize the view of motor vehicles for sale.

d. Growing areas for nursery stock located in the front or corner side yard shall be considered to meet screening requirements.

D. Drive-Through Facility. Drive aisles of drive-through facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.

CHAPTER 20.64 - NONCONFORMITIES

20.64.010 – Purpose.
20.64.020 – General standards of applicability.
20.64.030 – Nonconforming use.
20.64.040 – Nonconforming structures.
20.64.050 – Nonconforming lots of record.

20.64.010 – Purpose.

The purpose of this Chapter is to provide for the regulation of nonconforming structures, lots and uses, and to specify those circumstances and conditions under which nonconforming structures and uses shall be eliminated.

20.64.020 – General standards of applicability.

A. Authority to Continue. Any structure, lot or use that existed as a lawful nonconformity at the time of the adoption of this Ordinance, and any building, structure, lot or use that has been made nonconforming because of the terms of this Ordinance or its subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Chapter, remains illegal if it does not conform with each and every requirement of this Chapter.

B. Burden on Property Owner to Establish Legality. In all cases, the burden of establishing the legality of a nonconformity under the provisions of this Ordinance shall be upon the property owner of the nonconforming structure, use or lot.

C. Safety Regulations. All police power regulations enacted to promote public health, safety, convenience, comfort and general welfare including, but not limited to, all building, fire and health codes shall apply to nonconforming structures.

20.64.030 – Nonconforming use.

A. Definition of Nonconforming Use. A nonconforming use is the use of land or a structure that, as of the effective date of this Ordinance, are used for purposes that are not allowed in the zoning district in which they are located.

B. Ordinary Repairs and Maintenance. Normal maintenance and incidental repair may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided it will not create any new nonconformity, increase the degree of nonconformity or increase the bulk of the structure in any manner.

C. Structural Alterations. No structural alterations shall be performed on any structure devoted to a nonconforming use, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.

2. When the alteration is for the purpose of bringing about a conforming use.

3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity or increase the bulk of the structure in any manner.

D. Expansion of Use. A nonconforming use of land or a structure shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:

1. Expansion of any structure devoted entirely to a nonconforming use.

2. An expansion, extension or relocation of a use or its accessory uses to any land area or structure not currently occupied by such nonconforming use.

3. An expansion, extension or relocation of such use, including its accessory uses, within a structure, to any portion of the floor area that was not occupied by such nonconforming use.

E. Relocation. A nonconforming use of land or a structure shall not be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another lot or parcel if the use conforms to all regulations of the zoning district in which it is relocated, including all use regulations.

F. Change of Use. A nonconforming use shall not be changed to any use other than one allowed within the zoning district in which it is located. When such a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part which has been made to conform may not be changed back to a use that is prohibited. A change of use shall be deemed to occur when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Code shall be deemed an abandonment of the previously existing lawful nonconforming use.

G. Discontinuation or Abandonment. If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of one-hundred eighty (180) days, such use shall be deemed to be abandoned and shall not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which such land or structure is located. The period of such discontinuance caused by government action, acts of god, or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this section.

H. Damage or Destruction.

1. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed by means within the control of the property owner or tenant, the structure and the use, as restored or repaired, shall comply with all requirements of this Ordinance.

2. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means not within the control of the property owner or tenant, to the extent of fifty percent (50%) or more of its replacement value at that time, then the structure may not be restored or rebuilt unless the structure, including foundation is made to conform to all regulations of the zoning district in which it is located.

3. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement value at that time, the structure and/or property may be repaired, reconstructed or restored and the nonconforming use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or

reconstruction within one (1) year of the date of damage or destruction, and construction shall be completed within one (1) year of issuance of the building permit.

4. The replacement value of the structure and/or property, exclusive of foundation, which is devoted in whole or in part to a nonconforming use, shall be based on: 1) the sale of that structure and/or property within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which structure and/or property was insured prior to the date of damage or destruction or, if that is not available; 4) an alternative method determined acceptable by the Village.

5. In the event that the permit is not obtained within one (1) year, or that repairs or restoration are not completed within one (1) year of the issuance of the building permit, then the nonconforming use shall not be continued.

20.64.040 – Nonconforming structures.

A. Definition of Nonconforming Structure. Structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conform to applicable setback, height, lot coverage or other dimensional or bulk provisions or does not meet other on-site development standards, such as an insufficient number of parking spaces, of this Ordinance, are considered nonconforming structures.

B. Ordinary Repairs and Maintenance. Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the structure in any manner.

C. Structural Alterations. No structural alterations shall be performed on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.

2. When the alteration will result in eliminating the nonconformity.

3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity.

D. Additions and Enlargements. A structure that is nonconforming with respect to its bulk shall not be added to or enlarged.

E. Relocation. A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel. A nonconforming structure may be relocated to another zoning lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.

F. Damage or Destruction.

1. In the event that any nonconforming structure is structurally damaged or destroyed by means within the control of the property owner or tenant, the structure, as restored or repaired, shall comply with all requirements of this Ordinance.

2. In the event that any nonconforming structure is damaged or destroyed, by any means not within the control of the property owner or tenant, to the extent of fifty percent (50%) or more of its replacement value at that time, then the structure may not be restored or

rebuilt unless the structure, including foundation is made to conform to all regulations of the zoning district in which it is located.

3. When such a structure is damaged or destroyed, by any means not within the control of the property owner or tenant, to the extent of less than fifty percent (50%) of the replacement value at that time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair or reconstruction within one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.

4. The replacement value of the structure shall be based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which the structure or property was insured prior to the date of the damage or destruction or; 4) an alternative method determined acceptable by the Village.

5. In the event that the building permit is not obtained within one (1) year, or that repairs are not completed within one (1) year of the issuance of the building permit, then the structure shall not be restored unless it conforms to all regulations of the district in which it is located.

G. Extension of Walls for Nonconforming Single-Family Structures. Where a legal nonconforming single-family residential structure encroaches onto the required front, corner side, rear or interior side yard, said structure may be enlarged or extended vertically or horizontally as defined by its existing perimeter walls, so long as:

1. The resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Chapter.

2. If the encroachment is within the interior side yard, the resulting setback is at least fifty percent (50%) of that which would otherwise be required.

3. If the encroachment is within the front, corner side or rear yard, the resulting setback is at least eighty percent (80%) of that which would otherwise be required.

H. Nonconforming Educational Facilities and Places of Worship in the C-5 District. In the C-5 District, existing educational facilities and places of worship located within the C-5 District as of the effective date of this Ordinance are not required to comply with the bulk and yard regulations of the C-5 District. Such structures shall comply with the regulations of the I District, and may be expanded or altered in compliance with the I District bulk and yard regulations. Any newly constructed educational facilities or places of worship after the effective date of this Ordinance must comply with the C-5 District regulations. If the existing educational facility or place of worship is demolished by any means within the control of the property owner or tenant, new construction on the lot must meet the standards of the C-5 District.

I. Nonconforming Garages for Single-Family Dwellings. In recognition of existing single-family dwellings that have a single-car garage to accommodate the required enclosed parking spaces, such dwellings and garages, as of the effective date of this Ordinance, are deemed conforming in regard to the required number of enclosed parking spaces. Such single-car garages may be repaired, altered and reconstructed until the principal building is demolished by any means within the control of the property owner or tenant. If the principal structure is demolished, new construction on the lot must accommodate the required number of enclosed parking spaces.

J. Nonconforming Single-Family Dwellings in the L-MU and C-5 Districts. In the L-MU and C-5 Districts, single-family dwellings located within these districts as of the effective date of this Ordinance are deemed conforming. Such structures shall comply with the regulations of the R-3 District and may be expanded or altered in compliance with the R-3 District bulk and yard regulations. If an existing single-family dwelling is demolished by any means within the control of the property owner or tenant after the effective date of this Ordinance, any new development must comply with all standards, including use, dimensional and design standards, of the applicable district.

20.64.050 – Nonconforming lots of record.

This section regulates lots of record, existing on the effective date of this Ordinance, which do not conform to the lot area or lot width requirements of the district in which they are located. No nonconforming lot of record may be improved except in compliance with this section.

A. Individual Lots of Record in Residential Districts. In residential districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on a single nonconforming lot of record provided that the lot is in separate ownership and it meets all other zoning district bulk requirements.

B. Lots of Record Held in Common Ownership (Any District). If there are two (2) or more lots of record with contiguous frontage in common ownership, and one (1) or more of the lots does not meet the requirements for lot width or lot area as established by this Ordinance, the land so involved shall be considered to be a single undivided parcel for the purposes of this Ordinance. No portion of the parcel shall be used, transferred or conveyed which does not meet the lot width and lot area requirements established by this Ordinance. No division of the parcel shall be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Ordinance. No building permit shall be issued for the use of any lot, or portion of a lot, transferred or conveyed in violation of this Chapter.

CHAPTER 20.68 - GENERIC USE DEFINITIONS

20.68.010 – Purpose.
20.68.020 – Interpretation.
20.68.030 – Rules of generic use definitions.
20.68.040 – Generic use definitions.

20.68.010 – Purpose.

This Chapter contains definitions for generic uses used throughout the Ordinance.

20.68.020 – Interpretation.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and future tenses, and the future tense includes the present.

C. The word “shall” is mandatory, while the word “may” is permissive.

D. Both of the terms “shall not” and “may not” are prohibiting.

E. The masculine gender includes the feminine and neuter.

F. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage.

G. If a definition contains a regulation and the use is inconsistent with that regulation, the use is prohibited.

20.68.030 – Rules of generic use definitions.

A. Certain terms in this Ordinance are defined to be inclusive of many uses in order to eliminate overly detailed lists of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as “Generic Use Definitions.”

B. A use that is not specifically listed in a zoning district or does not fall within a generic use definition as defined in this Ordinance, or as interpreted pursuant to Section 4.6 (Zoning Interpretations), is prohibited.

20.68.040 – Generic use definitions.

Adult Use. See Section 5.80.010 (Definitions) of the Village Code for “Adult Use” definitions.

“Animal Hospital” means an establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. An “Animal Hospital” shall not include a “Kennel” or “Pet “Day Care Service.”

“Art Gallery” means an establishment engaged in the sale, loan and/or display of paintings, sculpture, video art or other works. “Art Gallery” does not include “Cultural Facility,” such as a library, museum or non-commercial gallery that may also display paintings, sculpture, video art or other works.

“Arts Studio” means an establishment where an art, type of exercise or activity is taught or studied, such as dance, martial arts, gymnastics or yoga.

“Assembly Hall” means a facility for meetings, events, or community programs including, but not limited to, public meeting halls, convention centers, exhibition halls, or auditoriums.

“Banquet Facility” means an establishment that serves food or beverages to groups that have reserved the establishment’s facility or facilities for banquets or meetings before the day of the event for the groups’ members and any guests of the groups’ members, to which the general public is not admitted and for which no admission charge is imposed at the door.

“Car Wash” means an establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic or by hand, within an enclosed building.

“Cemetery” means land and structures dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of a cemetery.

“Community Center” means a facility operated for social, educational, and/or recreational purposes. A facility is considered to be a “community center” when three (3) or more of the following uses are operated therein:

1. Assembly Hall
2. Arts Studio
3. Banquet Facility
4. Cultural Facility
5. Indoor Amusement Facility
6. Live Entertainment
7. Social Club or Lounge
8. Outdoor Amusement Facility
9. Park/Playground
10. Place of Worship

“Community Residence” means a group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. “Community Residence” does not include a residence that serves as an alternative to incarceration for a criminal offense or a “Residential Care Facility.”

1. Community Residence - Small: A community residence providing living accommodations for no more than eight (8) residents, including live-in staff. Visiting staff who do not reside

within the community residence shall not be counted for purposes of establishing the number of residents.

2. Community Residence - Large: A community residence providing living accommodations for more than eight (8) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.

"Contractor Storage Yard" means land and/or structures used for the storage of equipment, vehicles, machinery, building or landscape materials, paints, pipe, or electrical components used by a building trade, landscape trade or building craft occupant of the premises.

"Country Club" means a club organized and operated primarily for social and outdoor recreation purposes with recreation facilities for members, their families and invited guests.

"Cultural Facility" means cultural services and facilities including, but not limited to, museums, cultural centers, historical societies and libraries.

"Currency Exchange" means an establishment that exchanges common currencies, sells money orders, or cashiers checks and cashes checks as its principal business activity. "Currency Exchange" shall not include a "Financial Institution," "Pawn Shop" or "Payday or Title Loan Agency."

"Day Care Center, Adult" means a facility, other than within a residential dwelling, providing care for more than three (3) elderly and/or functionally-impaired adults in a protective setting for less than twenty-four (24) hours per day. An "Adult Day Care Center" does not include a program operated by a "Place of Worship," that provides care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day.

"Day Care Center, Child" means a facility, other than within a residential dwelling, providing care for more than three (3) children in a protective setting for less than twenty-four (24) hours per day, including pre-schools and nursery schools. A "Child Day Care Center" does not include a program or classes operated by an "Educational Facility" (all types) or "Place of Worship," that provides care for children for less than twenty-four (24) hours per day (in such cases, the day care services shall be considered part of the "Educational Facility" (all types) or "Place of Worship").

"Day Care Home, Adult" means a residential dwelling in which a permanent occupant of the dwelling provides care in a protective setting for up to six (6) elderly and/or functionally impaired adults from outside households who do not spend the night at the dwelling.

"Day Care Home, Child" means a residential dwelling in which a permanent occupant of the dwelling provides care for up to six (6) children from outside households. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). "Child Day Care Home" does not include facilities that receive only children from a single household.

"Drive-Through Facility" means premises used to provide or dispense products or services through an attendant, window or automated machine, to persons remaining in motor vehicles in a designated stacking aisle. A "Drive-Through Facility" may be in combination with other uses. A "Car Wash," "Gas Station" or "Motor Vehicle Service and Repair (Major and Minor)" shall not be considered to maintain a "Drive-Through Facility,"

"Driving Range" means land improved with distance markers, clubs, balls and tees for practicing the striking of golf balls, which may include a snack-bar and pro-shop. Mini-golf courses are considered "Outdoor Amusement" and not a "Driving Range."

“Dwelling, Above the Ground Floor” means dwelling units within multi-story buildings located above non-residential uses on the ground floor or located behind non-residential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, non-residential uses must be located along the street frontage.

“Dwelling, Multi-Family” means a structure containing three (3) or more individual dwelling units with varying arrangements of party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors. “Multi-Family Dwelling” shall not include “Townhouse Dwelling.”

“Dwelling, Single-Family” means a structure containing one (1) individual dwelling unit, which is located on an individual lot and is not attached to any other dwelling unit.

“Dwelling, Townhouse” means a structure consisting of no less than three (3) dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening. “Townhouse Dwelling” shall not include “Multi-Family Dwelling.” “Townhouse Dwelling” refers to the design of a building and does not reflect the type of ownership of the individual units.

“Dwelling, Two-Family” means a structure designed as a single building, containing two (2) separate living units, each of which is designed to be occupied as a separate permanent residence for one (1) household. A “Two-Family Dwelling” may include a common interior stairwell to both dwelling units but each dwelling unit shall have an individual entrance.

“Educational Facility, College/University” means a post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. “Educational Facilities, College/University” also includes post-secondary theological schools for training ministers, priests or rabbis. “Educational Facilities, College/University” shall not include “Educational Facilities, Vocational.”

“Educational Facility, Primary” means a public, private or parochial school offering instruction at the elementary and/or junior high school levels. “Places of Worship” with “Primary Educational Facilities” shall be classified as “Educational Facilities, Primary.”

“Educational Facility, Secondary” means a public, private or parochial school offering instruction at the senior high school level. “Places of Worship” with “Secondary Educational Facilities” shall be classified as “Educational Facilities, Secondary.”

“Educational Facility, Seminary” means a theological school for the training of priests, ministers, or rabbis.

“Educational Facility, Vocational School” means a school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for-profit and that do not offer a complete educational curriculum. “Educational Facilities, Vocational School” shall not include “Educational Facilities, College/University” or “Educational Facility, Seminary.”

“Financial Institution” means a bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). “Financial Institution” shall not include “Currency Exchange,” “Pawn Shop” or “Payday or Title Loan Agency.”

“Forest Preserve” means designated open space that preserves natural features and protects wildlife and critical environmental features. A “Forest Preserve” may include opportunities for passive recreation and environmental education.

“Freight Terminal” means a facility for freight pick-up, transfer or distribution for rail, truck or shipping transport.

“Funeral Home” means an establishment where the deceased are prepared for burial display of the deceased and rituals before burial or cremation. A “Funeral Home” may include chapels for the display of the deceased and the conducting of rituals before burial or cremation.

“Gas Station” means a business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles.

“Golf Course” means land improved with at least nine (9) holes for playing golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as accessory uses. A “Driving Range” may be included as part of a “Golf Course.”

“Government Facility” means a structure owned, operated and/or occupied by a governmental agency to provide a governmental service to the public. “Government Facility” includes public safety facilities and public works facility, but does not include park district field houses or recreation centers, which would be considered a “Park/Playground,” or school buildings, which would be considered “Educational Facilities.”

“Greenhouse/Nursery” means an establishment whose principal activity is the selling of plants, primarily grown on the site, and having outside storage, growing or display of plants and related materials such as planting materials and arts and crafts items. A “Greenhouse/Nursery” is a retail operation and does not include landscape businesses.

“Heavy Retail, Rental and Service” means an establishment that offers retail, rental and/or service of heavy equipment and may have permanent outdoor service or storage areas, or partially enclosed structures including, but not limited to, lumberyards, heavy equipment rental and leasing, truck storage, rental and repair, recreational vehicle sales, and outdoor equipment sales and rental.

“Homeless Shelter” means a facility providing temporary housing to homeless persons that may also provide ancillary services, such as counseling, meals and/or vocational training,

“Hospital” means an institution providing health services primarily for inpatient, or medical or surgical care for the sick or injured, and including the related facilities located within a “Hospital,” such as laboratories, outpatient departments, training facilities and classrooms, central service facilities and staff offices are integral to the facility.

“Hotel/Motel” means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.

“Indoor Amusement Facilities” means a facility for spectator and participatory uses conducted within an enclosed building, such as health clubs, movie theaters, bowling alleys and pool halls. “Indoor Amusement Facilities” may include accessory uses, such as snack bars or restaurants, for the use of patrons but do not include “Live Entertainment.”

“Kennel” means an establishment where pet animals owned by another person are temporarily boarded overnight for a fee. “Kennel” shall not apply to animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

“Live Entertainment” means a musical, theatrical, dance, cabaret or comedy act performed live by one (1) or more persons. “Restaurants” that regularly host such performances shall be considered “Live Entertainment” uses. A “Live Entertainment” establishment may provide food for consumption on the premises. “Live Entertainment” shall not include any adult uses.

“Manufacturing, Light” means an establishment where manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products is conducted, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. A “Light Manufacturer” use may also include a showroom related to the items manufactured on-site and secondary retail sales to the public.

“Manufacturing, General” means an establishment where manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products is conducted. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. “General Manufacturing” includes gravel yards, concrete and asphalt batch plants and sealcoating businesses. A “General Manufacturer” use may also include a showroom related to the items manufactured on-site and secondary retail sales to the public.

“Medical Cannabis Cultivation Center” means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

“Medical Cannabis Dispensary” means 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 Cardholders for medical use by registered qualifying patients. “Medical Cannabis Dispensary” may also be called a “Dispensing Organization” or “Dispensary”.

“Medical/Dental Clinic” means an establishment where one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts offer examination and treatment of patients solely on an outpatient basis. “Medical/Dental Clinics” also include alternative medicine clinics, such as acupuncture, and physical therapy offices.

“Mini-Warehouse” means a facility used for the storage of property where individual renters control individual storage spaces. A “Mini-Warehouse” may also include accessory retail sales of packing, moving and storage supplies, and rental of moving vehicles.

“Motor Vehicle Aftermarket Enhancements” means an establishment engaged in aftermarket motor vehicle work including, but not limited to, decal application, vehicle wrapping, window tinting, audio installation, vehicle alarms, installation of remote starters, wheel personalization, and reupholstery. The retail sale of Motor Vehicle Aftermarket Enhancement products incidental to such work shall be permitted on the same premises.

“Motor Vehicle Dealership” means an establishment that sells or leases new or used automobiles, trucks, vans or motorcycles, or other similar motorized vehicles. A dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

“Motor Vehicle Operations Facility” means an establishment where emergency medical care vehicles, taxi-cabs, tow trucks and livery vehicles are dispatched, stored and maintained. “Motor Vehicle Operations Facility” shall not include facilities where the municipal vehicles of the fire, police or other municipal departments are dispatched, stored and/or maintained, which are considered “Government Facilities.”

“Motor Vehicle Rental Establishment” means an establishment offering rental of automobiles and vans, including incidental parking and servicing of rental vehicles. A “Motor Vehicle Rental Establishment” does not include car-sharing facilities, which are accessory uses to parking facilities.

“Motor Vehicle Service and Repair, Major” means establishments involved in engine rebuilding, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles.

“Motor Vehicle Service and Repair, Minor” means establishments involved in minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. “Minor Motor Vehicle Service and Repair” does not include tow truck storage and dispatch facilities.

“Off-Street Parking Lot (Principal Use)” means an open, hard-surfaced area, other than street or public way, available to the public, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an off-site accommodation to residents of a multi-family dwelling, or clients and customers of a business.

“Office” means an establishment for the processing, manipulation or application of business information or professional expertise, which may or may not offer services to the public. An “Office” is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of an “Office” that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture, planning, engineering, legal services and real estate services. “Office” does not include government offices, which are considered a “Government Facility.”

“Outdoor Dining” means a seating area located outdoors of a contiguous restaurant or tavern/bar, usually in addition to an indoor seating area.

“Outdoor Amusement Facility” means a facility for participatory and spectator uses conducted outdoors, which may include partially enclosed facilities. Typical uses include, but are not limited to, mini-golf courses, batting cages, and amusement parks. An outdoor amusement facility includes accessory uses, such as food stands, snack bars or restaurants for the use of patrons.

“Outdoor Storage Yard” means land and/or structures used for the storage of property.

“Park/Playground” means land and structures designed to serve the open space and recreational needs of the residents of the community. “Parks” include public indoor or outdoor recreation facilities, such as ballfields, football fields, soccer fields, basketball courts, playgrounds and park district field houses.

“Parking Structure (Principal Use)” means a structure composed of one (1) or more levels or floors used for the parking or storage of motor vehicles.

“Payday or Title Loan Agency” means an establishment providing loans to individuals in exchange for receiving personal checks or titles to the borrowers’ motor vehicles as collateral.

“Pawn Shop” means an establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase of such property on the condition of selling it back again at a stipulated price. “Pawn Shop” include establishments that buy personal property, such as jewelry or artwork, made of gold or other materials for refining. Consignment shops, antique shops and jewelry stores are not considered “Pawn Shops,” but “Retail Goods Establishments.”

“Personal Services Establishment” means an establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, shoe repair, laundromats, animal groomers, health clubs, rental and repair facilities, dry cleaners and tailors. However, no “Personal Services Establishment” shall repair firearms or include any adult uses.

“Pet Day Care Service” means an establishment where domestic animals owned by another person are temporarily boarded for pay or remuneration of any sort. “Pet “Day Care” Service” is distinguished from a “Kennel” as pets are typically boarded for the day, though overnight boarding may be available, and the establishment may offer accessory services, such as retail sales of pet care supplies, and services such as dog-walking and animal grooming.

“Place of Worship” means an establishment where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A “Place of Worship” may include group housing for persons under religious vows or orders, such as a rectory or convent. “Places of Worship” may also include day care facilities and/or weekly religious instruction.

“Planned Unit Development” means the development of a land area as a single unified development, where certain Zoning Ordinance regulations, such as bulk and use standards, may be modified to allow for more flexible planning in conformance with the planned unit development standards and approval processes.

“Recycling Facility, Convenience Drop-Off” means a convenience drop-off recycling facility receives Recyclable Materials and is an interior, ancillary use to another business. Examples of convenience drop-off recycling facilities include collections for plastic bags, batteries, and compact fluorescent light bulbs within retail stores. Unattended drop-off boxes are not included.

“Recycling Facility, General Construction or Demolition Debris” means a facility that exclusively accepts general construction or demolition debris, and receives permit authority by the Illinois Environmental Protection Agency requiring compliance with Section 22.38 of Section 415 ILCS 5 of the Illinois Environmental Protection Act for recycling. General construction or demolition debris means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair and demolition of utilities, structures, and roads, limited to the following: Bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials as defined in Section 3.160(a) of Section 415 ILCS 5 of the Illinois Environmental Protection Act. Unattended drop-off boxes are not included.

“Recycling Facility, Major” means a recycling facility, major, is a facility with an operation which receives/stores/processes recyclable materials other than general construction or demolition debris, in whole or part outside an enclosed building or structure. It is a business that accepts by donation or purchase, recyclable materials from the general public, other recycling facilities, local government agencies, and other business enterprises. The facility is used for the collection, sorting, short-term storage, cleansing, treating, and reconstitution of recyclable materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. A recycling facility, major, is not a solid waste facility and does not accept material that is not source separated and separated for reuse. A recycling facility, major, does not include operations that are completely indoors. Unattended drop-off boxes are not included.

“Recycling Facility, Minor” means a recycling facility, minor, is a facility which receives/stores/ processes recyclable material, other than general construction and demolition debris, that is conducted completely indoors or involving outdoor operations (by approved Special Use Permit) with materials stored in containers, and that is otherwise not a major recycling facility and is not a convenience drop-off recycling facility. Unattended drop-off boxes are not included.

“Research and Development Facility” means an establishment where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. “Research and Development Facility” does not involve the manufacture, fabrication, processing or sale of products.

“Residential Care Facility” means a group care facility, licensed by the state, for twenty-four (24) hour medical or non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living, or for the protection of the individual. Residential care facility includes nursing care, independent living, assisted living, and continuum of care facilities.

“Restaurant” means an establishment where food and beverages are prepared and sold for consumption on the premises or for carry-out. A “Restaurant” with regular live performances (music, theater, etc.) shall be considered “Live Entertainment.”

“Retail Goods Establishment” means an establishment that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. However, no “Retail Goods Establishment” shall sell firearms. “Retail Goods Establishment” shall not include any adult uses.

“Shooting Range” means an indoor facility for the discharging of firearms for the purposes of target practice.

“Smoke Shop” means an establishment primarily engaged in the sale of tobacco products and smoking instruments, and/or allows the smoking of tobacco products when permitted by local and state laws, such as cigar bars and hookah lounges.

“Social Club or Lodge” means an establishment for a membership organization that holds regular meetings and schedules events that caters exclusively to members and their guests. A “Social Club or Lodge” may, subject to other regulations controlling such uses, maintain dining facilities or engage professional entertainment for the enjoyment of dues-paying members and their guests. “Social Club or Lodge” shall not include “Country Club.”

“Solar Farm” means a facility that consists of a cluster or group of photovoltaic cells and generators used for the production of electric power. A “Solar Farm” is the principal use of the lot.

“Tattoo Parlor” means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Establishments that offer body piercing shall be considered “Tattoo Parlors.”

“Tavern/Bar” means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an accessory use only. A “Tavern/Bar” with live performances (music, theater, etc.) is considered “Live Entertainment.” A microbrewery is considered a “Tavern/Bar.”

“Urban Agriculture” means the production and processing of crops, applying large-scale, intensive production methods to yield a diversity of crops.

“Utility, Private” means utilities that are not subject to Village acceptance for operation or maintenance. For purposes of this Ordinance, private utilities include natural gas lines, power lines, telephone lines, cable television lines, fiber optic lines and other communication lines, their appurtenances and components and the utility companies’ operation, maintenance, repair and replacement of same. Aboveground private utility structures, such as pedestals for cable wire access or other access points for underground infrastructure (communications wiring, fiber optic, etc.) shall be considered a “Private Utility.”

“Warehouse/Distribution” means the storage, wholesale and distribution of manufactured products, supplies and equipment. A “Warehouse/Distributor” use may also include a showroom related to the items stored on-site and secondary retail sales to the public.

“Wind Farm” means a facility that consists of a cluster or group of wind turbines and generators used for the production of electric power. A “Wind Farm” is the principal use of the lot.

“Wireless Telecommunications Antenna” means a device used to transmit and/or receive telecommunications signals, or other signals transmitted to or from other antennas. “Wireless Telecommunications Antenna” does not include “Satellite Dish Antenna.”

“Wireless Telecommunications Facility” means an un-staffed structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators.

“Wireless Telecommunications Tower” means a structure designed and constructed to support one (1) or more “Wireless Telecommunications Antennas” and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires) of either lattice or monopole construction.

“Zoo” means a facility for exhibition and viewing of wild animals. A “Zoo” includes accessory uses, such as snack bars, refreshment stands and restaurants for the use of patrons.

CHAPTER 20.72 - GENERAL TERMS DEFINITIONS

20.72.010 – Purpose.
20.72.020 – Interpretation.
20.72.030 – General terms definitions.

20.72.010 – Purpose.

This Chapter contains definitions for general terms used throughout the Ordinance.

20.72.020 – Interpretation.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and future tenses, and the future tense includes the present.

C. The word “shall” is mandatory, while the word “may” is permissive.

D. Both of the terms “shall not” and “may not” are prohibiting.

E. The masculine gender includes the feminine and neuter.

F. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage.

G. If a definition contains a regulation and the use is inconsistent with that regulation, the use is prohibited.

20.72.030 – General terms definitions.

“Abut” means to share a common lot line or zoning district boundary without being separated by a street or alley.

“Accessibility Ramp” means a ramp or similar structure that provides wheelchair or similar access to a building.

“Accessory Structure” means a structure located on the same lot with the principal building and is customarily incidental and subordinate to the use of the principal building.

“Addition or Enlargement” means any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

“Alley” means a public way not exceeding twenty-five (25) feet in width at its intersection with a street, customarily used for ingress to and egress from service entrances of buildings.

“Alteration” means any change in the size, shape, character, occupancy, or use of a building or structure.

“Amateur (HAM) Radio Equipment” means an amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment.

“Architectural Feature” means a part, portion, or projection that contributes to the aesthetics of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure, or to make said building or structure habitable.

“Arbor” means a freestanding structure used in a garden to support vines or climbing plants.

“Arrays” means a group of antennas arranged by a wireless telecommunications service provider and placed on a tower, structure, or building at a given height aboveground to provide the desired directional characteristics.

“Attention Getting Device” means any pennant, flag, festoon, valance, propeller, pole covers, spinner, streamer, balloons, changing colors, rotating or moving displays and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising.

“Awning” means a roof-like cover, often of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk or door. For “Awnings” used as a sign, see “Sign, Awning.”

“Balcony” means a platform which projects from the exterior wall of a building above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

“Banner” See “Sign, Banner.”

“Basement” means that portion of a building located partly underground, but having one-half (½) or less of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement is counted as a story for the purposes of height regulation.

“Bay Window” means a window which projects outward from the building, beginning at least two (2) feet above ground, which does not rest on the building foundation or on the ground.

“Berm” means an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

“Block” means a tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or a corporate boundary line of the Village of Mundelein.

“Blockface” means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, or between an intersecting street and railroad right-of-way or waterway.

“Blue Roof” means a roof designed to store water and discharge water, typically rainfall.

“Buffer Yard” means land area with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

“Buildable Area” means the space remaining on a zoning lot after the minimum open space requirements of this Ordinance have been complied with.

“Buildable Lot” means a lot on which a building or other structure may be erected in conformity with zoning and building code requirements.

“Building” means any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows or similar openings.

“Building Height, Principal Building” means the vertical distance measured from grade to:

1. In the case of a flat roof, the highest point.

2. In the case of a mansard roof, the deck line.

3. In the case of a gable, hip or gambrel roof, the mean point between the eaves and the ridge.

Chimneys, spires, steeples, towers, elevator penthouses, tanks and similar projections other than signs shall not be included in calculating the height.

“Building Height, Accessory Structure” means the vertical distance measured from grade to the highest point of the roof or the highest point of the structure.

“Building Coverage” means the portion of a lot that is occupied by buildings or structures, including accessory structures, expressed as a percentage of total lot area.

“Building Line” means a horizontal line across the portion of the façade of a building that is closest to a property line.

“Building, Principal” means a non-accessory building in which a principal use of the lot on which it is located is conducted.

“Build-to-Line” means the specific distance from the lot line along which a building façade must be built. A zero (0) foot build-to-line requires a building façade to be built along that lot line.

“Bulk” means the term used to describe the size and mutual relationships of buildings and other structures as to size, height, coverage and shape, location of exterior walls in relation to lot lines, the center line of streets, other walls of the same building, and to other buildings or structures, and to all open spaces relating to the building or structure.

“Business” means an occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

“Caliper” means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

“Canopy” means a structure, other than an awning, made of materials such as canvas, or materials with a frame, either attached to a building or projecting from a building, and carried by a frame supported by the ground or sidewalk. For “Canopies” with signs see “Sign, Canopy.”

“Cardholder” means a qualifying patient allowed the medical use of cannabis or a Designated Caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

“Carnival/Circus” means a traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

“Cellar” means a part of a building having more than one-half (½) of its height below the average grade of the adjoining ground. A “Cellar” is not counted as a story for the purposes of building height.

“Chimney” means a vertical shaft of reinforced concrete, masonry or other approved material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

“Christmas Tree Sales Lot” means a retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis Christmas trees and related holiday items such as wreaths and Christmas tree stands.

“Collocation” means placement of wireless telecommunications equipment from more than one (1) service or service provider on a single tower or site.

“Commercial Vehicle” means a vehicle owned and used for commercial purposes, such as the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire.

“Conforming Structure” means any structure that complies with all the regulations of this Ordinance, or any amendment hereto, governing bulk for the zoning district in which such structure is located or is designed or intended for a conforming use.

“Contiguous” means adjoining or abutting.

“Cul-de-sac” means a local residential street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

“Curb Level” means the level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the “Curb Level” shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the “Curb Level.”

“Deck” means a deck is a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure.

“Decorative Lawn Edging” means landscape borders, made of stone, brick, wood, plastic, concrete, metal or similar materials, used to transition from lawn to planting beds or from lawn to hardscape, such as walkways and patios.

“Designated Caregiver” means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a registered qualifying patient’s medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

“District” means a portion of the Village within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

“Driveway” means an access strip of land providing a vehicular connector between the street and a parking space or garage.

“Dwelling” means a structure or portion thereof designed for occupancy by one (1) family or household for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, tent, or portable building be considered a “Dwelling.”

“Dwelling, Attached” means a dwelling designed as a single structure, containing separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one (1) family or household. Each dwelling is separated from the other by a wall extending from the ground to the roof or a ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

“Dwelling, Detached” means a dwelling entirely surrounded by open space on the same lot.

“Dwelling Unit” means a dwelling unit consists of a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family or household, which include permanently installed bathroom and kitchen facilities.

“Easement” means land designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

“Eave” means the projecting lower edges of a roof overhanging the wall of a building.

“Electrical Generator” means a device for generating electrical energy.

“Enclosed Locked Facility” means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Medical Cannabis Cultivation Center’s agents or a Dispensing Organization’s agents working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and/or distribute cannabis to registered Cardholders for medical use by registered qualifying patients.

“Encroachment” means the extension or placement of any structure or building, or component of such, into a required setback.

“Erect” means to build, construct, attach, hang, place, suspend or affix.

“Exterior Stairwell” means one (1) or more flights of stairs and the necessary landings and platforms connecting them to form a continuous passage from the entryway of a floor or level to another in a building or structure located on the exterior of a principle building.

“Family” means one (1) or more persons related by blood, marriage or civil union, legal adoption or guardianship, including foster children, or not more than three (3) persons not so related, together with gratuitous guests and domestic servants, occupying a dwelling unit as an individual housekeeping organization.

“Farmer’s Market” means the seasonal selling or offering for sale of home-grown vegetables or produce, occurring in a pre-designated area where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

“Fence” means an artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials erected to enclose, screen or separate areas.

“Firearm” means a weapon, such as a handgun, pistol or rifle, capable of firing a projectile and using an explosive charge as a propellant.

“Flags” means flags, symbols or crests of nations, of any organization or nations, states and cities, fraternal, religious and civic organizations.

“Floor Area Ratio (FAR)” means the combined floor area of all the floors, measured from inner walls, of a building divided by the area of the zoning lot on which it is located.

“Footcandle” means a unit of illumination. It is equivalent to the illumination at all points that are one (1) foot distant from uniform source of one (1) candlepower.

“Frequency.” The term “Frequency” signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

“Garage” means a building, either attached or detached, used or designed to be used for the parking and storage of vehicles by those resident upon the premises.

“Gazebo” means a freestanding outdoor structure designed for recreational use and not for habitation.

“Grade” means when measuring building height from “Grade,” “Grade” is established at the sidewalk opposite the center of the front building façade.

“Green Roof” means a building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

“Greenhouse, Private” means a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

“Ground Floor Transparency” means the total window area of the ground floor, not including mullions and glass doors, divided by the total façade area located between two (2) feet above grade to ten (10) feet above grade. If the entry door is constructed of glass, it is counted as part of transparency. In order to meet the transparency requirements, the window area must be comprised of glass that is tinted no more than twenty percent (20%) and a viewer must have a line of sight to the inside of the establishment from outside.

“Hedge” means a row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

“High Security Fence” means a solid masonry or metal fence or between six (6) feet and eight (8) feet in height enclosing a Medical Cannabis Cultivation Center.

“Home Occupation” means an occupation carried on in a dwelling unit by the resident, where the use of the dwelling unit for the occupation is secondary to the use of the dwelling unit for residential purposes.

“Impervious Surface” means a measure of intensity of land use that represents the portion of a site that is occupied by buildings, structures, pavement, and other impervious surfaces that do not allow for the absorption of water. Impervious surface includes, but is not limited to: buildings, detached garages, sheds, driveways, concrete, brick pavers, decks, patios, pools and hot tubs, porches, stoops, and any other structures that would impede the absorption of water. The Zoning Administrator, by request, will review any permeable pavement designs to determine whether there is an opportunity to reduce the impervious surface coverage calculation.

“Incompatible Use” means a use that is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

“Intensity of Use” means for the purposes of this Ordinance, “Intensity of Use” is defined as square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring parking or loading facilities.

“Lighting, Fully Shielded” means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

“Lighting, Unshielded” means a fixture that allows light, either directly from the lamp or indirectly from the fixture or a reflector, to be emitted above the horizontal plane running through the lowest point on the fixture where light is emitted.

“Loading Berth” means a space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office, and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.

“Logo” means a business trademark or symbol.

“Lot” means a parcel or tract of land located within a single block, occupied, or intended for occupancy, by one (1) principal building or principal use, and having frontage upon a street.

“Lot Area” means the computed area of the lot contained within the lot lines.

“Lot Frontage” means a lot line along a street.

“Lot, Corner” means a lot situated at the junction of, and abutting on, two (2) or more intersecting streets. (See Figure 20.72-1: Corner and Interior Lots)

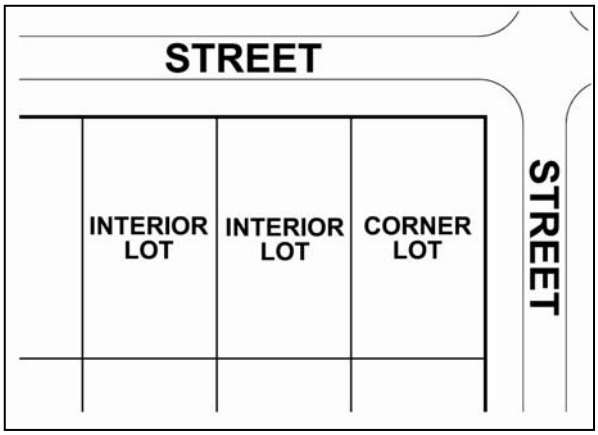
“Lot Depth” means the mean distance from the front lot line to the rear lot line measured generally parallel to the side lot lines.

“Lot, Interior” means a lot other than a corner lot or a through lot. (See Figure 18-1)

“Lot Line” means a property boundary line of a lot. Where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.

“Lot Line, Corner” means the lot line that is perpendicular or approximately perpendicular to the front lot line, which is the longest street lot line of a corner lot abutting a street.

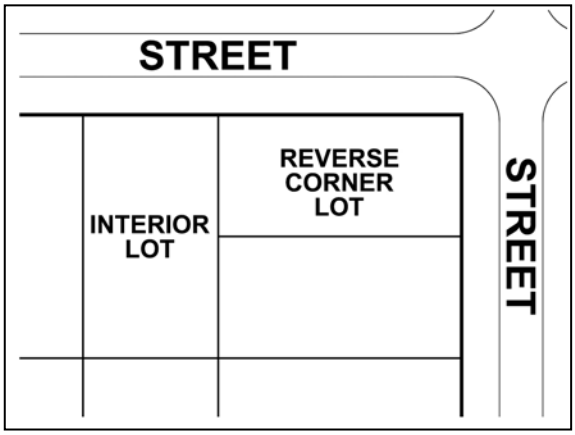
FIGURE 20.72-1: CORNER AND INTERIOR LOTS



“Lot Line, Front” means the lot line that abuts a street. For the purposes of this Ordinance, the “Front Lot Line” of a corner lot is the shortest street lot line of a corner lot abutting a street.

“Lot, Reverse Corner” means 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. (See Figure 20.72-2: Reverse Corner Lot)

FIGURE 20.72-2: REVERSE CORNER LOT



“Lot Line, Rear” means the lot line that is most distant from and is, or is approximately, parallel to the front lot line.

“Lot Line, Interior Side” means the lot line that is not abutting a street and is not a rear lot line.

“Lot Line, Side” means a lot line that is not a front lot line or a rear lot line, which may be an “Interior Side Lot Line” or “Corner Side Lot Line.”

“Lot of Record” means a lot that is part of a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder of Deeds, or a parcel of land separately described as a single tract of land in a recorded deed.

“Lot, Double Frontage” means a lot having frontage on two (2) nonintersecting streets creating two (2) front lot lines.

“Lot Width” means the horizontal distance between side lot lines measured along a line parallel to the front lot line along the minimum front setback.

“Lot, Zoning” means a tract of land located within a block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A “Zoning Lot” may or may not coincide with a “Lot of Record.”

“Luminaire” means a complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A “Luminaire” does not include a pole or other support.

“Medical Cannabis Infused Product” means food, oils, ointments, or other products containing usable medical cannabis that is not smoked.

“Motor Vehicle” means any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

“Nonconforming Lot” means a lot of record that does not meet the lot area or lot width requirements of this Ordinance for the zoning district in which it is located.

“Nonconforming Use or Structure” means an existing use or structure, or part or appurtenance thereof, not in conformance with the requirements of this Ordinance.

“Off-Street Parking” means the storage space for an automobile on premises other than streets or rights-of-way.

“On-Right-of-Way Parking” means the storage space for an automobile that is located within the street right-of-way.

“Outdoor Display and Sales Area” means part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

“Outdoor Fireplace” means a self-contained, manufactured noncombustible cooking unit provided with a tight-fitting screen or lid and supported off the ground by non-combustible legs.

“Outdoor Storage” means the keeping of any goods, material, merchandise or equipment not within an enclosed building, including incidental maintenance and repair of the material that is being stored.

“Owner” means a titleholder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

“Parapet” means the extension of a false front or wall above a roof-line.

“Parkway” means the area, excluding the sidewalk, if any, between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

“Party Wall” means a wall starting from the foundation and extending continuously through all stories to or above the roof, that separates one (1) building from another, but is in joint use by each building.

“Patio” means an impervious surface, no higher than one (1) foot above the ground, designed and intended for recreational use by people and not as a parking space.

“Person” means for the purposes of this Ordinance, any individual, corporation, association, firm, partnership or joint venture.

“Porch” means a structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. An “Unenclosed Porch” is a porch that is open on two (2) or more sides. An “Enclosed Porch” is a porch that is enclosed by walls, screens, lattice or other material on two (2) or more sides. A screened-in porch shall be considered an “Enclosed Porch.”

“Private Free Libraries” means small enclosed structures used solely as a means for the free exchange of literary material and recorded performing arts.

“Property Line” means the lines bounding a zoning lot.

“Public Use Area (for Parking Standard Calculations)” means the area within a use where the public or a substantial number of the public has access to, including but not limited to, such areas as dining rooms, restrooms, bar seating, display areas, etc.

“Public Utility” means any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public cable television, electricity, gas, steam, telephone, telegraph, transportation or water.

“Pumpkin Patch” means a retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis pumpkins and related holiday (Halloween) items.

“Railroad Right-of-Way” means a strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

“Recreational Vehicle” means a vehicular or watercraft unit, which is designed for travel, recreational and vacation use, and which is self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, boats, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

“Real Estate Model Unit” means a residential unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development. Model units may also incorporate sales or rental offices for dwellings within the development.

“Recyclable Material” means reusable material, including without limitation metals, glass, plastic, paper, concrete and organic material which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material.”

“Residential District” means a residential district shall mean any area zoned and used for residential purposes.

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

“Salt Dome” means a temporary or permanent structure used to store road salt for the on-site use of the principal use of the lot.

“Satellite Dish Antenna” means a dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

“Setback” means the required minimum distance a building or structure, or other improvement on a lot, must be located from a lot line.

“Shed” means a relatively small accessory structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing and does not need to be placed on a permanent foundation. A “Shed” is typically intended to store lawn, garden, or pool care equipment.

“Shadow Flicker” means the on-and-off strobe light effect caused by the shadow of moving blades cast by the sun passing above the turbine. “Shadow Flicker” intensity is defined as the difference or variation in brightness at a given location in the presence and absence of a shadow.

“Shopping Center” means a group of retail and other commercial establishments that is planned, owned and managed as a single property. The center’s size and orientation are generally determined by the market characteristics of the trade area served by the center. The two (2) main configurations of shopping centers are malls and strip centers. A “Shopping Center’ may also be referred to as a “Commercial Center.”

“Solar Panel” means a device that collects and converts direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity.

“Stacking Space” means a space specifically designated as a waiting area for vehicles patronizing a drive-through establishment.

“Stoop” means an exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a building. A “stoop” may be roofed and designed with railings, but cannot be enclosed. A “stoop” is often referred to as a “portico.”

“Story” means 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.

“Street” means an improved right-of-way that affords a primary means of access to abutting property.

“Street Line” means a line separating an abutting lot, piece or parcel, from a street.

“Street Wall” means the wall of a building nearest to and facing on a street.

“Structural Alteration” means any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

“Structure” means anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

“Structure, Temporary” means any structure not designed to be permanently located, placed or affixed in the place where it is or where it is intended to be placed.

“Sun Glint” means the reflection of sunlight off of a surface, as in the case of the blades, tower or other component of a wind energy facility.

“Swimming Pool” means a receptacle for water and/or an artificial pool of water over twenty-four (24) inches in depth, either at a private residence intended only for the use of the individual owner, his family and friends, or at a multi-family residence intended only for the use of the tenants of the building, their families and friends.

“Temporary Contractor Trailer” means this use includes watchman’s trailers, construction equipment sheds, contractor trailers and similar uses incidental to a construction project and sales of homes within a newly constructed development.

“Temporary Storage Container” means temporary self-storage containers delivered to residential or commercial uses for the resident or business owner to store belongings, and then picked up and returned to a warehouse until called for. Also known as “PODS” (“Portable On-Demand Storage” containers).

“Terrace” means a level plane, or platform, which for the purpose of this title is located adjacent to one (1) or more faces of the main structure and which is constructed not more than four (4) feet in height above the average level of the adjoining ground.

“Trellis” means a frame made of bars of wood or metal crossed over each other, fixed to a wall, to support vines or climbing plants.

“Use” means 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” means a use that is customarily incidental and subordinate to the principal use of a lot or the main building thereon and located on the same lot as the principal use or building.

“Use, Permitted” means a use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Code.

“Use, Principal” means the main use of land or structure as distinguished from an accessory use.

“Use, Special” means a use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review, and is subject to approval by the Village Board.

“Wall” means a constructed solid barrier of concrete, stone, brick, tile or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

“White Roof” means a roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

“Yard” means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise permitted by this Ordinance. (See Figure 20.72-3: Yards)

“Yard, Corner Side” means the required minimum distance a structure or other improvement on a lot must be located from a corner side lot line. The corner side yard extends along the corner side lot line between the front yard line and the rear lot line, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the corner side lot line. (See Figure 20.72-3)

“Yard, Interior Side” means the required minimum distance a structure or other improvement on a lot must be located from an interior side lot line. The interior side yard extends along an interior side lot line between the front and rear yard, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the interior side lot line. (See Figure 20.72-3)

“Yard, Front” means the required minimum distance a structure or other improvement on a lot must be located from a front lot line. The front yard extends the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line. (See Figure 20.72-3)

“Yard, Rear” means the required minimum distance a structure or other improvement on a lot must be located from a rear lot line. The rear yard extends between interior side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard extends between the interior side lot line to the corner side yard line for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. (See Figure 20.72-3)

"Yard, Reverse Corner Side" means a side yard of a reverse corner lot which abuts a public street. (See Figure 20.72-3)

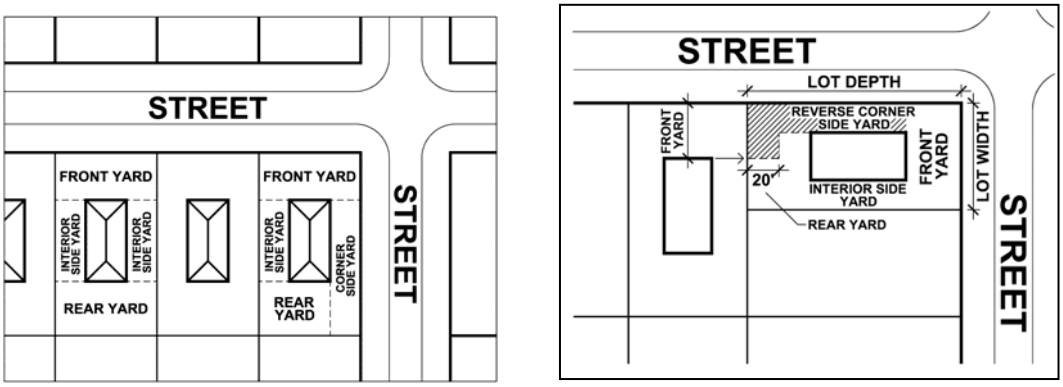



FIGURE 20.72-3: YARDS